

AGENDA  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' REGULAR MEETING  
**July 20, 2015**  
IN THE KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH

The items listed under Consent Agenda will be considered as a group and acted upon by one motion with no separate discussion of said items, unless the Commission so requests. In that event, the item will be removed from the Consent Agenda for separate discussion. The Commission meeting will begin at **10:00 am**

**CALL MEETING TO ORDER:**

**PRAYER:**

**PLEDGE OF ALLEGIANCE:**

**WELCOME:**

**CITIZEN PUBLIC INPUT:**

**CONSENT AGENDA:**

Check Edit Reports

Approval of: July 13, 2015 Regular Commission Meeting Minutes

**AGENDA:**

1. Consider the Purchase of Rolling Floor Mirrors for Dance Classes, etc. at the North Event Center/ Commissioner Heaton
2. Panic Button Progress and Policy/ Sheriff Tracy Glover & IT Dave Owens  
\*\* (All Elected Officials & Dept. Heads are Invited to Attend)
3. General Plan Revisions- "Land Use" Chapter 1, Vision Statement. (Edits, Citations, few Substantive Changes)/ LUA Shannon McBride
4. "SITLA" Discussion Regarding the Permitting Process/ LUA Shannon McBride
5. Revisions to the Kane County Resource Management Plan, adding "Appendix I" Conservation Plan for Greater Sage Grouse in Utah (State Plan)/ LUA Shannon McBride
6. Revisions to Land Use Ordinance, Chapters 1, 5, and 21, Clarification of Definitions, Revise Use Matrix/ LUA Shannon McBride
7. Application for Rural Unimproved Subdivision, "Clear Creek Heights", Sayda Quinonez de Pineda, Edwin D. Pineda Albizures, & Catherine Hutchinson; Parcel #1-9-3-2 (2 Lots)/ LUA Shannon McBride
8. Letter of Support for Orderville Town Restoration of the Old Rock Church/ Clerk/Auditor Karla Johnson
9. Post Office Boxes on Cedar Mountain/ Commissioner Doug Heaton

10. Modifications to: Approve/ Adopt Final Modifications to: Criminal action for selling property for illegally divided land parcels created prior to 2005./ County Attorney Rob Vandyke

11. Conflict of Interest Policy – Elected Officials / Commissioner Matson

**Other Business:**

- Reports
- Schedules
- Assignments

**CLOSED SESSION:**

- Discussing an individual's character, professional competence, or physical or mental health
- Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property
- Contract Negotiations
- Discussions regarding security personnel, devices or systems
- Investigative proceedings regarding allegations of criminal misconduct.

**MINUTES  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' MEETING  
July 13, 2015  
IN THE KANE COUNTY COMMISSION CHAMBERS,  
76 NORTH MAIN, KANAB, UTAH**

The items listed under Consent Agenda will be considered as a group and acted upon by one motion with no separate discussion of said items, unless the Commission so requests. In that event, the item will be removed from the Consent Agenda for separate discussion. The Commission meeting will begin at **10:00 am**

**Present:** Commissioner Dirk Clayson, Commissioner Jim Matson, Clerk/Auditor Karla Johnson, Attorney Rob VanDyke, Deputy Clerk Linda Millett, and SUNews Reporter Carol Sullivan. Commissioner Douglas K Heaton was excused

**Also Present:** HR Rhonda Gant, C&S Craig Hansen, Recorder Verjean Caruso, TC Ken Gotzenberg, GIS Lou Pratt, Roads Department Bert Harris, and ES/Chief Deputy Sheriff Alan Alldredge

**CALL MEETING TO ORDER:** Commissioner Dirk Clayson

**PRAYER:** Attorney Rob Van Dyke

**PLEDGE OF ALLEGIANCE:** Commissioner Jim Matson

**WELCOME:** Commissioner Dirk Clayson

**CITIZEN PUBLIC INPUT:**

Mary Craven remarked on the recent flooding in Johnson Canyon

**CONSENT AGENDA:**

Check Edit Reports

Approval of: June 22, 2015 Commission Work & Regular Meeting Minutes

**Motion to Approve the Consent Agenda** was made by Commissioner Matson, and the Motion carries with all Commissioners present voting in favor.

**REGULAR AGENDA:**

**Title Clarification and Actions - Movie Ranch Subdivision - Parcels 63 & 64**

Commissioner Clayson addressed this item, a parcel that was stricken to the county at the 2015 tax sale. Recorder Verjean Caruso joined those at the table. This parcel is a narrow strip of land overlapping Parcels 63 & 64 in the Movie Ranch Subdivision. This property has never been cleared up, nor taxes paid on it. A discussion on deeding this parcel to Parcel 63 ensued.

**Motion** to Authorize the deeding of this Parcel to Lot #63 Movie Ranch Subdivision, with notice given to property owners, was made by Commissioner Matson and the Motion carries with all Commissioners present voting in favor.

**Six County Congressional Briefing, and Funding Request**

Commissioner Clayson reported on the Six County Congressional Briefing, and Funding Request. He explained this event and the requested donation of \$600.00.

**Motion** to donate \$500.00 to Six County Congressional Briefing was made by Commissioner Matson, and the Motion carries with all Commissioners present voting in favor.

**Adopt Kane County Resolution R 2015-14, a Resolution in Support of Gosar-Hardy Amendment Blocking Grand Canyon Watershed National Monument**

Commissioner Matson presented Kane County Resolution R 2015-14, A Resolution in Support of Gosar-Hardy Amendment Blocking Grand Canyon Watershed National Monument for adoption. A discussion ensued.

**Motion** to Adopt Kane County Resolution R 2015-14, A Resolution in Support of Gosar-Hardy Amendment Blocking Grand Canyon Watershed National Monument was made by Commissioner Matson, and the Motion Carries with a Roll Call Vote as follows:

- Commissioner Clayson.....Aye
- Commissioner Matson.....Aye
- Commissioner Heaton.....Excused

**Adopt Kane County Resolution R 2015-15, HR 2647, the Resilient Forest Act of 2015**

Commissioner Matson presented Kane County Resolution R 2015-15, HR 2647, the Resilient Forest Act of 2015, for adoption. He explained the Resolution, along with it's intents and purposes, and the benefits to the communities this would bring. Better use of the forests, the renewable resources therein, and a managing stewardship of the forests will be of great benefit in many ways. A discussion ensued.

**Motion** to Adopt Kane County Resolution R 2015-15, HR 2647, the Resilient Forest Act of 2015 was made by Commissioner Matson, and the Motion carries with a Roll Call vote as follows:

- Commissioner Clayson.....Aye
- Commissioner Matson.....Aye
- Commissioner Heaton.....Excused

## **Stout Canyon EWP Project**

GIS Lou Pratt and Roads Bert Harris reported on the Stout Canyon EWP Project, reviewing the road concerns and damage in Stout Canyon. Much damage has been done to this road, largely from flooding and wash outs, which are some side effects of the forest fire damage from several years ago. Lou reviewed the costs to improve the road and explained the funding process for the improvements. He stated that the county usually does not have to pay much, as the RCS Funding is ear-marked for, and covers, most of these costs. A discussion and review of this project ensued. Other road issues were reported and discussed.

**Motion** to approve the Stout Canyon EWP Project was made by Commissioner Clayson, with request for funding of approximately \$669,000.00, and the Motion carries with all Commissioners present voting in favor.

## **Donation to NACO Campaign, Bill Cox**

Commissioner Matson addressed the requested donation for a National Association of Counties- Second Vice President campaign for Bill Cox of \$500.00. Mr. Cox is a Utah Resident, and the Commission wishes to help fund his campaign and support his efforts to run for this office in NACO.

**Motion** to approve a \$600.00 donation for a NACO Second Vice Presidential Campaign for Bill Cox was made by Commissioner Matson, and the Motion carries with all Commissioners present voting in favor,

## **Request Closure of Hog Canyon Road: from the Highway 89 Entrance to the TV Towers on Sept. 19<sup>th</sup>, from 7:00 am to 7:00 pm, for a Trail Relay**

GIS Lou Pratt explained Recreation Dept. Tyler Cornell's request for a Closure of Hog Canyon Road: from the Highway 89 Entrance to the TV Towers on Saturday, Sept. 19<sup>th</sup>, from 7:00 am to 7:00 pm, for a Trail Relay. Closure is needed to protect the runners from traffic on the road.

**Motion** to Close the Hog Canyon Road from the Highway 89 Entrance to the TV Towers on Sept. 19<sup>th</sup>, from 7:00 am to 7:00 pm, for a Trail Relay was made by Commissioner Matson. The Motion carries with all Commissioners present voting in favor. A map for alternative access for those wanting to use portions of this road during the relay should be provided by Tyler Cornell of the Kane County Recreation Department.

**Time: 11:00 am**

**"Special Management Areas": Paria Canyon/ Coyote Buttes, AKA, the Wave area**

The Bureau of Land Management's District Manager for the Arizona Strip District, Tim Burke, introduced Wayne Monger- the acting Vermillion Cliffs Manager, who attended this meeting with him. Mr. Burke reported on the "Special Management Areas": Paria Canyon/ Coyote Buttes, AKA, the Wave area. He narrated a slide show presentation of the area which lies within Southern Utah and Northern Arizona. The presentation identified maps and explained the terrain and trails being used in this area. He explained current Management Status, showing annual visitors, management area costs, permit revenue, and other factors used to manage this Special Management Areas.. Proposed day Permit fees and camping fees adjustments would allow increased revenue, thus better management and better service for the public. He also presented a proposal for stopping "The Wave" lottery as it is done now, as a walk-in lottery. An online lottery would take its place. He answered questions on the proposed changes, and said that there will be a 30 day public input period when the proposals are finalized. The BLM is hoping to have these changes approved for the 2015 season.

**Other Business:**

Schedules were coordinated and Assignments reviewed to assure that all areas of Kane County business are well represented by the Commission.

**WHEREUPON MEETING WAS ADJOURNED**

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Commission Chairman Douglas K Heaton

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Clerk/Auditor Karla Johnson

KANE COUNTY COMMISSION AGENDA REQUEST:

Date of Regular/Work Meeting Requested: 7-20-15

Dept. /Business Name: Commission

Topic/Re: Consider Purchase of Rolling Floor  
Mirrors for dance Classes, etc. at the North  
Event Center

Dept. Head/Owner: Comm. Heaton

Meeting Requested by: " "

Contact name & #: \_\_\_\_\_

**Linda Millett**

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**From:** Doug Heaton [dheat61@gmail.com]  
**Sent:** Thursday, June 25, 2015 10:08 PM  
**To:** Karla Johnson  
**Cc:** Jim Matson; Doug Heaton; Dirk Clayson; Dirk Clayson; Linda Millett; <clerkkj@kanab.net>  
**Subject:** Fwd: Information for Mirrors

All,  
There are some dance groups that are asking for some portable mirrors for the upstairs of the NEC to aid in their dance classes and gymnastics ect. They have done some research on costs and have submitted the attached. Karla, would you put this on a future agenda for discussion.

Commissioner Heaton

**"The problem with socialism is that you eventually run out of other people's money" - Margaret Thatcher**

Begin forwarded message:

**From:** Jenna Corry <jumpjive\_n\_jenna@hotmail.com>  
**Date:** June 24, 2015 at 9:04:45 AM MDT  
**To:** "dheat61@gmail.com" <dheat61@gmail.com>  
**Subject:** Information for Mirrors

Hi Doug!

Sorry it took me a few days to email you the information on these mirrors. I was actually on the road when I called you on Friday.

This is the website I found that has great prices on their portable mirrors:  
<http://www.cartwheelfactory.com/mirrors-dance.html#quote>

There are "High Rolling Portable Glassless Dance Mirrors" that would definitely help! If we got these, I think we would need at least two 5x6 feet or 5x8 feet panels on wheels. The only problem with these are that they are 24 inches off the ground and its hard for my little dancers to see themselves. Especially if we are teaching a combo on the floor, or stretching.

A better option would be the "Rollable Glassless Dance Mirrors". These go all the way to the ground and are much better to help with low moves, seeing placement of feet in different positions, etc. The only problem with these are that they done vertically, so we would need more to stretch further. We would need at least three 4x6 vertical, or three 5x6 panels.

Both of these options are on wheels and will be able to be versatile to whoever is using them at the moment, as far as placement or storing.

For dancers (especially little ones like I'm teaching), it is SO important for them to be able to see themselves as they dance. They need to be able to see and feel how their body is moving together at the same time. Having a mirror helps them to connect what they see in front of them to the way they move in their brain and have proper form, and correct improper habits! These mirrors will be so great for adding these classes, and whatever other classes that are of interest in the

Valley Area! (Gymnastics, Karate, Step-Aerobics, Couples Dance Classes, Princess Pageant Rehearsal, Zumba, My Theater Summer Camp, Ect! :) Also- Kristy at the city mentioned that there have been several private parties- skirt parties for example- that have requested mirrors.)

Having your help, and the city's help, will be so beneficiary to kids in this Valley!. There are so many possibilities of classes and activities that could be offered more easily and that kids that would benefit from. Having this North Event Center has already been an amazing option for people (Something that Kanab residents are highly jealous of!) :) I am so excited to work with Jacey as well and offer these classes for kids. In Kanab, I had 6 students from Valley attending different classes. As soon as I mentioned that I wanted to offer high quality classes here, I have already had over 20 students sign up in a three year age range- just by random word of mouth without advertising! People here want this! As well as the possibility of other great classes without having to drive to Kanab!

Thank you, Thank you for your time and for offering to help! Again- This will such a great additive for the North Event Center!

-Jenna Corry  
495-879-1951

KANE COUNTY COMMISSION AGENDA REQUEST:

Date of Regular/Work Meeting Requested: July 20, 2015

Dept. /Business Name: ITS Dave Owens & Sheriff  
Tracy Clover

Topic/Re: Panic Button Progress & Policy

Dept. Head/Owner: Dave & Tracy

Meeting Requested by: "

Contact name & #: \_\_\_\_\_

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: July 6, 2015

Dept. /Business Name: Planning & Zoning

Topic/Re: General Plan Revisions "Land Use" (Chapter)  
revisions, citations, few substantive changes  
Vision Statement

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: Shannon 644-4966 or Mary 4951

Notes: See attached.

**KANE COUNTY ORDINANCE NO. 2014 - 11**

**AN ORDINANCE AMENDING THE KANE COUNTY GENERAL PLAN**

**WHEREAS**, on April 28, 2014, the Kane County Board of Commissioners adopted an ordinance adding Chapter 27, Escalante Region Multiple Use/Multiple Functions Grazing Zone, to the Kane County Land Use Ordinance;

**WHEREAS**, the Kane County Planning Commission and the Kane County Board of Commissioners desire to implement aspects relevant to the addition of Chapter 27 of the Kane County Land Use Ordinance into the Kane County General Plan and Kane County Resource Management Plan;

**WHEREAS**, the Kane County Planning Commission, after a duly noticed public hearing, held May 14, 2014, recommended for approval the amendments to the Kane County General Plan;

**WHEREAS**, both the Kane County Planning Commission and Kane County Board of Commissioners desire to implement the recommended changes;

**WHEREAS**, the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended amendments to the Kane County General Plan and desires to enact the recommendations;

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

The Kane County Resource Management Plan shall be amended pursuant to the changes outlined in the attached copy of the General Plan.

This Ordinance shall take effect 15 days after its passage. A copy of this ordinance shall be deposited in the Office of the County Clerk and the County Clerk is ordered to publish a short summary of the ordinance with the name of the members voting for and against the ordinance, together with a statement that a complete copy of the ordinance is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

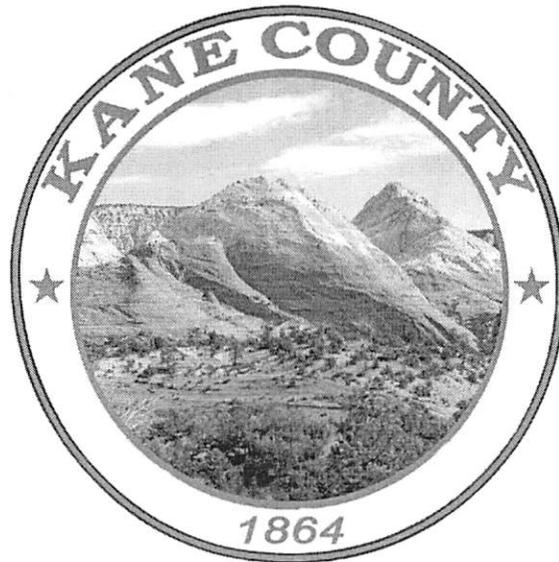
ADOPTED this 23<sup>rd</sup> day of June, 2014.

ATTEST:

\_\_\_\_\_  
DOUG HEATON, Chair  
Board of Commissioners  
Kane County

\_\_\_\_\_  
KARLA JOHNSON  
Kane County Clerk/Auditor

Commissioner Clayson voted \_\_\_\_\_  
Commissioner Matson voted \_\_\_\_\_  
Commissioner Heaton voted \_\_\_\_\_



## KANE COUNTY, UTAH GENERAL PLAN

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

**Adopted June 23, 2014**

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 with assistance from the Division of Community and Economic Development of the Five County Association of Governments under the guidance and direction of the Kane County Resource Development Committee, Kane County Land Use Authority and the Board of County Commissioners.

Funding used to prepare this document came from Kane County contributions, a Regional Planning grant from the Utah Permanent Community Impact Board and a Planning and Technical Assistance Grant from the U.S. Department of Commerce, Economic Development Administration.

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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 which 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 partnering with federal and state land management agencies.

## **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**

Doug Heaton, Chairman  
Dirk Clayson  
Jim Matson

### **Kane County Staff**

Kent Burggraaf, Deputy County Attorney  
Ryan Maddux, Deputy Building Official  
Linda Little, Building Official/Assessor  
Karla Johnson, County Clerk/Auditor  
Robert Van Dyke, County Attorney

### **Kane County Water Conservancy District**

Mike Noel, Executive Director

### **Kane County Resource Development Committee**

Tony Wright, Chairman  
Byard Kershaw  
Jim Matson, *ex officio* Kane County Commissioner

### **Kane County Land Use Authority**

Shannon McBride, Land Use Administrator  
Mary Reynolds, Land Use Assistant  
Tony Chelewski, Chairman  
Dale Clarkson  
Wade Heaton  
Robert Houston  
Harold Hamblin  
Byard Kershaw  
Que Johnson  
Doug Heaton, *ex officio*

### **Kane County Office of Tourism**

Ken Gotzen Berg

Bob Wallen

Kevin Heaton, *ex officio*, USU Extension

# Vision Statement

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Kane County, Utah is a land of contrasts. It has approximately 4,100<sup>1</sup> square miles of territory 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 water courses. Original villages were established to take advantage of arable lands along streams. Many homesteads were established in the late 19th century, and have become the basis of extensive ranching operations using both private and public lands. The construction of Glen Canyon Dam created settlements originally designed to house construction workers but have evolved into permanent communities. A substantial amount of higher elevation forest lands have been developed for recreation homes and cabins, some of which are now being used year-round. Extensive deposits of coal and other natural resources have been the subject of numerous explorations, with coal deposits near Alton now being actively mined. Each of these land uses presents different challenges and opportunities to county officials.

It is the desire of the Kane County Commission to keep the scope of county government in harmony with our nation's founding principles by 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 land owners 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 land owners 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 percent<sup>2</sup> of the 4,100 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 only after those interests for which the zone was created have expired or there is no interest left to protect.

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<sup>1</sup> 3,992 sq. mi. surface (land) and 118 sq. mi. water (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.

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

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 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. Landowners who require such services will be expected to finance, install and maintain such 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,<sup>3</sup> 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 citizen's access to state and federally managed 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.

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 assure 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. The Commission will be an active partner with other governments to foster a sustainable, broad-based economy which allows traditional economic uses to remain vibrant, while fostering new economic activities that expand economic opportunity and protect important scenic and social qualities. Federal land managers will coordinate with Kane County as an active, equal, on-going partner to be consistent with county goals and policies when not constrained by federal law.

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

# Chapter 1 - Land Use

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Kane County's policy on Land Use addresses 1) the general distribution of land; and 2) standards of population density and building intensity of lands used for housing, business, industry, agriculture, recreation, public buildings and grounds, open space, and other categories of public and private uses of land, as appropriate.

## **Introduction:**

Kane County, Utah encompasses approximately 2.6 million acres (2,630,400 acres)<sup>4</sup> of some of the most remote and rugged land in the continental United States. Much of the county was among the last lands systematically explored and surveyed by the federal government. The county is a land of extremes in elevation, vegetation, precipitation and landscapes.

The area within Kane County's boundaries originally became part of the United States in 1848<sup>5</sup> as part of the Treaty of Guadalupe Hidalgo, which ended the Mexican-American War. In 1850, the area was designated "Utah Territory,"<sup>5</sup> by an act of Congress and encompassed parts of six neighboring states. The Utah Territory was considered organized (had a territorial government) and incorporated (part of the United States proper) but its borders didn't stop evolving until 1868. (Utah State Archives and Record Service, Updated: 2003)

Mormon settlers came to Utah prior to the land becoming part of the U.S. (1847), and established many communities without federally recognized legal title to the lands. For the first 22 years, the Territorial Assembly (members of the Mormon Church) issued its own land certificates in an effort to quickly populate the area. Each settler had land measured off to him via a lottery that cost \$1.50 to participate. If the land allotted was urban, it was 1.25 acres; if it was outside city limits it was what the farmer could till. (Utah State Archives and Record Service, Updated: 2003)

The national land system didn't extend into Utah until 1869 when the first Land Office was established in Salt Lake City. Utah inhabitants were extended the rights of preemption (first option to claim land), homestead (live on land for five years), and/or purchase, in order to integrate into the system. Many of the settlers made claims and divided the land amongst other settlers because they already worked allotments that were much smaller than the 160-acre minimum the federal government allowed. (Utah State Archives and Record Service, Updated: 2003) As a result, legal title to land in most Kane County settlements was granted through filings with county and federal lands offices sometimes years after occupation.

Climate, elevation, and the presence of adequate water have determined the present-day land

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<sup>4</sup> <extension.usu.edu/files/publications/publication/AG\_Econ\_county-2005-2016.pdf>

<sup>5</sup> Utah State Archives and Records Service, "Original Land Titles in Utah Territory", Updated April 1, 2003, Accessed 6, June, 2015, <archives.utah.gov/research/guides/land-original-title.htm>

ownership and use patterns of Kane County. Most of the land base (85.5 percent)<sup>6</sup> is managed by federal agencies: Bureau of Land Management, National Park Service and U.S. Forest Service. This encompasses the Grand Staircase-Escalante National Monument, Zion National Park, Dixie National Forest, Glen Canyon National Recreation Area, BLM-Kanab Field Office, and Bryce Canyon National Park. The State of Utah manages Coral Pink Sand Dunes State Park and Kodachrome State Park, along with a small state wildlife preserve. The privately owned land base is located along perennial water courses and at the base of high elevation forests where precipitation allows enough vegetation growth to support raising livestock, yet not isolated by heavy snowpack.

An additional 4.2 percent<sup>7</sup> of the land base is controlled by the (Utah) State Institutional and Trust Lands Administration (SITLA). These *surface and mineral* lands were granted to Utah at the time of statehood (1894) for the purpose of generating revenue for schools and other public institutions. The state received four sections in each township, which created a checkerboard scattered throughout the county. These lands are reserved for generating the maximum amount of revenue possible for the purposes of the trust. They are not a public lands base reserved for general public interests such as recreation or wildlife habitat. They must be considered part of the developable land base of the county, with more similarity to private lands than public lands.

SITLA delineates between surface and mineral ownership of its trust lands because a portion of the acreage lies beneath privately owned and leased land. SITLA's surface land amounts to 99,605 acres, but the state trust owns partial or all the mineral rights on a total of 143,527 acres in Kane County. (See enlarged map)<sup>8</sup>

### **Agricultural Land Use:**

While agriculture has been an important base of economic activity in Kane County, the total amount of land devoted to agricultural pursuits is relatively minor. Use of federal and state lands in Kane County is essential to protecting and preserving the economic and cultural aspects of the agricultural industry. According to the 2012 Census of Agriculture, Kane County listed 181 farms with a total of 125,441 acres. Although farms and acreage increased since the 2007 Census of Agriculture (145 farms and 113,417 acres, respectively)<sup>9</sup>, the numbers still indicate a 40% reduction of total farmland since the 1992 Census. In 1992, the average farm was 1,500 acres, whereas the 2012 Census indicates the average is 685 acres.

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<sup>6</sup> Utah Association of Counties, "2015 Utah Counties Fact Book", <uacnet.org/members/uac\_research>, (Their data from SITLA statewide GIS mapping).

<sup>7</sup> <trustlands.utah.gov/download/financial/TrustAcreage\_County\_02212014.pdf> AND "Utah Land Status and Areas of Responsibility", June 2015, <trustlands.utah.gov/resources/maps/gis-data-and-maps/surface-and-mineral-maps>

<sup>8</sup> "Utah Land Status and Areas of Responsibility", June 2015, <trustlands.utah.gov/resources/maps/gis-data-and-maps/surface-and-mineral-maps>, Enlarged map of Kane County (from original).

<sup>9</sup> Data used from the 2012, 2007 and 1992 Census of Agriculture; USDA, National Agriculture Statistics Service, <www.agcensus.usda.gov/Publications/> county level data, Utah.

Of the 125,441 acres, 4,456 acres is cropland (a 49% drop from 2007), and approximately 3,953 acres are irrigated (an 8% drop). Most of the irrigated cropland is devoted to hay production, which is an increase of 61% (from 1,658 to 2,673 acres)<sup>9</sup>. The 2012 Census of Agriculture illustrates that land in orchards decreased again from 12 farms to 10. That represents an 83% drop from orchards listed in the 1992 Census of Agriculture.

The majority of BLM and National Forest public lands have been included in livestock grazing allotments. According to the 2012 Census of Agriculture, Kane County listed 116 cattle/calf operations running 8,213 head of cattle.<sup>10</sup> This represents an increase of 21% in total head of cattle and a 27% increase in cattle/calf operations since the previous census. However, ranchers are still running 14% less (heads) than what they ran in 1992. There were fewer operations (106), but each operation ran more head of cattle.

There was an increase in sheep/lamb operations (from 9 to 17) running 1,069 head, but it was still a dramatic reduction in total inventory (-83%)<sup>9</sup> since 1992. While many of these operations were 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. The 2014 Utah Agricultural Statistics/Utah Department of Agriculture and Food Annual Report (combined reports)<sup>11</sup> showed Kane County farms operating at a loss. The Farm Income and Expenses summary indicates Gross Farm Income to be \$11.1 million, but Farm Production Expenses are \$13 million (for a net loss of \$1.9 million).

Historically, agricultural pursuits have been a vital base of economic activity in Kane County (as well as throughout the State of Utah). According to LuAnn Adams, Utah Commissioner of Agriculture and Food, "...Utah State University reports that our industry's production and processing segments contribute more than \$17 billion to our economy and generate 78,000 jobs..."<sup>12</sup> And though agricultural pursuits are not as pronounced in the 21<sup>st</sup> century, they still provide valuable opportunities for supplemental income and open space preservation.

The cowboy lifestyle has helped develop the character of Kane County, and this has been represented in multiple western movies filmed in the area. It is surprising how many people visit the county just to see where the movies were filmed, and take pictures of livestock and cowboys. The local festival and tradition called *Western Legends* depends on the cowboy icon and is centered on that historical figure. In essence, ranching and livestock grazing has a direct link to the local tourism industry.

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<sup>10</sup> 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](http://www.nass.usda.gov)>

<sup>11</sup> Utah Department of Agriculture and Food, News and Publications, 2014 UDAF Annual Report & USDA-NASS Statistics, Utah. Last updated May 30, 2014, Accessed 6 June 2015. <[www.ag.utah.gov](http://www.ag.utah.gov)>

<sup>12</sup> 2014 Utah Department of Agriculture and Food Annual Report, Commissioner's Letter of Greeting, page 5.

## Residential Land Use:

The private land base in Kane County is approximately 10% or 263,040 acres.<sup>13</sup> Kane County ranks fifth in the scarcity of privately owned land (Wayne County 3.7%, Grand 4.3%, Garfield 5.1% and Emery 8.1%) and ranks third in the abundance of federal lands (Garfield 90%, and Wayne 85.7%).<sup>13</sup>

As of 2013, the U.S. Census estimated there were 5,811 total housing units in Kane County.<sup>14</sup> In 2007, there were 5,094<sup>15</sup> reflecting a 14.5% increase. The number of total occupied units was 3,077, of which 649 were rental units. Over one-third of the total units in the county were seasonal or recreational units.<sup>14</sup> This indicates the large presence of seasonal dwelling units found primarily on Cedar Mountain and in the Deer Springs region below Bryce Canyon National Park. These areas are especially vulnerable to wild land fire. Other important unincorporated communities include Church Wells/Paria in eastern Kane County, East Zion in western Kane County, and the housing complexes near Bullfrog Marina on Lake Powell.

According to the U.S. Census Bureau<sup>16</sup> new residential construction in Kane County has not recovered since the 2008 housing crisis. From 1994 to 2004 residential construction averaged 109 units annually. This activity was attributable to the county's higher levels of seasonal dwelling units. During most of this period, cabins accounted for over 50% of new (single family) residential construction.

The next period of high growth began in 2005 until 2007, when residential construction exploded, averaging 200 new units each year. But it came to a screeching halt in 2008 when construction dropped to 60 units, steadily declining until 2014 when the total number of approved permits hit a low of 15. The lack of new construction has increased the need for more rental units and driven up the cost. According to the U.S. Department of Housing and Urban Development, Kane County was one of the five top counties in the nation with the largest rent increase based on the areas Fair Market Rent (FMR).<sup>17</sup>

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<sup>13</sup> Utah Association of Counties, "2015 Utah Counties Fact Book", <[uacnet.org/members/uac\\_research](http://uacnet.org/members/uac_research)>, (Their data from SITLA statewide GIS mapping). By county: Emery pg. 15, Garfield pg. 17, Grand pg. 19, Kane pg. 25, San Juan pg. 37, and Wayne pg. 55.

<sup>14</sup> Selected Housing Characteristics, 2009-2013 American Community Survey 5-Year Estimates, <[factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml)>

<sup>15</sup> Bureau of Economic and Business Research, University of Utah, "An Analysis of Long-Term Economic Growth in Southwestern Utah: Past and Future Conditions," published June 2008.

<sup>16</sup> United States Bureau of the Census, Building Permits from 1994 to 2014, Kane County, Utah; <<http://censtats.census.gov/cgi-bin/bldgprmt/bldgdisp.pl>>

<sup>17</sup> Published in the Novogradac Journal of Tax Credits, September 2013, Vol. IV, Issue IX, "HUD Proposes Fiscal Year 2014 Fair Market Rents". Kane County had a 28.46 percent increase in rents (approximately \$175). Fair Market Rent is an amount needed to pay rent and utilities "of a privately owned, decent and safe rental housing unit of a modest nature with suitable amenities."

## **Industrial and Commercial Land Use:**

Industrial and commercial land uses are located at major highway intersections and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities. An exception to this trend is Best Friends Animal Sanctuary which is the county's largest employer, located approximately 10 miles north of Kanab in Angel Canyon.

According to the Utah Department of Workforce Service,<sup>18</sup> employment in Kane County increased 2.4% between December 2013 and December 2014 generating a net gain of 70 jobs. The strongest industry expansion occurred in "other services," which includes the county's largest employer Best Friends Animal Sanctuary. However, "leisure and hospitality" are still the leading industry in the county, with 1,012 jobs.<sup>19</sup> In 2014, Alton Coal Mine employed as many as 54 miners and 46 dedicated truck drivers. Over a 40-year year, it is estimated that 150-200 jobs would be generated.<sup>20</sup> The least job gain will be in information and manufacturing.

## **Public Facilities/Developed Recreation Land Use:**

Most Kane County administrative and maintenance facilities have been located inside incorporated communities in the county seat of Kanab.

The Jackson Flat Reservoir, which is immediately south of Kanab, is a new 4,228 acre/foot reservoir that is becoming an important water storage facility and recreation spot. This project was undertaken by the Kane County Water Conservancy District and includes 232 acres of historic ranch owned by the Jackson family. The groundbreaking ceremony was held in April, 2011.

The Kane County Land Use Ordinance shall provide additional opportunities for developed recreational land use through the Recreational Vehicle Park and Planned Unit Development Ordinances.

## **Public Lands:**

With 89.7 percent of the county land base in public ownership, the land use and management decisions made by state and federal land managers weigh heavily on the use of private land. The National Park Service, U.S. Forest Service, Bureau of Land Management, the 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.

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<sup>18</sup> Utah Department of Workforce Services; Economy Snapshot; <[jobs.utah.gov/wi/regions/county/kane.html](http://jobs.utah.gov/wi/regions/county/kane.html)>

<sup>19</sup> Utah Department of Workforce Services; Nonfarm Jobs; <<http://jobs.utah.gov/wi/pubs/eprofile/index.html>>

<sup>20</sup> Per Larry Johnson, General Manager, Alton Coal Development, LLC, "Coal Hollow Project" 463 N. 100 W, Ste. 1, Cedar City, UT 84721.

<i>Jurisdiction</i>	<i>Acres</i>	<i>Percentage</i>
<b>Bureau of Land Management</b>	<b>1,653,394</b>	<b>62.9%</b>
Grand Staircase-Escalante National Monument	1,278,492	48.7%
Kanab Resource Area (Non-Monument)	374,902	14.3%
<b>National Park Service</b>	<b>469,026</b>	<b>17.9%</b>
Glen Canyon National Recreation Area	450,698	17.2%
Bryce Canyon National Park	8,910	0.3%
Zion National Park	9,418	0.4%
<b>U.S. Forest Service (Dixie National Forest)</b>	<b>123,482</b>	<b>4.7%</b>
<b>Total Federal Land Base</b>	<b>2,245,902</b>	<b>85.5%</b>
Dept. of Natural Resources	4,086	0.2%
School and Institutional Trust Lands	99,864	3.8%
Coral Pink Sand Dunes State Park	3,727	0.1%
Kodachrome State Park	3,148	0.1%
<b>Total State Land Base</b>	<b>110,825</b>	<b>4.2%</b>
Alton Town	1,506	0.06%
Big Water Town	3,904	0.15%
Glendale Town	4,992	0.19%
Kanab City	9,362	0.36%
Orderville Town	1,024	0.04%
Unincorporated	249,936	9.5%
<b>Total Private Land Base</b>	<b>270,724</b>	<b>10.3%</b>
<b>Total Land Base</b>	<b>2,627,409</b>	<b>100%</b>

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.

## Land Use - Key Issues:

### 1. Diversity of Land Forms and the Vast Extent of the 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 and Lake Powell, where annual precipitation is less than 10 inches. It is impossible to develop land use policies which can be uniformly applied to such a varied landscape. What may 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 Glendale.

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. *Escalante Grazing Zone Region* – All land from the boundary of the Glen Canyon Region to the Southwest 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. *Bryce Canyon National Park Region* – All land within the Bryce Canyon National Park area.
- E. *National Forest Region* – All land designated National Forest.
- F. *Zion National Park Region* – All land within Zion National Park that is within Kane County.
- G. *Southwest Corner Region* – All land on the west side of the county (excluding Zion National Park Region) to the Escalante Grazing Zone Region (on the east), up to the National Forest Region (to the north).

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.

## **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, and so on, 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 use 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. The Commission has also implemented or supported the establishment of wellhead protection zones. The presence of the vast Navajo Sandstone Aquifer is also recognized as an important resource.

### **3. Recognize the Difference between Agricultural Uses and Low Density Residential Uses**

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 *agricultural* for primarily low density residential uses.

The County Commission recognizes the need to protect agricultural lands, 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 uses, 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 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 uses 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.

### **4. Acknowledge the Distinction between Forest/Recreation Uses and Multiple-Use Range**

One of Kane County's earlier General Plan's 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 concerns 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* to help benefit and protect agricultural pursuits on private lands.

## **5. Protect the Limited Irrigated Cropland Base**

According to the 2012 Census of Agriculture<sup>21</sup>, there are 183 farms (125,441 acres) in Kane County. Of this amount, 3,953 acres are irrigated. This total represents a 41% reduction in farmland in Kane County since the 1992 Census of Agriculture.<sup>22</sup>

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 Report<sup>23</sup> stated 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 21<sup>st</sup> century, but they still provide valuable opportunities for supplemental income and open space preservation. Further, much of the vegetation manipulation on both public and private rangelands 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 current livestock and wildlife use. Suffice it to say that this limited, valuable land base is threatened by conversion to other uses.

## **6. Recognize the Constraints to Development Caused by the Natural Environment**

Just as the lack of financial resources constrains the development of land in Kane County, the physical layout presents limitations as well. 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 a Systematic Wild Land Fire Protection System**

The remote nature of many structures in unincorporated areas, combined with the presence of significant vegetation, creates a serious wild land-urban interface. As development continues, the need to protect private investments and residents is vital.

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<sup>21</sup> 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](http://www.nass.usda.gov)>

<sup>22</sup> 1992 Census of Agriculture, [www.agcensus.usda.gov/Publications/1992/State\\_and\\_County\\_Highlights](http://www.agcensus.usda.gov/Publications/1992/State_and_County_Highlights)>

<sup>23</sup> U.S. Department of Agriculture and National Agricultural Statistics Service; <[www.nass.usda.gov](http://www.nass.usda.gov)> County Estimates: Farm Income and Expenses by County – 2012.

To address these issues, a multi-jurisdictional group of agencies, organizations, and 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.

Kane County understands the most effective wildfire management tool is wise harvest of the resource. 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 there is the added benefit of economic stimulus as wood products are harvested.

### **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:* 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.

*Objective:* To provide appropriate locations where residential neighborhoods may 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.

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

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*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 which correspond to major public land management units, as well as reflect the varied conditions of private lands in the various regions.

*Policy:* Assign the seven regions (recommended herein) to an elected or appointed official (i.e. County Commissioner, Planning Commissioner or their assign). The assigned, respective regional representative will then serve as the point of contact

for all matters related to land use. The Planning Commission Chair would serve as the individual responsible to ensure that regional assignments are being maintained and administered.

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*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 will be determined by the Land Use Ordinance.

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*Goal #4:* Develop a systematic wild land fire protection system.

*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). Namely, to 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.

Kane County understands the most effective wildfire management tool is wise harvest of the resource. 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.

**Commercial Land Uses:**

*Goal #1:* Encourage and provide for commercial uses in locations convenient 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.

*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.

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: July 20, 2015

Dept. /Business Name: Planning & Zoning

Topic/Re: "SITLA" discussion regarding the  
permitting process.

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: Shannon 644-4966 or Mary -4951

Notes: \_\_\_\_\_  
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\_\_\_\_\_

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or **Work** Meeting

Date of Commission Meeting Requested: July 20, 2015

Dept. /Business Name: Planning & Zoning

Topic/Re: Revisions to the Kane County Resource Management Plan, adding "Appendix I" Conservation Plan for Greater Sage-grouse in Utah (state plan)

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: Shannon 644-4951 or Mary - 4951

Notes: Conservation plan attached.

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: July 20, 2015

Dept. /Business Name: Planning & Zoning

Topic/Re: Revisions to Land Use Ordinance, Chapters 1, 5 & 21 \* Please note!  
clarification of definitions, revise use matrix

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: Shannon 644-4966 or Mary -4951

Notes: Chapter 1, 5, and 21 attached as WORD docs  
to email\*

## **CHAPTER 1. GENERAL PROVISIONS**

### **SECTION:**

- 9-1-1: Short Title
- 9-1-2: Kane County Land Use Philosophy
- 9-1-3: Intent and Purpose
- 9-1-4: Interpretation
- 9-1-5: Conflict
- 9-1-6: Effect upon Previous Ordinance and Maps
- 9-1-7: Definitions
- 9-1-8: Inspection
- 9-1-9: Enforcement
- 9-1-10: Nuisance and Abatement
- 9-1-11: Amendments to Land Use Ordinance
- 9-1-12: Publication and Notice of Hearings
- 9-1-13: Issuance of Permits and Licenses
- 9-1-14: Fees
- 9-1-15: Severability
- 9-1-16: Penalties

#### **9-1-1: Short Title.**

This Ordinance shall be known as the Land Use Ordinance of Kane County, Utah.

#### **9-1-2: Kane County Land Use Philosophy**

There has been, in the United States over the last several decades, a strong trend of increasing governmental control over private property rights and uses. This trend has resulted in the loss of property rights in favor of governmental oversight, regulation and planning concepts. The overall purpose of this trend is to increase orderly growth. However, this end is accomplished overwhelmingly by the use of restrictive laws and ordinances that effectively seize property rights from property owners. Kane County believes that this trend encroaches severely on the inalienable right of property ownership. This Land Use Ordinance and other county ordinances are purposefully kept in many ways as lenient as State Statute will allow. Other tougher restrictions are kept as minimal as possible to ensure a balance between the individual's property rights and the property rights of the

neighbors. To this end, property owners of Kane County should realize that by retaining as much of their rights as possible, they also retain the associated responsibilities.

In addition to preserving individual property rights, Kane County believes that the individual, not the tax payers collectively, should be responsible for the individual's own living conditions. We hold it to be a violation of principle to use general public funds for spot improvements that only benefit localized areas. As such, it is Kane County policy to refuse to participate in spot infrastructure improvements which benefit only a localized area yet burden the tax payers at large. If property owner's collectively desire, they can petition the county to assist in the creation of a special improvement district which places the financial burden of the improvements on the area being improved. In this way the County reduces both the regulation and the taxes placed on the property owners. Kane County property taxes collected and deposited in the general fund are designated among other things to maintain public infrastructure not to improve it. To that end, Kane County will continue to focus on the wise use of the general fund in maintaining current improvements and future improvements once they have met county standards.

Kane County has sought to keep this land use ordinance within the spirit of the Declaration of Independence and recognizes that one of the hallmark benefits of a free society is the retained rights of private property to their owner. To that end, we include this quote from the Declaration of Independence in our ordinance as a governing principle that we seek to follow:

"We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are, Life, Liberty, and the pursuit of Happiness. --That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed..."

#### 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 § 17-27a-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:

- A. To implement the General Plan and to guide the future growth of the county in compliance with the General Plan.
- B. To regulate land use in a manner that will encourage and facilitate orderly growth and development in the County.
- C. To provide land use regulations for the unincorporated areas of the County.
- D. To enable economy in government expenditures in the process of development.
- E. To promote the efficient and economical utilization, conservation, and production of land, water, and other resources and facilities.
- F. To foster the County's agricultural, commercial and industrial development.
- G. To facilitate adequate provisions for transportation, water, sewer, schools, parks, and other public requirements.
- H. To reduce the waste of physical, financial, and human resources.
- I. To lessen congested streets.
- J. To avoid or lessen the hazards to persons or damage to property.
- K. To stabilize and improve property values.
- L. To protect the tax base.
- M. To promote a more attractive and wholesome environment.
- N. To promote conditions favorable to prosperity, recreational activities, educational, and cultural opportunities.
- O. To support the use of energy conservation methods, i.e. solar and renewable energy sources.
- P. To protect both urban and non-urban development.
- Q. To encourage a variety of housing types and promote moderate income housing.
- R. To assist the public in identifying and understanding regulations affecting the development and use of land.
- S. To enforce the provisions of this ordinance and to minimize the exceptions and variances, hereto.

9-1-4: Interpretation.

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

9-1-5: Conflict.

This Ordinance shall not nullify the more restrictive provisions and covenants, agreements, other ordinances or laws but shall prevail notwithstanding such provisions which are less restrictive.

9-1-6: Effect upon Previous Ordinance and Maps.

All Land Use Ordinances of Kane County, Utah, including maps that were enacted prior to June 13, 2011, are hereby superseded, amended and repealed to read as set forth herein; All previous designated land uses, legally vested within Kane County, Utah, and having been subject to continuous prior-conforming use, shall remain unaffected by subsequent land use designations and ordinances.

9-1-7: Definitions.

For the purposes of this Ordinance, certain words and terms are defined as set forth below. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the Building Code shall be construed as if defined herein. All General Provision definitions of Utah State Code 17-27a-101 et.al., as amended, not inconsistent with the definitions set forth herein, are adopted as if set forth fully herein. If any definition set forth herein is inconsistent with any definition set forth in Utah State Code and if said Utah State Code as a matter of law is binding on this Ordinance, the inconsistent portion of the definition set forth herein shall not have any effect.

- 1) Accessory Building or Use. A use or building on the same lot with, and of a nature customarily incidental to the principal building or use.
- 2) Agricultural Use. Land shall be deemed to be in agricultural use when devoted to the raising of plants and animals useful to man, including but not limited to: forages and sod crops; grains and feed crops; dairy animals,

poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees, fur animals, trees, fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral and ornamental stock; or when devoted to and meeting the requirements and qualifications for payment or other compensation pursuant to a crop land retirement program under an agreement with an agency of the state or federal government.

- 3) **Agricultural Industry or Business.** An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production.
- 4) **Airport.** Any area of land or water designed and set aside for the landing and taking off of aircraft plus maintenance and auxiliary facilities and auxiliary buildings for maintenance.
- 5) **Alterations, Structural.** Any changes, addition or modification in the supporting members of a building such as bearing walls, columns, beams, or girders.
- 6) **Amusement Park.** Any place or organized amusement activity not conducted wholly within a completely enclosed building.
- 7) **Animal Shelter, Commercial.** Any facility regardless of location within the county involved in activities of commerce pertaining to the harboring, breeding, boarding, sheltering or holding of domestic animals of a non-agricultural nature and not involved in the production of dairy products, meats for consumption, fur or pelts. This definition shall also include privately held shelters in which more than 15 animals of any type are kept for any purpose.
- 8) **Animal Shelter, Private.** Any privately held property in the county being used for the holding, private breeding or otherwise harboring or sheltering of a total of 8 or more animals of any species over the age of 4 months.

- 9) **Annexation Area.** The unincorporated area that is identified in an annexation policy plan under State Code as the area that the municipality anticipates annexing in the future. (Utah State Code § 10-2-101 et.al.)
- 10) **Apartment.** A room or suite of rooms rented or leased for use as a dwelling place.
- 11) **Apartment House.** Any building or group of buildings in which rooms are arranged and rented or leased as apartments. See: Dwelling, Multiple Family
- 12) **Apartment Court.** Any building or group of buildings which contain dwelling units; see Dwelling, Multiple-Family.
- 13) **Appeal Authority.** A person appointed by the Kane County Commission to hear appeals by any person aggrieved by his/her inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Ordinance.
- 14) **Assisted Living Facility.** A residential facility, licensed by the state of Utah, with a homelike setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under rules of the Utah Department of Health or the Utah Department of Human Services to need any of these services. Each resident shall have a service plan based on the assessment, which may include: a) specified services of intermittent nursing care; b) administration of medication; and c) support services promoting resident's independence and self-sufficiency. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.
- 15) **Basement.** The floor level of a structure when 50% or more is below the surrounding grade.
- 16) **Basement House.** A residential one story structure that is more than 50% under the surface of the surrounding grade.

- 17) **Bed and Breakfast.** Transient lodging other than a motel or hotel where meals are provided.
- 18) **Bench Mark.** A mark affixed to a permanent or semi-permanent object to furnish a datum level in survey.
- 19) **Billboard.** A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.
- 20) **Boarding House.** A dwelling where room and meals are provided for compensation for at least five but not more than 15 persons.
- 21) **Building Area.** The portion of a lot remaining after required setbacks have been established.
- 22) **Building.** Any structure used or intended to be used for the shelter or enclosure of persons, animals or property.
- 23) **Building, Height Of.** The vertical distance from the average finished grade surface to the highest point of the building roof or coping.
- 24) **Building Official.** The person designated as the Building Official for Kane County by the County Commission.
- 25) **Building, Main.** The principal building housing the principal use upon a lot.
- 26) **Building, Public.** A building owned and/or operated or owned and intended to be operated by a public agency.
- 27) **Campground.** A parcel designated and approved by the County for occupancy by tents, trailers, motor homes or campers on a temporary basis.
- 28) **Car Wash.** A facility for automatic or self-service washing and cleaning of automobiles and trucks.
- 29) **Catterie, Commercial.** Any facility regardless of location within the county involved in activities of commerce pertaining to the harboring, breeding,

boarding, sheltering or holding of domestic cats, regardless of the number of animals. The definition shall also include private held catteries in which more than 15 domestic cats are housed for any purpose.

- 30) Catterie, Private. Premises on which the holding, private breeding or otherwise harboring or shelter of 4 cats over the age of 4 months and a maximum number of cats as designated in the appropriate underlying zone.
- 31) Cellar. A room or rooms wholly under the surface of the ground.
- 32) Child Nursery. An establishment for the care and/or the instruction of six or more children, for compensation, other than members of the family residing on the premises, but not including a public school.
- 33) Church. A building, together with its accessory buildings and uses, maintained and controlled by an officially organized religious organization where persons regularly assemble for worship.
- 34) Clinic, Medical, Chiropractic or Dental. A building in which a group of dentists, physicians and allied medical professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.
- 35) Club, Private. An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.
- 36) Commission. Unless otherwise indicated, the County Commission of Kane County, Utah.
- 37) "Community" Zone. A zone in the unincorporated area of the County that falls outside of any municipal boundary or annexation zone and which the County's Land Use Authority designates as a potential municipality site.

- 38) Conditional Use. A use of land for which a Conditional Use Permit is required. Utah State Code § 17-27a-103(6)
- 39) Condominium. The ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property.
- 40) Construction Camp. A camp or other residential area of a temporary nature established for a period of five or more days for the housing of four or more persons engaged in activities related to construction, mining and logging. Camps established for hunting, fishing, recreation or agricultural purposes are excluded from the definition of a construction camp.
- 41) Corral. An enclosure, other than a building less than one acre in area, used for the confinement of animals or fowl.
- 42) Commercial. For profit or non-profit business.
- 43) Community Correctional Facility. A facility licensed by or contracted by the state of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such a facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement rehabilitation, or treatment in a correctional institution.
- 44) Correctional Institution. A prison, jail, juvenile detention facility or juvenile secure facility.
- 45) County. Unless otherwise indicated, Kane County, Utah.
- 46) Court. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.

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- ~~46)~~47) Covenant, Conditions and Restrictions. Limits and rules placed on a group of homes by a builder, developer, neighborhood association or Homeowners Association. Homeowners Association. These restrictions will be enforced by the homeowners association and not the County.
- ~~47)~~48) Coverage, Building. The percent of the total site area covered by buildings.
- ~~48)~~49) Cul-de-sac. A minor street serving properties with no future plans to extend beyond the termination point, and being terminated by a vehicle turnaround.
- ~~49)~~50) Culinary Water Authority. The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
- ~~50)~~51) Dairy. A commercial establishment for the manufacture, processing, or packaging of dairy products, and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.
- ~~51)~~52) Developable Land. Land that is outside the hundred year flood plain and having a slope less than 40%.
- ~~52)~~53) Development Agreement. A binding contract between the County and the applicant and shall contain those terms and conditions agreed to by the County and the applicant. The Land Use Authority Administrator, the Land Use Authority Commission and or the Kane County Commission are authorized to negotiate for the County. Final approval of the agreement is by the Kane County Commission.
- ~~53)~~54) Disability. A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or successor law.

- | ~~54)~~55) Dormitory. A residence hall providing two or more units with three or more sleeping rooms per unit where meals are not served.
- | ~~55)~~56) Driveway. A private roadway, the use of which is limited to, persons residing, employed or otherwise using or visiting the parcel on which the driveway is located.
- | ~~56)~~57) Dry Subdivision. A subdivision of land that was lawfully approved prior to any mandated subdivision water system considerations and/or requirements as outlined under Kane County's Land Use Ordinance.
- | ~~57)~~58) Dwelling. Any building or portion thereof, which is designed for use for residential purposes, except the following: hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, fraternities, sororities, trailers, mobile homes or dormitories.
- | ~~58)~~59) Dwelling, Single-Family. A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
- | ~~59)~~60) Dwelling, Multiple-Family. A building arranged or designed to be occupied by more than one family.
- | ~~60)~~61) Dwelling Unit. One or more rooms in a dwelling or apartment motel, designated for or occupied by one family for living or sleeping purposes and having kitchen and bathroom facilities for the use of not more than one family.
- | ~~61)~~62) Elderly person. A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
- | ~~62)~~63) Easement. The acquired privilege or right-of-use of enjoyment which one person may have in the land of another.
- | ~~63)~~64) Family. Two or more persons related by blood, marriage or adoption or a group of not more than four persons who are not related living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

- | ~~64~~65) Final Plat. A subdivision map prepared in accordance with the provisions of this Ordinance, which is designed to be placed on record in the office of the County Recorder.
  
- | ~~65~~66) Flood Hazard. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings or erode the banks of water courses.
  
- | ~~66~~67) Flood Plain. Land that is within the 100-year flood plain designated by the Federal Emergency Management Agency or has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency, (Utah State Code § 17-27a-103) and any plain along a river or stream subject to periodic flooding.
  
- | ~~67~~68) Forestry. The planting, caring for or cultivating of a dense growth of trees. May include the gathering of wood for domestic fire use.
  
- | ~~68~~69) Frontage. All property fronting on one side of the street between intersecting or intercepting streets or between a street and a right-of-way, waterway, end of a dead-end street, or political subdivision boundaries, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intersects.
  
- | ~~69~~70) Garage, Private. An accessory building designed or used for the storage of one or more automobiles owned by the occupants of the building to which it is an accessory. A garage is considered part of a dwelling if the garage and dwelling have a roof or wall in common.
  
- | ~~70~~71) Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.
  
- | ~~71~~72) Geologic Hazard. A surface fault rupture; shallow groundwater; liquefaction; a landslide; a debris flow; unstable soil; a rock fall; or any other geologic condition that presents a risk to life; of substantial loss of real

property; or of substantial damage to real property. (Utah State Code § 17-27a-103(16) as amended). A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure or shifting of the earth.

~~72)~~73) Group Home. A group of five or more persons who are not related living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

~~73)~~74) Health Department. The Utah State Division of Environmental Health or local health agency having jurisdiction.

75) Home Occupation. Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, occupying no more than 25% of the dwelling unit, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Home occupation may include, but not limited to, the use of the home by a physician, surgeon, dentist, lawyer, clergyman, engineer or professional person for consultation or emergency treatment. Home occupation includes the care of not more than five children other than members of the family residing in the dwelling. A home occupation in a multiple dwelling unit will be considered as one of the units in determining the allowable number of units.

1) Home Owners Association. (HOA) A legal organization of property owners within a subdivision, planned community condominium or other grouping of homes and or property that makes and enforces rules for the properties within the association. The County will not enforce Home Owners Association rules. The HOA will be in charge of enforcing all HOA rules. Kane County will only enforce applicable State and Local laws and ordinances.

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~~75)~~77) Hospital. Institution for the diagnosis, treatment and care of human illness or infirmity.

- | ~~76)~~78) Hotel. An establishment or building providing a number of bedrooms and baths, etc. and usually food for the accommodation of travelers or semi-permanent residents for compensation.
  
- | ~~77)~~79) Household Pets. Animals or fowl ordinarily permitted in the house kept for company or pleasure.
  
- | ~~78)~~80) Improvement Assurance or Improvement Completion Assurance. A surety bond, letter of credit, cash, or other security (a) to guaranty the proper completion of an improvement; (b) that is required as a condition precedent to recording a subdivision plat or beginning development activity; and (c) that is offered to a land use authority to induce the land use authority, before actual construction of required improvements to consent to the recording of a subdivision plat or issue a permit for development activity. (Utah State Code § 17-27a-103(21) as amended)
  
- | ~~79)~~81) Irrigated Land. Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.
  
- | ~~80)~~82) Junk. Any discarded material, including but not limited to scrap metal, one or more abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment, paper, glass, containers and structures.
  
- | ~~81)~~83) Junkyard Commercial. Any place, establishment or business maintained, used or operated for storing, keeping, buying, or selling junk, including garbage dumps, sanitary landfills and salvage yards.
  
- | ~~82)~~84) Kennel, Commercial. Any facility regardless of location within the county involved in activities of commerce pertaining to the harboring, breeding, boarding, sheltering or holding of dogs, regardless of the number of animals. This definition shall also include privately owned kennels in which more than 15 dogs are housed.
  
- | ~~83)~~85) Kennel, Private. Premises on which the holding, private breeding or otherwise harboring or sheltering of four (4) dogs over the age of four (4) months and a maximum number of dogs as designated in the appropriate underlying zone.

- | ~~84)~~86) Land Use Authority. A person, board, commission, agency or other body designated by the local legislative body to act upon a land use application.
- | ~~85)~~87) Livestock. Means cattle, sheep, goats, swine, horses, mules, poultry as defined in Utah Code or any other domestic animal or domestic furbearer, raised or kept for profit.
- | ~~86)~~88) Livestock Feed Yard. A commercial operation on a parcel of land where livestock are kept in high density corrals or yards and fed for an extended period of time.
- | ~~87)~~89) Lot. A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision plat, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two or more smaller units. Such unit is intended to be occupied by a main building and such accessory uses as permitted in this Ordinance.
- | ~~88)~~90) Lot Coverage. Lot coverage shall be calculated by taking the ground area of main and accessory buildings and dividing that total by the area of the lot.
- | ~~89)~~91) Lot, Corner. Lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.
- | ~~90)~~92) Lot, Interior. A lot other than a corner lot.
- | ~~91)~~93) Lot, Depth. The horizontal distance between the front and rear lot lines measured in the main direction of the side lot lines.
- | ~~92)~~94) Lot Lines. Property lines bounding the lot.
- | ~~93)~~95) Lot, Restricted. Any lot having particular problems in size, slope, contour or shape requiring special action of the Appeal Authority.
- | ~~94)~~96) Manufactured Home. A residential structure conforming to HUD standards issued 1976 or later. Home is built on a steel undercarriage with removable wheel assembly designed for placement on a permanent

foundation with 6 inch reinforced slab and connected to the required utilities, which includes the plumbing, heating, air conditioning and electrical systems contained therein.

- | ~~95)~~97) Mobile Home. A manufactured dwelling built to be moved on its own wheels and built prior to 1976, not intended to be placed on a permanent foundation.
- | ~~96)~~98) Mobile Home Lot. A lot within a mobile home park of a subdivision, designed and to be used for the accommodation of one mobile home.
- | ~~97)~~99) Mobile Home Park. A parcel designed and approved by the County for occupancy by mobile homes on a rental basis meeting all requirements of Kane County General Plan and ordinances.
- | ~~98)~~100) Mobile Home Space. Space within a mobile home park, designed and to be used for the accommodation of one mobile home.
- | ~~99)~~101) Moderate Income Housing. Housing occupied or reserved for households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the County in which housing is located.
- | ~~100)~~102) Modular Home. A permanent dwelling structure which conforms to applicable building codes built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site.
- | ~~101)~~103) Motel. A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
- | ~~102)~~104) Natural Hazard. Risk; peril or danger in a state provided by nature without man made changes.
- | ~~103)~~105) Natural Waterways. Areas varying in width along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the County Engineer.

- | ~~104)~~106) Nonconforming Building or Structure. Building or structure or portion thereof, lawfully existing at the time this Ordinance became effective which does not conform to all height, area and yard regulations herein prescribed in the zone in which it is located.
- | ~~105)~~107) Nonconforming Use. Use which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform to the use regulations of the zone in which it is located.
- | ~~106)~~108) Nursing Home. Institution providing residence and care for the aged or infirm.
- | ~~107)~~109) Off Site Facilities. Improvements not on individual lots but which are generally within the boundaries of the subdivision which they serve.
- | ~~108)~~110) Off-Street Parking. Parking stall access from a parking lot, not directly from a street.
- | ~~109)~~111) Open Space. Space reserved as parks, courts, playgrounds, golf courses and other similar open areas and those areas reserved to meet the density requirements of Planned Unif Developments.
- | ~~110)~~112) Over-Lay Zone. An area defined in any zone or combination of zones for a specific and defined protection and usage.
- | ~~111)~~113) Parcel. A distinct, continuous portion or tract of land not within a platted subdivision.

PARK: A playground or other area or open space providing opportunities for active or passive recreational or leisure activities. Excludes areas for motorcross, drag racing, shooting and similar activities.

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115) Park, Public. An area of land, usually in a largely natural state, for the enjoyment of the public, having facilities for rest and recreation, often owned, set apart, and managed by a city, state, or nation.

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- | ~~113)~~117) **Parking Lot.** An open area, other than street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation or as an accommodation for clients, customers or employees.
  
- | ~~114)~~118) **Parking Space.** Space within a building, lot or parking lot for the parking or storage of one automobile.
  
- | ~~115)~~119) **Permanent Monument.** A structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.
  
- | ~~116)~~120) **Person.** An individual, firm, association, organization, partnership, company or corporation or any legal entity entitled to own property.
  
- | ~~117)~~121) **Planned Unit Development.** Development which may consist of integrated zones designed to allow Residential, MPR, Commercial, Manufacturing uses in a combination allowing flexibility and initiative in site and building design and location.
  
- | ~~118)~~122) **Public Utilities.** These include every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation, and water corporation where the service is performed for or the commodity delivered to the public or any portion thereof.
  
- | 123) **Park Model Recreational Vehicle.** A unit that (a) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use, (b) is not permanently affixed to real property for use as a permanent dwelling, (c) requires a special highway movement permit for transit, and (d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.
  
- | 124) **Recreation Grounds and facilities.** Recreational areas would include land that is designed, constructed, designated, or used for recreational activities. Examples are national, state, county, or city parks, other outdoor recreational areas such as golf courses or swimming pools and bodies of waters (lakes, rivers, and streams) when used by the public for fishing, swimming, or boating. Public and private areas that are predictably used for

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hunting, fishing, bird watching, bike riding, hiking, or camping or other recreational use also would be considered recreational areas.

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125) RECREATION AND ENTERTAINMENT, INDOOR: An establishment offering recreation, entertainment or games of skill to the general public that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts, and amusement rides.

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RECREATION AND ENTERTAINMENT, OUTDOOR: An establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, tennis courts, and amusement rides. No use involving aircraft of any type is included in this definition.

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~~120)~~ 127) Recreational Vehicle. Vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare for use as human habitation of a temporary and recreational nature.

~~121)~~ 128) Recreational Vehicle Park. An area or tract of land where lots are rented or held for rent to one or more owners or users of recreational vehicles for a temporary time as regulated further by this ordinance.

~~122)~~ 129) Rehabilitation/Treatment Facility. A facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health. Associated educational services may also be provided to juvenile occupants.

- | ~~123)~~130) **Residence, Residential Facility.** Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.
  
  - | ~~124)~~131) **Residential Facility for Elderly Persons.** A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement.
  
  - | ~~125)~~132) **Residential Facility for Persons with a Disability.** A residence in which more than one person with a disability resides.
  
  - | ~~126)~~133) **Residential Use.** Customarily includes overnight use of a room or rooms with independent facilities for sleeping combined with a private bath and/or a kitchen.
  
  - | ~~127)~~134) **Roomer.** One who occupies a hired room in another's house.
  
  - | ~~128)~~135) **Rules of Order and Procedure.** A set of rules that govern and prescribe in a public meeting including parliamentary order and procedure, ethical behavior, and civil discourse. (Utah State Code § 17-27a-103(42) as amended).
  
  - | 136) **Sexually Oriented Businesses.** An inclusive term used to describe collectively those businesses for which a sexually oriented business license is required, which types of businesses include, for purposes of this title, adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort, escort agency, massage parlor, seminude modeling studio, sexual encounter establishment, and any other business not described that has a dominant or principal theme that is sexually oriented.
- 2) Shape\*files. Shape files. A GIS shapefile is a file format used for storing geographic information data in GIS computer programs and databases, such as ArcGIS and ArcCatalog. The file extension for shapefiles is *.shp*

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~~129)~~137)

138) Signs. See the Uniform Sign Code for definitions.

~~130)~~139) SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates, as may be required by this title, the placement and location of yards, property lines, setbacks, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

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~~131)~~140) Sketch Plan. Generalized layout of a proposed subdivision with accompanying general proposals and intentions of the subdivider and relating the proposed subdivision to its area, to public facilities and services and to special problems that may arise in the development of a subdivision.

~~132)~~141) Stable, Private. A detached accessory building for the keeping of horses owned by the occupant of the premises and not kept for remuneration, hire or sale.

~~133)~~142) Street. A public thoroughfare which affords principal means of access to a butting property in accordance with Kane County Design Standards.

~~134)~~143) Subdivision. Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, or lease, or development either on the installment plan or upon any and all other plans, terms, and conditions and as further defined under Utah State Code § 17-27a-103 (57) as amended.

~~135)~~144) Trailer, Camper. A vehicle with or without motive power or wheels, designed to be used for human habitation.

145) Transferable Development Rights (Bonus Density). Transferring Development Rights from a "Sending Zone" to a "Receiving Zone". The "Sending Zone" is an unincorporated area of the County that the Planning Commission designates as an area from which an owner of land may transfer development rights to their self to a contiguous "Receiving Zone". "Receiving Zone" means an unincorporated area of the County that the

Planning Commission designates as an area in which an owner of land may receive transferable development rights.

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~~136)~~146) Tourist based companies.

~~137)~~147) Unlicensed Rehabilitation/Treatment Facility. A facility providing temporary occupancy for individuals (adult/juvenile) in order to provide rehabilitation, treatment or counseling services, which facility either does not require licensure by the state of Utah or does not operate under contract with the state of Utah. Without limitation, such services may include rehabilitation, treatment or counseling services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health.

~~138)~~148) Use, Accessory. A use subordinate and incidental to the main use of a building or land located upon the same lot or parcel.

~~139)~~149) Veterinary or Animal Hospital. A building and runs where large and/or small animals are kept and/or treated by a licensed veterinarian.

~~140)~~150) Zone. An area as described on the zoning map or in the Land Use Ordinance.

~~141)~~151) Zoning Map. A map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.

#### 9-1-8: Inspection.

The Land Use Authority or any authorized employee of Kane County shall have the right to enter the premises for the purpose of determining compliance with the provisions of this Ordinance; provided, that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made in the absence of the owner or tenant thereof without written permission of the owner, or the written order of a court of competent jurisdiction.

#### 9-1-9: Enforcement.

The Land Use Authority Administrator is hereby designated and authorized as the officer charged with the enforcement of this Ordinance. The Land Use Authority

Administrator shall enforce all the provisions of this Ordinance, entering actions of the court when necessary, and his/her failure to do so shall not legalize any violations of such provisions. The County Commission may, by resolution or ordinance, from time to time entrust the administration of this Ordinance, in whole or part, to any other officer of Kane County.

9-1-10: Nuisance and Abatement.

In conjunction with the Kane County Nuisance Ordinance any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this Ordinance and any use of land, building or premises established, constructed or maintained contrary to provisions of this Ordinance shall be, and the same is hereby declared to be unlawful and public nuisance

9-1-11: Amendments to the Land Use Ordinance.

- The County Commission may from time to time amend the number, shape, boundaries or areas of any zone, or any regulation or any other provision of the Land Use Ordinance. Any such amendment shall not be made or become effective until notice and public hearing as required by law and unless the same shall have been proposed by or be first submitted to the Planning Commission for its recommendation.

In the case of an application by a property owner or other citizen for an amendment, the County Land Use Authority and/or the Board of County Commissioners, as a prerequisite to the consideration of such application, shall require that such applicant, at the applicant's expense, furnish to such Commission and/or Board title evidence, in such form as such Commission or Board may determine, indicating the ownership of the property to be affected by the proposed amendment and the interest therein of the applicant, and shall also require that notice of such proposed amendment be given to all parties claiming an interest in such property.

9-1-12: Publication and Notice of Hearings.

Before adopting any such amendment, the Land Use Authority shall publish a notice in the paper and post notice in three public places or on website 10 days

prior to the first public hearing or five days prior to first public hearing written notice to be mailed to interested persons or post notice in three public places or on website and submit to a newspaper of general circulation in the County 24 hours prior to each public meeting.

9-1-13: Issuance of Permits and Licenses.

All departments, officials and public employees of Kane County which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance.

9-1-14: Fees.

Fees may be charged to applicants for building, occupancy, and conditional use permits, design review and Planned Unit Development approval, Land Use Authority and Appeal Authority hearings, and such other services as are required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the legislative body and shall be in amounts reasonably necessary to defray costs to the public.

9-1-15: Severability.

If any section of this Ordinance should for any reason to be found invalid, the remaining sections shall remain valid.

9-1-16: Penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Ordinance shall be guilty of a class C misdemeanor unless otherwise stated in this Ordinance and shall be punishable as provided by law.

## CHAPTER 5. AGRICULTURAL ZONE (AG)

### SECTION:

- 9-5-1: Purpose
- 9-5-2: Codes and Symbols
- 9-5-3: Uses Table
- 9-5-4: Area, Width, and Setback Regulations
- 9-5-5: Modifying Regulations

#### 9-5-1: Purpose.

To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the Use Matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein.

#### 9-5-2: Codes and Symbols.

- 1) In this part are tables describing uses of land or buildings that are allowed in the zone as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a Conditional Use Permit issued by the Planning Commission are indicated by a "C" in the appropriate column.
- 2) All uses listed in more restrictive zones shall be allowed in the Agricultural Zone according to their attached codes and symbols unless otherwise changed in the Agricultural matrix. If there are conflicting designations among the more restrictive zones, the less restrictive designation shall apply. The following is a list of zones starting with the most and ending with the least restrictive: Residential, Commercial, Agricultural, Manufacturing, And Industrial.
- 3) Any use not named in this table which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the Ordinance by the Kane

County Planning Commission in a public hearing and approval of the County Commission.

9-5-3: Uses Table.

Accessory buildings and uses customarily incidental to permitted uses	P
Apiary (beehives)	P
Agricultural industry or business including all livestock marketing, production, and wholesale	P
Aviary	P
Beer sales at public recreational facilities	C
Commercial dwelling or residential facilities for elderly or disabled persons	P
Construction equipment and supply trailer, temporary	P
Cottage industry that may be permitted to employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property	C
Dams, reservoirs and hydroelectric facilities	C
Dude ranch, family vacation ranch	C
Dwelling	P
Electrical Power Substation	C
Farms devoted to raising of chickens, turkeys or other fowl or poultry, fish and frogs	P
Forestry	P
Home occupation	P
Kennel and/or Cattery commercial or private	P
Lodges, bed and breakfast	P
Logging and lumber harvesting	P
<del>Parks with playground equipment</del>	<del>P</del>
<u>Parks, public</u>	<u>P</u>
Park Model	P
Personal agriculture, including crop production, grazing and pasturing of animals	P
Plant materials nursery or green house	P
Power generation for on-site use under 50 KVA	P
Private air strip	C
Private cemetery	C
Private roads	P
Processing and composting of state regulated Class A, B, and C bio-solids and other acceptable organic waste such as chicken manure	C

Kane County Land Use Ordinance August 2013

Production agriculture, including crop and grazing and pasturing of animals	P
Public, quasi-public, and private service utility lines, pipelines, power lines, excluding overhead lines with base structure over 70 feet in height	P
Public recreational grounds and facilities	C
Public use, quasi-public use, essential services, including accredited private school, with a curriculum corresponding to a public school	C
Public riding stable, riding academy or riding ring, horse show barns, or facilities	P
Radio and television transmitting stations and towers and wireless communications towers	C
Recreation camps	P
Reservoir and hydroelectric facilities	C
Residential facilities	P
Second family dwelling for the household of a hired man or seasonal laborer, or members of owners family	P
Solar panels producing below 25 KW of energy	P
Solar panels on a larger scale than residential producing 25 KW and above	C
Solar Power Plant	C
Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment	P
Surface mines, quarries and gravel pits	C
Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work	C
Tourist based companies	CP
Underground mining, including underground and surface for mining and transporting of minerals and for processing such minerals for sale or use	C

Comment [sm1]:

9-5-4: Area, Width, and Setback Regulations.

			Yard Regulations	Yard - Regulations	Yard Regulations
District	Area	Width	Front	Side	Rear
AG	5 acres	200 feet	30 feet	20 feet	30 feet

9-5-5: Modifying Regulations.

- 1) No building, structure or enclosure housing animals or fowl shall be constructed closer than 50 feet to a dwelling on an adjacent lot.

- 2) Accessory buildings located at least 10 feet behind the main building may have a three foot side yard requirement except that the street side of a corner lot shall be a minimum of 30 feet for all buildings.
- 3) Accessory building located at least 10 feet behind the main building may have a rear yard of three feet provided that a corner lot rearing on a side yard of another lot, the minimum rear yard for all buildings shall be eight feet.
- 4) A subdivision of land zoned Agricultural may be approved by the County Commission, upon recommendation from the Planning Commission, as a conforming aliquot parts parcel or lot less than 5 acres, but not less than 4.5 acres if necessary to compensate for the curvature of the earth or the convergence of township lines as recognized in the Public Land Survey System, or because of previous survey errors.

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: July 20, 2015

Dept. /Business Name: Planning & Zoning

Topic/Re: Application for Rural Unimproved Subdivision, "Clear Creek Heights", Sayda Quinonez de Pineda, Edwin D. Pineda Albizu, & Catherine Hutchison; parcel #1-9-3-2 (3 Lots),

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: Shannon 644-4966 or Mary - 4951

Notes: Application and plat map attached





Las Vegas, March 27<sup>th</sup> 2,014.

Dear Sirs:

It was a pleasure meeting you all at the SSD board meeting of March.

As I mentioned in the meeting, last year I bought a 140-acres property on Clear Creek Canyon Road, 1 mile up from North Fork Road.

My Company was registered as Zion Mountain Adventure LLC., and our plan is to develop a resort divided into 5 areas:

1. A Museum of the Mayan culture which includes a five story replica of the Grand Jaguar Mayan temple to house an indoor museum, an outdoor Mayan museum and a Mayan ball game court. This will be presented to the tourists for a reasonable entrance fee. Our Mayan Pyramids are compare to the Egyptians Pyramids for its unique ancient culture, beauty and history.
2. A campground with tent camping areas, tree houses for camping for those visitors who want to stay overnight.
3. A playground with giant slides and giant swings, rope bridges and other nature-related attractions.
4. A Hiking and Climbing area to go to the top of the mountain, within my property.
5. A village with 15-20 Spanish colonial style vacation houses of one, two and three bedrooms. The village homes will be built on demand based on our models, and they will be located on a separate area from the other attractions. The aim of the village is to attract people who are willing to own a vacation house to rent to tourists throughout the year.

All these plans call for an investment in development. The development includes one mile of pavement to improve the access, research, utilities, permits, etc. The general access cost will be split among the five areas and other expenses will be allocated in accordance to the area needs.

Each one of the areas is open for partnership. Zion Mountain Adventure LLC. will be manage and run the project and will share the profits wit it's partners.

If you are interested, I will gladly send you the preliminary plans and an estimate of the costs involved to develop the area you are interested in.

Sincerely yours,

Edwin Pineda, MBA.

Marketing Manager.

ZION MOUNTAIN ADVENTURE, LLC.

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: 7-20-15

Dept. /Business Name: Commission / Clerk / Auditor

Topic/Re: Letter of Support - Orderville Town  
Restoration of the Old Rock Church.

Dept. Head/Owner: Karla Johnson

Meeting Requested by: " "

Contact name & #: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Kane County Commission  
Douglas K. Heaton  
James Matson  
Dirk Clayson  
435-644-2458

July 20, 2015

To Whom It May Concern,

The Old Rock Church in Mt. Carmel, Utah is a popular Historical Building, receives many visitors and is used for marriages, family reunions, meetings and other community functions. This Historical Building, the Old Rock Church, has fallen into some Disrepair over the course of the passing years, due to damage from natural elementals and usage. Orderville and the Surrounding Communities of Kane County wish to preserve this Historical building, the Old Rock Church, for future historical education, events and functions, thus preserving a sample of the Southern Utah Pioneer heritage;

The Kane County Commissioners give their Approval and Support for the Orderville Restoration Project of the Old Rock Church.

---

Commission Chair, Douglas K Heaton

Kane County Commission  
76 N. Main St., Kanab, Utah 84741  
*Come to Kane County. Where anything is Possible!*

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: 7-20-15

Dept. /Business Name: Commission

Topic/Re: lost office boxes on Cedar Mountain

Dept. Head/Owner: Commissioner Heaton

Meeting Requested by: " "

Contact name & #: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: 7-20-15

Dept. /Business Name: Commission / LUT

Topic/Re: Approve/Adopt Final Modifications  
to: Criminal action for selling property for  
illegally divided land parcels created prior to 2005

Dept. Head/Owner: Comm. Clayson

Meeting Requested by: " "

Contact name & #: \_\_\_\_\_

Notes: This item will be addressed /  
discussed at work meeting, and acted  
upon at the regular session immediately  
following the work meeting.

**KANE COUNTY**  
**CONFLICT OF INTEREST DISCLOSURE**

This Disclosure is provided pursuant to the County Officers and Employees Disclosure Act (Utah Code §17-16a-101 et. al.)

Name: \_\_\_\_\_  
Title/Position: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

I, the undersigned, hereby affirm that I have reviewed or been trained on the County Officers and Employees Disclosure Act and declare the following:

- I comply with the Act without the need of further disclosure.
- I comply with the Act with the following disclosure(s):

Name, address and nature of business(es) or interest(s) involved:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your title with the business or interest: \_\_\_\_\_

Description of the activity or event requiring disclosure including value obtained:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Subscribed and sworn to before me this day \_\_\_ of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary

My Commission Expires: \_\_\_\_\_

Residing at: \_\_\_\_\_