



March 11, 2026, 6:00 PM
Planning Commission/Land Use Authority
Kane County Commission Chambers
76 N. Main Street, Kanab, Utah

To watch this meeting live:
Video call link: <https://meet.google.com/oux-rdjw-orn>
Or dial: (US) +1 339-707-7414 PIN: 555 977 356#

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

February 11, 2026

ADMINISTRATIVE ITEMS

3. Commercial CUP; Enhanced Home Builders LLC

Approve / Deny an application for a Commercial Conditional Use Permit to extend the height of commercial building's roof to 49 feet.

Lot #: 51-116

Zoned: C-1

Acreage: 1.14 acres

LEGISLATIVE ITEMS

Public Hearing

4. Zone Change/Ordinance 2026-07/JZB Enterprises, LLC

An application to consider a Zone Change from Commercial 1 (C-1) to Commercial 2 (C-2). The intended use of the property will be a carwash, laundromat, and eventually storage units. Ordinance 2026-07

Lot #: 194-24

Zoned: Commercial 1 (C-1)

Acreage: 1 acre

Public Hearing

5. Ordinance 2026-08

An Ordinance revising Kane County Land Use Ordinance, Title 9, Chapter 27, to Recognize Historic Livestock Trails as Established Roadways.

Public Hearing

6. Ordinance 2026-09

An Ordinance revising Kane County Land Use Ordinance, Title 9, Chapter 7, Commercial Roof Heights and amending references to Utah Code Title 17, Chapter 27A to Title 17, Chapter 79, within chapter 1 of the Kane County Land Use Ordinance.

Public Hearing

7. Ordinance 2026-10

An Ordinance Revising the Kane County General Plan, Acknowledgement Section and Chapter 1.

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; 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

February 11, 2026



MINUTES
February 11, 2026
Planning Commission/Land Use Authority
Kane County Commission Chambers
76 N. Main Street, Kanab, Utah

VICE-CHAIRMAN: Matt Cox

MEMBERS PRESENT: Mason Haycock, Doug Heaton, Julie Millard, Lara Clayson, Larry Crutchfield, Matt Cox

MEMBERS ABSENT: John Reese

EX-OFFICIO MEMBER: Commissioner Gwen Brown

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

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

GENERAL BUSINESS

1. Update on Commission Actions

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

Commissioner Brown provided an update noting the recent approval of a zone change for Ramsey from agricultural to manufacturing.

2. Approval of Minutes

January 14, 2026

MOTION: Doug Heaton

SECOND: Mason Haycock

VOTE: The motion passed unanimously.

MOTION: A motion was made by Mason Haycock 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.

LEGISLATIVE BUSINESS

3. Zone Change: Jeremy Hardman, Blake Helquist, Clint Helquist, Darin Peterson and Anthony Tippetts Jr.

An application to consider a Zone Change from Agriculture FAA (AG-FAA) to Rural Ten (RU-10). The intended use of the property will be for year-round glamping / cabin sites. Ordinance 2026-02

Parcel #s: 258-4, 258-5 & 258-7

Zoned: AG-FAA

Acreage: 10.78, 11.27, 11.17 respectively

Jeremy Hardman presented a rezoning application to change parcels 258-4, 258-5, and 258-7 from AG FAA to RU-10 for low-density, year-round lodging, describing ownership, family operation, existing four cabins, and the presence of municipal water, electricity, fire hydrants, and safe highway access. He explained anticipated phased growth, estimated unit limits given topography, and potential on-site amenities such as a small restaurant; staff provided context about the rural unimproved subdivision classification and existing infrastructure that distinguishes this parcel.

Vice - Chairman Matt Cox called the commission into public hearing.

No Comments.

Vice-Chairman Matt Cox called the commission out of public hearing.

MOTION: Doug Heaton made a motion to recommend approval of the RU-10 zoning to the Kane County Commissioners.

SECOND: Mason Haycock seconded the motion.

VOTE: The vote was unanimous.

4. Zone Change: NL Land & Cattle Co LLC

An application to consider a Zone Change from Agriculture (AG) to Residential Five (R-5). The intended use of the property will be to split the property. Ordinance 2026-03

Parcel #s: 4-5-9-1A & 4-5-9-2

Zoned: AG

Acreage: 63.45, 45.41 respectively

The commission heard a presentation from NL Land and Cattle Co, represented by Tom Avant, to change two parcels from Agricultural to R-5 to enable five-acre equestrian-style lots and to discourage vacation rentals. Tom described that this property is adjacent to BLM land and is suitable for horseback riding. He said that the BLM road will remain open and accessible and that any future subdivision will follow required improvements; staff noted clay soils in the area and recommended larger five-acre lots as appropriate.

Vice - Chairman Matt Cox called the commission into public hearing.

Ali Route- described personal flood and erosion damage allegedly caused by prior parcel division nearby and urged caution on further development, noting connections between past parceling and downstream impacts.

Maria VanHart- emphasized clay soils in the 8 Mile Gap area and septic-perc concerns related to the soils. She reported a neighbor's marginal percolation issues, and questioned the suitability of the land for equestrian use.

Nicole Schmuker- raised traffic and road-use concerns, noting expectations about access to 8 Mile Gap Road and use of Sunflower Valley Estates' paved road.

Paul Child- Also agreed with Nicole's concern of traffic. He cited observed speeding and urged developer mitigation.

Martin Greenbank- Martin requested preservation of an existing BLM access road.

Sam Noel- Sam Noel described local roots, the family's land ownership and intent to develop a small portion for jobs and housing, and emphasized inclusion of equestrian and ATV use plus access to BLM.

Shanell Heeley- expressed support for rural parceling and noted maintenance issues on 8 Mile Gap Road.

Lorraine Christian- the immediate west adjacent landowner, described long-term residence, concerns about losing rural character and night skies, highlighted severe clay and soil piping at her site, and requested larger lot sizes for zoning changes.

Vice - Chairman Matt Cox called the commission out of public hearing.

Larry asked Tom about why R-5 was chosen. Tom explained that R-5 was the next zone option down from AG. Some lots may be over 5 acres when the subdivision is actually planned. The final lot sizes will be based on the suitability of the land for building. With R-5 zoning, the lots will not be able to go smaller than 5 acres.

Tom then addressed the road requirements for the R-5 zone.

MOTION: Mason Haycock made a motion to recommend approval to the Kane County Commissioners.

SECOND: Lara Clayson seconded the motion.

VOTE: The vote was unanimous.

5. Zone Change: Noel Christopher Eberz, Gregory Wyatt

An application to consider a Zone Change from Agriculture (AG) to Commercial Two (C-2).
The intended use of the property will be a 60-unit hotel development. Ordinance 2026-04
Parcel #s: 4-7-2-1 & 4-7-3-1A

Zoned: AG

Acreage: 645.2 & 280 respectively

Applicants Jennie Peterson and Greg Wyatt introduced themselves and described their hospitality experience and current 17-unit Costa Rica property as precedent for a proposed 60-unit, low-density hotel and retreat on part of the Old Fort Ranch. They emphasized local hiring, year-round employment, low-visibility design, and that no subdivision is planned for the rezoned area.

The Planning & Zoning Commissioners and staff questioned revenue impacts, water sourcing, road improvements, lighting, and infrastructure responsibilities. Applicants confirmed water rights on-site, ongoing discussions with Fredonia and the water conservancy to model supply and fire protection, plans for downcast hooded lighting, limited road widening to allow vehicle passing, and intentions to maintain roads and on-site utilities as needed; several Planning & Zoning Commissioners commented on likely positive transient-tax impacts.

- Applicants stated they have water rights on the property and are in discussions with Fredonia and the water conservancy to model supply and fire protection for the development.
- Access to the site is primarily via a private easement road, not a county road, and applicants plan limited widening and culvert repairs while keeping the road predominantly dirt to preserve the experience.

The Applicants and the P&Z Commissioners discussed the level of detail needed for planning and agreed a development agreement with defined permitted uses could substitute for full engineering plans at this stage.

Vice- Chairman Matt Cox called the commission into public hearing and the following people gave public comment.

Sam Noel- emphasized that although the county often says it lacks funds, this project would bring significant outside investment and revenue. He expressed strong support for approving the proposal, praising the developers as entrepreneurs and risk-takers willing to commit substantial financial resources.

Chris Eberz, Land owner- expressed confidence that the project would bring economic benefits to Fredonia, Kanab, and the county with relatively low impact and high return. He explained his decision to grant the developer exclusive control of the property because he believes in the vision and sees potential for neighboring landowners to benefit as well. He concluded that he believes the project is a win-win for everyone involved and emphasized that he would not have agreed to the deal if he did not feel it was the right decision.

Maria VanHart- disagreed with the idea of approving the project solely for financial gain, stressing the importance of protecting the community's character while still supporting

responsible development. She expressed admiration for the proposed resort and voiced conditional support for ecotourism if safeguards are in place for the county and local residents.

Mandi. Noel- supported the project, explaining that preserving natural views and preventing traditional subdivision development is important to her. She believes the proposal would keep the land visually pristine while also generating significant tax revenue for the community.

Shanell Heeley, supported the ecotourism project, noting it aligns with community concerns about density, visual impact, and preservation of nature. She suggested approving the project's intended uses rather than requiring a fully detailed plan upfront, recognizing that large developments take years to design and complete.

Ali Route-did not oppose the development itself but emphasized the need for safeguards, noting that future ownership or changing circumstances could lead to different, potentially incompatible uses. She urged the county to require reasonable planning and due diligence rather than granting broad zoning without clear limitations. Ali also raised broader concerns about tourism growth and occupancy levels.

Martin Greenbank- expressed overall support for the project and had no major objections, but requested that a helicopter pad not be included in the development.

Jeremy Hardman- expressed cautious support for the project, recognizing the challenges of completing such a development and the importance of preserving the area's character. He emphasized that the county should ensure strong long-term planning and protections in case the project does not proceed as intended.

Jacob Cluff- strongly supported the project, praising the developers' vision and planning while noting the site's limited visibility from Kanab and minimal community impact. They believe the proposal would bring revenue, jobs, and quality development without overburdening the area.

Cindy Nelson, Partner- expressed support for the project, explaining that the site is largely hidden from Kanab and designed as very low-density development across a large area. She believes this limited visibility and scale make it beneficial for the community, including through increased tax revenue.

Public speakers largely supported the low-impact resort, citing preserved views, economic benefits, and minimal visibility from Kanab, while requesting limits on density, visibility, and incompatible future uses such as a data center or helicopter pad.

Applicants expressed willingness to restrict uses through a development agreement and identify supporting infrastructure, potentially including employee housing. The Planning Commission emphasized the need for a clear list of permitted uses before recommending rezoning and directed staff and legal counsel to draft a use-agreement.

The committee ultimately recommended approving the zone change for parcels 4-7-2-1 and 4-7-3-1A from AG to C2, contingent on the applicant providing a use plan or agreement within a defined timeline, with zoning potentially reverting back to AG if no agreement is reached.

Vice-Chairman Matt Cox called the commission out of public hearing.

MOTION: Lara Clayson made a motion to recommend approving this item contingent on the applicant having a use agreement available to submit to the Kane County Commission.

SECOND: Larry Crutchfield and Julie Millard seconded the motion.

VOTE: The vote was unanimous.

ADMINISTRATIVE BUSINESS

6. Wind / Solar / Data Center Discussion

Shannon opened the discussion referencing an ordinance provided by Commissioner Kubeja and recent phone calls she had received. She led the initial conversation before inviting input from the Commission.

County Engineer Tom Avant addressed issues like employment related to data centers, noting they create very few jobs once operational and require significant water and power—resources that are limited in Kane County.

Larry Crutchfield also provided an in-depth overview of data centers and discussed the potential cost impacts to residents for water and power. Ultimately, the decision was made not to pursue an ordinance on this issue.

7. General Plan Chapter 1 Discussion

Shannon said the draft chapter 1 was emailed to Planning Commissioners and requested that they review the material and submit suggested changes by email or phone. She asked them to look at the General Plan chapter-by-chapter over the coming year, to see if updates or additions were needed. Staff will research newer census and permit numbers, and are committed to bringing revised chapters back next month for consideration and voting.

Mason made a motion to adjourn. Lara seconded the motion.
Meeting was adjourned at 8:10 pm.

Planning Commission Vice-Chair
Matt Cox

Land Use Administrative Assistant
Kresta Blomquist

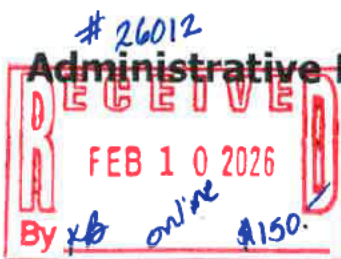
3. Commercial CUP; Enhanced Home Builders LLC

Approve / Deny an application for a Commercial Conditional Use Permit to extend the height of commercial building's roof to 49 feet.

Lot #: 51-116

Zoned: C-1

Acreage: 1.14 acres



Administrative Land Use Authority

76 North Main Street
Kanab, Utah 84741
(435) 644-4966

smcbride@kane.utah.gov

Residential Zone Conditional Use Permit Application Fee \$150.00*

***In the event additional engineering costs are accrued by the County related to a specific project the project applicant will be responsible for all additional engineering fees.
(KCLUO 9-15A-2C)**

Applicant's Information

Name(s): Enhanced Home Builders LLC

Mailing Address: P.O. Box 664

City: Hurricane State: UT Zip: 84737

Phone: [REDACTED] E-mail address: [REDACTED]

Property Information

51- [REDACTED]
Lot # 11.4A Zone: C-1 Total acreage: 1.14
Acreage occupied by new use: 0.128 Current use of land: Short term rental
PROPOSED USE: Short term rental

***Incomplete applications will be returned to the applicant/engineer.**

***Fee is non-refundable after engineer's review.**

Property Owner's information

(If different than applicant)

Name(s): Bash Holdings

Address: PO Box 664

City: Hurricane State: UT Zip: 84737

Phone: [REDACTED] E-mail address: [REDACTED]

A notarized affidavit by the owner that the applicant has authority to act on their behalf is required.

There shall be no presumption of approval of any aspect of the process. Each application for a Residential Conditional Use Permit shall have all required submittals before it is accepted as a complete application.

I (We) understand that the Administrative Land Use Authority shall not authorize a Residential Conditional Use Permit unless the evidence presented is such as to establish that such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified in the Kane County Land Use Ordinance for such use. (9-15A-(1-7))

[REDACTED]

Signature of owner(s) or applicant(s)

1/29/26
Date

ATTACH A LOCATION MAP, SITE MAP, SITE PLAN, BUILDING PLAN, AND DETAILED DESCRIPTION OF PROPOSED USE.

Please include a parcel map obtained from the Kane County Recorder's Office.

Administrative Land Use Authority Action:

☐

Approve

☐

Deny

Administrative Land Use Authority

Date



CEDAR MOUNTAIN FIRE & RESCUE

3620 Mammoth Creek Rd
HC 82 Box 1084, Duck Creek Village, UT 84762
T: 435-682-3225 F: 435-682-3206
www.cedarmountain servicedistrict.gov

To Whom It May Concern:

01/26/2026

This letter is in response to the request for our district to supply a letter of support for the proposed remodel of the Pinewood Resort. The address of the structure is 1440 Duck Creek Ridge Road. Following a discussion and review of the preliminary plans, we hereby approve the proposed plans, contingent upon their evaluation and final approval by the Kane County Building Department, and their adherence to all applicable building and fire code requirements for this structure and its intended occupancy type.

This building is situated within our district's service area and will be served by our Fire Department. We therefore expect strict adherence to all fire codes as adopted by the Kane County Building Department and the State of Utah.

Sincerely,

A handwritten signature in black ink, appearing to read "Forrest Barnard", with a long, sweeping horizontal line extending to the right.

Chief Barnard
Cedar Mountain Service District
435-233-8804

FIRE CHIEF | FORREST BARNARD

DISTRICT MANAGER | KENDALEE COX



Administrative Land Use Authority
76 North Main Street
Kanab, Utah 84741
Phone (435) 644-4966
smcbride@kane.utah.gov

KANE COUNTY COMMERCIAL CONDITIONAL USE PERMIT

CUP No.: 26012
Parcel No.: 51-116A
Zoning District: C-1

APPLICANT INFORMATION

Applicant Name: Enhanced Home Builders LLC

Date of Application: February 25, 2026

FINDINGS OF THE LAND USE AUTHORITY

Pursuant to the Kane County Land Use Ordinance (KCLUO), the Land Use Authority has reviewed the application for a commercial Conditional Use Permit and, after due consideration, hereby makes the following findings:

1. The proposed use is necessary or desirable and contributes to the general well-being of the community.
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, nor injurious to property or improvements in the vicinity.
3. The proposed use complies with the intent, spirit, and applicable regulations of the Kane County Land Use Ordinance and the Kane County General Plan, including KCLUO § 9-15A-2E(2)(a).
4. The proposed use is compatible and harmonious with surrounding land uses within the zoning district, pursuant to KCLUO § 9-15A-2E(2)(b).

Code Reference

Kane County Land Use Ordinance § 9-7B-4

9-7B-4: HEIGHT REGULATIONS:

No building or structure shall be erected to a height greater than thirty-five feet (35'), unless otherwise approved through a conditional use permit. (Ord. O-2022-42, 7-26-2022)

CONDITIONS OF APPROVAL

1. **Compliance with Applicable Laws**

The permit holder shall comply with all applicable federal, state, and local laws, ordinances, rules, regulations, and codes, including Kane County Land Use Ordinance § 9-15A-(1-7).

2. A feasibility letter from the local fire department.

3. Sprinklers and fire hydrant will be required at building permit stage.

MITIGATION MEASURES

- Installation of a fire hydrant within five hundred (500) feet of the lodge
 - Fire suppression system installation where required by the Fire Marshal or applicable code
-

FINAL LEGAL CHECK

- ☐ Consistent with **KCLUO §§ 9-7B-4, 9-15A**
- ☐ No internal conflicts between occupancy, infrastructure, or enforcement
- ☐ Fire hydrant **and** suppression requirements reconciled

COMMERCIAL CONDITIONAL USE PERMIT GRANTED

Based on the application submitted and based on the forgoing findings of fact, the Land Use Authority hereby grants the Commercial conditional use as outlined below, subject to all conditions listed herein and any other conditions enforceable in law or in equity. In the event that any of the conditions of this permit are not followed, the Administrator reserves the right to revoke, in whole or in part, the commercial conditional use granted herein.

Applicant is hereby granted the following residential conditional use: **Extend the roof height to 49 ft. in a Commercial 1 Zone.**

MOTION

Based upon the application materials submitted and the foregoing findings of fact, the Kane County Land Use Hereby Approves/Deny's this Commercial Conditional Use Permit, to extend the roof height to 49 ft. for a future building on lot 51-116A subject to all conditions set forth herein and any other requirements enforceable in law or equity.

Failure to comply with any condition of this permit may result in revocation, modification, or enforcement action.

APPROVED CONDITIONAL USE

Authorized Use: ____ FT. Roof height

Zoning District: Commercial 1 Zone

- Up to _____ roof height

DEFINITION

Kane County Land Use Ordinance

CONDITIONS OF APPROVAL

9-7B-4: HEIGHT REGULATIONS:

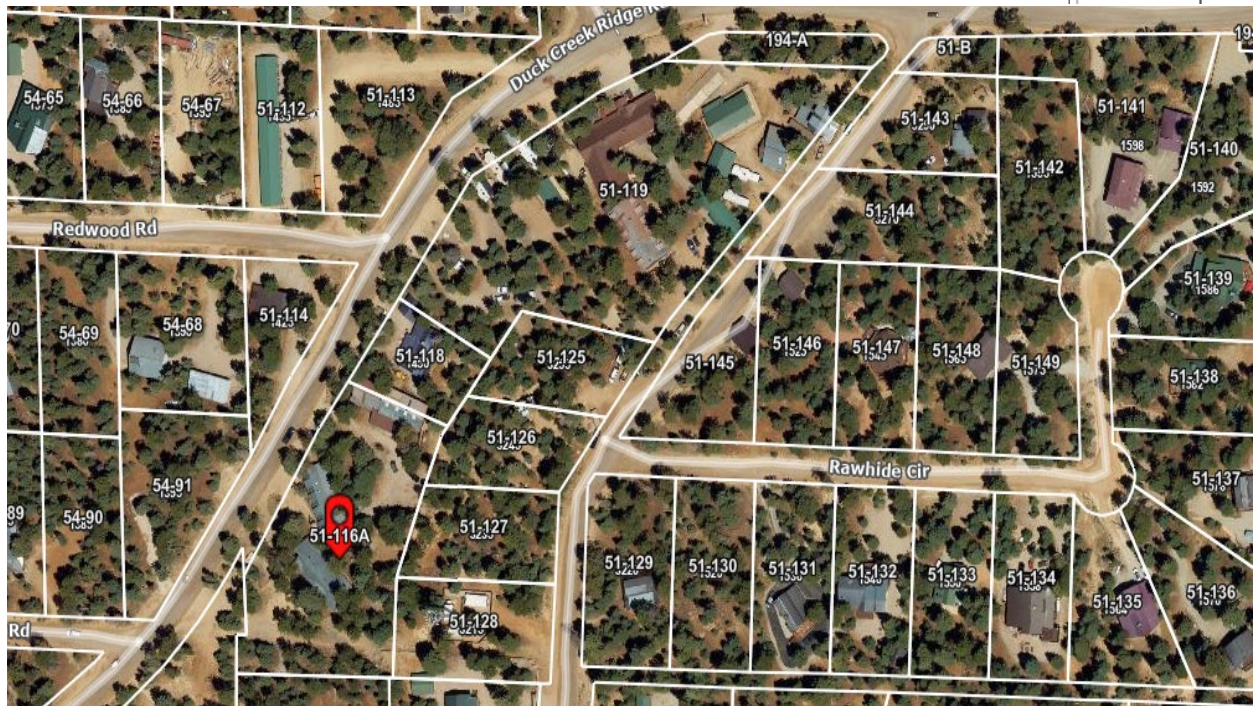
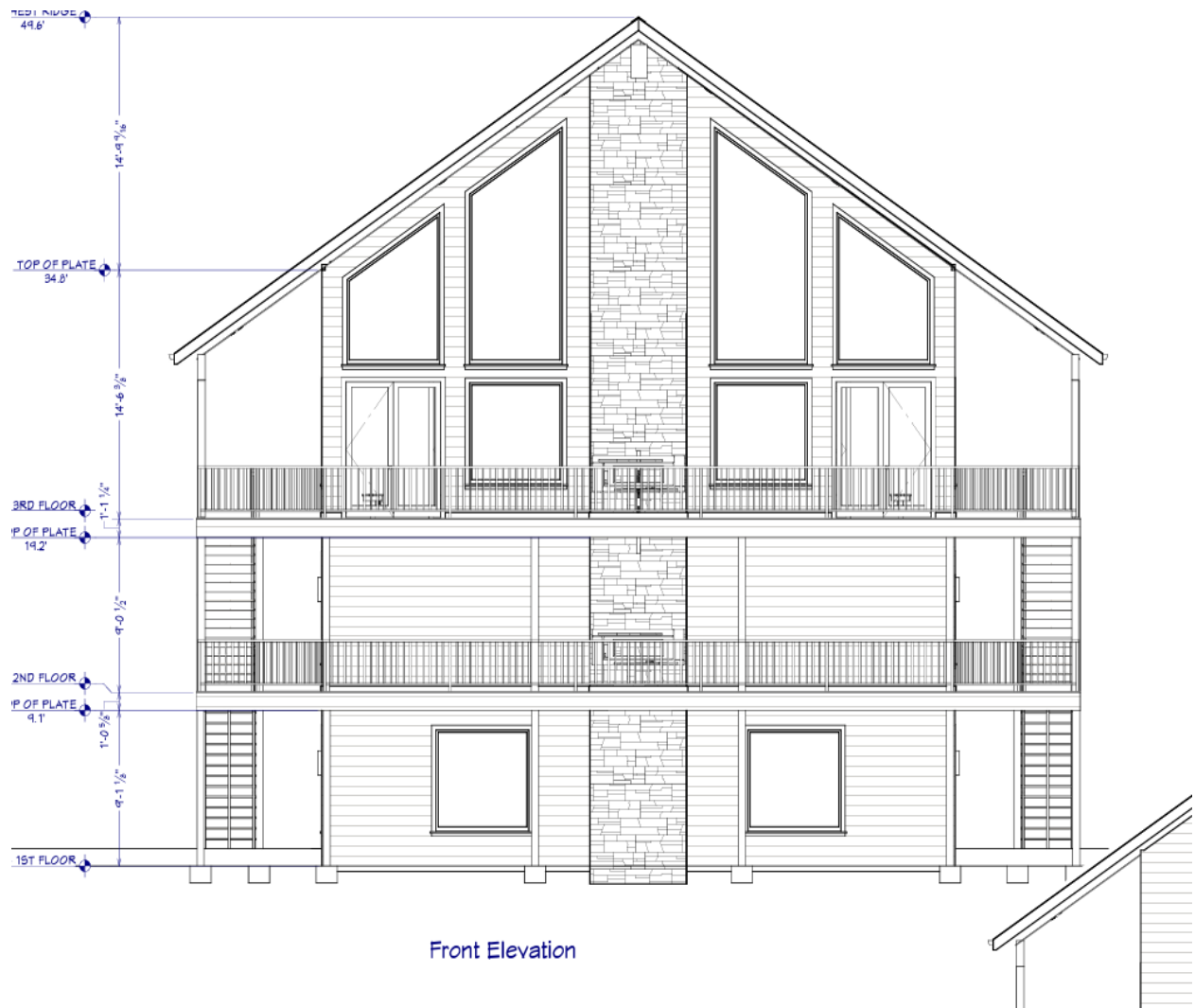
No building or structure shall be erected to a height greater than thirty-five feet (35'), unless otherwise approved through a conditional use permit. (Ord. O-2022-42, 7-26-2022)

9-7C-4: HEIGHT REGULATIONS:

No building or structure shall be erected to a height greater than forty-five feet (45'), unless otherwise approved by the planning commission through a Conditional Use Permit. (Ord. O-2022-42, 7-26-2022)

1. The operative state requirement, as established by the **Utah State Construction and Fire Codes Act (Utah Code § 15A-5-203). Single-Lot Subdivision and Defensible Space (Section 501.5(vi))**: This single-family dwelling on a large rural lot will maintain the required **50 feet of defensible space** on all sides. The code confirms that this defensible space, combined with the sprinkler system, satisfies the state's comprehensive safety requirements.

Based on this information, a **sprinkler system** is the required component for this permit. I recommend an NFPA 13D sprinkler design, which aligns with the provisions of the State Construction and Fire Codes Act, and satisfies Title 9, Chapter 6, Article D.



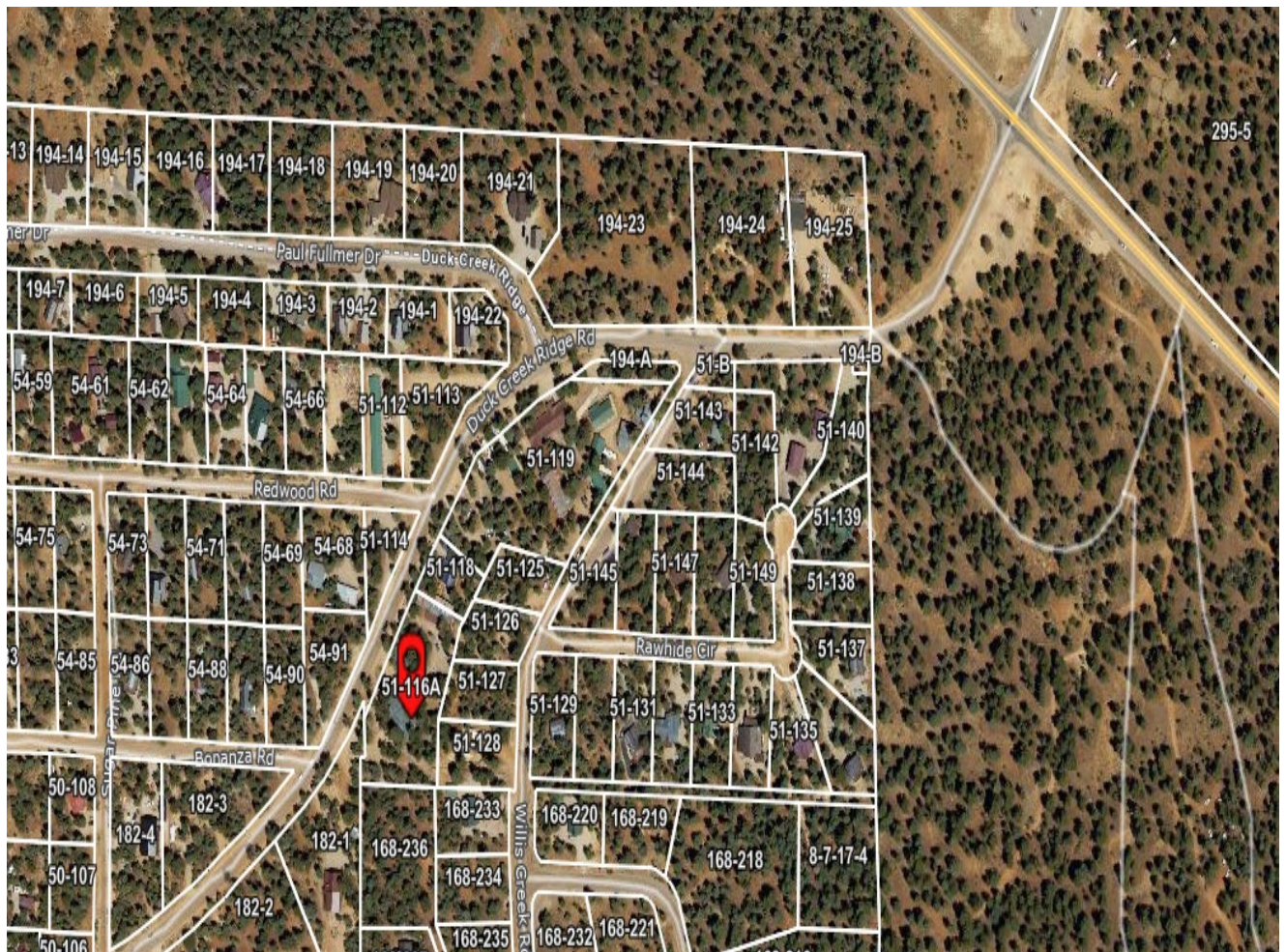


Right Elevation

2.



Right Elevation



Public Hearing

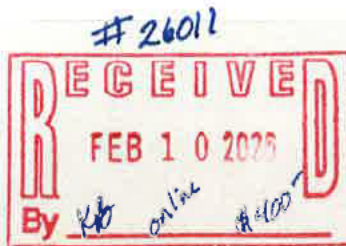
4. Zone Change/Ordinance 2026-07/JZB Enterprises, LLC

An application to consider a Zone Change from Commercial 1 (C-1) to Commercial 2 (C-2). The intended use of the property will be a carwash, laundromat, and eventually storage units. Ordinance 2026-07

Lot #: 194-24

Zoned: Commercial 1 (C-1)

Acreage: 1 acre



Land Use Authority
76 North Main Street
Kanab, Utah 84741
(435) 644-4966
planning@kane.utah.gov

REQUEST FOR ZONE CHANGE

FEE: \$400

Owner Name: JZB Enterprises LLC (Zach & Jayne Hascall)
(#82 Box 1164) ^{mailing} Date: 2/10/2025
Address: 1575 E. Duck Creek Ridge Rd. Email: [REDACTED]
City: Duck Creek Village State: UT Zip: 84762 Phone: [REDACTED]

PARCEL / LOT #: 194-24

LOCATION AND LEGAL DESCRIPTION OF PROPERTY:

1575 E. Duck Creek Ridge Rd.
ALL OF LOT 24 Alpine Meadows Subdivision

CURRENT ZONE: C-1 PROPOSED ZONE: C-2

INTENDED USE AND REASON FOR ZONE CHANGE: Car Wash, Laundry Mat
+ eventually storage units

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

**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: February 19, 2026

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 26011: Zone Change Application, C-1 to C-2, Ordinance O-2026-07
Lot 194-24 consisting of 1 acre

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.
-

REQUEST:

On February 10, 2026, JZB Enterprises LLC, Zach & Jayne Hascall, submitted a zone change application for lot 194-24, 1575 E Duck Creek Ridge Road in Kane County, Utah, requesting to rezone from Commercial-1 to Commercial 2. The intended use is to develop the property with a car wash, laundry mat and eventually storage units.

LEGAL DESCRIPTION:

Parcel Number 194-24

Tax District 15 – Cedar Mtn Service District

Acres 1.00

Situs Address 1575 E Duck Creek Ridge RD

Legal ALL OF LOT 24 ALPINE MEADOWS SUBDIVISION.

FACTS & FINDINGS:

Lot Characteristics

- Lot 194-24 meets the minimum acreage required to be zoned C-2.

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

- The lot is currently zoned C-1.
- The owner requests the lot be zoned C-2 which requires a zone change.
- Surrounding parcels are zoned C-1, C-2, USFS and R-1/2.
- All property owners within 500 ft. of this lot have been mailed a public notice.
- The lot would gain access from the Duck Creek Ridge Road off Highway 14.
- **Commercial 1 USES 9-7B-1: PURPOSE:** The purpose of the Commercial 1 zone is to provide for the sale of goods and the performance of services and other activities for which the market extends beyond the immediate area. (Ord. O-2022-42, 7-26-2022; amd. Ord. O-2022-60, 11-22-2022)
- **9-7B-2: USE REGULATIONS:** Development of any parcel of land for any of the uses listed in this section exceeding fifteen thousand (15,000) square feet of total building floor area are not permitted in this zone.
 - A. Permitted Uses: The following uses are permitted in the C-1 zone:
 Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use.
 Any permitted uses listed in the light commercial (L-C) zone.
 Restaurants.
 Retail sale and/or rental of goods, merchandise and equipment conducted wholly within an enclosed building.
 Tour Companies without ATV/UHV rentals.
 - B. Multi-Residential, Residential And Agricultural Uses: All uses listed in the multi-residential, residential and agricultural uses table are allowed in the C-1 Zone with their appropriate designation of permitted or conditional unless otherwise changed in the commercial uses table.
 - C. Conditional Uses: The following uses are subject to the conditional use approval process outlined in chapter 15 of this title:
 Accessory uses and buildings, customarily incidental and subordinate to an approved conditional use.
 Automobile car wash, not to exceed four (4) bays.
 Automobile sales
 Automobile fuel stations.
 Cell towers.
 Child daycare or preschool center which meets all state and local regulations.
 Commercial recreation and entertainment facilities, not to include sexually oriented businesses.
 Heli pad private.
 Private business and technical schools.
 Reception center and/or wedding chapel.
 - D. Any uses not set forth in this section or L-C are not allowed.
 - E. Other: Any use not named which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the chapter by the Kane County Planning Commission in a public hearing and approval of the County Commission. (Ord. O-2022-42, 7-26-2022; amd. Ord. O-2023-12, 4-25-2023)

- **COMMERCIAL 2 USES C-2 9-7C-2: USE REGULATIONS:**

A. Permitted Uses: The following uses are permitted in the C-2 zone:

Any permitted use listed in the L-C and C-1 zones.

Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use.

Auditoriums, conference rooms, museums, theaters, libraries and community social centers.

Car wash (large).

Freight or trucking yard or terminal.

Heli pad commercial.

Propane storage tanks.

Repairing, renovating, painting and cleaning of goods, merchandise and equipment.

Retail and/or wholesale sale and/or rental of goods, merchandise and equipment, which may include storage and display outside an enclosed building.

B. Conditional Uses: The following uses are subject to the conditional use approval process outlined in chapter 15 of this title.

Accessory uses and buildings, customarily incidental and subordinate to an approved conditional use.

ATV's/UTV's rentals.

Dams and Reservoirs.

Hospital.

Hotel or motel.

Motor vehicle, trailer, camper and recreational vehicle sales agency.

Recreational Vehicle Parks.

Storage units.

Solar Power panels producing over 25 KW.

Substation.

C. Any combination of the above uses which meets all other provisions of this title.

D. Other: Any use not named which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the chapter by the Kane County Planning Commission in a public hearing and approval of the County Commission. (Ord. O-2022-42, 7-26-2022)

- **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 C-2 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 commercial uses.
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 C-2.

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, C-2 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 approving/denying the zone change for lot 194-24 from C-1 to C-2 & Ordinance O-2026-07 to the County Commission based on the facts and findings as documented in the staff report.



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



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KANE COUNTY ORDINANCE NO. O 2026-07

AN ORDINANCE AMENDING THE ZONING OF LOT 194-24 IN THE ALPINE MEADOWS SUBDIVISION FROM COMMERCIAL 1 TO COMMERCIAL 2

WHEREAS, the Kane County Planning Commission, after due and legal notice, held a public hearing on March 11, 2026, and forwarded a recommendation to the Kane County Commission regarding this ordinance; and

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-7C-1: **PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)

WHEREAS, the Kane County Commission has reviewed the proposed ordinance, the staff report, the Planning Commission recommendation, and finds the amendment to be in the best interest of the public health, safety, and welfare; and

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections §17-79-201-202 & 205, and 17-79-503;

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to implement the recommended zone change to lot 194-24, from Commercial 1 to Commercial 2;

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

LEGAL DESCRIPTION:

Parcel Number 194-24

Tax District 15 – Cedar Mtn Service District

Acres 1.00

Situs Address 1575 E Duck Creek Ridge RD

Legal ALL OF LOT 24 ALPINE MEADOWS SUBDIVISION.

Is hereby rezoned from Commercial 1 to Commercial 2 and shall from here forth be zoned Commercial 2.

Section 1. 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 2. Effective Date

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

Section 3. 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 24th day of March, 2026

Commissioner Brown voted: _____

Commissioner Meyeres voted: _____

Commissioner Kubeja voted: _____

COUNTY:

Kane County, a political subdivision of the State of Utah

By: _____

Gwen Brown
Chair, Kane County Commission

Corporate Acknowledgment

State of Utah

§

County of _____)

On this _____ day of _____, in the year 20_____, personally appeared before me
Date Month Year
_____, whose identity is personally known to me (or proven on
Name of document signer
the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the
chair of the Kane County Commission and that said document was signed by him/her in behalf
of said Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and
also acknowledged to me that said Corporation executed the same.

Witness my hand and official seal.

(Notary signature and seal)

Notary Printed Name _____ My Commission Expires

Residing in _____, County

Public Hearing

5. Ordinance 2026-08

An Ordinance revising Kane County Land Use Ordinance, Title 9, Chapter 27, to Recognize Historic Livestock Trails as Established Roadways.

KANE COUNTY ORDINANCE NO. 2026-08

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 27 ARTICLE A OF THE KANE COUNTY
LAND USE ORDINANCE**

**ESCALANTE REGION MULTIPLE USE / MULTIPLE FUNCTIONS GRAZING ZONE
(ERMU/MFGZ)**

AND UPDATING THE KANE COUNTY GENERAL PLAN

SECTION 1. FINDINGS

WHEREAS, Kane County is authorized under Utah Code §17-79-102 to adopt and amend a General Plan and land use regulations to promote the health, safety, welfare, prosperity, and economic stability of the County; and

WHEREAS, Title 9, Chapter 27 Article A of the Kane County Code establishes the Escalante Region Multiple Use / Multiple Functions Grazing Zone; and

WHEREAS, the current language of Chapter 27 Article A was adopted in 2014 and requires modernization to reflect current federal coordination practices and clarified policy direction; and

WHEREAS, Kane County has historically depended upon livestock grazing, livestock trailing, mining, recreation, and other multiple-use activities for economic stability and cultural heritage; and

WHEREAS, the County desires to formally recognize Historic Livestock Trails within the Escalante Region Grazing Zone consistent with previously adopted County policy; and

WHEREAS, the Planning Commission has conducted a duly noticed public hearing pursuant to Utah Code §17-79-205; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Kane County General Plan and in the best interest of the citizens of Kane County;

NOW, THEREFORE, the Kane County Planning Commission recommends adoption of the following amendment to the Kane County Commission:

SECTION 2. AMENDMENT TO TITLE 9, CHAPTER 27 Article A. Zoning Districts

Kane County Code Title 9 Chapter 27 ERMU/MFGZ, Article A is amended to read as follows and 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.

(Title 9, Chapter 27 Article A is hereby repealed and replaced in its entirety as follows):

//

9-27A-1: PURPOSE

This zone is established to maintain open lands, protect historic agricultural uses, preserve multiple-use management, protect valid existing rights, and preserve Kane County's agricultural and cultural heritage.

Nothing in this chapter creates new rights-of-way or expands jurisdictional authority.

9-27A-2: DEFINITIONS

GRANDFATHERED USES: Uses lawfully existing as of October 21, 1976, pursuant to FLPMA §603(c), may continue in the same manner and degree as existed on that date.

MULTIPLE USE: Management of public lands consistent with 43 USC §1702(c), balancing renewable and nonrenewable resources without permanent impairment.

VALID EXISTING RIGHTS: Any valid lease, permit, patent, right-of-way, water right, or other land use authorization existing at the time of designation.

HISTORIC LIVESTOCK TRAILS: County roads, RS2477 rights-of-way, wagon roads, trails, and customary routes historically used for seasonal livestock movement.

9-27A-3: MODIFYING REGULATIONS

- Livestock grazing levels shall remain consistent with valid existing permits and applicable federal law.
- The Escalante Region Grazing Zone includes lands within Townships 38S through 44S, Ranges 1W through 9E.
- Management priorities include protection of grazing, historic livestock trails, RS2477 rights-of-way, mineral development, recreation, water resources, and emergency access.
- Federal agencies shall coordinate with Kane County during development and implementation of land use plans.
- Emergency search and rescue access shall not be impaired.

9-27A-4: PERMITTED AND CONDITIONAL USES

- Livestock grazing and trailing
- Hunting and fishing
- Mineral exploration and extraction
- Recreation compatible with grazing
- Timber and woodland products
- Telecommunications infrastructure
- Water development
- Utility corridors
- County transportation corridors

9-27A-5: GRAZING MANAGEMENT PLANS

- Adaptive management
- Monitoring
- Rangeland health assessments

- Flexible utilization standards
- Seasonal flexibility
- Reasonable water development and fencing
- Brush control and reseeded
- Avoidance of unnecessary allotment closures
- Use of Coordinated Resource Management Plans where appropriate

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SECTION:

9-27A-1: Purpose

9-27A-2: Definitions

9-27A-3: Modifying Regulations

9-27A-4: Permitted And Conditional Uses

9-27A-5: Grazing Management Plans

9-27A-1: PURPOSE:

~~To provide a multiple use/multiple functions zone which promotes local, state and federal coordination to restore, repair, redevelop and develop under Utah state code section 17-27a-102, which designates counties to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics for its present and future inhabitants and businesses, to protect the tax base, to secure economy and foster the county's agricultural and other industries and provide fairness in land use regulation, and to protect and enhance property values.~~

~~The purposes of providing a multiple use/multiple functions zone are to establish areas which are open and generally undeveloped lands where human habitation would be limited. The zone is designed to enhance and protect land and associated open space resources. The zone is established to encourage the use of land, where appropriate, for forest products, livestock grazing, agriculture, mining, wildlife habitat, and recreation. This zone is established to protect all valid private property rights and the continued use and full access to these rights. This zone is intended to promote the health, safety, convenience, order, prosperity and general welfare and economy of the inhabitants of Kane County, tourists and future generations. (Ord. 2014-6, 4-28-2014, eff. 5-13-2014)~~

9-27A-2: DEFINITIONS:

~~GRANDFATHERED USES: Grazing, mining, and mineral leasing uses and facilities that are allowed on the date of approval of FLPMA (October 21, 1976) or the designation~~

~~date for section 202 WSAs not reported to congress are grandfathered (i.e., allowed and permitted) as a preexisting use. As provided for in FLPMA section 603(c), these uses and facilities may continue in the same manner and degree as on that date, even if this impairs wilderness suitability. As described in FLPMA, grandfathered uses only include grazing, mining and mineral leases, and do not include other uses such as recreational activities.~~

~~Grandfathered uses may be acquired by a new operator, but cannot be transferred to a new location. The benchmark for the "manner and degree of an existing use is the physical and visual impact that use was having on the area on October 21, 1976".~~

~~MULTIPLE USE: In addition to other defining provisions in this chapter, the term "multiple use" means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the residents of Kane County; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output. See section 103(c) of FLPMA, 43 USC section 1702(c), 1976.~~

~~VALID EXISTING RIGHTS: Existing rights are defined in section 701 of FLPMA as any "valid lease, permit, patent, right of way, or other land use right or authorization" and must be in existence at the time of designation. (BLM manual 6220-national monuments, national conservation areas, and similar designations.) (Ord. 2014-17, 9-22-2014)~~

9-27A-3: MODIFYING REGULATIONS:

~~—A. No livestock grazing restrictions or amendments should change as stated by President Clinton's declaration in September 18, 1996: "Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal Lands within the monument...".~~

~~—B. The Escalante region multiple use/multiple functions grazing zone ("Escalante region grazing zone") includes the following lands situated in the following townships, as outlined in Utah code section 63J-8-102, including any amendments thereto, if any: (Ord. 2014-17, 9-22-2014)~~

~~Township 38S Range 1W, Township 38S Range 2W, Township 38S Range 3W, Township 38S Range 4W, Township 38S Range 1E, Township 38S Range 2E, Township 38S Range 3E, Township 38S Range 4E, Township 38S Range 5E,~~

~~Township 38S Range 6E, Township 38S Range 7E, Township 38S Range 8E, Township 38S Range 9E, Township 39S Range 1W, Township 39S Range 2W, Township 39S Range 3W, Township 39S Range 4W, Township 39S Range 1E, Township 39S Range 2E, Township 39S Range 3E, Township 39S Range 4E, Township 39S Range 5E, Township 39S Range 6E, Township 39S Range 7E, Township 39S Range 8E, Township 39S Range 9E, Township 40S Range 1W, Township 40S Range 2W, Township 40S Range 3W, Township 40S Range 4W, Township 40S Range 4.5W, Township 40S Range 5W, Township 40S Range 1E, Township 40S Range 2E, Township 40S Range 3E, Township 40S Range 4E, Township 40S Range 5E, Township 40S Range 6E, Township 40S Range 7E, Township 40S Range 8E, Township 40S Range 9E, Township 40.5S Range 9E, Township 41S Range 1W, Township 41S Range 2W, Township 41S Range 3W, Township 41S Range 4W, Township 41S Range 4.5W, Township 41S Range 5W, Township 41S Range 1E, Township 41S Range 2E, Township 41S Range 3E, Township 41S Range 4E, Township 41S Range 5E, Township 41S Range 6E, Township 41S Range 7E, Township 41S Range 8E, Township 41S Range 9E, Township 42S Range 1W, Township 42S Range 2W, Township 42S Range 3W, Township 42S Range 4W, Township 42S Range 4.5W, Township 42S Range 5W, Township 42S Range 1E, Township 42S Range 2E, Township 42S Range 3E, Township 42S Range 4E, Township 42S Range 5E, Township 42S Range 6E, Township 42S Range 7E, Township 42S Range 8E, Township 42S Range 9E, Township 43S Range 1W, Township 43S Range 2W, Township 43S Range 3W, Township 43S Range 4W, Township 43S Range 4.5W, Township 43S Range 5W, Township 43S Range 1E, Township 43S Range 2E, Township 43S Range 3E, Township 43S Range 4E, Township 43S Range 5E, Township 43S Range 6E, Township 44S Range 1W, Township 44S Range 2W, Township 44S Range 3W, Township 44S Range 4W, Township 44S Range 4.5W, Township 44S Range 5W, Township 44S Range 1E, Township 44S Range 2E, Township 44S Range 3E, Township 44S Range 4E, and Township 44S Range 5E.~~

~~—C. The highest management priorities for lands within the Escalante region grazing zone are responsible management, enhancement, and restoration of historic sagebrush steppe landscapes and development of existing and future livestock grazing resources, in order to provide protection for resources, customs, culture, and values of Kane County.~~

~~—D. Responsible development of locatable, leasable, and sellable mineral resources in the Escalante region grazing zone. (Ord. 2014-6, 4-28-2014, eff. 5-13-2014)~~

~~—E. Responsible development of abundant recreation resources, including wildlife, roads, campgrounds, water resources, trails, OHV use, sightseeing, canyoneering, hunting, hiking and public safety in emergency search and rescue missions is compatible with livestock grazing activities in the Escalante region grazing zone. (Ord. 2014-17, 9-22-2014)~~

~~—F. Access for disabled persons needs to be a high priority as required by federal law. Persons with disabilities should not be discriminated against and should have the same opportunities to access these lands as an able bodied person. This includes, but is not~~

~~limited to, the elderly, retired and disabled veterans who have been severely restricted in their ability to access these lands since the restrictions for the Grand Staircase Escalante National Monument have been put into place. Examples of appropriate access for disabled persons may include, but are not limited to, OHV, vehicular, and wheelchair access to areas disabled persons may be incapable of hiking to, walking to, or otherwise accessing.~~

~~—G. Kane County supports efficient and responsible full restoration, repair, redevelopment and development within the Escalante region grazing zone, of:~~

~~—1. All permitted existing and future livestock grazing resources;~~

~~—2. Other uses compatible with livestock grazing; and~~

~~—3. Coordination management approach by federal agencies, the state of Utah, and local governments to achieve broadly supported management plans for the full development of resources and goals, within the Escalante region grazing zone.~~

~~—H. Federal agencies that administer land within the Escalante region grazing zone shall coordinate with Kane County to develop, amend, and implement land and resource management plans and implement management decisions that are consistent with the purposes, goals, policies, and provisions described in this chapter to the maximum extent allowed under federal law.~~

~~—I. The national environmental policy act, federal land policy and management act, national forest management act, etc., and their implementing regulations and policies contain reciprocal requirements concerning cooperation, consultation and coordination by federal agencies with state and local governments and such cooperation needs to be fully implemented by Kane County and the relevant federal agencies.~~

~~—J. Kane County is sustained by a small population whose livelihoods have maintained the vast openness and natural beauty of the land treasured by visitors. All sources of economic support must be maintained at their highest possible level in order to sustain the economic stability of the county. To ensure this, the board of commissioners and the planning commission have dedicated themselves to a coordinated land use planning effort, which can hold the federal management agencies to standards set by congress regarding continuation of multiple uses of the federal lands.~~

~~—K. The county recognizes that federal law mandates multiple uses of federally managed lands and the county positively supports multiple use. Maintenance of such multiple uses necessarily includes continued maintenance of the historic and traditional economic uses of federally managed and state managed lands in the county.~~

~~—L. Kane County has depended on the livestock grazing industry throughout its history to provide economic stability to the county; therefore, livestock grazing must be protected to ensure the health, welfare and safety of the citizens.~~

~~—M. The American legend of the "cowboy" is found throughout the Escalante region grazing zone and is part of the culture and history of Kane County's "western legends". This cultural legend is what brings the tourism and movie industries to the county, and~~

helps to fuel the local economy. With livestock grazing being pushed out of the county by federal policies, this cultural icon, so identifiable with the persona of Kane County, is becoming endangered.

—N. Kane County's ranching and livestock grazing are protected uses under this zone due to multiple generational use of the land. A loss of livestock grazing rights would impact family economics and dynamics that cannot be replaced.

—O. Kane County recognizes the impact and value of livestock grazing and the recreational use of our public lands. These should continue to provide Kane County residents, tourists and future generations the opportunity to enjoy this rich heritage. Our families depend on these uses of the federal lands to stay in the area and continue this long tradition of responsible use of the lands.

—P. Access rights of way and water rights have historically been critical to the early pioneers in the county and they remain critical today. In 1866, congress enacted laws to provide and protect access across federal lands for people reliant upon water to earn their livelihood. The act of July 26, 1866, revised statute 2477, provided: "The right of way for the construction of highways over public land, not reserved for public uses, is hereby granted". Kane County ranchers developed such rights of way in the forms of roads and trails, which continue to be used today. The federal lands policy and management act (FLPMA) of 1976 repealed the 1866 revised statute 2477, subject to valid existing rights. Section 8 of the act states: "Nothing in this act, or in any amendment made by this act, shall be construed as terminating any valid lease, permit, patent, right of way, or other land use right or authorization existing on the date of approval of this act". The Utah legislature passed a statute establishing a procedure by which counties could provide for recording of such rights of way established under the 1866 law, and recognized by FLPMA. Kane County's board of commissioners established such a procedure and Kane County residents have recorded their rights of way.

—Q. Early ranchers established water rights through the doctrine of prior appropriation. The earliest adjudicated rights in Kane County date back to the 1800s. Today, holders of water rights are still struggling to preserve their rights against encroachment. This zone protects water rights and uses for ranchers and grazers alike.

—R. Some of the customs and aspects of the culture of Kane County have never altered from their historic beginnings. Mining, ranching, farming, timber production, and wood products have been productive industries that have supported county's residents for generations. Those activities continue today, except where federal encroachment has limited such activities. Federal agencies shall coordinate with Kane County to restore these historic uses and functions in the Escalante region grazing zone.

—S. The custom and culture of the county also include the determination of the people. Promoting harmony of man in his environment is a proper function of government and this zone. (Ord. 2014-6, 4-28-2014, eff. 5-13-2014)

—T. The BLM shall coordinate with Kane County for consistency with this article, the federal land policy and management act, and the Taylor grazing act (43 USC section

~~315 et seq., 1934, the act which created the agency that became known as the grazing service). The courts have recognized that the purpose of the act "is to stabilize the livestock industry and to permit the use of public range according to needs and qualifications of livestock operators with base holdings". See Chournos v. United States, 193 F.2d 321 (1951).~~

~~—U. Nothing in this article shall be construed as restricting the respective states from enforcing any and all statutes enacted for police regulation, nor shall the police power of the respective states be, by this article, impaired or restricted, and all laws heretofore enacted by the respective states or any amendments thereof, or that may hereafter be enacted as regards to public health or public welfare, shall at all times be in full force and effect; provided, however, that nothing in this section shall be construed as limiting or restricting the power and authority of the United States. 43 CFR 3155n. state police power not abridged (June 28, 1934, chapter 865, section 16, 48 statute 1275).~~

~~—V. The state of Utah shall continue to have the responsibility and authority to manage fish and wildlife, including regulation of hunting and fishing, on federal lands within the monument. See proclamation.~~

~~—W. Planned livestock grazing in this zone will be managed so as to maintain and enhance desired diverse plant communities for the benefit of watersheds, diverse wildlife populations, water quality, recreation and livestock grazing as required by the public rangelands improvement act of 1978, through effective principles of planning and management. All necessary grazing management improvements, including water development, juniper, pinyon pine and sagebrush control, reseeding, fencing, salting plans, herding plans, and grazing systems will be included in any allotment management plans, of the U.S. forest service, or related plans of the BLM. All decisions regarding improvements should be made on an allotment basis since they are integral with use of state leases, private leases, private lands, other allotments, and in overall operation of each ranch enterprise. All planning efforts for this zone will adhere to the careful and considered consultation, coordination and cooperation requirements established by federal statutes. See 43 USC sections 1701(a)(2), 1712(c)(9), and 1752(d).~~

~~—X. This zone shall comply with the Kane County general plan and the Kane County resource management plan provisions related to restoration and vegetation management including: juniper, pinyon pine and sagebrush control; fire management; livestock grazing; noxious weed control; water quality; riparian areas and wetlands; recreational use; wilderness; national wild and scenic river systems; threatened and endangered species; wildlife/wildlife habitat; area of critical environmental concern; water rights; land tenure; energy and mineral resources; cultural, geological and paleontological resources; rights of way; air quality; law enforcement/search and rescue. (Ord. 2014-17, 9-22-2014)~~

~~—Y. Search and rescue vehicles need access to areas where helicopter access is not possible in emergency situations. Attempting to obtain permission during a crisis to access areas prohibited by federal agencies in matters of life and death can endanger human life. This has caused considerable conflict between the Kane County search and rescue agencies and the federal government. Human safety will be given the highest~~

~~priority during the development of federal, state and local policies within this zone. As a part of the county's charge to protect the health, safety and welfare of the citizens, the county will continue to protect the citizens and visitors and expect the federal agencies to respect this charge by exempting the county from any procedures or closures which may impair the county's ability to respond to an emergency situation.~~

~~—Z.— Creation of the Grand Staircase Escalante National Monument supersedes wilderness study area designations within the monument. Therefore, wilderness study areas shall be managed as other nonwilderness areas within the monument.~~

~~At times certain areas may need to be designated as wilderness study areas; however, those areas will not be designated as wilderness study areas for longer than one year. Any lands not designated as wilderness within the one year period shall revert to its previous zone. Lands to be designated as wilderness must be zoned through the Kane County zoning process.~~

~~Current designated wilderness study areas shall terminate within one year of adoption of this article. (Ord. 2014-6, 4-28-2014, eff. 5-13-2014; amd. Ord. 2014-17, 9-22-2014)~~

~~9-27A-4: PERMITTED AND CONDITIONAL USES:~~

~~In addition to the desired uses specified herein, refer to chapter 5, "Agricultural Zone (AG)", of this title for a list of permitted or conditional uses as found in section 9-5-3, "Uses Table", of this title.~~

~~The uses in this zone shall be further governed by the Kane County resource management plan ("KCRMP") and the Kane County general plan ("KCGP"). These uses include, but are not limited to, the following: hunting, fishing, livestock grazing, mining and mineral exploration and extraction, recreation, wildlife habitat management, telecommunications, water resource use, protection and development of timber/woodland products, utility corridors, and county transportation and circulation roads and corridors.~~

~~As referenced in the vegetation section of the KCRMP, "the private use of timber products from federal and state lands in the county for posts, poles, woodcutting to provide fuel for those in the county needing fuel for winter heating and Christmas trees, etc., shall be continued as an allowable use". (Ord. 2014-17, 9-22-2014)~~

~~9-27A-5: GRAZING MANAGEMENT PLANS:~~

~~The following requirements shall be followed in all grazing management plans, for ranches and on allotments on federal lands and state trust lands. Every plan shall be based on and address how these requirements are to be followed and accommodated.~~

~~—A.— Adaptive Management: Every grazing management plan shall be based on and incorporate aspects of adaptive management, consisting of planning, implementation, monitoring and evaluation designed to allow flexibility in management, in response to changing conditions or objectives. Adaptive management portions of the plan shall be based on the application of science, professional expertise, and monitoring of results on the ground to allow for management adjustments as needed to reach objectives, namely sustainable grazing management.~~

~~—B. Monitoring: Every grazing management plan shall be based on and incorporate monitoring, in order to provide a factual basis for decisions as to whether management changes are needed or not. Monitoring shall include data for short term decision making (e.g., utilization, precipitation, actual use) and long term trends (e.g., plant species, ground cover). Monitoring shall follow established procedures and be done by qualified observers, preferably in a cooperative effort.~~

~~—C. Assessment Of Rangeland Health And Proper Functioning Condition: Every grazing management plan shall be based upon and incorporate point in time assessments of rangeland health and proper functioning, designed to identify problems of ecosystem function/conditions. Such assessments shall not be for monitoring, nor establishment of cause and effect, nor be the sole basis for decision making. Assessments shall only be completed by qualified people, with local experience, preferably in an interdisciplinary team.~~

~~—D. Utilization: Every grazing management plan shall be based and focused on utilization. Utilization is a measure of the percentage of the current year's forage that has been used by grazing animals. Utilization can only be measured after growth for the year is complete; use measured during the growing season is "seasonal utilization". Guidelines for "proper use" should not be used as strict objectives to be met each and every year but as averages to be met over a period of years. Proper use guidelines for utilization shall not be applied to "seasonal utilization".~~

~~—E. Flexibility In Grazing Management Plans: Every grazing management plan shall be based upon and provide for flexibility in management. Flexibility in grazing management plans shall allow ranchers to reasonably adjust grazing to accommodate changing conditions and unforeseen events. Weather is highly variable in both time and space on semiarid rangelands resulting in variability in plant growth, water availability and other factors. Planned pasture rotations and "on-off" dates shall be flexible to accommodate this variability.~~

~~—F. Water Developments And Fencing: Every grazing management plan shall provide for reasonable water development and fencing, which are the principal means of controlling the distribution and timing of livestock grazing. Construction and maintenance of water and fences shall not be discouraged by unreasonable restrictions on use of equipment or on access to perform these functions.~~

~~—G. Brush Control And Reseeding: Every grazing management plan shall allow and provide for brush control and reseeding, pursuant to accepted practices, where shrub increases, drought, or other factors have resulted in inadequate cover of herbaceous vegetation, to provide suitable soil protection, forage production, and/or wildlife habitat values. Desirable methods (including use of nonnative species) shall be decided on a case by case basis in consideration of effectiveness, cost, and environmental effects.~~

~~—H. Allotment Closures: Every grazing management plan shall address specific grounds for allotment closures. The plan shall only allow for allotment closures when there is well documented scientific evidence that grazing at a reasonable level cannot be sustained. Vacant or minimally stocked allotments, including "grass banks" have adverse economic impacts to the local economy and therefore shall be avoided.~~

~~—I. Coordinated Resource Management Plans (CRMP): Coordinated resource management plans are plans developed for a ranch unit, including all private and leased land, and signed by all landowners and other parties with pertinent regulatory or economic interests. Agencies responsible for developing grazing management plans, issuing, reviewing or maintaining grazing permits shall utilize CRMPs in the permit or leasing process, where reasonably suitable. (Ord. 2014-17, 9-22-2014)~~

//

SECTION 3. SEVERABILITY

If any provision of this ordinance is held invalid, the remaining provisions shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE

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 24th day of March 2026.

Commissioner Brown voted: _____

Commissioner Meyeres voted: _____

Commissioner Kubeja voted: _____

COUNTY:

Kane County, a political subdivision of the State of Utah

By: _____

Gwen Brown
Chair, Kane County Commission

Corporate Acknowledgment

State of Utah

§
County of _____)

On this _____ day of _____, in the year 20____, personally appeared before me
Date Month Year
_____, whose identity is personally known to me (or proven on the basis
Name of document signer
of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the chair of the Kane
County Commission and that said document was signed by him/her in behalf of said Corporation by
Authority of its Bylaws, or (Resolution of its Board of Directors), and also acknowledged to me that said
Corporation executed the same.

Witness my hand and official seal.

(Notary signature)

(Notary Seal)

Notary Printed Name _____

My Commission Expires _____

Residing in _____, County

Public Hearing

6. Ordinance 2026-09

An Ordinance revising Kane County Land Use Ordinance, Title 9, Chapter 7, Commercial Roof Heights and amending references to Utah Code Title 17, Chapter 27A to Title 17, Chapter 79, within chapter 1 of the Kane County Land Use Ordinance.

KANE COUNTY ORDINANCE NO. O 2026-09

**AN ORDINANCE REVISING KANE COUNTY LAND USE ORDINANCE
TITLE 9 CHAPTER 7 COMMERCIAL ROOF HEIGHTS AND AMENDING
REFERENCES FROM UTAH CODE TITLE 17, CHAPTER 27A TO TITLE 17,
CHAPTER 79, WITHIN CHAPTER 1 OF THE KANE COUNTY LAND USE
ORDINANCE**

WHEREAS, the Kane County Planning Commission recommended changes to Kane County Land Use Ordinance Chapter 7 Roof Heights 9-7A-4, 9-7B-4 and 9-7C-4; and

WHEREAS, the Utah State Legislature renumbered the County Land Use Development, and Management Act from Utah Code Title 17, Chapter 27a to Utah Code Title 17, Chapter 79, effective November 6, 2025; and

WHEREAS, the renumbering requires updates to statutory references throughout the Kane County Land Use Ordinance and associated applications and documents; and

WHEREAS, due to the comprehensive number of references to Utah Code Title 17, Chapter 27a, it is necessary to adopt a uniform interpretive provision to ensure continuity and accuracy in statutory citations; and

WHEREAS, it is the intent of this Ordinance to maintain consistency with current Utah law and to ensure that all statutory references remain valid and enforceable notwithstanding the renumbering by the Utah State Legislature; 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 with 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 §17-79-1-10; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-79-101 et. al., and §17-79-201 & 205; and

WHEREAS, any reference within the Kane County Land Use Ordinance, related applications, forms, resolutions, permits, or other official county land use documents to “Utah Code Title 17, Chapter 27a” shall be deemed and construed to refer to “Utah Code Title 17, Chapter 79, Parts 1 through 10,” whether or not such reference has been specifically amended within the text.

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 1 General Provisions , Article 3 Intent and Purpose and Chapter 7 Roof Height Regulations is amended to read as follows and 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.

//

9-7A-4: HEIGHT REGULATIONS:

No building or structure shall be erected to a height greater than thirty-five feet (35'), unless otherwise approved through a conditional use permit. (Ord. O-2022-42, 7-26-2022)

9-7B-4: HEIGHT REGULATIONS:

No building or structure shall be erected to a height greater than thirty-five feet (35'), unless otherwise approved through a conditional use permit. (Ord. O-2022-42, 7-26-2022)

9-7C-4: HEIGHT REGULATIONS:

No building or structure shall be erected to a height greater than forty-five feet (45'), unless otherwise approved by the planning commission through a Conditional Use Permit. (Ord. O-2022-42, 7-26-2022)

Kanab City Ordinance: Section 20-4 Height Regulations No building shall be erected to a height greater than forty-five (45) feet, nor lower than twelve (12) feet, except that a building may be erected to a height of forty-eight (48) feet if the additional top three (3) feet is a parapet wall. Must also follow guidelines in Section Page - 2 - of 13 Adopted January 22, 2008; Amended May 13, 2025 Kanab Land Use Ordinance Chapter 20 – Commercial Zones 20-9.

//

//

9-1-3: INTENT AND PURPOSE:

It is the intent and purpose of the board of county commissioners of Kane County, state of Utah, to avail itself of the powers granted under Utah state code section ~~17-27a-101~~ 17-79 101 et al., the county land use, development, and management act (CLUDMA), as amended, only in a manner that will promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Kane County as seems appropriate in a rural setting, to this end. Any reference within the Kane County Land Use Ordinance, related applications, forms, resolutions, permits, or other official county land use documents to “Utah Code Title 17, Chapter 27a” shall be deemed and construed to refer to “Utah Code Title 17, Chapter 79, Parts 1 through 10,” whether or not such reference has been specifically amended within the text.

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 24th day of March 2026.

Commissioner Brown voted: _____
Commissioner Meyeres voted: _____
Commissioner Kubeja voted: _____

COUNTY:
Kane County, a political subdivision of the State of Utah

By: _____
Gwen Brown
Chair, Kane County Commission

Corporate Acknowledgment

State of Utah
§
County of _____)

On this _____ day of _____, in the year 20_____, personally appeared before me
Date Month Year
_____, whose identity is personally known to me (or proven on
Name of document signer
the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the
chair of the Kane County Commission and that said document was signed by him/her in behalf
of said Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and
also acknowledged to me that said Corporation executed the same.
Witness my hand and official seal.

(Notary signature)

(Notary Seal)

Notary Printed Name _____

My Commission Expires _____

Residing in _____, County

Public Hearing

7. Ordinance 2026-10

An Ordinance Revising the Kane County General Plan,
Acknowledgement Section and Chapter 1.

KANE COUNTY

General Plan



For the Physical Development of the Unincorporated
Area Pursuant to Section 17-27a-403 of Utah State Code

Amended March 11, 2026 *

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>
2. Data USA, Kane County Ut <<https://datausa.io/profile/geo/kane-county-ut?>>>

Should any part of the Kane County General Plan be determined invalid, no longer applicable, or need modification, those changes shall affect only those parts of the Plan that are deleted, invalidated or modified, and shall have no effect on the remainder of the General Plan.

This document was prepared under the guidance and direction of the Kane County Land Use Authority, Planning and Zoning Commission, and the Board of County Commissioners.

Acknowledgments

Every effective planning process includes a multitude of individuals if it is to be successful. This effort is no different. Many individuals have had an impact on the preparation and adoption of this Plan. However, most important are the residents of Kane County, who have responded to surveys, interviews, and attended public meetings and hearings. All who did so should be commended for their desire to be a participant in determining the future of the County. Some specific individuals and groups have had intensive involvement in the Kane County planning process, and are acknowledged below:

Kane County Commission

Celeste Meyeres
Patty Kubeja
Gwen Brown

Kane County Land Use Authority

Shannon McBride, Land Use Administrator
Kresta Blomquist, Assistant Planning & Zoning Administrator
Charee Shepherd, Zoning Administrator/
Building Inspector

Kane County Public Lands/Government Affairs

Taylor Glover, Director
Morgan Shakespear, Executive Assistant

Kane County Water Conservancy District

Mike Noel, Executive Director
Amanda Buhler, Office Manager

Planning & Zoning Commission

John Reese
Doug Heaton
Jeremy Chamberlain
Matt Cox
Mason Haycock
Julie Millard
Lara Clayson

Kane County Staff

Chameill Lamb, County Clerk/Auditor
Jeff Stott, County Attorney
Ryan Maddux, County Assessor
Janette Peatross, Tourism Director
Bert Harris, Roads Supervisor
Kelly Stowell, Economic Development

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Preamble

In order to provide for the health, safety, and general welfare of both residents and visitors of Kane County, the Kane County Board of Commissioners hereby adopts the following General Plan. The Plan outlines goals and policies for unincorporated land use, transportation and access management, conservation of natural resources, protection against natural and human-caused hazards, provision of public services, preservation of historic resources, development of the economic base, accommodation of affordable housing, and collaboration with federal and state land management agencies.

Vision Statement

Kane County, Utah is a land of breathtaking contrasts. Spanning 3,992 square miles of land and 138 sq. miles of water¹ extending from the sandstone deserts of Glen Canyon and Lake Powell to the 10,000-foot-high alpine meadows of the Paunsaugunt Plateau. Lack of precipitation and difficulty of access has resulted in a land use pattern, which is dominated by public lands surrounding a small base of private lands located primarily along perennial watercourses.

The Kane County Commission is dedicated to aligning the scope of county governance with our nation's founding principles. This includes providing adequate protection without unduly restricting the liberties of residents and visitors. It is the responsibility of the Kane County Commission to facilitate a land use pattern, which honors the rights of private unincorporated landowners to make reasonable use of their lands within the constraints presented by the land itself, as well as traditional uses, customs, culture, and available public services. Responsibility for private land use decisions properly rests with those landowners who make them. Kane County will not unduly regulate private land use nor will public funds be used to bail out those who make unwise land use decisions.

Kane County's private land base is approximately 10 percent² of the 4,100 combined square miles found inside its boundaries. Owners of this limited private land base will be provided with a wide array of opportunities to use their property without undue constraints employing the guise of concepts such as *sustainable development*. County land use legislation will protect people from each other and refrain from trying to protect people from themselves; and only protect the government from private interests where absolutely necessary. Zoning districts have been established to provide fundamental fairness in land use regulation and to protect property values, not the interests of those who intrude on the zone. Zone changes will be made

¹ Total 4,110 sq. mi. Utah Geological and Mineral Survey, "The Geology of Kane County", H. Doelling, F. Davis, C. Brandt, 1989, Division of Utah Dept. of Natural Resources, Bulletin 124, pgs. 1,7. And, Bureau of Economic and Business Research, "An Analysis of Long-Term Economic Growth in Southwestern Utah: Past and Future Conditions" University of Utah.

² Utah Association of Counties, "2015 Utah Counties Fact Book", <uacnet.org/members/uac_research>, (Their data from SITLA statewide GIS mapping).

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>

2. Data USA, Kane County Ut <<https://datausa.io/profile/geo/kane-county-ut?>>

only after those interests for which the zone was created have expired or there is no interest left to protect.

The limited base of private property will not be condemned for public use unless absolutely necessary. When it is necessary, the owner will be compensated at or above market value. All wealth and resources used by society are generated in the private sector. Private sector solutions are consistently more efficient than public sector solutions.

Kane County places a high value on the preservation of private property rights and will maintain a land use environment that allows individuals and businesses to succeed. Private sector enterprises will not be subsidized with county funds. For governments to do so interrupts the delicate balance of supply and demand. If the free-market system will not support an enterprise, there is either too much of that enterprise or it is not a need. Kane County will not compete with private enterprise. Kane County will employ private resources rather than compete with them. Over regulation is highly discouraging to the private sector. Kane County will regulate only as is necessary to protect the general population from real hazards.

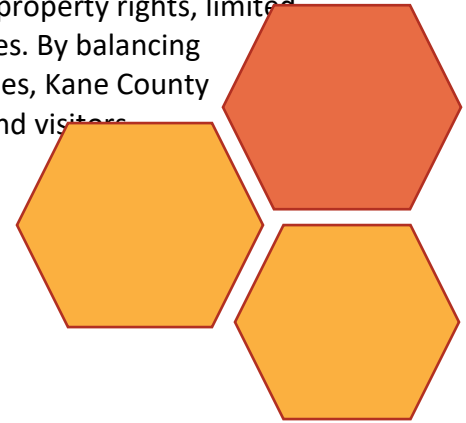
A basic premise of this General Plan (hereinafter, “Plan”) is that land uses in unincorporated areas cannot be supported by county operated and financed municipal-scale services. Tax impacts will be kept low by resisting the temptation to solve private problems with public funds. County funds will be expended to maintain a limited base of county approved and accepted infrastructure (primarily roads), and will not be used to improve infrastructure.

Federal land managers have recognized that to be most effective, they must coordinate with state and local governments as equal partners in the public lands planning process. Congressional policy requires that federal planners coordinate with state and local governments,³ and that federal plans be consistent with adjacent jurisdictions within the constraints of federal law.

The Kane County Commission is a proactive equal partner in all public lands planning processes, which impact the county land base. Kane County requires coordination in all efforts pertaining to federal and state lands. Kane County will resist by all legal means the encroachment of federal planning and implementation, which interrupts our citizens’ access to state and federally managed lands. Creating barriers to access is contrary to sound management practices and to Kane County’s vision for these lands. Federal lands will be managed for multiple-use access. Placing public lands into a vacuum where they cannot be utilized and enjoyed is contrary to wise management practices which should employ natural resources for the public social and economic benefit.

³ Federal Land Policy & Management Act (FLPMA), See 43 U.S.C. §1711.

In summary, Kane County's General Plan is rooted in respect for private property rights, limited and efficient governance, and coordination of land management practices. By balancing economic opportunity, environmental stewardship, and community values, Kane County ensures a thriving and harmonious future for its residents, businesses, and visitors.



Chapter 1 – Land Use

Introduction

Kane County's land use policy addresses:

1. The general distribution and location of land uses throughout the County; and
2. Appropriate standards for population density and building intensity of those land uses.

Kane County encompasses approximately 2.6 million acres (2,630,400 acres) of remote and environmentally significant land in southern Utah. The County is characterized by substantial variation in elevation, climate, vegetation, and geology. These natural conditions—particularly the availability of water—have historically shaped settlement patterns, land ownership, and land use throughout the region.

Approximately 85.5 percent of the County's land base is managed by federal agencies, including the Bureau of Land Management (BLM), National Park Service (NPS), and U.S. Forest Service (USFS). Major federal holdings within Kane County include:

- Grand Staircase-Escalante National Monument
- Zion National Park
- Dixie National Forest
- Glen Canyon National Recreation Area
- Bryce Canyon National Park

The State of Utah also manages lands within the County, including:

- Coral Pink Sand Dunes State Park
- Kodachrome Basin State Park

An additional 4.2 percent of the County's land base is administered by the Utah State Institutional and Trust Lands Administration (SITLA). These lands were granted at statehood to generate revenue for public schools and other trust beneficiaries. Unlike federal lands managed for multiple-use objectives, SITLA lands are constitutionally required to maximize long-term revenue. As such, they function more similarly to private lands and are considered part of the County's developable land base.

Within Kane County, SITLA manages approximately 99,605 acres of surface estate and holds partial or full mineral rights beneath approximately 143,527 acres.

Privately owned lands are generally located along perennial watercourses and near higher-elevation forested areas where precipitation and soils support agriculture, livestock production, and community development. Because the majority of the County is publicly owned, the supply of developable private land is limited.

This pattern of federal, state, and private ownership significantly influences land use planning, infrastructure expansion, economic development, and long-term growth management. Effective planning requires coordination among jurisdictions and careful consideration of private property rights, water availability, resource stewardship, and the preservation of Kane County's rural character and natural landscape.

Agricultural Land Use



1. Purpose and Vision

Agriculture has historically been a foundational component of Kane County's economy, settlement patterns, cultural identity, and working landscape. Although agricultural acreage represents a relatively small percentage of the County's total land base—much of which is federally managed—agricultural operations remain essential to maintaining open space, protecting water rights, sustaining wildlife habitat, and preserving the County's western heritage.

The County's vision for agricultural land use is to maintain viable working landscapes through coordinated land use planning, protection of water resources, and preservation of access to federal and state grazing allotments, while accommodating appropriate growth consistent with state law and local priorities.

2. Existing Conditions and Trends

Agricultural Land Base

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>
2. Data USA, Kane County Ut <<https://datausa.io/profile/geo/kane-county-ut?>>>

According to the 2022 Census of Agriculture (United States Department of Agriculture), Kane County reported:

- 189 farms
- 125,662 acres of farmland

This reflects an increase from 2007 (145 farms and 113,417 acres). However, long-term data indicate continued fragmentation of agricultural lands. In 1992, the average farm size was approximately 1,500 acres; by 2012, the average farm size had declined to approximately 685 acres, demonstrating a multi-decade trend toward subdivision and reduced operational scale.

Of the 125,662 acres reported in 2022:

- Approximately 4,641 acres are classified as cropland.
- Approximately 6,436 acres are irrigated.
- The majority of irrigated cropland is devoted to hay production, which has increased in recent census cycles.

Orchard production has declined relative to historic levels, reflecting broader shifts in agricultural economics, water availability, labor markets, and land conversion pressures.

Livestock Production

Livestock grazing remains the dominant agricultural activity in Kane County. Most federal lands within the County are incorporated into established grazing allotments administered by the Bureau of Land Management and the U.S. Forest Service. Continued access to these allotments is essential to the viability of many local operations.

The 2022 Census of Agriculture reports:

- 107 cattle and calf operations
- 8,998 head of cattle
- 19 sheep and lamb operations
- 429 head of sheep and lambs (Approximately)

While total livestock inventory remains below historic 1992 levels, both the number of cattle operations and total head increased compared to the previous census cycle. Sheep operations have increased in number but remain significantly below early 20th-century levels.

Many operations function as supplemental income enterprises; however, even part-time agricultural activities contribute meaningfully to the County's working landscape, tax base, and cultural continuity.

3. Agricultural Economics

Historical reporting from the Utah Department of Agriculture and Food has demonstrated that many agricultural operations in Kane County operate on narrow profit margins, with production expenses frequently approaching or exceeding gross farm income. Producers face continued challenges related to:

- Rising input costs (fuel, feed, labor, equipment)
- Water supply constraints
- Regulatory compliance requirements
- Market volatility

Despite these pressures, agriculture remains a significant economic sector statewide. Research from **Utah State University** indicates that Utah's agricultural production and processing industries contribute more than \$17 billion annually to the state economy and support approximately 78,000 jobs. Kane County producers contribute to and depend upon this broader statewide agricultural system.

4. Statutory Framework

Utah law provides explicit policy direction supporting the preservation and protection of agriculture. The following statutory authorities provide the legal foundation for Kane County's agricultural land use policies:

- **Utah Code Title 4 (Utah Code Ann. § 4-1-1 et seq.) – Agriculture and Food**
Establishes state authority and public policy supporting agricultural production, resource conservation, and the promotion of agricultural interests throughout Utah.
- **Utah Right to Farm Act (Utah Code Ann. § 4-44-101 et seq.) – Utah Right to Farm Act**
Provides statutory protection for qualifying agricultural operations from nuisance claims when conducted in accordance with generally accepted agricultural practices and existing prior to surrounding non-agricultural development.
- **County Land Use, Development, and Management Act (Utah Code Ann. § 17-27a-101 et seq.) – County Land Use, Development, and Management Act (CLUDMA)**
Authorizes counties to adopt general plans, designate agricultural zoning districts, regulate land uses, and implement land use controls that promote agricultural viability and minimize land use conflicts.
- **Farmland Assessment Act (Utah Code Ann. § 59-2-501 through § 59-2-515) – Farmland Assessment Act (“Greenbelt Act”)**
Allows qualifying agricultural lands to be assessed based on productive capability rather than market value, thereby reducing property tax burdens and discouraging premature conversion to non-agricultural uses.

These statutory provisions collectively reinforce the importance of maintaining agricultural lands as working landscapes and provide Kane County with regulatory tools necessary to support long-term agricultural sustainability consistent with the 2026 General Plan Update.

5. Agriculture, Heritage, and Tourism

Agriculture and ranching are defining elements of Kane County's identity. The County's "cowboy" heritage and working ranch landscapes contribute directly to its tourism economy and national reputation as a Western destination.

Numerous Western films have been produced in Kane County, reinforcing the image of open rangelands, livestock grazing, and red-rock ranch country. The annual Western heritage festival celebrates this legacy and reflects the enduring cultural connection between ranching, livestock, and community identity.

Visitors are drawn not only to nearby national parks and public lands, but also to the County's open agricultural landscapes and traditional Western character. In this respect, ranching and grazing are not solely economic activities; they are integral components of Kane County's tourism brand and cultural economy.

6. Issues and Opportunities

Key issues affecting agricultural land use include:

- Continued fragmentation of agricultural parcels due to residential subdivision.
- Water availability and long-term irrigation infrastructure sustainability.
- Increasing land values and development pressures.
- Potential conflicts between residential uses and established agricultural operations.
- Dependence upon continued access to federal grazing allotments.

Opportunities include:

- Use of clustering and conservation subdivision design to maintain larger working parcels.
 - Preservation of agricultural water rights and irrigation systems.
 - Coordination with federal and state land management agencies.
 - Promotion of agritourism and heritage-based economic development.
-

7. Agricultural Land Use Goals, Objectives & Implementation Strategies

Goal 1

Preserve and support viable agricultural operations in Kane County.

Objective 1

Maintain regulatory and land use tools that protect agricultural lands and operations.

Strategies:

- Maintain agricultural zoning districts consistent with authority granted under the County Land Use, Development, and Management Act.
 - Utilize assessment tools authorized under the Farmland Assessment Act to discourage premature conversion of productive agricultural lands.
-

Objective 2

Reduce fragmentation of agricultural lands and maintain long-term land productivity.

Strategies:

- Encourage land use patterns that reduce fragmentation of agricultural lands, including clustering, conservation subdivision design, and transfer of development potential where appropriate.
 - Protect agricultural water rights and irrigation infrastructure as critical components of long-term agricultural viability.
-

Objective 3

Support continued access to public land resources necessary for agricultural operations.

Strategies:

- Support continued access to federal and state grazing allotments through coordinated engagement with the Bureau of Land Management, U.S. Forest Service, and other applicable agencies.
-

Goal 2

Minimize land use conflicts between agriculture and residential development.

Objective 1

Ensure new development acknowledges and accommodates ongoing agricultural operations.

Strategies:

- Require right-to-farm disclosures for residential development adjacent to agricultural lands.
 - Encourage buffering, lot design standards, and subdivision layouts that minimize operational conflicts.
 - Recognize and support the protections afforded under the Utah Right to Farm Act.
-

Goal 3: Integrate agriculture into the County's cultural and economic development strategy.

Objective 1

Promote agriculture as a defining component of Kane County's heritage and economy.

Strategies:

- Recognize agriculture and ranching as defining elements of Kane County’s heritage and tourism economy.
 - Support agritourism, heritage events, and branding initiatives that reinforce the County’s western identity.
 - Coordinate agricultural preservation strategies with broader economic development and tourism planning efforts.
-

8. Implementation

Implementation of this Agricultural Land Use Element shall occur through:

- Zoning and ordinance updates consistent with Utah Code 17-79.
 - Coordination with state and federal agencies managing public lands.
 - Ongoing monitoring of agricultural census data and economic indicators.
 - Integration of agricultural preservation strategies into future land use mapping and development review processes.
-

Conclusion

Agriculture remains a defining feature of Kane County’s landscape, economy, and heritage. While the scale and structure of agricultural production have evolved, the continued viability of working farms and ranches depends upon proactive land use planning, protection of water and grazing resources, and consistent policy implementation. Through the coordinated application of statutory authority and local land use tools, Kane County affirms its commitment to preserving agriculture as a foundational component of its 2026 General Plan vision.

Residential Land Use

1. Land Ownership Context

Kane County continues to be characterized by a limited private land base and extensive federal ownership. Approximately 10 percent of the total land area in Kane County (approximately 263,040 acres) is privately owned. The remaining acreage consists primarily of federal and state-managed lands.

Kane County remains among the Utah counties with the lowest percentage of privately owned land and among those with the highest percentage of federally managed lands. This land ownership pattern significantly influences residential development opportunities, infrastructure expansion, and long-term growth planning.

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>
2. Data USA, Kane County Ut <<https://datausa.io/profile/geo/kane-county-ut?>>

Statewide data indicate that approximately 64 percent of Utah land is federally owned, with rural southern Utah counties reflecting substantially higher concentrations of federal land ownership (Kem C. Gardner Policy Institute, 2023). This structural land ownership constraint will continue to shape residential growth patterns within Kane County.

2. Housing Inventory and Occupancy

According to the U.S. Census Bureau (QuickFacts, 2024 estimate):

- Total housing units (2024): 6,783
- Owner-occupied housing rate: approximately 80.4%
- Median value of owner-occupied housing units (2024): approximately \$415,000 (Census QuickFacts)

Housing unit growth has continued since the 2018 General Plan update, which recorded approximately 6,008 units at that time. The increase to 6,783 units reflects continued residential construction activity and seasonal housing demand.

Kane County maintains a high homeownership rate relative to national averages, consistent with rural Utah patterns.

3. Seasonal and Recreational Housing

A substantial portion of the County's housing inventory consists of seasonal, recreational, or occasional-use dwelling units. This pattern reflects Kane County's tourism-based economy and proximity to major public land and recreation destinations including:

- Zion National Park
- Bryce Canyon National Park
- Lake Powell

Seasonal housing is particularly concentrated in:

- Cedar Mountain / Duck Creek area
- Deer Springs region
- Areas adjacent to the eastern entrance of Zion National Park
- Subdivisions near Bullfrog Marina on Lake Powell

The presence of seasonal units impacts infrastructure planning, emergency services demand, short-term rental activity, and long-term housing affordability for full-time residents.

4. Residential Construction Trends

Table 1 – Total Housing Units Growth

Year	Total Housing Units	Percent Change
2010	5,861	—
2017	6,008	+2.5%
2020	6,457	+7.5%
2024	6,783	+5.0%
2026*	~6,900 (est.)	+1.7%

*2026 estimate based on permit trends and annual growth averages.

Table 2 – Residential Permit Trends (Historic Cycles)

Period	Average Annual Units	Trend
1994–2004	109	Moderate Growth
2005–2007	200	Peak Growth
2008–2014	15–60	Recession Decline
2015–2019	70–100	Recovery Period
2020–2024	120–200 (varies by year)	Renewed Demand

Historic residential construction trends illustrate cyclical growth patterns:

- 1994–2004: Approximately 109 new residential units annually
- 2005–2007: Approximately 200 new units annually (peak growth period)
- 2008–2014: Significant decline following the national recession
- Post-2015: Renewed construction activity

More recent data indicate continued development activity. According to the U.S. Census Bureau Building Permit Survey (2024), approximately 200 total building permits (residential and nonresidential combined) were issued in the County.

While permit totals fluctuate annually, recent trends demonstrate steady demand for both primary and secondary residential units.

5. Housing Affordability and Rent Trends

Table 3 – Fair Market Rent Trends (Two-Bedroom Units)

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>
2. Data USA, Kane County Ut <<https://datausa.io/profile/geo/kane-county-ut?>>

Year	FMR	Percent Change
2023	\$1,023	—
2024	\$1,351	+32%
2025	~\$1,400+ (HUD schedule)	Moderate Increase
2026	Elevated relative to pre-2022 levels	Stabilizing trend

Housing affordability has emerged as a significant issue in Kane County.

According to the U.S. Department of Housing and Urban Development (HUD) Fair Market Rent (FMR) schedules:

- Two-bedroom Fair Market Rent increased from approximately \$1,023 (2023) to approximately \$1,351 (2024) — a 32 percent year-over-year increase.

Subsequent HUD schedules (FY 2025–FY 2026) indicate continued elevated rent levels compared to pre-2022 averages.

Rapid increases in Fair Market Rent are reflective of:

- Increased in-migration to Southern Utah
- Growth in seasonal and short-term rental markets
- Limited private land available for large-scale housing development
- Increased construction and material costs

These conditions create challenges for workforce housing, first-time homebuyers, and long-term residents.

6. Planning Implications

Monitoring Matrix

Action Item	Responsible Party	Timeline	Monitoring Tool
Annual Permit Report	Building Department	Annually	Permit Summary
Housing Inventory Update	Planning Dept.	Every 2 Years	Census & Assessor Data
Infrastructure Capacity Review	Public Works	Ongoing	CIP & Impact Analysis
Seasonal Housing Tracking	Planning Dept.	Annually	Parcel Classification Review
Affordability Monitoring	Planning & Commission	Annual Review	HUD FMR & Market Data

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>
2. Data USA, Kane County Ut <<https://datausa.io/profile/geo/kane-county-ut?>>

Given the County's limited private land base and continued demand for residential development, the following implications are recognized:

1. Residential growth will continue to concentrate in existing private land areas and established subdivisions.
2. Seasonal housing will remain a significant component of the housing stock.
3. Infrastructure expansion must be carefully coordinated with development due to geographic and land ownership constraints.
4. Housing affordability will require continued monitoring and policy consideration.
5. Coordination with federal and state land managers will remain essential to long-term growth planning.

Kane County will continue to monitor housing trends, building permit activity, and demographic changes to ensure that land use policies align with available infrastructure, water resources, transportation systems, and community character objectives.

7. Residential Land Use Goals, Objectives & Implementation Strategies

Goal 1: Promote Orderly and Sustainable Residential Growth

Objective

Direct residential development to areas with existing or planned infrastructure capacity.

Strategies:

1. Prioritize residential development within established subdivisions and existing community nodes.
2. Coordinate land use approvals with water availability verification and infrastructure capacity analysis.
3. Require infrastructure phasing plans for large-scale residential projects.
4. Encourage clustered development patterns where appropriate to preserve open space and reduce infrastructure costs.

Goal 2: Maintain Community Character While Accommodating Growth

Objective

Ensure residential development reflects the rural character and natural landscape of Kane County.

Strategies:

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>
2. Data USA, Kane County Ut <<https://datausa.io/profile/geo/kane-county-ut?>>

1. Maintain zoning standards that reflect lot size patterns consistent with community context.
 2. Encourage architectural and site design that minimizes visual impacts in scenic corridors.
 3. Preserve dark-sky standards in residential developments.
 4. Coordinate with federal and state agencies where residential areas border public lands.
-

Goal 3: Address Housing Affordability and Workforce Needs

Objective

Monitor housing costs and rental trends to support housing opportunities for full-time residents.

Strategies:

1. Evaluate zoning tools that allow diverse housing types where appropriate.
 2. Encourage mixed housing product types in growth areas.
 3. Coordinate with regional housing partners to assess workforce housing demand.
 4. Monitor short-term rental impacts on long-term housing supply.
-

Goal 4: Plan for Seasonal and Recreational Housing Impacts

Objective

Recognize and plan for the infrastructure and service demands created by seasonal and second-home development.

Strategies:

1. Track seasonal housing percentages annually.
 2. Evaluate impacts of part-time occupancy on emergency services and road maintenance.
 3. Coordinate with tourism and economic development stakeholders.
 4. Ensure subdivision approvals include adequate road and utility standards for peak seasonal demand.
-

Goal 5: Strengthen Data Monitoring and Forecasting

Objective

Maintain updated housing and permit data to inform policy decisions.

Strategies:

1. Publish annual building permit summaries.
 2. Update housing inventory estimates every two years using Census and County Assessor data.
 3. Track lot inventory within platted subdivisions.
 4. Incorporate housing data into Capital Improvement Planning.
-

Industrial and Commercial Land Use

1. Existing Development Pattern

Industrial and commercial land uses in Kane County are generally concentrated at major highway intersections and in proximity to established communities. Over time, much of the County's commercial and industrial activity has been annexed into incorporated municipalities, particularly within and around Kanab City.

However, several significant commercial and resort-based developments remain in unincorporated Kane County, including:

- **Amangiri**, located near the eastern boundary of Kane County;
- **Best Friends Animal Sanctuary**, located approximately ten (10) miles north of Kanab in Angel Canyon;
- **Duck Creek Village**, Located off highway 14 on Cedar Mountain
- **East Zion**, A resort-oriented development near the eastern boundary of Zion National Park, including Buffalo Ridge, Zion National Park Discover Center, Zion Ponderosa Resort, Zion Spirit

These projects have been approved as Planned Unit Developments (PUDs) or specialty zones and reflect the County's long-standing approach of encouraging master-planned commercial and resort developments that are compatible with surrounding lands, infrastructure capacity, and environmental constraints.

2. Economic Trends and Employment (2025–2026 Update)

According to recent labor market data from the Utah Department of Workforce Services and the U.S. Bureau of Labor Statistics, Kane County's unemployment rate was approximately 3.4 to 3.5 percent in 2025, reflecting continued labor market stability and a relatively low level of joblessness.

As of the most recent workforce data (2023–2025 estimates):

- Kane County’s total employed resident workforce is approximately 3,490 individuals.¹
- The largest employment sectors (by resident workforce share) include:²
 - Other Services (except Public Administration): approximately 18.5%
 - Educational Services: approximately 12.1%
 - Accommodation and Food Services: approximately 9.7%

These figures demonstrate that Kane County’s economy remains heavily influenced by service-oriented and tourism-related sectors, while also maintaining a stable educational and nonprofit employment base.

Accommodation, food services, and tourism-related industries continue to represent a significant portion of the County’s employment structure due to proximity to national parks and recreational amenities.

While manufacturing and information sectors remain comparatively small components of the local economy, continued infrastructure investment and regional growth may provide opportunities for gradual diversification over time.

3. Policy Direction

Kane County shall:

1. Encourage commercial and industrial development in logical growth areas near existing infrastructure and transportation corridors.
2. Support master-planned developments that mitigate impacts to scenic resources, public lands, and adjacent properties.
3. Promote economic diversification to reduce reliance on a single employment sector.
4. Coordinate land use approvals with water availability, transportation planning, emergency services, and public infrastructure capacity.
5. Support employment opportunities that provide stable, year-round jobs consistent with the County’s rural character and environmental stewardship goals.

Public Facilities and Developed Recreation

A. County Administrative and Community Facilities

Most County administrative and maintenance facilities are located within incorporated communities, primarily in Kanab City, the County seat.

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2. Data USA, Kane County Ut <<https://datausa.io/profile/geo/kane-county-ut?>>

Key public facilities include:

- **Jackson Flat Reservoir**, immediately south of Kanab, with approximately 4,228 acre-feet of storage capacity. Developed by the Kane County Water Conservancy District, the reservoir supports both water storage and recreational access.
- The **North Event Center** in Orderville, a 15,960 square-foot facility constructed in 2013 at the Kane County Fairgrounds to host community events, conferences, and recreation programming.
- The **Kanab Center**, developed by the Kane County Municipal Building Authority (MBA), which combines new construction with historic renovation for a total of approximately 43,500 square feet of community facility space. The Kanab Center houses municipal offices, senior services, gym facilities, and community arts and youth programs.
- The **Kane County Recreation Center**, is a 29,320 square-foot public facility designed to support community recreation, wellness, and youth programming. The center includes three full-sized recreation courts and administrative office space to accommodate organized sports, community events, and recreational services.

These facilities represent long-term investments in community infrastructure and services.

B. Developed Recreation

Kane County recognizes the importance of developed recreation areas to quality of life, tourism, and economic vitality. The Kane County Land Use Ordinance shall continue to provide opportunities for developed recreational land uses that:

- Are compatible with surrounding land uses;
- Protect scenic and environmental resources;
- Are supported by adequate infrastructure; and
- Enhance public access to outdoor and cultural recreation opportunities.

Annexation / Urban Development

Kane County Commission may approve annexation / urban development within an adopted expansion area of a municipality if the county notifies the municipality of the proposed annexation / urban development; and the municipality consents in writing to the proposed urban development within an adopted municipal expansion area. [Kanab City's Annexation map.](#)

Public Lands

With 89.7% of the county land base in public ownership (85.5% Federal; 4.2% State), land use and management decisions made by state and federal land managers with heavily on the use of private land. The National Park Service, U.S. Forest Service, Bureau of Land Management, Utah State School and Institutional Trust Lands Administration, and the Utah State Department of Natural Resources shall diligently and proactively **coordinate** all public land use management decisions with Kane County in order to ensure the goals, objectives, and policies of this General Plan are maintained, and the general health, safety, and welfare of the citizens are protected.

<i>Jurisdiction</i>	<i>Acres</i>	<i>Percentage</i>
Bureau of Land Management	1,653,394	62.9%
Grand Staircase-Escalante National Monument	763,100*	29.0%
Kanab Resource Area (Non-Monument)	890,294*	33.9%
National Park Service	469,026	17.9%
Glen Canyon National Recreation Area	450,698	0.3%
Zion National Park	9,418	0.4%
U.S. Forest Service (Dixie National Forest)	123,482	4.7%
Total Federal Land Base	2,245,902	85.5%
Dept. of Natural Resources	4,086	0.2%
School and Institutional Trust Lands (SITLA)	99,864	3.8%
Coral Pink Sand Dunes State Park	3,727	0.1%
Kodachrome State Park	3,148	0.1%
Total State Land Base	110,825	4.2%
Alton Town	1,506	0.06%
Big Water Town	3,904	0.15%

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Glendale Town	4,992	0.19%
Kanab City	9,362	0.36%
Orderville Town	1,024	0.04%
Unincorporated	249,936	9.5%
Total Private Land Base	270,724	10.3%
Total Land Base	2,627,409	100%

Source: 1) *An Analysis of Long-Term Economic Growth in Southwestern Utah*; Bureau of Economic and Business Research; June 2008. 2) 2010 U.S. Census. 3) *Utah State Geographic Information Database (SGID, May 2011)*. 4) Kane County Recorder. Columns may not total due to rounding. *Reflects new monument boundaries.

Policy Direction

State and federal land management agencies shall coordinate diligently and proactively with Kane County regarding public land management decisions to ensure:

1. Consistency with the goals, objectives, and policies of this General Plan;
2. Protection of the health, safety, and welfare of County residents;
3. Continued access for multiple-use activities, including grazing, recreation, and responsible resource development; and
4. Consideration of local economic and infrastructure impacts.

Land Use – Key Issues

1. Diversity of land forms and the vast extent of land-base.

The land (and water) base in Kane County stretches over 4,100 square miles of terrain ranging from high-elevation forest lands around Navajo Lake, where deep snow covers the land November through May, to the Colorado River canyons around Lake Powell, where annual precipitation is less than 10 inches. A landscape-level (one plan fits all) approach to land use policies cannot be applied to such a varied landscape. What may

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>
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be applicable to recreation homes on Cedar Mountain, does not apply to ranching lands held inside the Grand Staircase-Escalante National Monument. Private lands surrounding Kanab have different characteristics than the lands surrounding Big Water or the Church Wells/Paria area.

Because of this wide diversity, this plan recognizes the need to develop land use policies based upon different regions. These regions will allow the county to develop policies which correspond to major public lands management units, as well as reflecting the varied conditions of private lands. Recommended regions include (*see new map*):

- A. *Glen Canyon Region* – All land inside the Glen Canyon National Recreation Area.
- B. *Grand Staircase* – All land from the boundary of the Glen Canyon Region to the Western Kane County Region and National Forest Region. *
- C. *Municipality Region & Unincorporated Municipalities* – This region includes all municipalities in the county, which include developments, subdivisions, and unincorporated towns under county jurisdiction.
- D. *National Forest Region* – All land designated National Forest.
- E. *Western Kane County Region* – All land on the west side of the county (excluding Zion National Park Region) to the Grand Staircase Region (on the east), up the National Forest Region (to the north). *
- F. *Zion National Park Region* (east entrance) – All land within Zion National Park that is within Kane County.
- G. Lands within the Kanab City Annexation map area for Urban Development

*The Western Kane County Region will be modified to include the acreage that was removed from the Grand Staircase-Escalante National Monument and placed under the Kanab Field Office's jurisdiction.

These regions will serve as a means to focus more directly on the specific needs and challenges presented there. They can also serve as the focus of any future formal regional organization which might be pursued under the provisions of state law. An in-depth analysis of these regions can be found in the Kane County Resource Management Plan.

2. Avoiding the extension of municipal-scale services in unincorporated areas.

A guiding principle which has been present in every Kane County plan since 1970 has been the recognition that unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses. Residential or commercial land uses which

require large investments in infrastructure such as roads, water, waste disposal, schools, etc. cannot occur on a land base where such services are not available. Past limitations due to the lack of services have sometimes disqualified private land for development.

Kane County will allow development within the perimeters of county land uses and zoning ordinances with the understanding that infrastructure improvement, development, and maintenance will be at the expense of the subdivider and/or land owners who enjoy the benefits of such improvements. Kane County will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install, and maintain services without expecting or receiving county-provided services. The installation of water systems and fire hydrants does not imply or require county provided road maintenance or snow removal.

The Kane County Commission has supported efforts of the Southwest Utah Public Health Department to tighten the regulations allowing the installation of septic tank systems. Southwest Utah Public Health Department collaborated with the Utah Department of Environmental Quality, Forest Service, and Kane County Water Conservancy District (KCWCD) to determine the potential pollution and degradation of the groundwater source on Cedar Mountain. A study of the valley area near Duck Creek Village was of particular concern where the high ground water level caused septic systems to be inundated with water and soil absorption to be reduced. The study indicated the best solution was to utilize land currently owned by the United States Forest Service.

Kane County along with the U.S. Forest Service under the authority of the National Forest Townsite Act²² conveyed/transferred approximately 70 acres of land in the Dixie National Forest for community services (i.e. sewer) it serves the Duck Creek Area (and an 8-mile radius therein). The transfer provides services that include water and

²² July 31, 1958 (PP.L 85-569, 72 Stat. 438, 16 U.S.C. 478a, as amended). Townsites - When the [Secretary](#) of Agriculture determines that a tract of [National Forest System](#) land in Alaska or in the eleven contiguous Western States is located adjacent to or contiguous to an established community, and that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership, he may, upon application, set aside and designate as a townsite an area of not to exceed six hundred and forty acres of [National Forest System](#) land for any one application. After public notice, and satisfactory showing of need therefor by any county, city, or other local governmental subdivision, the Secretary may offer such area for sale to a governmental subdivision at a price not less than the fair market value thereof: *Provided, however,* That the [Secretary](#) may condition conveyances of townsites upon the enactment, maintenance, and enforcement of a valid [ordinance](#) which assures any land so conveyed will be controlled by the governmental [subdivision](#) so that use of the area will not interfere with the protection, management, and development of adjacent or contiguous [National Forest System](#) lands. <www.law.cornell.edu/uscode/text/16/478a>

wastewater, fire protection, solid waste management, and other future qualifying community needs (i.e. schools, medical, and utilities).

Referred to as the Duck Creek Townsite Act Land Conveyance project, the development plan associated with this conveyance includes a development plan where the KCWCD will take over management of two existing sewer lagoons along with acreage to operate them. The approved, Duck Creek Village will be converted to a regional wastewater collection and treatment system (sewer) from septic tanks. It is estimated there will be approximately 150 connections in the first phase. The approximately 85 connections that service Forest Service facilities (which currently utilize the lagoons) will be under the operation of the KCWCD. Thereafter, a phased approach will be initiated to convert the Duck Creek Area to the regional system (as the system warrants it). Kane County supports the mitigation of pollution and contamination concerns as expressed in both the collaborated study cited above and the Duck Creek Wastewater Facilities Plan.²³

Kane County has also implemented or supported the establishment of wellhead protection zones. For more details information on Well Source Protection Zone can be found in Kane County Land Use Ordinance 9-26 Water Source Protections Areas. The presence of the vast Navajo Sandstone Aquifer is recognized as an important municipal and industrial water resource for the county.

3. Recognize the difference between agricultural use and low-density residential use.

Past land use designations and zoning districts have equated the term *agriculture* with almost all unincorporated private lands. A major controversy which has arisen in recent applications of Kane County's zoning regulation is the division of land designated as *agriculture* for primarily low-density residential uses. The County Commission recognizes the need to protect agricultural land, especially irrigated cropland, for its agricultural production value and contribution to the preservation of open space. Lands which do not contribute significantly to the agricultural base will be recognized as potential low density residential areas.

With regard to low density residential use, Kane County endeavors to provide for residential neighborhoods of a rural character which provide for a limited number of livestock. Ultimately, this rural residential attribute contributes to the benefit and enjoyment of the residents and provides a sustainable opportunity for households to

²³ Updated 2014, Sunrise Engineering, Joseph K. Phillips; email correspondence 10/17/17.

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>
2. Data USA, Kane County Ut <<https://datausa.io/profile/geo/kane-county-ut?>>

continue agricultural pursuits for their families and community. Furthermore, it provides innumerable benefits for the community and the environment in the form of open space conservation and aesthetic enjoyment.

In order to protect agricultural pursuits on unincorporated private land, Kane County has set a minimum of 10 acres for agricultural land or land splits subject to further ordinance or State law requirements as may be applicable. Recreational use of forest land must also be recognized and treated as a separate land use with a different set of constraints, particularly wild land fire prevention.

Kane County has also created by Ordinance (1994-3) the ability for a land owner to create an Agricultural Protection Area on their property that has been zoned for agricultural use. An Agricultural Protection Area preserves a designated area of not less than ten acres for permanent agricultural and open space use and cannot be built upon. It creates a conservation easement that protects the land in perpetuity.

4. Acknowledge the distinction between forest/recreational use and multiple-use range.

An earlier version of Kane County's General Plan grouped forest land with range land, designating them as *multiple-use*. This has been a major concern to the owners of (private) forest land, as well as to ranchers. Many feel that the *multiple-use* designation was meant to apply only to public lands. Recent discussions have led to the conclusion that a distinction must be made between public and private forest lands, public and private rangelands, and irrigated croplands.

Kane County created the Escalante Region Multiple-Use/Multiple-Functions Grazing Zone to help with public concern on grazing public lands versus private lands and agricultural pursuits. Forest Recreational Zones have been changed to *Residential* and all zones 10 acres and larger have been zoned *Agriculture* with additional zones Rural 10 and Rural 40 added to bridge the gap for Rural development of Agriculture zoned land to help benefit and protect agricultural pursuits on private lands.

5. Protect the limited irrigated cropland base.

According to the 2012 Census of Agriculture²⁴ there are 183 farms (125,441 acres) in Kane County. Of this amount, 3,953 acres are irrigated. This total represents a 41%

²⁴ 2012 Census of Agriculture; 2014 UT Ag Stats & UT Dept. of Ag & Food Annual Report, County Estimates, Selected Items & Years, Utah; U.S. Department of Agriculture and National Agricultural Statistics Service, <www.nass.usda.gov>

1. U.S. Bureau of Labor Statistics, Employed persons in Kane County, UT <<https://fred.stlouisfed.org/series/LAUCN490250000000005>>
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reduction in farmland in Kane County since the 1992 Census of Agriculture.²⁵ While many of these operations are not the sole source of income for the operators, they are a vital tie to the traditional lifestyle valued by county residents and visitors. Furthermore, the dramatic decreases in agricultural activity are unsustainable in terms of economic and environmental factors.

Historically, agricultural pursuits have been a vital base of economic activity in Kane County. The Utah Agricultural Statistics and Utah Department of Agriculture and Food 2014 Annual Report²⁶ states that Farm Income from livestock (and products) was estimated at \$9.8 million; crops were estimated at \$451,000. The total number of cattle and calves inventory in Kane County was \$8.2 million. However, when Gross Farm Income (\$11.135 million) is deducted from Farm Production Expenses (\$13.092 million) there is a realized net loss of Farm Income <\$1.957 million>.

Agricultural pursuits are not as pronounced in the 21st century, but they still provide valuable opportunities for supplemental income and open space preservation. Much of the vegetation manipulation on both public and private rangeland is tied directly to overcoming impacts caused by past encroachment of woody species such as sage brush, pinyon-juniper, wild land fire suppression, or to improve the forage value for livestock and wildlife. This limited, valuable land base is threatened by conversion to other uses.

6. Recognize the constraints to development caused by the natural environment.

The physical layout of parts of Kane County presents limitations to development. The presence of flood plains, steep slopes, unstable soils, faults, and similar physical constraints must be recognized as legitimate reasons for the restrictions of allowable land uses.

7. Develop systematic wildland fire protection.

The remote nature of many structures in unincorporated areas, combined with the presence of significant vegetation, creates a serious wild land-urban interface (WUI). As development continues, the need to protect private investments and residents is vital. To address these issues, a multi-jurisdictional group of agencies, organizations, and

²⁵ 1992 Census of Agriculture, www.agcensus.usda.gov/Publications/1992/State_and_County_Highlights>

²⁶ U.S. Department of Agriculture and National Agricultural Statistics Service; <www.nass.usda.gov> County Estimates: Farm Income and Expenses by County – 2012.

individuals have collaborated to develop the Southwest Utah Regional Wildfire Protection Plan (SURWPP). SURWPP endeavors to provide oversight and guidance to residents through education and awareness of the dangers of wildfire. Its planning objectives help identify strategies that reduce the risk of wildfire around homes and communities.

The Five County Association of Governments has published a 5-year Multi-Jurisdictional Natural Hazard Mitigation Plan that covers wildland fire protection for the county similar to SURWPP planning objectives and strategies that help reduce the risk of wildfire around homes and communities. Kane County understands the most effective wildfire management tool is wise harvest of the resource as well as vegetation treatments that create fire lines. As the forest is harvested, dead and dry fuel woods must be removed during the cleanup process. Ripe and diseased trees must be removed to promote a perpetually young healthy forest with the added benefit of economic stimulus as wood products are harvested. Treatment plans that include fire-resistant vegetation will serve to protect both private and public land from catastrophic wildfire.

Coordination with the Forest Service is essential for any wildfire mitigation plan to be successful, as is having Kane County participate in the revision of any Forest Service management plan. A Wildland Fire Plan is in the process of being developed for Kane County and is projected to be completed in 2019.

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. Intensive, urban-scale uses will be directed to municipalities where basic services can be accommodated.

Residential Land Uses

Goal #1: 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. Provide appropriate locations where residential neighborhoods can be established, maintained, and protected. Also, encourage the establishment of public and semi-public sites such as churches, schools, libraries, parks and recreation, which serve the requirements of the residents. The intent is to prohibit those uses that would be harmful to residential estate neighborhoods.

1. U.S. Bureau of La
2. Data USA, Kane C



Policy: Standards for subdivisions will be determined by the Land Use

Goal #2: Continue the development of land use policies based upon the division of the county into regions, which reflect the diversity of land uses and ownership.



Objective: Develop policies that correspond to major public land management units, as well as reflect the varied conditions of private lands in the various regions.



Policy: The Land Use Ordinance will determine the standards for the development of land.

Goal #3: Recognize the constraints of development caused by the natural environment.



Objective: Develop policies which provide a reasonable means for assessment of the geologic, flood, or other natural hazards that may exist on land, lot, or parcel for which development application is sought.



Policy: Standards for subdivisions and development will be determined by the Land Use Ordinance.

Goal #4: Develop a systematic wild land fire protection system on both private and public lands.

Objective: Protect private and public investments, as well as residents, by providing oversight and guidance in wild land fire protection system planning.

Policy: Work in cooperation with the Color Country Interagency Fire Center in implementing the goals of the Southwest Utah Regional Wildfire Protection Plan (SURWPP). Promote the interest, education, and long-term involvement of residents in realizing the danger of wildfire and identifying strategies that will reduce the risks around their homes and in their communities. (An example would be the Kane County Sherriff's office assisting with clean up in multiple Cedar Mountain subdivisions through mass mailings informing residences of the need to clean the downed timber off of lots with excess timber.)

Kane County understands the most effective wildfire management tool for public land is wise harvest of resources as well as vegetation treatment to create fire lines. The Kane County building department enforces fire protection on private lots and residences through the Wild Land Urban Interface Code to protect residences from wildfires. As the forest is harvested, dead and dry fuel woods must be removed during the cleanup process. Ripe and diseased trees must be removed to promote a perpetually young healthy forest and it has the added benefit of economic stimulus as wood products are harvested. Treatment plans that include fire-resistant vegetation will serve to protect both private and public land from catastrophic wildfire. Coordination with the Forest Service is essential for any wildfire mitigation plan to be successful; as is having Kane County participate in the revision of any Forest Service management plan. A Wildland Fire Plan is in the process of being developed and is projected to be completed in 2019.

Commercial Land Uses

Goal #1: Encourage and provide for commercial uses in locations with infrastructure in place to serve the public.

Objective: Develop commercial uses compatibly with the use and character of the surrounding area.

Policy: The Land Use Ordinance and associated zoning map will determine the standards for commercial uses at appropriate locations.

Agricultural Land Uses

Goal #1: Ensure the retention of a viable and vibrant agricultural base by preserving appropriate areas for permanent and temporary agricultural and open space uses through Agricultural Protection Zones and Conservation Easements.

Objective: Recognize and protect important agricultural lands, especially irrigated cropland, for its agricultural production value and contribution to the preservation of open space. Encourage the establishment of *Agriculture Protection Areas* as authorized by state law.

Policy: The Land Use Ordinance and associated zoning map will determine the standards for agricultural uses.