



**August 13, 2025, 6:00 PM**  
**Planning Commission/Land Use Authority**  
**Kane County Commission Chambers**  
**76 N. Main Street, Kanab, Utah**

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To watch this meeting live:

Video call link: <https://meet.google.com/oux-rdjw-orn>

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## **AGENDA**

6:00 PM

Call to Order  
Invocation  
Pledge of Allegiance

### **1. Update on Commission Actions**

Commissioner Gwen Brown will relay the County Commission's most recent land use actions.

### **2. Approval of Minutes**

July 9, 2025

## **ADMINISTRATIVE ITEMS**

### **3. Looking at solutions for moderate income housing**

Discuss possible options for improving moderate-income housing availability in Kane County

### **4. General Plan Chapter 8**

Discuss State required changes to Chapter 8

## **LEGISLATIVE ITEMS**

### **Public Hearing**

### **5. Zone Change/Ordinance 2025-24/Nathan & DeAnna Lee**

Discuss & Recommend: Zone Change for Parcel numbers 9-8-14-1 and 9-8-14-1F, containing approximately 163 acres, located near the Sky Haven Mountain Retreat Subdivision and the North Fork Area Subdivision, Kane County, Utah, from Agricultural (AG) to Rural-10 (RU-10); submitted by Nathan & DeAnna Lee

### **6. AG Protection Area/Jacob Benson**

Discuss & Recommend: Evaluating a proposal and determining whether or not to recommend creation of an agricultural protection area to the Kane County Commission (USC 17-41-205)

### **7. Ordinance 2025-25**

Discuss & Recommend: Ordinance Revising Kane County Land Use Ordinance Chapter 21 Subdivision Regulations Article E Section 9 B 3 And Article F Section 3 Dedication of Non-Subdivision Rights-Of-Way and Roadways

Agenda items may be accelerated or taken out of order without notice as the Commission Chair deems appropriate.

\*Public hearings are intended for the public to provide input to the Commission or to pose questions individuals believe the Commission and staff should consider. Public hearings are not intended for individual members of the public to engage in conversation. While questions may be posed by a member of the public, the Commission will attempt to refrain from answering or engaging in conversation during the public hearing.

**NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Shannon McBride at (435) 644-4966 or Kresta Blomquist at (435) 644-4364.

**Planning Commission Meetings Statutory Authority, Rules & Procedures can be found online at [kane.utah.gov](http://kane.utah.gov); General; Land Use Ordinance 9-2-1 through 10.**

## **1. Update on Commission Actions**

Commissioner Gwen Brown will relay the County Commission's most recent land use actions.

## **2. Approval of Minutes**

July 9, 2025



## MINUTES

July 9, 2025

Planning Commission/Land Use Authority  
Kane County Commission Chambers  
76 N. Main Street, Kanab, Utah

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CHAIRMAN: John Reese

MEMBERS PRESENT: John Reese, Matt Cox, Mason Haycock, Lara Clayson, Julie Millard, Larry Crutchfield

MEMBERS ABSENT: Doug Heaton

EX-OFFICIO MEMBER: Commissioner Gwen Brown

STAFF PRESENT Shannon McBride, Land Use Administrator; Kresta Blomquist, Land Use Administrative Assistant; Jeff Stott, Kane County Attorney

6:00 PM Meeting called to order John Reese  
Invocation Matt Cox  
Pledge of Allegiance Larry Crutchfield

### GENERAL BUSINESS

#### 1. Update on Commission Actions

Commissioner Brown provided updates on land use actions, noting the denial of ordinance 2025-14 and the approval of ordinance 2025-17 for a zone change.

#### 2. Approval of Minutes

June 11, 2025

**MOTION:** Matt Cox made a motion to approve the minutes of June 11, 2025. Larry Crutchfield seconded the motion.

**VOTE:** The **motion passed** unanimously.

**MOTION:** A motion was made by Matt Cox to go in and out of public hearing at the call of the chair. The motion was seconded by Larry Crutchfield.

**VOTE:** The **motion passed** unanimously.

### **3. Conditional Use Permit / Third Mesa LLC / J.T. Maxwell**

Parcel # 3-5-24-3A, Zone RU10, 71 Acres; Creating a glamping camp to be used primarily for student groups sponsored by Grand Classroom Inc.; submitted by J.T. Maxwell

A conditional use permit for Third Mesa LLC was presented by JT Maxwell, proposing a glamping camp for student groups who come to visit the national parks in our area. Shannon McBride outlined the application review process and emphasized the importance of the Planning Commission input, particularly regarding fencing requirements for safety. The Planning Commission agreed to review conditions systematically to ensure thorough discussion and decision-making. Shannon explained the review process for the applicant's proposal also includes collaboration with the county engineer to ensure compliance with ordinance conditions.

#### *Fencing, Bathroom Facilities, and Bus Parking Discussion*

One of the main topics of discussion was the type of fencing needed for safety, particularly concerning youth camping in the area. Shannon noted that the existing barbed wire fence may not be suitable and opened the floor for further discussion on alternative fencing options. Several Commissioners added thoughts regarding berms or screen fencing verses smooth wire which would leave clear sight lines. Most agreed that the smooth wire fencing would be preferred.

JT Maxwell confirmed that the bathroom facilities will be located within 300 feet of camp sites, complying with state law. He proposed moving the barn closer to the center to meet this requirement and discussed the bus parking plan, which includes a circular drive for easy access and a designated area for the bus to stay overnight. Additionally, he mentioned the inclusion of an onsite hotel room, for the bus driver, in the design.

#### *Conditional Use Permit Discussion*

Shannon McBride addressed the requirements for a conditional use permit, stressing the necessity of an approved utility plan prior to the issuance of a building permit. She mentioned the need to expand the septic field and provided details on road compliance with WUI standards and to have those details shown on the final site plan. John Reese sought input from Commissioner Crutchfield regarding screening and lighting concerns as he is a close neighbor to this project. Commissioner Crutchfield felt that a smooth fence and current proposed lighting designs would be adequate enough.

#### *Safety and Design Considerations for Camping Facilities*

Lara Clayson asked about safety lighting and tent design. JT emphasized the importance of safety lighting for paths leading to the camp and bathrooms, suggesting the installation of low, solar-powered red lights and motion-sensor lights. He also mentioned the ongoing evaluation of tent colors, leaning towards muted tones to minimize visibility. Additionally, he outlined the design requirements for the tents, which will include low bunks and storage solutions to keep food safe from wildlife.

**MOTION:** A motion was made by Matt Cox to approve the conditional use permit, adopting all findings and conditions as outlined in the staff report. Also provided that all specifications by the health department, county engineer, and utilities have been met as discussed. The motion was seconded by Larry Crutchfield.

**VOTE:** The **motion passed** unanimously.

**4. Zone Change/Ordinance 2025-21/Gormley** - Changing Lot #18-49A, containing 1.49 acres, located in Strawberry Valley Estates Unit No. 2 Subdivision, Duck Creek Village, Utah from Residential ½ (R-1/2) to Residential 1 (R-1); submitted by Mark Ryan Gormley

Ben Carter from B Custom Homes, was present to represent Ryan Gormley. He requested to change lot # 18-49A from R ½ to R1 – only one person reached out, after receiving the public notice, to offer feedback on this zone change and when they found out what the project was, they had no issues with the zone change.

Lara asked why the family had previously combined the lots and he explained that the family wanted more space and privacy.

Opened for public hearing – no comment.

**MOTION:** Matt made motion to recommend approving the zone change for lot 18-49A from R1/2 to R1 and Ordinance O-2025-21 to the County Commission based on the facts and findings in the staff report. Mason Haycock seconded.

No further discussion.

**VOTE:** The **motion passed** unanimously.

**5. Kane County Ordinance No. O 2025-22** - An Ordinance Revising Kane County Land Use Ordinance, Chapter 1: General Provisions, Section 7, Definitions: Revise the Definition of Home Occupation; and Chapter 6: Article B. Multi-Residential Zone, Section B-2, Conditions: Lot Coverage and Density; and Adding Article F: Home Occupation into Chapter 6: Residential Zones

Shannon began by highlighting concerns raised by developers regarding current density and lot coverage restrictions, indicating a need for adjustments to better accommodate modern developments. When these concerns arise, she likes to bring them to the Planning Commission to see if there is a desire to change current Land Use Ordinances. There was no desire by the commission to make any adjustments to this section of Kane County Ordinances. Shannon eliminated both sections from the ordinance. The topic shifted to other parts of Ordinance 2025-22.

#### *Discussion on Home Occupation Regulations*

Matt Cox discussed the implications of removing the fuel portion from regulations, questioning how it might affect local agriculturists. He highlighted the importance of distinguishing between commercial activities and home occupations, advocating for regulations that support home-based businesses. John Reese noted that many residents rely on their home businesses, and the current regulations should not hinder their ability to operate. There was a quick review of the home occupation ordinance and its definitions.

#### *Discussion on Home Office Regulations*

Shannon McBride discussed the limitations of the current ordinance regarding home offices, which restricts usage to 25% of the dwelling. John Reese proposed that it may be beneficial to allow office spaces in separate buildings, similar to guest houses or barns, to better accommodate modern work-life balance needs. Although

this was not a topic of discussion for this particular agenda item, John emphasized the importance of addressing this issue in future discussions.

*Home-Based Business Regulations Discussion*

Shannon McBride and Jeff Stott addressed the complexities of home-based business regulations, noting that yard space can be used for commercial purposes as long as it maintains a residential appearance. They provided examples, such as yoga and daycare, which could be acceptable, while activities like auto repairs with multiple vehicles would not be permitted. Shannon also highlighted the importance of maintaining the residential character of properties.

Opened for public hearing – no comment.

**MOTION:** Matt Cox moved to recommend approval of the ordinance as written to the County Commission. Larry Crutchfield seconded it.

Shannon asked about the lot coverage portion of this ordinance. She included it because she has received several inquiries regarding the lot coverage from developers. No one felt like it needed to change from the current 30% density so it was removed from O-2025-22 and left as is in our county ordinances.

**VOTE:** The **motion passed** unanimously.

Chairman, John Reese adjourned the meeting at 7:01 pm.

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Land Use Authority Chair  
John Reese

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Land Use Administrative Assistant  
Kresta Blomquist



### **3. Looking at solutions for moderate income housing**

Discuss possible options for improving moderate-income housing availability in Kane County.



Kresta Blomquist &lt;klblomquist@kane.utah.gov&gt;

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**FW: up coming P&Z meeting**

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**Shannon McBride** <smcbride@kane.utah.gov>

To: Kresta Blomquist &lt;klblomquist@kane.utah.gov&gt;

Cc: Gwen Brown &lt;gbrown@kane.utah.gov&gt;

Wed, Jul 30, 2025 at 7:37 AM

**From:** Michelle Pursell <reliabler1@gmail.com>**Sent:** Tuesday, July 29, 2025 5:07 PM**To:** Shannon McBride <smcbride@kane.utah.gov>**Subject:** up coming P&Z meeting

I might have a suggestion - if it's legal to do - to help with item 3. Looking at solutions for moderate income housing - Discuss possible options for improving moderate-income housing availability in Kane County.

What if non-local buyers of land or homes are not allowed to rent or lease the property for short term rentals for 5 years. Many out of state buyers are coming in, taking up the land, buying up the houses for the sole purpose of making money. Paying more than true fair market value which escalates the price which then becomes the norm... I understand why they'd want to, but if there are time limits, maybe it would stop or slow down the investor buyers and help level the price point of housing here, giving the people who live here and work here, the opportunity to buy/rent at reasonable rates.

We all know the problem... **I'm just wondering if there's a "short term rental ordinance" that could be imposed - for non-residents buying here.**

Just a thought... coz I can't go to the meeting. ;-)

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Have an amazing day!

Michelle Pursell

**Cell: 317-714-9559**

Starlight Camping

Office: 435-339-6100

[www.starlightcampingkanab.com](http://www.starlightcampingkanab.com)

## Shannon McBride

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**From:** Brian Konoske <brian@konoske.com> on behalf of Brian Konoske  
**Sent:** Sunday, August 3, 2025 5:30 PM  
**To:** Shannon McBride; Celeste Meyeres; Gwen Brown; Patty Kubeja  
**Subject:** Housing updated

Dear esteemed Planning Commission members and County Commissioners,

Thank you for your service to our county.

I hope to make the coming meeting but there is no way that my thoughts on this subject will fit into 2 minutes, so I've taken the time to write this letter. Thank you in advance for taking the time to read this.

The challenge of creating more moderate / low-income housing is complex, and I appreciate that you are choosing to discuss the issue. In my view, the biggest obstacles are high building costs and current interest rates. Builders cannot afford to construct homes at a loss, and most homeowners are unlikely to invest in building ADU's as long-term affordable rentals given today's construction costs and rates.

Everyone has a different interpretation of what moderate and affordable housing means. I follow the rental and real estate markets here closely, and it seems what most people want are homes under \$300,000, 2-to-3-bedroom rentals below \$1,300 per month, and 1 bedroom rentals under \$1000. This price point is nearly impossible in the current market.

Currently, there is a nice 3-bedroom townhome in El Pueblo listed at \$309,500 that has been on the market for over 90 days. Single family stick-built homes priced between \$300,000 and \$400,000 that sold in the past six months are not flying off the market, they sat on the market an average of 124 days. If the Willow development moves forward, I doubt we will see townhomes priced below \$350,000 to \$400,000 given the planned amenities and extensive hardscape shown in the plat.

As of last week, Phase Two of The Lofts had an occupancy rate just above 60 percent. Tyler Heely's multi residential projects are only breaking even, even with him acting as his own general contractor and contributing significant sweat equity. On a smaller scale, my girlfriend purchased two underperforming 950 square foot 2-bedroom cabins last year at below market value with 30% down. To offer them as long-term rentals, she would have needed to charge \$2,000 per month each just to break even, which is far above what our local market can bear. Not many folks can afford to invest significant resources into something just to break even or to lose money.

I have heard suggestions that adding restrictions on Airbnb and vacation rentals might help address the housing issue. While some reasonable regulations may be worth considering, I highly doubt they will create many more affordable homes and rentals.

I am blessed to own and operate the highest grossing 2-bedroom nightly rental in our market. I treat it as a full-time job and work hard to provide guests with a high level of hospitality, and this business

makes up a large portion of my income. I believe I am in a good position to offer some thoughts on possible regulations.

Our local economy is highly dependent on tourism. With tourism overall down, visits from Canadian and European travelers slowing, and the loss of the North Rim of the Grand Canyon, I would caution against quickly overregulating a sector that contributes significantly to our local economy. The nightly rental market is already struggling, many owners are losing money and many cleaners are looking for work. In time, the private market will sort out speculators and those who do not take their business or guests' experiences seriously. This is already happening and these houses are and will end up for sale or for rent on the long-term market. Sadly their prices likely will still be far from affordable for some in our community.

Operators who take the business seriously and provide excellent experiences will succeed, continue contributing to the local economy and are valuable assets to the future of the tourism industry here. Speaking for myself, my rental and the other two I manage generate significant economic impact: we pay TRT, pay local cleaners \$40 to \$50 an hour, hire local trades, shop at local hardware stores, local markets, and recommend local restaurants, markets, retail stores, tour guides, tour companies, auto repair shops, and gas stations.

Forcing owners through government regulation is unlikely to produce truly affordable long term rentals. While a few units might enter the long term market, most would still be priced well above affordable levels. Many properties would simply be sold at market value, which remains high due to elevated building costs.

Some have suggested banning out-of-town owners from operating nightly rentals. While this might sound appealing, it would violate the Interstate Commerce Clause and the Equal Protection Clause of the Constitution. The County could consider amending the use table of the R2 zone to prohibit two nightly rentals on one property, but I doubt it would result in more moderately priced housing. Instead, fewer ADUs would be built, which could further slow work for local contractors and tradesmen who are already feeling some economic pain.

When economic conditions allow the 10 year Treasury Bond rate to drop, mortgage rates should soften, which could help lower costs for buyers. However, this could also drive prices back up.

If the County truly wants to address this issue, it should focus on lowering building costs so contractors can construct lower / and moderate-income housing. It should also ensure that buyers of these homes live in them for at least ten years before selling, this will keep the speculators out. If a sale occurs sooner, any profit could go to the County and be placed in a dedicated housing fund of sorts.

Thank you, and wishing you all a great week.

Brian Konoske

Kane County.

Sent from my iPhone



Kresta Blomquist &lt;klblomquist@kane.utah.gov&gt;

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**W: Housing- One more thought**

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**Shannon McBride** <smcbride@kane.utah.gov>

Tue, Aug 5, 2025 at 1:54 PM

To: Kresta Blomquist &lt;klblomquist@kane.utah.gov&gt;

Cc: Gwen Brown &lt;gbrown@kane.utah.gov&gt;, Patty Kubeja &lt;pkubeja@kane.utah.gov&gt;, Celeste Meyeres &lt;cmeyeres@kane.utah.gov&gt;

**From:** Brian Konoske <brian@konoske.com>**Sent:** Tuesday, August 5, 2025 1:51 PM**To:** Gwen Brown <gbrown@kane.utah.gov>; Celeste Meyeres <CMeyeres@kane.utah.gov>; Patty Kubeja <pkubeja@kane.utah.gov>; Shannon McBride <smcbride@kane.utah.gov>**Subject:** Housing- One more thought

Hi all. Just one more quick thought regarding housing.

Shannon, if you can add this to my last email before it makes it into the packet that would be great.

I want to commend the commission for its past decision to prohibit short-term rentals in the multi-residential zone. In my view, this is a thoughtful and effective regulation, one that can truly help address housing affordability. It's an alarming trend in the STR market for folks to purchase apartment buildings and turn them into mini hotels of sorts. This is wrong, and stopping this from happening in our community is a great first step.

It would be worthwhile for both the commission and residents to encourage the City of Kanab to consider adopting a similar policy.

Sent from my iPhone

## **4. General Plan Chapter 8**

## Kane County Draft Water Element Comments

This is a very good initial draft for the plan. Well done! The detail that you've been able to go into on each water system is impressive and appreciated. There are a few adjustments that we would like to see to make it truly a county-wide plan and not just a conglomerate of regional plans. **Remember: This is a land use document. It should be written through the lens of land use and should utilize land use tools and authority.**

**The legislation asks counties to understand the effect of permitted development or development patterns on water demand and water infrastructure.**

- Water budget related to land use. Right now, the plan focuses on water providers. This is great background for the water budget requirement. Please see [this outreach video](#) that explains the water budget. We know that Kane County is growing, especially around Zion. Please take into account this growth and determine how much water will be needed for the types of growth and land use that is occurring in the county.

**The legislation asks counties to list methods of reducing water demand and per capita water use for existing and future development**

- What is the county doing on county land that showcases water conservation to its population? This should be added to the plan
- What conservation or land use management practices do you promote already, and what do you want to accomplish in the future? Are there any ordinances that could be implemented to achieve these goals, like landscape ordinances, turf restrictions, etc.

**The legislation asks for drinking water considerations**

- County-wide policies. The plan does well to identify policy and code updates from the utilities. Let create a similar section for county policies i.e. subdivision building code amendments for water system size.
- Take each of the utility sections and expand it to cover the whole county. Each utility has a conservation section, usage and demand, policy recommendations and next steps. Take each of these and blow them up to county size. Usage and supply can just be a sum of the individual usage and supply of the utilities. Policy recommendations and next steps will look different on a county wide level.

**The legislation asks for agricultural considerations**

The plan provides a great description on public drinking water systems, agriculture irrigation companies, and dry subdivisions. The plan could be improved by adding information on the following bullets.

- List the water rights for all public drinking water systems wells. Amount of water available on the water right and the current quantity being pumped (wet water).

- List all agriculture water rights by irrigation/canal company including amount of water available on the water right. Irrigation season, and average of the water used for the past five years for each company.
- Is there any plan to preserve agricultural land? HB 237 passed this session allowed all greenbelt rollback taxes to be used for preservation of agricultural land and open space. Suggest adding a section on land preservation. The department of agriculture and food is available to assist in setting up an easement program criteria.



## Kane County Water Budget

### Summary of Current System Capacity

| Provider                         | Current Connections | Storage (Gallons)   | Potential Connections | Water Rights (acre-feet)  |
|----------------------------------|---------------------|---------------------|-----------------------|---------------------------|
| Best Friends Animal Society      | 115                 | 246,000             | 169                   | 0.45/connection (est.)    |
| Church Wells SSD                 | 102                 | 470,000             | 370                   | ~0.45/connection          |
| East Zion Area (4 systems total) | 515                 | 690,000             | 3,500                 | 0.45/connection           |
| Elk Ridge Water Co.              | 120                 | 340,000             | 160                   | 0.45/lot (non-transfer)   |
| Kane County Water Conservancy    | 3,575               | 2.5 million         | 11,900                | >40,000 total             |
| <b>TOTAL (current)</b>           | <b>4,427</b>        | <b>4.25 million</b> | <b>16,099+</b>        | <b>~45,000+ acre-feet</b> |

💧 **Note:** 0.45 acre-feet/connection is the common minimum requirement across providers. Kane County's current average is 0.23 acre-feet/connection

### ◆ Projected Future Demand

#### ➤ Population Growth

- 2020 Population: 7,667
- 2060 Projected Population: 21,490
- Growth: +13,823 people

#### ➤ Water Usage Rate

- Current: 233 gallons/person/day
- Goal (per Utah state): <305 Gallons Per Capita per Day by 2030
- We'll assume Kane County maintains **233 Gallons Per Capita per Day**

#### ➤ Projected Daily Demand by 2060

$21,490 \text{ people} \times 233 \text{ Gallons Per Capita per Day} = 5,004,170 \text{ gallons/day}$   
 $21,490 \text{ people} \times 233 \text{ Gallons Per Capita per Day} = 5,004,170 \text{ gallons/day}$

## ► Annual Water Demand

$5,004,170 \times 365 \approx 1.826 \text{ billion gallons/year}$   
 $5,004,170 \times 365 \approx 1.826 \text{ billion gallons/year}$

## ► Convert to Acre-Feet

$1.826 \text{ billion gallons/year} \div 325,851 \approx 5,603 \text{ acre-feet/year}$   
 $1.826 \text{ billion gallons/year} \div 325,851 \approx 5,603 \text{ acre-feet/year}$

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### ◆ Evaluation of Supply vs Demand

- **Total known water rights in the county:** ~45,000 acre-feet (mostly KCWCD)
- **Projected 2060 demand:** ~5,600 acre-feet/year
- **Result:** County has **sufficient total water rights** to meet projected population demand — but **infrastructure and delivery systems must be expanded or improved** to make use of it

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### ◆ County-Wide Water Budget Summary

| Category                  | Estimate                                      |
|---------------------------|---|
| 2023 Water Use            | ~3,000 acre-feet (based on current pop)       |
| 2060 Projected Use        | ~5,600 acre-feet                              |
| Total County Water Rights | ~45,000+ acre-feet                            |
| Surplus Potential         | 39,000+ acre-feet (subject to infrastructure) |
| Existing Storage          | ~4.25 million gallons                         |
| Required Storage (2060)   | At least ~15–20 million gallons (est.)        |

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### ◆ Recommendations

1. **Expand Storage:**
  - Increase regional water tank capacity, especially in high-growth areas like East Zion and Johnson Canyon.
2. **Upgrade Infrastructure:**
  - Implement SCADA systems, new wells, and distribution upgrades.
3. **Secure Redundant Supply:**
  - Build reservoirs (e.g., Cove-East Fork, Alton) and invest in recharge projects.
4. **Conservation Measures:**
  - Strict landscaping ordinances, tiered pricing, public education.
5. **Monitor Development:**
  - Link subdivision approvals to confirmed water availability and rights.
6. **Update Annually:**
  - Monitor Gallons Per Capita per Day and revise projections based on actual growth.

## Kane County Water Budget & Growth Dashboard

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### County-Wide Water Budget Summary (2025 - 2060 Projection)

| Category                    | Estimate / Value   |
|-----------------------------|--|
| 2023 Estimated Use          | ~3,000 acre-feet/year  |
| 2060 Projected Use          | ~5,600 acre-feet/year  |
| Total County Water Rights   | ~45,000+ acre-feet (mostly under KCWCD)                              |
| Current Population (2020)   | 7,667  |
| Projected Population (2060) | 21,490   |
| Per Capita Water Use        | 233 gallons/day (below Utah's 305 Gallons Per Capita per Day target) |
| Daily Demand by 2060        | ~5.0 million gallons/day   |
| Annual Demand by 2060       | ~1.826 billion gallons/year  |
| Required Acre-Feet by 2060  | ~5,600 acre-feet   |
| Surplus Potential           | 39,000+ acre-feet (subject to infrastructure)                        |
| Current Storage Capacity    | ~4.25 million gallons  |
| Required Storage by 2060    | ~15–20 million gallons (est.)  |

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### Kane County Water Providers Overview

| Provider                      | Current Connections | Potential Connections | Storage (Gallons)   | Water Rights (AF) |
|-------------------------------|---------------------|-----------------------|---------------------|-------------------|
| Best Friends Animal Society   | 115                 | 169                   | 246,000             | 0.45/connection   |
| Church Wells SSD              | 102                 | 370                   | 470,000             | ~0.45/connection  |
| East Zion Area (4 systems)    | 515                 | 3,500                 | 690,000             | 0.45/connection   |
| Elk Ridge Water Co.           | 120                 | 160                   | 340,000             | 0.45/lot          |
| KC Water Conservancy District | 3,575               | 11,900                | 2.5 million         | >40,000 total     |
| <b>Total</b>                  | <b>4,427</b>        | <b>16,099+</b>        | <b>4.25 million</b> | <b>~45,000+</b>   |

**Note:** 0.45 acre-feet/connection is the common minimum requirement across providers. Kane County's current average is 0.23 acre-feet/connection

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## Growth & Demand Projection

### Population vs Water Demand (2020 - 2060)

#### Population:

2020: 7,667

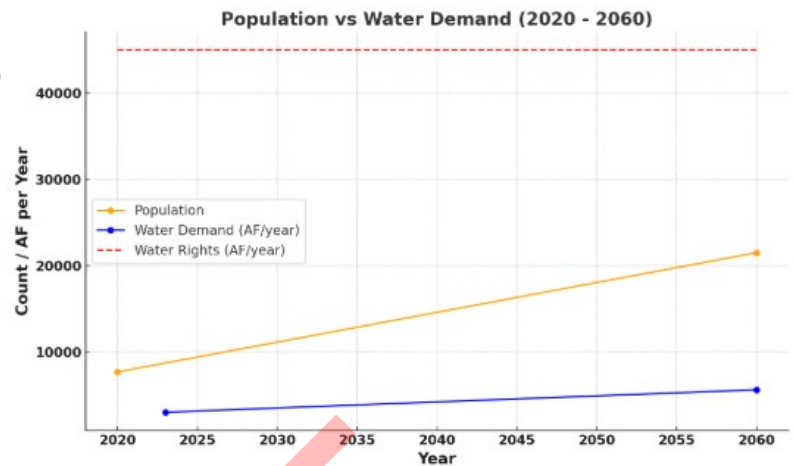
2060: 21,490

#### Water Demand (AF/year):

2023: ~3,000

2060: ~5,600

Water Rights: ~45,000+ AF (flat baseline)



## Recommendations for Water Sustainability

- **Expand Storage:** Add 10–15M gallons capacity over next 35 years
- **Upgrade Infrastructure:** Prioritize SCADA, new wells, leak detection
- **Reservoir Projects:** Cove-East Fork, Alton Reservoir, aquifer recharge
- **Conservation:** native landscaping
- **Policy Enforcement:** Tie subdivision approvals to available water rights

## Infrastructure Expansion Needs by 2060

| Area             | 2023 Connections | Future Goal | Storage Goal (Gallons) |
|------------------|------------------|-------------|------------------------|
| Duck Creek       | 2,986            | 8,000       | 4M+                    |
| Johnson Canyon   | 524              | 3,700       | 2M+                    |
| East Zion        | 515              | 3,500       | 2.5M+                  |
| Countywide Total | 4,427            | 16,000+     | 15M+                   |

## Policy & Building Code Recommendations for Water Conservation

### Building Code Standards

- Recommend EPA WaterSense-certified fixtures for all new construction
- Mandate low-water landscaping on new developments; restrict turfgrass to <20% of landscaped areas
- Enforce use of drip irrigation for all new landscaped areas
- Require water budgets with all new development applications



## Land Use & Planning Policies

- Tie residential and commercial density to confirmed water availability
- Prohibit development in subdivisions lacking secure water infrastructure
- Create a land use ordinance water conservation element



## Commercial Requirements

- Mandate water management plans for all commercial/institutional sites >5,000 sq ft landscaped
- Create water conservation recommendations for large projects



## Monitoring & Enforcement

- All new developments shall submit water conservation policy into its CC&Rs
- All new developments will meet with the Kane County Land Use Development Committee to assure compliance with water conservation elements
- Recommend that water providers use leak detection systems and make repairs quickly
- Kane County Water Conservancy District will be heavily involved in all new developments to help ensure adherence to water conservation policies



## County Efforts

- The Kane County Courthouse has reduced its number of trees and grassy areas to lower overall water consumption.
- At the Kane County North Events Center (fairgrounds), grassy areas and new trees were eliminated in the landscaping plans to help showcase water conservation efforts
- At the Kane County Rodeo grounds and Kane County Jail, drought tolerant plants and xeriscaping were implemented for water conservation
- Overall, Kane County continues to actively promote and implement water-wise landscaping practices throughout its facilities



## Kane County Agriculture Water Conservation Efforts

- Information coming soon



## Education & Incentives

- Encourage the water providers to offer rebates for turf removal, efficient appliances, and irrigation upgrades
- Recommend water conservation certification programs for developers
- Meet with all commissioners, realtors and engineers on a yearly basis to educate them on water conservation plans.

## Compliance with State

- Align all county water policy with Utah's 14–22% Gallons Per Capita per Day (GPCD) reduction targets
- Adopt a local ordinance based on Utah's Model Landscape Ordinance for consistent enforcement

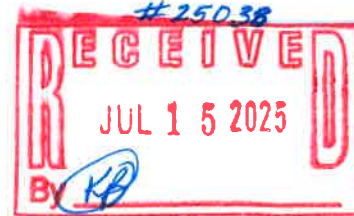
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**Conclusion:** Kane County is well-positioned in terms of available legal water rights to meet future demands. But infrastructure investments, policy enforcement, and conservation efforts are critical to meet projected 2060 growth sustainably. These policy recommendations will protect the county's water future and preserve quality of life for generations to come.

Public Hearing

**5. Zone Change/Ordinance 2025-24/Nathan & DeAnna Lee**

Changing Parcel numbers 9-8-14-1 and 9-8-14-1F, containing approximately 163 acres, located near the Sky Haven Mountain Retreat Subdivision and the North Fork Area Subdivision, Kane County, Utah, from Agricultural (AG) to Rural-10 (RU-10);  
submitted by Nathan & DeAnna Lee.



Online \$400.00

## Land Use Authority

76 North Main Street

Kanab, Utah 84741

(435) 644-4966

[planning@kane.utah.gov](mailto:planning@kane.utah.gov)

## REQUEST FOR ZONE CHANGE

**FEE: \$400**

Owner Name: Nathan & DeAnna Lee DNL Holdings LLC Date: July 15, 2025  
Address: 2100 S. Swains Creek Rd Email: deanna.lee@collectivedestinations.com  
City: \_\_\_\_\_ State: UT Zip: 84762 Phone: 801 865 0993  
9-8-14-1F 801 815 0900  
PARCEL #: 9-8-14-1 LOCATION AND LEGAL DESCRIPTION OF PROPERTY:

CURRENT ZONE: AG PROPOSED ZONE: Rural 10

INTENDED USE AND REASON FOR ZONE CHANGE: \_\_\_\_\_  
glamping in 2 parcels with maximum 25 sites  
spread out over 163 acres

I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

DeAnna Lee  
Owner's Signature

**\*If acting on behalf of the property owner, please include a Power of Attorney.**

Planning Commission Action:

☐ Approve

☐ Deny

Signature - Planning Commission Chair

Date





## KANE COUNTY LAND USE AUTHORITY

Shannon McBride  
LAND USE AUTHORITY  
ADMINISTRATOR

### **Staff Report**

**DATE:** July 16, 2025

---

**To:** Planning Commission  
**From:** Shannon McBride, Land Use Administrator  
**Subject:** Project # 25038: Zone Change Application, AG to RU-10, Ordinance O-2025-24  
Parcels 9-8-14-1 consisting of 39.48 acres and 9-8-14-1F consisting of 123.20 acres

---

#### **HEARING NOTIFICATION:**

- Mailed the property owners within 500 feet of the subject area.
- Posted on the Utah State and Kane County's public websites.
- A public notice was posted in two public locations.
- A notification sign was posted on the lot. (Close to the area on the Swains Creek Road accessing the parcels surrounded by units 2 and 3 in the Sky Haven Mountain Retreat Subdivision, due to the remote location and rough road.)

---

#### **REQUEST:**

On July 15, 2025, Nathan and DeAnna Lee, DNC Holdings LLC, submitted a zone change application for parcels 9-8-14-1 and 9-8-14-1F, adjacent to the Sky Haven Mountain Retreat Subdivision Unit No. 2 and 3, Kane County, Utah, requesting to rezone from AG to Rural 10. The intended use is to build a glamp-ground on both parcels with a maximum of 25 sites spread out over the combined 163 acres.

**LEGAL DESCRIPTION:** A PARCEL OF LAND BEING IN SEC'S 14 & 23 T39S R8W SLB&M: BEG ON THE N-S MID SEC LINE S 0°19'45" E 1,291.5 FT FROM THE CENTER OF SEC 14 T39S R8W SLB&M & RUN TH N 89°57' E 655.32 FT; TH S 30°48' E 91.0 FT; TH S 69°52' E 182.0 FT; TH S 30°48' E 274.0 FT; TH N 71°42' E 318.0 FT; TH S 0°34'40" E 741.18 FT; TH W 140.0 FT; TH SW'LY 332.0 FT; TH E 170.0 FT; TH S 8°55' E 2241.0 FT; TH S 16°20' W 165.0 FT; TH S 42°27' W 240.0 FT; TH S 53°36' W 150.0 FT; TH S 89°58' W ALG THE E-W MID SEC LINE 1,321.16 FT; TH N 0°19'45 W 3986.66 FT TO THE PT OF BEG. CONT 124.58 AC, M/L.  
LESS 1.38 ACRES DEEDED TO JK LITTLE ETUX LEAVING 123.20 AC, M/L.  
TOGETHER WITH 0.6332 AC FT OF WATER RIGHT #81-1306.

## FACTS & FINDINGS:

### Parcel Characteristics

- Parcels 9-8-14-1 and 9-8-14-1F meet the minimum acreage required to be zoned RU-10. The parcel is currently zoned AG.
- The owner requests the lot be zoned RU-10 which requires a zone change.
- Surrounding lots and parcels are zoned R-1, R-5, AG and SITLA.
- All property owners within 500 ft. of this lot have been mailed a public notice, and a sign has been posted on the road accessing the subdivisions that surround the parcels.
- The parcels would gain access from the Swains Creek Road.
- **AG 9-5A-1: PURPOSE:**  
To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

|   |   |   |
|---|---|---|
| Campground, glamp-ground, up to 7 sites for lots of 10 acres or more. | C | - |
|---|---|---|

- **RURAL 10 ZONE 9-5C-1: PURPOSE:**  
Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2023-03, 1-24-2023)

### 9-5C-6: USES TABLE:

| Use   | Rural 10 | Rural 40 |
|---|----------|----------|
| Accessory buildings and uses customarily incidental to conditional uses | C        | C        |
| Accessory buildings and uses customarily incidental to permitted uses   | P        | P        |
| Animal shelter, commercial  | C        | C        |

|  |   |   |
|--|---|---|
| Animal shelter, private  | P | P |
| ATV tours & rentals  | - | - |
| Building with a height greater than 35 feet  | C | C |
| Cabins -- not to exceed 1500 Sq. ft. Limited to up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more                          | C | C |
| Campground/glamp-ground with up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more   | C | C |
| Educational Shop   | C | C |
| Fruit, fruit juice store; fruit and/or vegetable stand, or store   | P | P |
| Gift shop; incidental to permitted uses  | P | P |
| Golf courses   | C | C |
| Helicopter tours   | - | - |
| Helipad, private   | - | C |
| Parks and other recreational areas   | C | C |
| Parking lot incidental to a use conducted on the premises  | P | P |
| Public parks and playground  | P | P |
| Reception center and/or wedding chapel   | P | P |
| Recreational center, recreational camp, facilities or area that is private and/or commercial   | P | P |
| Recreational vehicle park  | - | C |
| Restaurant   | C | C |
| Shooting Range   | C | C |
| Spa  | C | C |
| Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work | P | P |
| Tourist and tour guide companies or services   | C | P |
| 4x4 Vehicle tours & rentals  | - | - |

- Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will ensure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the

Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.

- **Kane County General Plan, Pg. 6** Land Use Goals Unincorporated land uses will remain at densities which can be adequately serviced and which retain the qualities of a rural, open setting with uses not typically found in a town or city. Residential Land Uses Goal #1: To provide for residential areas that support and complement the unique rural quality and character of Kane County. Objective: Minimum allowable densities in unincorporated zoning districts will be determined by the land use ordinance.
- If the zone change is approved the uses contained in the RU-10 uses table will be allowed.

## CONCLUSION:

The Planning Commission must evaluate this zone change request by considering the following:

1. Alignment with the Kane County General Plan and its provisions for recreational use.
2. The applicant's property rights and the potential impact on neighboring properties.
3. Compatibility with surrounding zoning designation.
4. Adherence to the purpose and allowed uses of the RU-10 Zone.

Given these considerations, a recommendation should balance Kane County's best interests, future planning objectives, and private property rights. If the zone change amendment is adopted, RU-10 zoning regulations will apply as outlined in the Kane County Land Use Ordinance as stated above.

## LEGAL CONTEXT

Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner; *Patterson v. Utah County Bd. of Adjustment*, 893 P.2d 602, 606 (UT App 1995)

**MOTION: I move to recommend denying/approving the zone change for parcels 9-8-14-1 and 9-8-14-1F from AG to RU-10 & Ordinance O-2025-24 to the County Commission based on the facts and findings as documented in the staff report.**

**KANE COUNTY ORDINANCE NO. O 2025-24**

**AN ORDINANCE AMENDING THE ZONING OF PARCELS 9-8-14-1 AND 9-8-14-1F  
FROM AGRICULTURE TO RURAL 10**

**WHEREAS**, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-5C-1: Purpose: Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low-density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2023-03, 1-24-2023)

**WHEREAS**, the Kane County Planning Commission recommended the zone change at publicly noticed public hearing; and

**WHEREAS**, the Board of Commissioners desires to implement the recommended zone change; in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations; and

**WHEREAS**, the statutory authority for enacting this ordinance is Utah State Code Sections 17-27a-201 & 205, 17-27a-308, and 17-27a-502 & 503;

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcels 9-8-14-1 and 9-8-14-1F; and

**NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:**

**LEGAL DESCRIPTION:** A PARCEL OF LAND BEING IN SEC'S 14 & 23 T39S R8W SLB&M: BEG ON THE N-S MID SEC LINE S 0°19'45" E 1,291.5 FT FROM THE CENTER OF SEC 14 T39S R8W SLB&M & RUN TH N 89°57' E 655.32 FT; TH S 30°48' E 91.0 FT; TH S 69°52' E 182.0 FT; TH S 30°48' E 274.0 FT; TH N 71°42' E 318.0 FT; TH S 0°34'40" E 741.18 FT; TH W 140.0 FT; TH SW'LY 332.0 FT; TH E 170.0 FT; TH S 8°55' E 2241.0 FT; TH S 16°20' W 165.0 FT; TH S 42°27' W 240.0 FT; TH S 53°36' W 150.0 FT; TH S 89°58' W ALG THE E-W MID SEC LINE 1,321.16 FT; TH N 0°19'45 W 3986.66 FT TO THE PT OF BEG. CONT 124.58 AC, M/L.  
LESS 1.38 ACRES DEEDED TO JK LITTLE ETUX LEAVING 123.20 AC, M/L.  
TOGETHER WITH 0.6332 AC FT OF WATER RIGHT #81-1306.

Is hereby rezoned from AG to RU-10 and shall from here forth be zoned.

---- END OF ORDINANCE ----

This Ordinance shall be deposited in the office of the County Clerk, and recorded in the Kane County Recorder's Office and shall take effect fifteen (15) days after the date signed below. Utah State Code 17-53-208 (3) (a).

The County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2025.

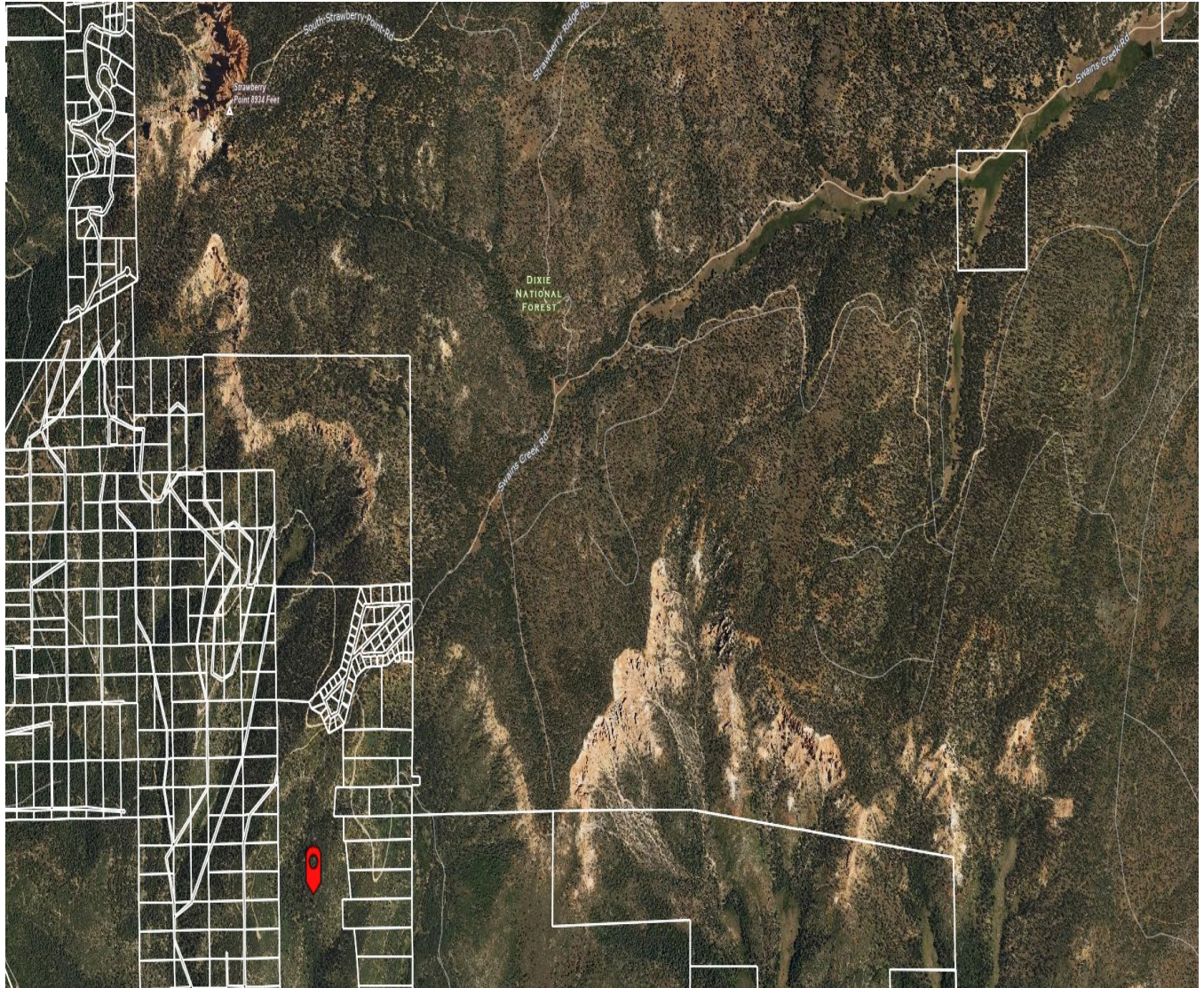
ATTEST:

\_\_\_\_\_  
Chameill Lamb  
Kane County Clerk

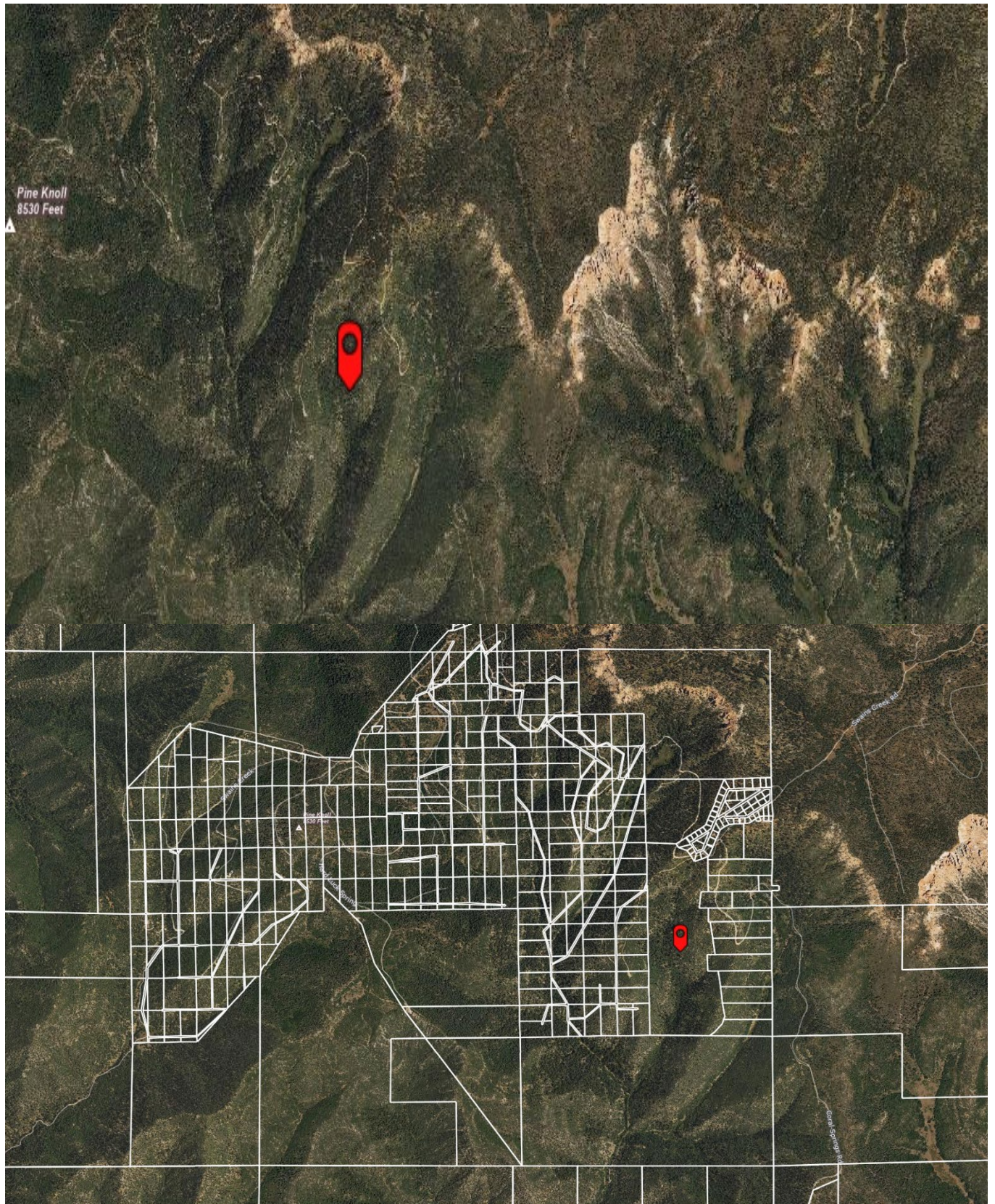
\_\_\_\_\_  
Celeste Meyeres Chair  
Board of Commissioners  
Kane County

Commissioner Brown voted \_\_\_\_  
Commissioner Meyeres voted \_\_\_\_  
Commissioner Kubeja voted \_\_\_\_



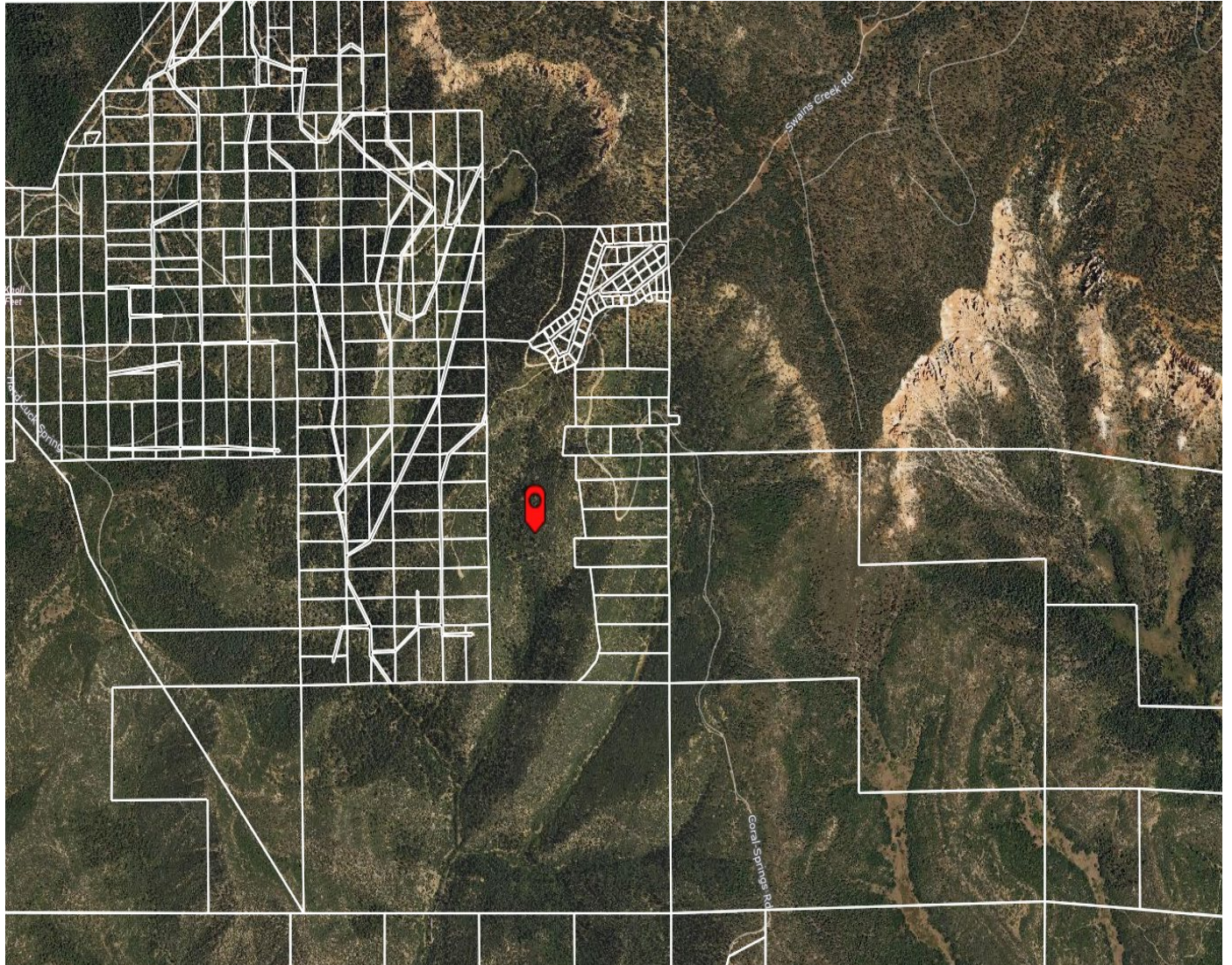






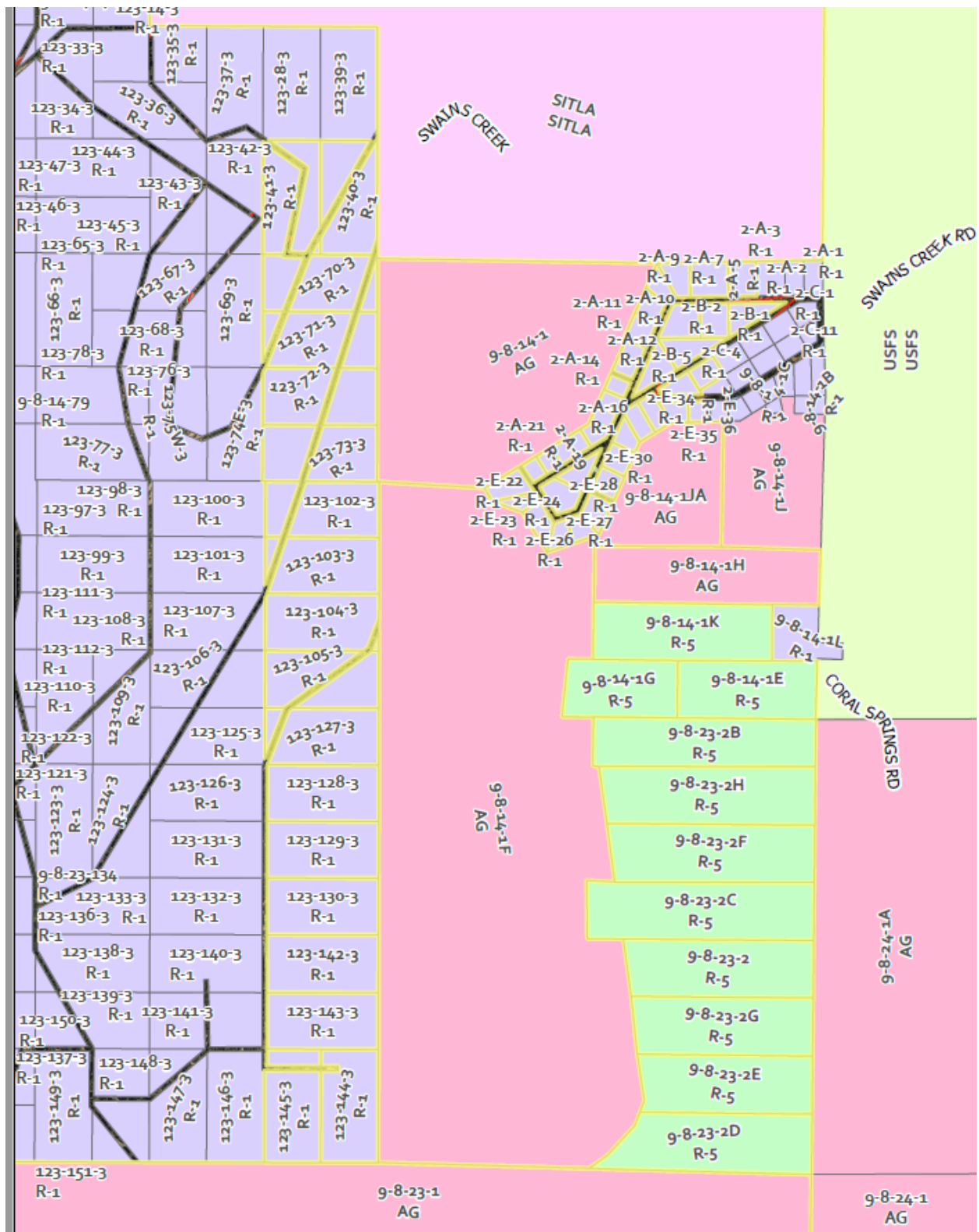
76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4966 | [www.kane.utah.gov](http://www.kane.utah.gov)  
Shannon McBride | Land Use Administrator | e-mail: [smcbride@kane.utah.gov](mailto:smcbride@kane.utah.gov)





76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4966 | [www.kane.utah.gov](http://www.kane.utah.gov)  
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JACK E &  
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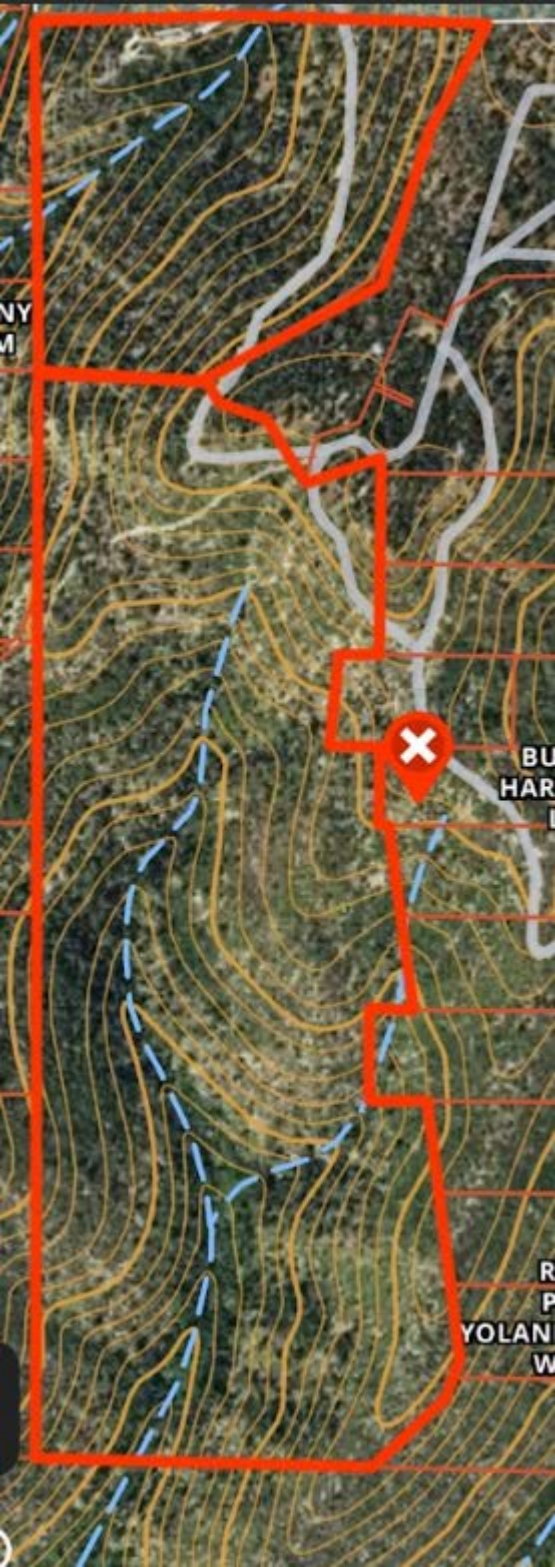










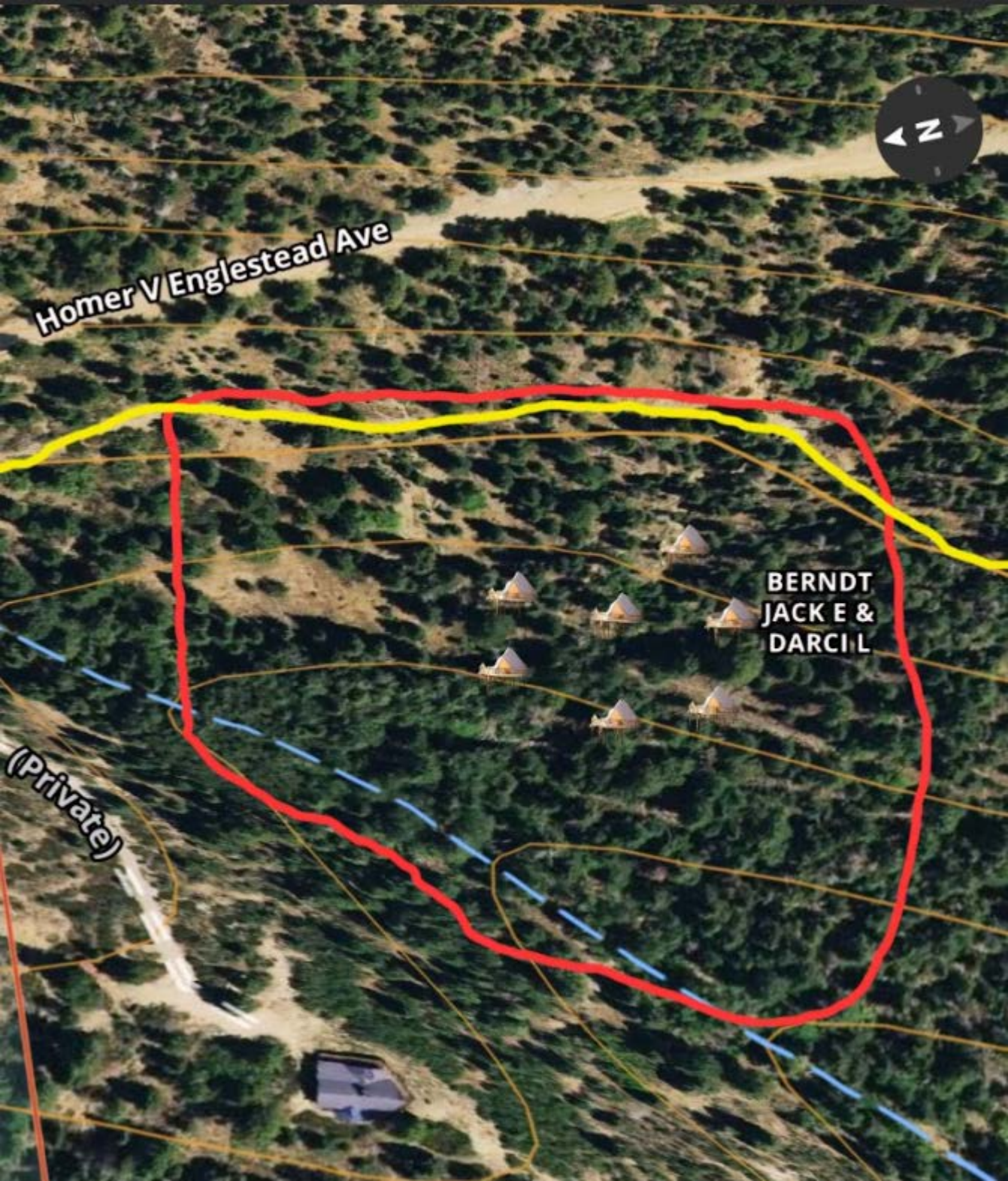


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Homer V Englestead Ave

BERNDT  
JACK E &  
DARCIL

(Private)



Kresta Blomquist &lt;klblomquist@kane.utah.gov&gt;

**W: Proposed Zone Change near Sky Haven Mountain Retreat, Parcels 9-8-14-1 & 9-8-14-1F**

**Shannon McBride** <smcbride@kane.utah.gov>  
To: Kresta Blomquist <klblomquist@kane.utah.gov>  
Cc: Gwen Brown <gbrown@kane.utah.gov>

Wed, Aug 6, 2025 at 1:08 PM

**From:** Julee Terry <juleeterry@live.com>  
**Sent:** Wednesday, August 6, 2025 11:06 AM  
**To:** smcbride@Kane.utah.gov  
**Subject:** Proposed Zone Change near Sky Haven Mountain Retreat, Parcels 9-8-14-1 & 9-8-14-1F

Re: Proposed hearing for a zone change, Parcels 9-8-14-1 & 9-8-14-1F

To: Kane County Planning Commission and County Commission

I am opposed to this proposed zoning change.

The petitioner in this zoning change is a developer that wants to subdivide the 163 acres into luxury vacation properties. These parcels are not going to be sold to people that want to come to the area to be a part of the established community, they are profit driven investors (many investors) with the sole intent of making money.

Property taxes have doubled in recent years. This planned development will increase the property taxes of the surrounding area, adding unjustified financial burden to the surrounding properties. The petitioner purchased the property with the intent of making money off the property, not to become a part of the existing community.

Transient visitors (people with no ties to the community) will bring increased traffic and safety risks to the area. There is limited access and the current roads are not accommodating to increased traffic. More visitors will erode the privacy and seclusion that is valued by the community of property owners currently in the area, bringing security concerns with the presence of unfamiliar transient individuals. The introduction of more structures and visitors in the heavily forested area also increases the likelihood of wildfires, a growing concern of Kane County and surrounding areas.

This rezoning undermines the unique character of the area, places an unjustified strain on the local community and infrastructure, and increases security and wildfire concerns. Preserving Agriculture zoning is essential to protect the secluded and private lifestyle of this community. I urge the Planning Commission and the County Commission to reject this zone change.

8/6/25, 3:31 PM

Kane County Utah Mail - FW: Proposed Zone Change near Sky Haven Mountain Retreat, Parcels 9-8-14-1 & 9-8-14-1F

Sincerely,

Julee Terry

## Public Hearing

### **6. AG Protection Area/Jacob Benson**

Evaluating a proposal and determining whether or not to recommend creation of an agricultural protection area to the Kane County Commission. (USC 17-41-205)



## Kane County Planning Commission Procedure For Implementing the Agricultural Protection Area (APA) Law

---

### Before the Planning Commission becomes involved:

- Owner(s) of land, in agriculture production, file a proposal with the Kane County Land Use Authority for creation of an Agriculture Protection Area. The County will then publish a notice that the proposal has been filed.
- Persons wishing to modify or object to the proposal shall file written requests or protests within 15 days of the notice.

1. **Planning Commission** receives the APA Proposal from the Kane County Land Use Authority along with any modifications or objections received during the 15-day protest period.
2. **Planning Commission** reports back to the Kane County Commission within 45 days of receiving the proposal. (Sample reports are shown on page 3 & 4)

The report needs to include:

- a. The impact that establishing the APA may have on the proposed area, taking into account the county's planning goals and policies.
- b. Evaluation of the proposal using the criteria in Utah State Code 17-41-305 which includes:
  - Whether or not land is currently being used for agriculture production
  - Whether or not land is zoned for agricultural use
  - Whether or not land is viable for agriculture production
  - The extent and nature of existing or proposed farm improvements
  - Anticipated trends in agriculture or technology
- c. Recommended limits on types of agriculture production to be allowed
- d. Evaluation of any objections to the proposal
- e. Recommendation on whether the county commission should
  - Accept
  - Accept and modify
  - Or Rejectthe APA proposal

\*The Agricultural Advisory Board will also evaluate the APA proposal using the same criteria in the law and submit their report and recommendations within 45 days after receiving the proposal from the KCLUA.

\* If the Planning Commission or Agricultural Advisory Board fail to submit the report back to the Kane County Commission within the 45-day limit, the Kane County Commission is to consider failure to report as an approval of the proposal. (USC 17-41-303-2c)



**Utah State Code for**  
**Planning Commission APA Review Criteria**

***Effective 5/14/2019***

**17-41-305. Criteria to be applied in evaluating a proposal for the creation of a protection area.**

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area, the advisory committee, planning commission, and applicable legislative body shall apply the following criteria:

- (1) whether or not the land is currently being used for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;
- (2) whether or not the land is zoned for agriculture use, industrial use, or critical infrastructure materials operations, as the case may be;
- (3) whether or not the land is viable for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;
- (4) the extent and nature of existing or proposed farm improvements, the extent and nature of existing or proposed improvements to or expansion of the industrial use, or the extent and nature of existing or proposed improvements to or expansion of critical infrastructure materials operations, as the case may be; and
  - (a) in the case of an agriculture protection area, anticipated trends in agricultural and technological conditions;
  - (b) in the case of an industrial protection area, anticipated trends in technological conditions applicable to the industrial use of the land in question; or
  - (c) in the case of a critical infrastructure materials protection area, anticipated trends in technological conditions applicable to the critical infrastructure materials operations of the land in question.

***Effective 5/14/2019***

**17-41-303. Review of proposal for creation of protection area.**

- (a) Within 45 days after receipt of the proposal, the planning commission shall submit a written report to the applicable legislative body that:
  - (i) analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the county or municipality, as the case may be;
  - (ii) analyzes and evaluates the proposal by applying the criteria contained in Section [17-41-305](#);
  - (iii) recommends any modifications to the land to be included in the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
  - (iv) analyzes and evaluates any objections to the proposal; and
  - (v) includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.



Kane County Planning and Zoning  
76 North Main Street  
Kanab, Utah 84741

Dear Commissioners:

The Planning Commission Board has received and reviewed a proposal submitted by Jacob Benson, for consideration and establishment of an Agriculture Protection Area (APA).

Based upon the evaluation criteria outlined in the APA Ordinance, (Section 17-41-305, Utah Code Annotated 2025)

Based upon the following:

- a. Evaluation of the proposal using the criteria in Utah State Code 17-41-305 which includes:
  - Whether or not land is currently being used for agriculture production
  - Whether or not land is zoned for agricultural use
  - Whether or not land is viable for agriculture production
  - The extent and nature of existing or proposed farm improvements
  - Anticipated trends in agriculture or technology
- b. Recommended limits on types of agriculture production to be allowed
- c. Evaluation of any objections to the proposal

Therefore, The Planning Commission Board recommends approval for this APA proposal.

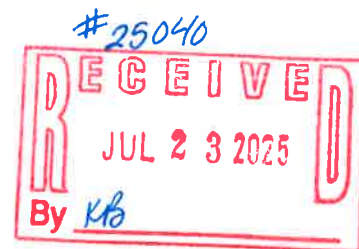
If you have any questions, I can be reached at 644-4966 or you may contact Tyce Palmer, Utah Department of Agricultural and Food, Zone 5 Resource Coordinator, at 435-691-1498, or email: [tpalmer@utah.gov](mailto:tpalmer@utah.gov).

Sincerely,

Shannon McBride  
Land Use Administrator



**Kane County**  
**Land Use Authority**  
76 North Main Street, Kanab, Utah 84741  
(435) 644-4966  
[planning@kane.utah.gov](mailto:planning@kane.utah.gov)



## **AGRICULTURE PROTECTION AREA**

### **APPLICATION**

**Application Fee \$200**

**Owners/Applicants** Jacob Benson **Date:** 6-5-2025  
**Address:** 94 W 700 N  
**City:** Parowan **State:** UT **Zip:** 84761  
**Phone:** (435) 559-3081 **E-Mail:** Jacob.Rendall@live.com

**Parcel numbers to be included:** 8-9-14-3

**Number of contiguous acres:** 34.83

**Any limits on the types of agriculture production to be allowed within the agriculture protection area:**

Livestock Grazing Summer Months

**List types of agricultural production that is currently occurring on the parcel(s) being included:**

Livestock Grazing, Sheep, Cattle & Horses.

**I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE:**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Planning Commission Action:**

☐ **Approve** ☐ **Deny**

\_\_\_\_\_  
**Planning Commission Chairman**  
**Commission Approval Date:** \_\_\_\_\_

\_\_\_\_\_  
**Date**

Account 0112063

| Location   | Owner                  | Value                                |
|--|------------------------|--------------------------------------|
| Parcel Number 8-9-14-3   | Name BENSON JACOB K    | Market (2024) \$43,979               |
| Tax District 15 - CEDAR MOUNTAIN SERVICE DISTRICT  | PO BOX 1636            | Taxable \$801                        |
| Acres 34.83  | PAROWAN, UT 84761-1636 | Tax Area: 15 Tax Rate: 0.006940      |
| Situs Address  |                        | Type Actual Assessed Acres           |
| Legal BEG AT THE SE COR OF SEC 14 T38S R9W SLB&M & RUN TH N 89*32' W 1,317.82 FT; TH N 0*01'18" W 1,202.36 FT; TH S 67*52'10"E 1,120.03 FT; TH S 58*29'54" E 1,106.41 FT; TH S 0*42'43" W 246.99 FT; TH N 87*04'48" W 660.40 FT TO THE PT OF BEG. RESERVING UNTO THE GRANTOR, THEIR SUCCESSORS &/OR ASSIGNS, A PERCEPTUAL NON-EXCLUSIVE EASEMENT ALONG THE WEST 20 FT OF SAID LAND, ADJACENT TO THE CORRY PROPERTY TO ALLOW ACCESS TO DEVELOP & MAINTAIN THE WATER SUPPLY FOR THE REMAINDER OF THE PROPERTY RETAINED BY ROCKI ALICE LLC. |                        | FARMLAND (FAA) \$43,979 \$801 34.830 |

\*BEING IN SEC'S 13 & 14 T38S R9W\*

Child Accounts

Child Parcels

Parent Accounts

Parent Parcels

Transfers

| Recording Date                         | Book                 | Page                 | Doc Description                       |
|--|----------------------|----------------------|---------------------------------------|
| <a href="#">11/01/2024 12:43:33 PM</a> | <a href="#">0628</a> | <a href="#">0587</a> | <a href="#">Warranty Deed</a>         |
| <a href="#">07/31/2014 02:30:55 PM</a> | <a href="#">0437</a> | <a href="#">0980</a> | <a href="#">Warranty Deed</a>         |
| <a href="#">07/31/2014 02:30:55 PM</a> | <a href="#">0437</a> | <a href="#">0978</a> | <a href="#">Water Quit Claim Deed</a> |

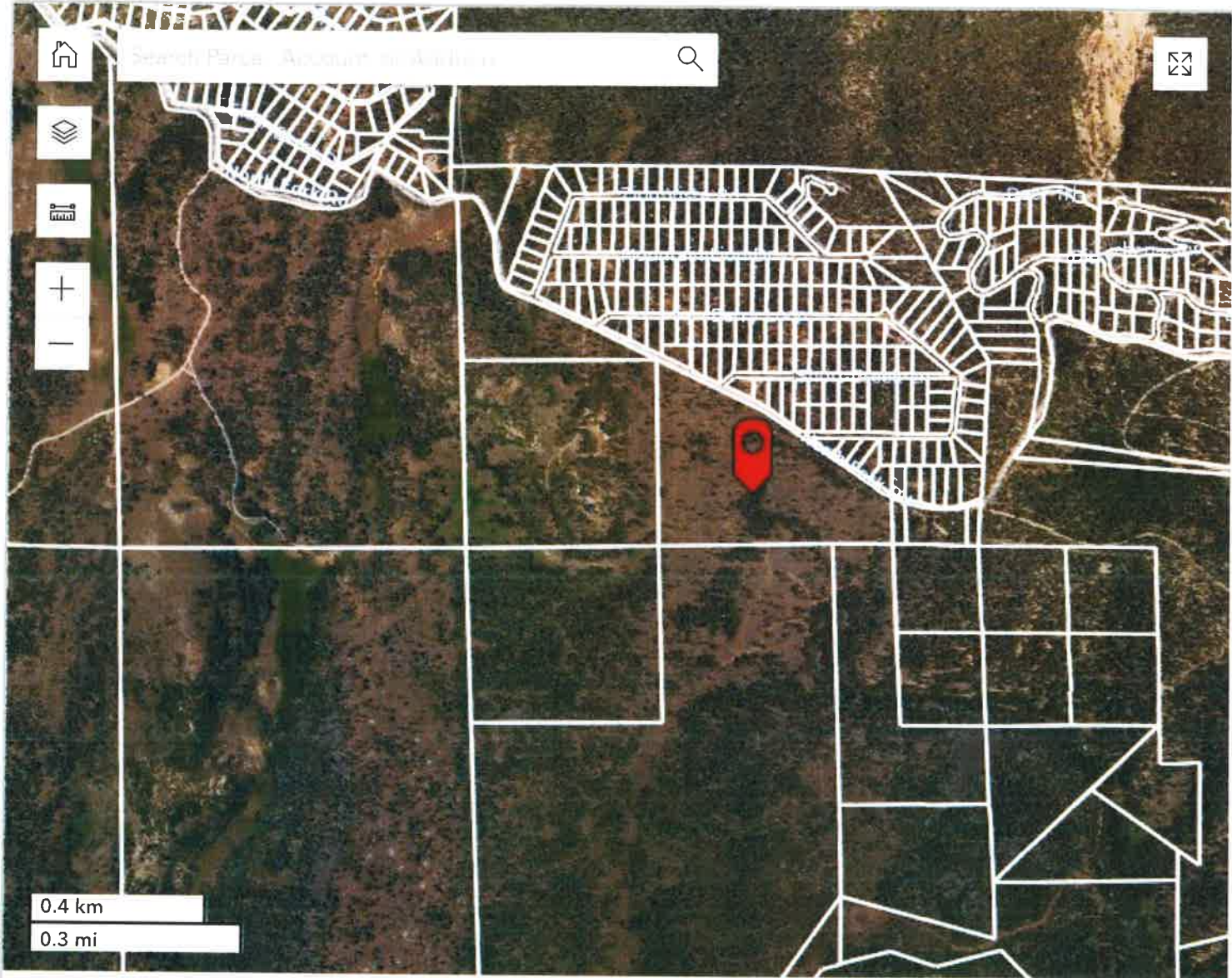
Images

- [Map](#)
- [Photo](#)
- [GIS](#)



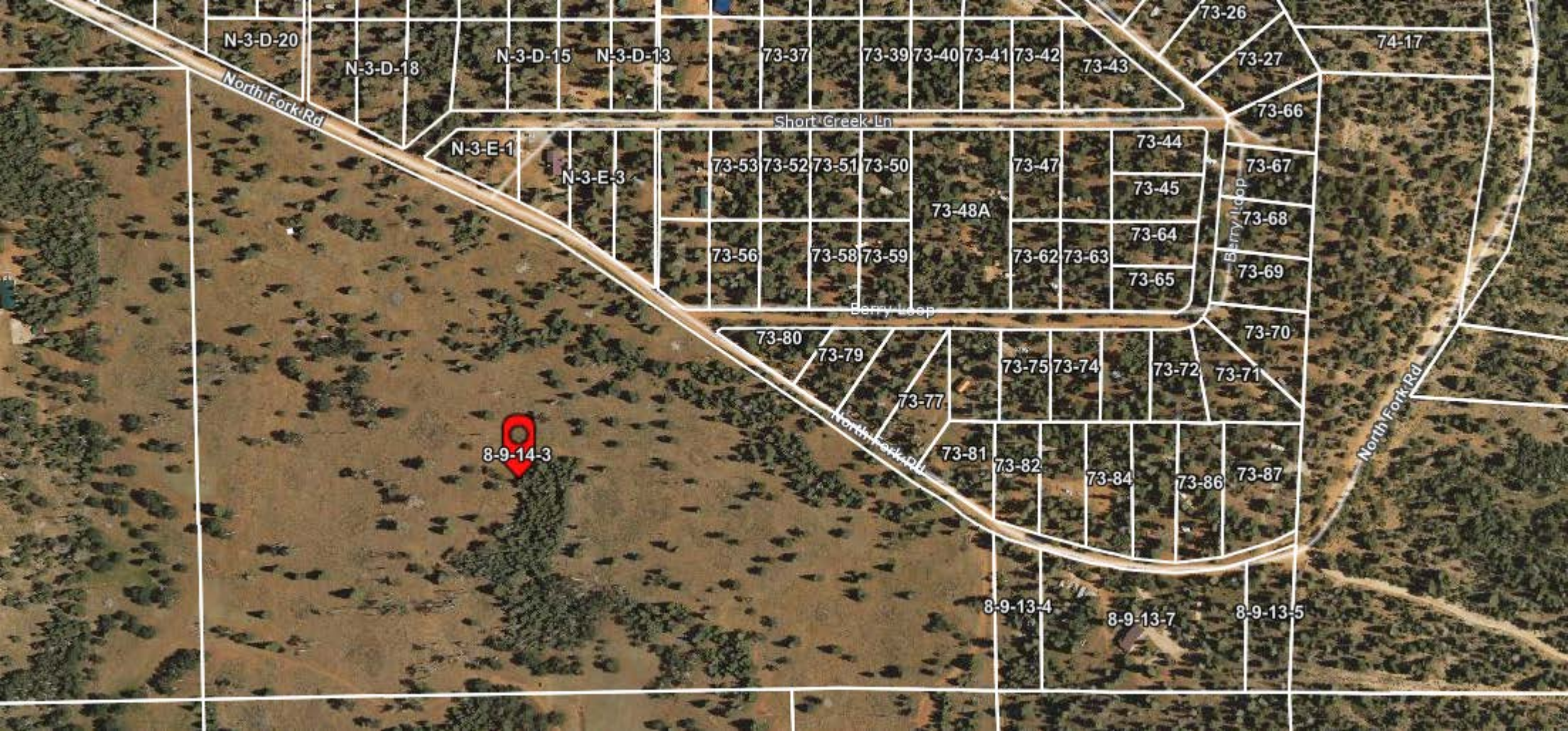
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**Effective 5/14/2019**

**17-41-303 Review of proposal for creation of protection area.**

- (1) After 15 days from the date of the notice, the applicable legislative body shall refer the proposal and any objections and proposed modifications to the proposal to the advisory committee and planning commission for their review, comments, and recommendations.
- (2)
  - (a) Within 45 days after receipt of the proposal, the planning commission shall submit a written report to the applicable legislative body that:
    - (i) analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the county or municipality, as the case may be;
    - (ii) analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;
    - (iii) recommends any modifications to the land to be included in the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
    - (iv) analyzes and evaluates any objections to the proposal; and
    - (v) includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.
  - (b) Within 45 days after receipt of the proposal, the advisory board shall submit a written report to the applicable legislative body that:
    - (i) recommends any modifications to the land to be included in the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
    - (ii) analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;
    - (iii) analyzes and evaluates any objections to the proposal; and
    - (iv) includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.
  - (c) The applicable legislative body shall consider a failure of the planning commission or advisory committee to submit a written report within the 45 days under Subsection (2)(a) or (b) as a recommendation of that committee to approve the proposal as submitted.

Amended by Chapter 227, 2019 General Session

**Effective 5/3/2023**

**17-41-304 Public hearing -- Notice -- Review and action on proposal.**

- (1) After receipt of the written reports from the advisory committee and planning commission, or after the 45 days have expired, whichever is earlier, the county or municipal legislative body shall:
  - (a) schedule a public hearing;
  - (b) provide notice of the public hearing for the geographic area described in Subsection 17-41-302(1)(b), as a class B notice under Section 63G-30-102, for at least seven days; and
  - (c) ensure that the notice includes:
    - (i) the time, date, and place of the public hearing on the proposal;
    - (ii) a description of the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
    - (iii) any proposed modifications to the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
    - (iv) a summary of the recommendations of the advisory committee and planning commission; and
    - (v) a statement that interested persons may appear at the public hearing and speak in favor of or against the proposal, any proposed modifications to the proposal, or the recommendations of the advisory committee and planning commission.
- (2) The applicable legislative body shall:
  - (a) convene the public hearing at the time, date, and place specified in the notice; and
  - (b) take oral or written testimony from interested persons.
- (3)
  - (a) Within 120 days of the submission of the proposal, the applicable legislative body shall approve, modify and approve, or reject the proposal.
  - (b) The creation of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area is effective at the earlier of:
    - (i) the applicable legislative body's approval of a proposal or modified proposal; or
    - (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if the applicable legislative body has failed to approve or reject the proposal within that time.
  - (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area is effective only if the applicable legislative body, at its discretion, approves a proposal or modified proposal.
- (4)
  - (a) To give constructive notice of the existence of the agriculture protection area, industrial protection area, or critical infrastructure materials protection area to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant protection area within 10 days of the creation of the relevant protection area, the applicable legislative body shall file an executed document containing a legal description of the relevant protection area with:
    - (i) the county recorder of deeds; and
    - (ii) the affected planning commission.
  - (b) If the legal description of the property to be included in the relevant protection area is available through the county recorder's office, the applicable legislative body shall use that legal description in its executed document required in Subsection (4)(a).
- (5) Within 10 days of the recording of the agriculture protection area, the applicable legislative body shall:

- (a) send written notification to the commissioner of agriculture and food that the agriculture protection area has been created; and
- (b) include in the notification:
  - (i) the number of landowners owning land within the agriculture protection area;
  - (ii) the total acreage of the area;
  - (iii) the date of approval of the area; and
  - (iv) the date of recording.
- (6) The applicable legislative body's failure to record the notice required under Subsection (4) or to send the written notification under Subsection (5) does not invalidate the creation of an agriculture protection area.
- (7) The applicable legislative body may consider the cost of recording notice under Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee under Subsection 17-41-301(4)(b).

Amended by Chapter 435, 2023 General Session

**KANE COUNTY ORDINANCE NO. O 2025-25**

**AN ORDINANCE REVISING KANE COUNTY LAND USE ORDINANCE  
CHAPTER 21 SUBDIVISION REGULATIONS ARTICLE E SECTION 9 B 3 AND  
ARTICLE F SECTION 3 DEDICATION OF NONSUBDIVISION RIGHTS-OF-WAY AND  
ROADWAYS**

**WHEREAS**, after a duly noticed public hearing, the Kane County Planning Commission recommended changes to Chapter 21 Subdivision Regulations in Articles E and F of the Kane County Land Use Ordinance; and

**WHEREAS**, the Kane County Planning Commission recommends deleting the 500 feet wording and matching state code to state the addition each property owner of record within the portion of the subdivision that is proposed to be amended to Chapter 21 Article E Section 9 B 3; and

**WHEREAS**, the Kane County Planning Commission recommends removing Commission and inserting Administrative Land Use Authority for road dedication plats in Chapter 21 Article F Section 3; and

**WHEREAS**, the Kane County Board of Commissioners desires to implement the recommendations of the Planning Commission and amend the Kane County Land Use Ordinance Subdivision Regulations with the additional changes and other modifications; and

**WHEREAS**, the Kane County Commission desires to stay in compliance with Utah State Code regulations in particular with Utah Code §17-27a-600 Subdivisions 607 and 609.5; and

**WHEREAS**, the authority for this ordinance is found in Utah Code §17-27a-101 et. al., and §17-27a- Part 6 Subdivisions 607 and 609.5; and

**NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:**

**Section 1. Ordinance Amendment.**

Kane County Code Title 9 Chapter 21 Subdivision Regulations Kane County Land Use Ordinance is amended to read as follows. Additions to the ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

//

## **9-21E-9: VACATING OR AMENDING A SUBDIVISION OR PLANNED UNIT DEVELOPMENT PLAT:**

3. If the application for an amended plat includes a request to further subdivide or to create any additional lots, the application may only be approved if:

B. Submission Items:

3. ~~Provide names and addresses of all property owners within 500 feet of the affected property;~~

3. each property owner of record within the portion of the subdivision that is proposed to be amended.

//

## **9-21F-3: DEDICATION OF NONSUBDIVISION RIGHTS-OF-WAY AND ROADWAYS:**

~~The Kane County Commission, Administrative Land Use Authority, Government Affairs and Road Department Supervisor on recommendation from the Kane County Land Use Authority, may accept Master Transportation Plans for areas in Kane County. Once a Master Transportation Plan is in place for an area the property owner(s) within the Master Transportation Plan area may dedicate the planned road(s) to Kane County- Kane County Land Use Authority and Kane County Commission may accept the dedicated roads by the recording of a road dedication plat. (Ord. O-2019-2, 1-14-2019)~~

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## **Section 2. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

## **Section 3. Effective Date**

This ordinance is effective fifteen (15) days after adoption, and after publication and notice are completed as set forth below.

## **Section 4. Publication and Notice.**

This Ordinance shall be deposited in the Office of the Kane County Clerk. The Kane County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the Kane County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

End of Ordinance.

ADOPTED this 26th day of August, 2025.

ATTEST:

\_\_\_\_\_  
CHAMEILL LAMB  
Kane County Clerk

\_\_\_\_\_  
Celeste Meyeres, Chair  
Board of Commissioners  
Kane County

Commissioner Brown voted \_\_\_\_\_  
Commissioner Meyeres voted \_\_\_\_\_  
Commissioner Kubeja voted \_\_\_\_\_

Public Hearing

**7. Ordinance 2025-25**

An Ordinance Revising Kane County Land Use Ordinance  
Chapter 21: Subdivision Regulations; Article E Section 9-B-3 and  
Article F Section 3:Dedication Of Non-Subdivision Rights-Of-  
Way and Roadways



*Effective 5/7/2025*

**17-27a-608. Subdivision amendments.**

- (1) (a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that has been laid out and platted as provided in this part may file a petition with the land use authority to request a subdivision amendment.
- (b) Upon filing a petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section [17-27a-603](#) that:
  - (i) depicts only the portion of the subdivision that is proposed to be amended;
  - (ii) includes a plat name distinguishing the amended plat from the original plat;
  - (iii) describes the differences between the amended plat and the original plat; and
  - (iv) includes references to the original plat.
- (c) (i) The land use authority shall provide notice of a petition filed under Subsection [\(1\)\(a\)](#) by mail or email to:
  - (A) each affected entity that provides a service to a property owner of record of the portion of the plat that is being amended; and
  - (B) each property owner of record within the portion of the subdivision that is proposed to be amended.
- (ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which written objections to the petition are due to the land use authority, but no earlier than 10 calendar days after the day on which the land use authority sends the notice.
- (d) The land use authority shall hold a public hearing within 45 days after the day on which a petition is filed under Subsection [\(1\)\(a\)](#) if:
  - (i) any property owner within the subdivision that is proposed to be amended notifies the county of the owner's objection in writing by the deadline for objections, as described in Subsection [\(1\)\(c\)\(ii\)](#); or
  - (ii) a county ordinance requires a public hearing if all of the owners within the portion of the subdivision proposed to be amended have not signed the proposed amended plat.
- (e) A land use authority may approve a petition for subdivision amendment no earlier than:
  - (i) the day after the day on which written objections were due to the land authority, as described in Subsection [\(1\)\(c\)\(ii\)](#); or
  - (ii) if a public hearing is required as described in Subsection [\(1\)\(d\)](#), the day on which the public hearing takes place.
- (f) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a

culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

(2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:

(a) the petition seeks to:

- (i) join two or more of the petitioning fee owner's contiguous lots;
- (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
- (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
- (iv) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
  - (A) owned by the petitioner; or
  - (B) designated as a common area; and

(b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.

***Effective 5/14/2019***

**17-27a-607. Dedication by plat of public streets and other public places.**

- (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in this part, operates, when recorded, as a dedication of all public streets and other public places, and vests the fee of those parcels of land in the county for the public for the uses named or intended in the plat.
- (2) The dedication established by this section does not impose liability upon the county for public streets and other public places that are dedicated in this manner but are unimproved unless:
  - (a) adequate financial assurance has been provided in accordance with this chapter; and
  - (b) the county has accepted the dedication.

***AS in this section refers to the Subdivision part of Utah State code***

***Effective 5/3/2023***

**17-27a-604.1. Process for subdivision review and approval.**

- (1) (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a county, including county staff or a county planning commission.

- (b) "Administrative land use authority" does not include a county legislative body or a member of a county legislative body.
- (2)
  - (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
  - (b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
- (3) A county ordinance governing the subdivision of land shall:
  - (a) comply with this section and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
  - (b)
    - (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
    - (ii) if the county has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section [17-27a-605](#), the county may designate a different and separate administrative land use authority for the approval of subdivisions under Section [17-27a-605](#).
- (4)
  - (a) If an applicant requests a pre-application meeting, the county shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
  - (b) At the pre-application meeting, the county staff shall provide or have available on the county website the following:
    - (i) copies of applicable land use regulations;
    - (ii) a complete list of standards required for the project;
    - (iii) preliminary and final application checklists; and
    - (iv) feedback on the concept plan.
- (5) A preliminary subdivision application shall comply with all applicable county ordinances and requirements of this section.
- (6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a county staff level.
- (7) With respect to a preliminary application to subdivide land, an administrative land use authority may:
  - (a) receive public comment; and
  - (b) hold no more than one public hearing.
- (8) If a preliminary subdivision application complies with the applicable county ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.
- (9) A county shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and county ordinances, which:

- (a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and
  - (b) may not require planning commission or county legislative body approval.
- (10) If a final subdivision application complies with the requirements of this section, the applicable county ordinances, and the preliminary subdivision approval granted under Subsection [\(9\)\(a\)](#), a county shall approve the final subdivision application.

**MOTION: I move to recommend denying/approving Ordinance 2025-25 for Compliance revisions to Utah State Code in Chapter 21 Subdivision Regulations based on the facts and findings as documented in the ordinance.**