



**March 8, 2023**  
**Kane County Planning Commission**  
**Land Use Authority**  
**Board Room, Kanab Center**  
**20 N. 100 E., Kanab, Utah**

To listen to this meeting live call 435-676-9000, participant code 168030.

## **AGENDA**

6:00 PM                      Call to Order  
                                    Invocation  
                                    Pledge of Allegiance

### **1. Update on Commission Decisions**

Commissioner Heaton will relay the County Commission's decisions on last month's projects.

## **ADMINISTRATIVE ITEM**

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

February 8, 2023

## **Public Meeting**

### **3. Conditional Use Permit Amendment: Binyamini**

An application for an amendment to a conditional use permit for a commercial recreation area consisting of 24 glamping sites, a mobile food truck court, electric bike rentals, ninja course and an RV spot for the host, on parcel 3-5-33-2A, located on Grande Vermilion Ave east of Kanab. Submitted by Ori Binyamini

## **LEGISLATIVE ITEMS**

## **Public Hearing**

### **4. Zone Change/Ordinance 2023-10: Carter**

An application for a zone change from Residential 1 (R-1) to Commercial 1 (C-1), parcel 8-6-22-1, located on Highway 89, north of Tod's Junction. Submitted by Brent Carter.

## **Public Hearing**

### **5. Zone Change/Ordinance 2023-09: Zion Mountain Development Inc.**

An application for a zone change from Residential 5 (R-5) to Commercial 2 (C-2), parcel 1-9-15-2D1, located at the junction of Highway 9 and North Fork Road. Submitted by Kevin McLaws.

## **Public Hearing**

### **6. Ordinance 2023-07: KCLUO Chapters 4 & 7**

An ordinance revising Kane County Land Use Ordinance Chapter 4 Zones and Chapter 7 Article D State Lands.

**Public Hearing**

**7. Ordinance 2023-08: General Plan**

An ordinance introducing the General Plan Revision Process and revising the acknowledgement page.

**\*\*Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate.**

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

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

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



**DRAFT STAFF REPORT**

**DATE:** 02/9/2023

**PROJECT:** The Applicant, Ori Binyamini, submitted an application for an amendment to his original CUP application on February 02, 2023. He is asking to build a levee using the grinding from the roadway on the property, in the second phase for noise reduction. Then he would like to get a permit to complete the rest of the fence in the second phase of the building. In the meantime, he would like to build a temporary wire fence. The privacy fence on the north side fronting the residential has been built. The original Conditional Use Permit application was submitted in July of 2022, for 24 glamping sites, a mobile food truck court, electric bike rentals, ninja course, and one R.V. glamp-ground host spot, each tent being less than 774 sq. ft., located on parcel 3-5-33-2A, zoned Commercial 1 on 9.45 acres. .

**FINDINGS:** The above amendment application complies with the Kane County Land Use Ordinance, 9-15A-1-6: Conditional Uses and the Kane County Land Use Ordinance 9-7B-1 through 9-7B-7, Commercial 1 and the permitted uses; which allows the use of commercial recreation and entertainment facilities through a conditional use permit. The CUP has the conditions to mitigate safety issues and must be implemented at the time of the building permit application. No single tent will be over 774 square feet. This glamp-ground is accessed off of Grande Vermilion Avenue and Vista Avenue.

**9-7B-2: USE REGULATIONS:**

Development of any parcel of land for any of the uses listed in this section exceeding **fifteen thousand (15,000) square feet of total building floor** area are not permitted in this zone.

A. Permitted Uses: The following uses are **permitted** in the C-1 zone:

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

Any permitted uses listed in the light commercial (L-C) zone.

Restaurants.

Retail sale and/or rental of goods, merchandise and equipment conducted wholly within an enclosed building.

Tour Companies without ATV/UHV rentals.

B. Residential And Agricultural Uses: All uses listed in the residential and agricultural uses table are allowed in the C-1 Zone with their appropriate designation of permitted or conditional unless otherwise changed in the commercial uses table.

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

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

Automobile car wash, not to exceed four (4) bays.

Automobile sales

Automobile fuel stations.

Cell towers.

Child daycare or preschool center which meets all state and local regulations.

Commercial recreation and entertainment facilities, not to include sexually oriented businesses.

Heli pad private.

Private business and technical schools.

Reception center and/or wedding chapel.

D. Any uses not set forth in this section or L-C are not allowed.

E. Other: Any use not named which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the chapter by the Kane County Planning Commission in a public hearing and approval of the County Commission.

**Kane County Land Use Ordinance: 9-1-7: DEFINITIONS: (KCLUO):** CAMPGROUND: A parcel designated commercial or agricultural with improvements for the occupancy by semi-permanent structures providing overnight sleeping accommodations, such as tents, yurts, etc., on a temporary basis; which includes, day use areas, recreation camps, modern camps, semi-developed campgrounds, primitive, and semi-primitive campgrounds as defined in Utah Administrative Code R393-300. Exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-50

GLAMPING: Shall be defined in Kane County as a semi-permanent structure placed on a permanent/semi-permanent foundation providing overnight sleeping accommodations.

**KCLUO: 9-5A-5:**

F. A conditional use permit shall regulate the size of the structure, not including the foundation; to be no larger than 774 square feet (such as, but not limited to: tents/covered wagons/tee-pees/tree houses/yurts).

G. All structures and amenities within the campground/glamp-ground are to have a minimum setback of one hundred feet (100') from all private property boundary lines or twenty five feet (25') from all public land boundaries.

H. The maximum campground/glamp-ground capacity in the Rural-40 Zone shall not exceed 70 tent sites.

I. Conditions for all campgrounds/glamp-grounds can be found in [chapter 15](#), "Conditional And Temporary Uses", of this title. (Ord. O-2018-5, 7-9-2018)

**KCLUO: 9-15A-2-E: 1-28:** The Land Use Authority shall approve a conditional use permit if conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any conditional use permit, the Land Use Authority

may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include the following:

Land Use Authority Action: The Land Use Authority shall approve a conditional use permit if conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any conditional use permit, the Land Use Authority may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include the following:

1. Assurance that the use will not be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity;

**MITIGATION:** The development will be in accordance with applicable County Ordinances and Utah State Codes. All infrastructure will be in compliance with Kane County Standard Specifications and Drawing Details for Design and Construction. (KCSSDDDC) All infrastructure and buildings will go through the required departments at the time of construction.

Provide assurances through operation hours and layout that the development will not be detrimental to the order or general welfare of others in the vicinity. Post operation hours and quiet hours.

A 100 ft. setback from all private property boundary lines will need to be adhered to per KCLUO 9-5A-5. All structures and amenities within the campground/glamp-ground are to have a minimum setback of one hundred feet (100') from all private property boundary lines or twenty five feet (25') from all public land boundaries.

Setbacks are shown on the concept plan. The host R.V. site is within the 100' residential setback.

2. Assurance the use will:

- a. Comply with the intent, spirit and regulations of the Kane County Land Use Ordinance and Kane County General Plan. Kane County Land Use Ordinance, Chapter 7, Commercial Zones, Chapter 10 Supplementary & Qualifying Regulations, Chapter 13 Parking and Loading Space, and Chapter 15 Conditional Uses.

**MITIGATION:** UTV rentals and repair shop on the property are not allowed in the C-1 zone per 9-7B-2-A. "Tour Companies without ATV/UTV rentals" are permitted. There are no exceptions for electric vehicles in the code.

- b. Make the use harmonious with other neighboring uses in that zone; fencing will be required around the entire project.

3. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

**FINDINGS:** The development will conform to the layout of the attached preliminary site concept plan. The site is accessed from Grande Vermilion Avenue and Vista Avenue.

**MITIGATION:** If the site plan is revised the Land Use Administrator shall approve any changes made after the acceptance of the site plan that was submitted with the CUP packet. The parking area will be provided with the County required parking. ADA parking will be provided and ADA accessible tents. The speed limit will be posted within development to mitigate dust in addition to the compacted gravel roads.

What material and color are intended for the dome structure? We recommend natural colors so they would be visually pleasing and blend into the environment.

**Show screening between neighboring properties. Screening material shall be aesthetically pleasing and well maintained.** Also, provide locations of existing and proposed drainage and/or water quality improvements. It appears that there is an existing culvert and drainage path adjacent to the site for pass-through drainage conveyance.

The landscaping lighting will be designed to minimize all glare and comply with the County Ordinances.

**KCLUO: 9-13-13: SUBMITTAL OF PARKING, LOADING AND CIRCULATION PLANS:**

The Fire Warden will need to approve the final site plan for WUI compliance and safety.

Said plans shall be in compliance with all standards and provisions set forth in this title and shall receive written approval of the land use authority prior to the issuance of a building permit. Appropriate filing fees shall be determined by the land use authority and submitted with each plan.

Notwithstanding all provisions of this section, all commercial, industrial and professional developments and all other nonresidential uses of land shall provide sufficient parking for all employees, business vehicles and equipment, customers, clients and patients of such business, industry or professionally used property, as may be required by the planning commission in addition to spaces presently required by this title. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

4. Evidence that all required public facilities have adequate capacity to serve the proposed conditional use;

**FINDINGS:** The water, power and fiber is available. The sewer will be through an on-site septic system. A will serve letter was provided from the Kane County Water Conservancy District (water), Western Kane County Special Service District (garbage), UDOT (Utah Department of Transportation) and the Southwest Public Health Department. Garkane Energy (power) and South Central Communication (fiber) letters still need to be obtained.

**MITIGATIONS:** (KCSSDDDC Sheet 28) All septic designs, soil testing will be submitted to the Department of Environmental Quality and the Southwest Utah Health Department.

A septic permit needs to be approved and submitted at the time of the building permit.

The on-site waste disposal will receive On-site Septic Approval prior to start of construction.

5. Limiting the hours, days, place and/or manner of operation; comply with the nuisance ordinance and hours of operation.

**Kane County Nuisance Ordinance: 4-3-3 (25):** Noise Related Nuisances: It shall be unlawful for any person in the county in a public or private place to make, cause to be made or allow the making of any noise which is inconsistent with the zoning area between the hours of eleven o'clock (11:00) P.M. and sunrise which is unnecessary or unusual, which noise annoys, disturbs or affects the comfort, repose, health or peace of others. Any such noise hereinbefore described, heard outside the limits of the real estate from which said noise has its source and heard by another person, shall be a noise as is hereby prohibited, which noise constitutes the basis of the violation of this section.

**MITIGATION:** In addition to the mitigation items listed in Item #3, a nightly quiet time will be enforced with no amplified music after 11 pm. Noise nuisances will be in compliance with #25 of the Kane County Nuisance Ordinance. Post quiet hours.

6. Requiring size or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, glare, erosion, odor and/or dust;

All buildings are being built to match the surrounding environment as much as possible.

7. Requiring larger setback areas, lot area, and/or lot depth or width:

100 foot setbacks from the shared property line. The developer left 2.56 acres open undeveloped.

8. Limiting the building height size or lot coverage, and/or location on the site;

**9-5B-3: HEIGHT REGULATIONS:** A building erected to a height greater than thirty five feet (35') requires a conditional use permit. (Ord. O-2020-14, 6-23-2020)

**9-19-1: REQUIREMENTS:**

When the Kane County land use authority administrator, county engineer or the building official deems it necessary, any application for a conditional use permit, a planned unit development, subdivision, MPR, mobile home park, RV park or a building or use permit shall be accompanied by a geologic and soils survey report for the land, lot, or parcel for which application approval is sought. The report shall be prepared at the applicant's expense by a registered or licensed geologist, soils engineer or civil engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernible flood, earthquake, or other natural hazards. Refer to chapter 21, "Subdivision Regulations", of this title for report and certification requirements.

Whenever a geologic and soils survey report indicates a parcel subject to an unusual potential or actual hazard, the applicant shall meet the special conditions required by the Kane County engineer or building official, to mitigate such hazard, or the application shall be denied. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

**FINDINGS:** There will be mobile food trucks serving guests. None of the structures will be over 35 feet high. There are plenty of spaces for parking, roads and infrastructure shown on the site plan that was submitted.

**MITIGATION:** The project will be in accordance with the attached preliminary concept plan. Any changes or additions to the submitted site plan shall be reviewed by the Kane County Development Committee for compliance.

9. Designating the size, number, location and/or design of vehicle access points or parking areas;

**MITIGATION:** The parking area will be provided with at least the minimum county required parking. ADA parking will be provided at the parking lot, arrival building/area and the ADA tents.

10. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:

a. An essential link exists between a legitimate governmental interest and each exaction; and

b. Each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;

11. Assurance that the use will not be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity; therefore dust mitigation, noise, glare, light and traffic plans need to be detailed. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations, as listed below: (12-28).

**MITIGATION:** Construction drawings and plans will be provided for review which will comply with the applicable County Ordinances and Utah State Codes. All members of the Development Committee will need to review the construction drawings before any construction begins, including the Department of Environmental Quality and the Southwest Utah Health Department.

WUI design standards will be met as outlined fire apparatus roads: 20' width, 13'-6" height clearance, and be designed to accommodate the loads and turning radii for fire apparatus. Provide callouts to verify that these requirements are met.

12. Limiting the number, size, location, height and/or lighting of signs;

**MITIGATION:** This development is located off of a scenic byway. All signs will require a UDOT permit. All signs will be in compliance with KCLUO 9-16-1-7.

13. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

**MITIGATION: All lighting will comply with the dark sky recommendations as found in Chapter 9-10-14: Lighting:** The concerns of safety, utility, dark sky protection and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. Careful attention to when, where, and how much nighttime lighting is needed results in better lighting practices, darker skies and reduced energy use and costs. Kane County encourages lighting practices and systems which will: minimize light pollution, glare, and excessive glare; conserve energy and resources while maintaining nighttime safety, utility, security, and productivity; and curtail the degradation of the nighttime visual environment. Any and all new and major addition to land uses, developments and buildings or structures are encouraged to use hooded lighting practices. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

14. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;



**MITIGATION:** As much native vegetation, as allowed, per Wildland Urban Interface, (WUI) will remain in place to provide natural screening. With any berms or landscaping that is installed, it will be added to the regular maintenance schedule with their maintenance and landscaping teams.

15. Requiring and designating the size, height, location and/or materials for fences;

**MITIGATION:** Show screening between neighboring properties as stated in #9 of the engineering review. Utah is a fence-out state.

**9-7B-7: FENCING REGULATIONS:** A. Fencing: Except in the front yard setback area, a six foot (6') high solid decorative fence or wall shall be installed and maintained along the boundary line of any agricultural or residential zone. Chain link fencing with slats is not considered a solid fence or wall for the purposes set forth in this article. (Ord. O-2022-42, 7-26-2022)

16. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands;

**MITIGATION:** Wildland Urban Interface for fires will need to be complied with through the building department.

WUI will regulate the allowance of surrounding trees and brush and will be approved by the Kane County Fire Warden. There are no water areas or wetlands found on the property. Fire pits will be inspected by the KC Fire Warden.

17. Requiring the protection and preservation of groundwater recharge areas;

**MITIGATION:** All state and federal guidelines and permits need to be applied for before a building permit will be approved.

**MITIGATION:** The resort will have an on-site wastewater system. This system will comply with the requirements from the Utah Department of Environmental Quality (UDEQ) for the Large-Underground Wastewater Disposal System (LUWDS).

**MITIGATION:** Approval and inspection for the on-site septic system from UDEQ will be required. Installation of water lines will be inspected by the SWUHD and the KC Water Conservancy District.

Utah Department of Environmental Quality LUWDS design and permit approval need to be submitted to Kane County Land Use for review before any construction may begin.

18. Limiting noise generation;

**MITIGATION:** In addition to the mitigation items listed in item #3 a nightly quiet time will be enforced with no amplified music after 11 pm. Noise nuisances will be in compliance with #25 of the Kane County Nuisance Ordinance. An on-site manager will be available.

19. Minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;

N/A

20. Requiring turn lane improvements at street intersections when:

- a. An unsafe condition would be created by the development without the improvements; or
- b. The projected increase in traffic generated by the new or expanded use will lower the level of service;

**MITIGATION:** A Utah Department of Transportation letter of feasibility was submitted.

21. Providing for emergency access;

**MITIGATION:** The road and driveways on site will be made adequately wide so that in the event of an emergency, access will be appropriate for all vehicles.

22. Requiring pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;

**MITIGATION:** The site plan will show adequate circulation paths throughout the interior of the project.

23. Requiring approval of septic and of water systems;

**MITIGATION:** Approval of the septic and water systems will need to be obtained prior to start of building construction. Department of Environment Quality, and Department of Water Quality, and the Southwest Utah Health Department permit/approvals will be obtained prior to starting construction. (Title R317)

24. Requiring buildings to be built to specific requirements; (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

The State International building codes will be applied when building or remodeling. The building department will need to inspect all glamping sites, restaurants and employee housing facilities.

**MITIGATION:** The project will be built to applicable County Building Ordinances. Building plans will go through a commercial review through the Kane County Building Department. The State and International Building Code will be applied when building or remodeling. The building department will need to inspect all glamping sites, restaurants, welcome center, swimming pools, and hot tubs.

25. Recreation vehicle parks: a) business license required; b) Transient Room Taxes required; c) the use must be consistent with the environmental, commercial, and economical land use purposes stated in the General Plan, as amended; d) an official site plan that clearly demonstrates that the park will not cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar unreasonable risks; the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets shall be reviewed; e) RV parks and campgrounds/glamping sites must have State and/or County approved access off a State highway, County B or D road, BLM road or, if off a private road, roads will meet Wild Land Interface Urban Code standards and will require a road maintenance agreement between property owners and easement holders memorializing the mutual understanding that an increased use to the road will result and that proof of easements to

property would be required; f) Health Department permit required if over forty (40) RV sites; the Department of Environmental Quality permit is also required for water and waste; g) must comply with Building Department and building permit regulations; h) on-site manager for RV parks and campgrounds; unless the campground is considered a primitive campground; i) requirements for the management and maintenance of facilities is adequate; j) the use shall not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal; k) feasibility letters required for services extended to the RV parks and campgrounds to mitigate traffic safety conditions as to not adversely affect the use and surrounding areas; l) emergency access is adequate; m) a plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses is adequate; n) exterior lighting is adequate and does not unduly disturb the surrounding areas; o) exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-502; (Ord. O-2017-16, 1-8-2018)

26. The conditions in subsection E26 of this section apply for glamp-grounds; limited to seventy (70) sites on this parcel of land;

As stated above and throughout the conditions.

27. The conditions in subsection E26 of this section apply for campgrounds; limited to seventy (70) sites this parcel of land. (Ord. O-2018-6, 7-9-2018)

As part of approving a conditional use permit, Kane County may require that a Traffic Impact Study (TIS) be completed for any development projects where it is deemed necessary. The traffic study shall, at a minimum, incorporate traffic engineering principles and standards as presented in national practices. Additional requirements and investigation may be imposed upon the applicant as necessary. The County shall determine the need and requirements for a traffic impact study. The requirements of the TIS may be expanded, reduced, or altered by the County based on the proposed project being analyzed. (Ord. O-2017-16, 1-8-2018)

**Kane County Land Use Ordinance: 9-15A-2-F-1-3:**

F: Findings: In approving a conditional use permit, the Land Use Authority shall find:

1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community;
2. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity;
3. That the proposed use is in harmony with the intent of the general plan and the zone in which it is located. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

All notices are in conformance with all standards and notice requirements of §17-27a-201-205. The agenda was noticed in three different public places and posted on the Kane County and Utah State websites.

This CUP complies with Utah State Code section unannotated § 17-27a-506, Conditional Uses.

- (1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
- (2)
  - (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
  - (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The conditions, as stated in the CUP application, will be enforced by the Land Use Authority (LUA) Administrator and the Building Department staff throughout the building process. The Land Use Administrator will enforce the CUP conditions after the development is finalized.

**STAFF RECOMMENDATION:** Kane County Land Use Administrator, Shannon McBride and Kelvin Smith, Kane County Engineer recommends approval of this Conditional Use Permit with the site plan drawings and all required items being submitted before the building permit can be obtained.

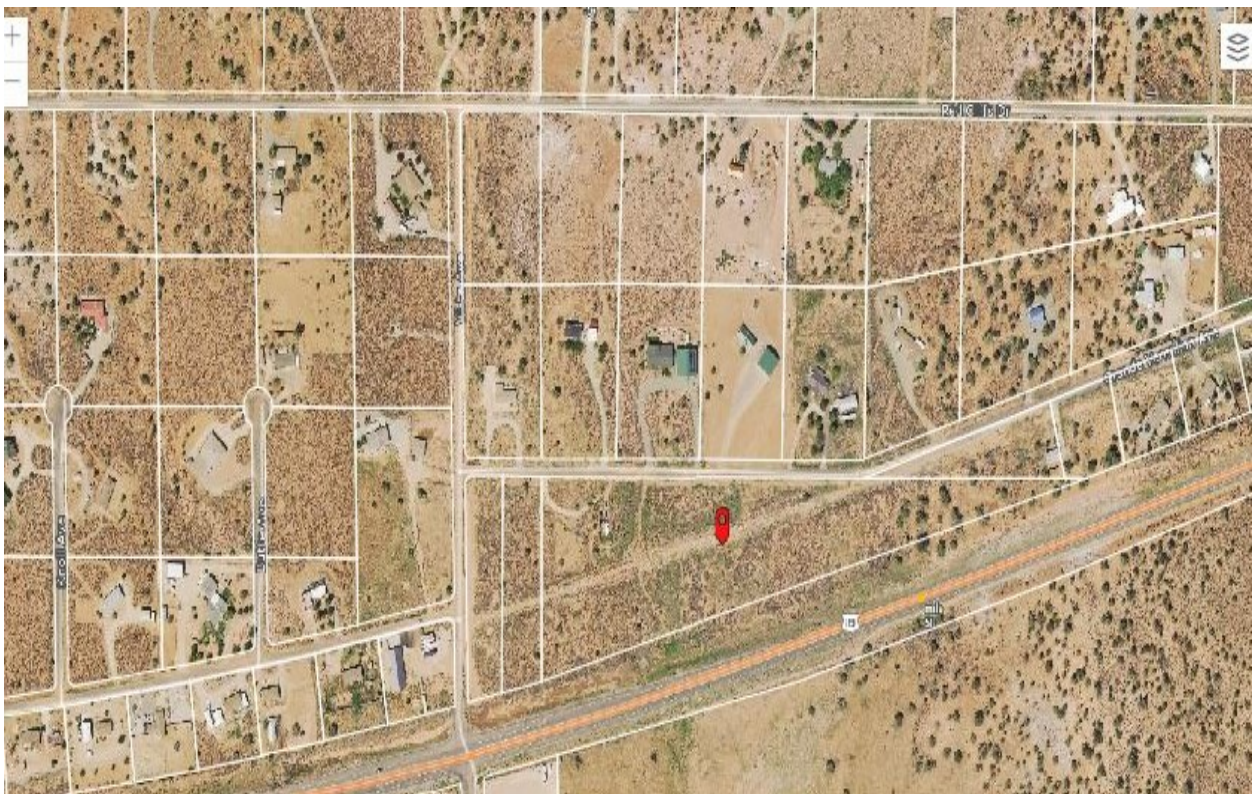
This amendment does **not** need to be recommended to the County Commissioners.

**Please note: 9-15A-5: TIME LIMIT:** Action authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Land Use Authority may grant an extension for good cause shown. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

**MOTION: I move to approve/deny the amendment to the conditional use permit issued on parcel 3-5-33-2A (zoned Commercial 1) for building a levee in place of solid fence and placing a temporary wire fence.**







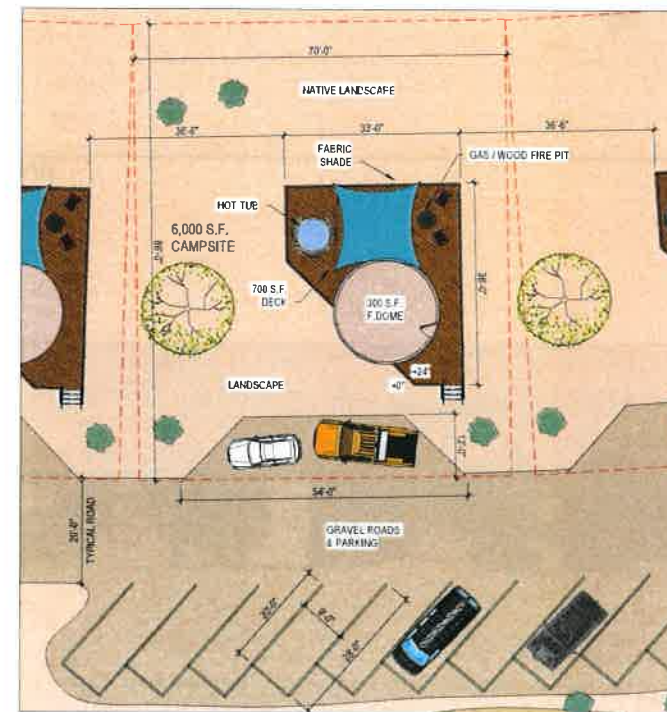
76 North Main Kanab, Utah 84741 435-644-4966 [www.kane.utah.gov](http://www.kane.utah.gov)



**1 SITE PLAN - GLAMPING**  
AS101 | SCALE: 1" = 40'-0"



**2 KANAB GLAMPING - OVERALL SITE**  
AS101 | SCALE: 1" = 160'-0"



**3 TYPICAL 6,000 S.F. CAMPSITE**  
AS101 | SCALE: 1/16" = 1'-0"

**KANAB GLAMPING SITE**  
HWY 89 & GRANDE VERMILION AVE  
KANAB, UT 84741  
1 SEPTEMBER 2022  
**DALLAS NELSON ARCHITECTURE, INC.**  
1912 CONCORD PLACE  
SARATOGA SPRINGS, UT 84045  
801-553-3294  
DALLAS@NELSON-ARCHITECTURE.COM





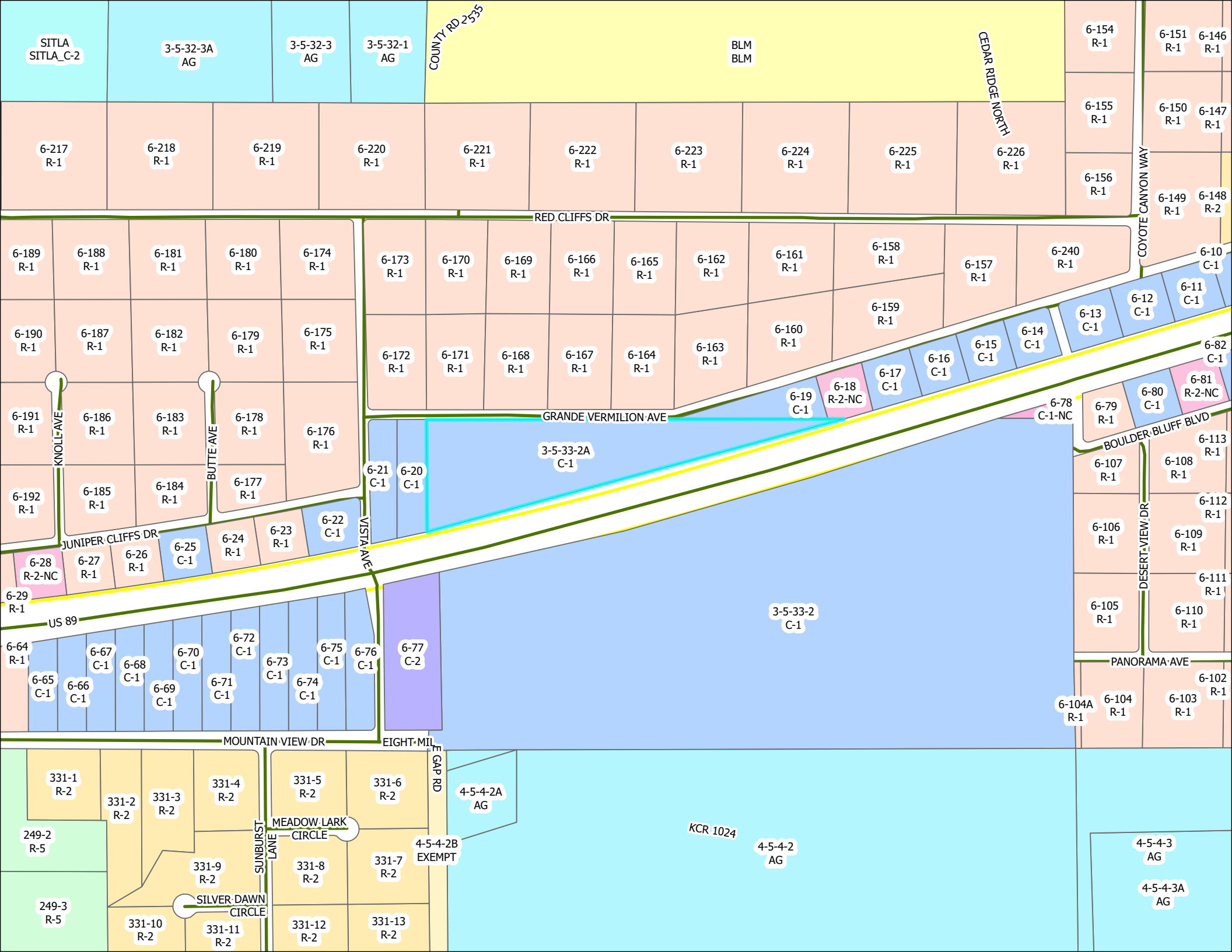
1 TYPICAL CAMPSITE VIEW  
AS101.2 | SCALE



3 PERSPECTIVE  
AS101.2 | SCALE







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SITLA\_C-2

3-5-32-3A  
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3-5-32-3  
AG

3-5-32-1  
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COUNTY RD 2535

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BLM

CEDAR RIDGE NORTH

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# KANE COUNTY LAND USE AUTHORITY

Shannon McBride  
LAND USE AUTHORITY  
ADMINISTRATOR

## Staff Report

DATE: February 16, 2023

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**To:** Planning Commission  
**From:** Shannon McBride, Land Use Administrator  
**Subject:** Project # 23012: Zone Change Application, R-1 to C-1, Ordinance O-2023-10  
Parcel 8-6-22-1 consisting of a total of 2.32 acres

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**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject area. A public notice was posted in two public locations, on the state and county web sites. A sign was posted near the parcel.*

**REQUEST:** On February 15, 2023, Swains Creek Heights LLC, Brent Carter, submitted a zone change application, for parcel 8-6-22-1, located off of Highway 89 north of Tod's Junction; requesting to rezone from Residential 1 (R-1) to Commercial 1 (C-1).

**LEGAL DESCRIPTION:** PARCEL 8-6-22-1 (SURVEYED & REVISED DESCRIPTION): BEGINNING AT A POINT S00°19'00"W 1320.22 FEET AND N88°53'12"W 1294.81 FEET FROM THE NE CORNER OF SECTION 22, T38S-R6W, S.L.B.&M. SAID POINT BEING THE NW CORNER OF THE SE1/4 NE1/4 SAID SECTION; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF RANCH DRIVE; THENCE S88°53'12"E ALONG SAID SOUTH RIGHT-OF-WAY LINE 226.12 FEET TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DELTA=06°50'20"E, RADIUS=259.60', CHORD= S85°28'02"E 30.97', THENCE ALONG THE ARC OF SAID CURVE 30.99 FEET TO BEGINNING OF A CURVE TO THE RIGHT, CURVE DATA: DELTA=114°23'12"E, RADIUS=50.00', CHORD= S24°51'16"E 84.05', THENCE ALONG THE ARC OF SAID CURVE 99.82 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 89, SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, CURVE DATA: DELTA=05°43'19", RADIUS=2870.36', CHORD= S29°28'41"W 286.53', THENCE ALONG THE ARC OF SAID CURVE AND RIGHT-OF-WAY 286.65 FEET; THENCE S27°01'22"W ALONG SAID RIGHT-OF-WAY 327.95 FEET TO A POINT ON THE WEST LINE OF THE SE1/4 NE1/4 SAID SECTION; THENCE N00°12'29"W ALONG SAID WEST LINE 624.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.32 ACRES.

### FACTS & FINDINGS:

- Parcel 8-6-22-1 meets the requirements to be zoned C-1. The parcel is currently zoned R-1.
- The applicant requests the parcel be zoned C-1 which requires a zone change.
- If the zone change is approved all uses contained in the C-1 uses table will be allowed.
- Surrounding parcels are zoned Residential.

- Kane County Land Use Ordinance 9-1-2: It is Kane County policy to refuse to participate in spot infrastructure improvements which benefit only a localized area yet burden the taxpayers at large.
- The parcel would gain access from Highway 89.
- All property owners within 500 ft. of this parcel have been mailed a public notice. Notices are posted on the state and county websites
- **9-7B-1: PURPOSE:** The purpose of the commercial 1 (C-1) zone is to protect areas located in or near residential zones to meet the day to day needs of area residences. Development standards are intended to protect adjacent residential zones, promote orderly development and avoid the creation of traffic volumes which cannot be accommodated by the existing transportation network. (Ord. O-2022-42, 7-26-2022)
- **9-7B-2: USE REGULATIONS:**
- Development of any parcel of land for any of the uses listed in this section exceeding fifteen thousand (15,000) square feet of total building floor area are not permitted in this zone.
  - A. Permitted Uses: The following uses are permitted in the C-1 zone:
    - Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use.
    - Any permitted uses listed in the light commercial (L-C) zone.
    - Restaurants.
    - Retail sale and/or rental of goods, merchandise and equipment conducted wholly within an enclosed building.
    - Tour Companies without ATV/UHV rentals.
    - B. Residential And Agricultural Uses: All uses listed in the residential and agricultural uses table are allowed in the C-1 Zone with their appropriate designation of permitted or conditional unless otherwise changed in the commercial uses table.
    - C. Conditional Uses: The following uses are subject to the conditional use approval process outlined in chapter 15 of this title:
      - Accessory uses and buildings, customarily incidental and subordinate to an approved conditional use.
      - Automobile car wash, not to exceed four (4) bays.
      - Automobile sales
      - Automobile fuel stations.
      - Cell towers.
      - Child daycare or preschool center which meets all state and local regulations.
      - Commercial recreation and entertainment facilities, not to include sexually oriented businesses.
      - Heli pad private.
      - Private business and technical schools.
      - Reception center and/or wedding chapel.
      - D. Any uses not set forth in this section or L-C are not allowed.
      - E. Other: Any use not named which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the chapter by the Kane County Planning Commission in a public hearing and approval of the County Commission. (Ord. O-2022-42, 7-26-2022)
  - **9-7B-3: SITE DESIGN REGULATIONS:**
  - All site design elements for the above listed conditional uses are subject to review by the planning commission, who shall apply the standards and provisions found in chapter 15 of this title.
    - A. Objectionable Factors: All uses shall be free from objectionable odor, noise, dust, smoke, vibration or other such factors; and
    - B. Advertising Signs: All advertising signs shall comply with the provisions of chapter 16 of this title. (Ord. O-2022-42, 7-26-2022)

- Kane County General Plan, Vision Statement, Pg. 3: 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.
- Kane County General Plan, Industrial and Commercial Land Use: **Industrial and commercial land uses are usually located at major highway intersections and near established communities.** Much of the existing commercial and industrial activity has been annexed into adjacent communities.
- The parcel is located at an intersection, surrounded by Residential 1 (R-1), Residential 2 (R-2) and AG zones and abuts Highway 89.

**Conclusion:** The Planning Commission should vote based on behalf of Kane County’s best interest, including; future planning efforts, private property owner’s rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan. This zone change request maintains the purpose of the General Plan for commercial land use.

If the zone change amendment is adopted, the regulations of the new zone of C-1 can be found in the Kane County Land Use Ordinance, Chapter 7: Commercial Zones, Article B.

**MOTION: I move to recommend denying/approving the zone change for parcel 8-6-22-1, R-1 to C-1 & Ordinance O-2023-10 to the County Commission based on the facts and findings as documented in the staff report.**



**KANE COUNTY ORDINANCE NO. O 2023-10**

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 8-6-22-1  
FROM RESIDENTIAL 1 TO COMMERCIAL 1**

**WHEREAS**, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance **9-7B-1: PURPOSE:** The purpose of the Commercial 1 (C-1) zone is to protect areas located in or near residential zones to meet the day to day needs of area residences. Development standards are intended to protect adjacent residential zones, promote orderly development and avoid the creation of traffic volumes which cannot be accommodated by the existing transportation network. (Ord. O-2022-42, 7-26-2022)

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

**WHEREAS**, the statutory authority for enacting this ordinance is Utah State Code Sections 17-27a-201- 205, 17-27a-308, and 17-27a-505;

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 8-6-22-1, from Residential 1 to Commercial 1;

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

Parcel 8-6-22-1

**LEGAL DESCRIPTION:** PARCEL 8-6-22-1 (SURVEYED & REVISED DESCRIPTION): BEGINNING AT A POINT S00°19'00"W 1320.22 FEET AND N88°53'12"W 1294.81 FEET FROM THE NE CORNER OF SECTION 22, T38S-R6W, S.L.B.&M. SAID POINT BEING THE NW CORNER OF THE SE1/4 NE1/4 SAID SECTION; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF RANCH DRIVE; THENCE S88°53'12"E ALONG SAID SOUTH RIGHT-OF-WAY LINE 226.12 FEET TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DELTA=06°50'20"E, RADIUS=259.60', CHORD= S85°28'02"E 30.97', THENCE ALONG THE ARC OF SAID CURVE 30.99 FEET TO BEGINNING OF A CURVE TO THE RIGHT, CURVE DATA: DELTA=114°23'12"E, RADIUS=50.00', CHORD= S24°51'16"E 84.05', THENCE ALONG THE ARC OF SAID CURVE 99.82 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 89, SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, CURVE DATA: DELTA=05°43'19", RADIUS=2870.36', CHORD= S29°28'41"W 286.53', THENCE ALONG THE ARC OF SAID CURVE AND RIGHT-OF-WAY 286.65 FEET; THENCE S27°01'22"W ALONG SAID RIGHT-OF-WAY 327.95 FEET TO A POINT ON THE WEST LINE OF THE SE1/4 NE1/4 SAID SECTION; THENCE N00°12'29"W ALONG SAID WEST LINE 624.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.32 ACRES.

Is hereby rezoned from Residential 1 to Commercial 1 and shall from here forth be zoned C-1.



---- END OF ORDINANCE ----

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

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

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

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

\_\_\_\_\_  
Wade Heaton, Chair  
Board of Commissioners  
Kane County

Commissioner Heaton voted \_\_\_\_\_  
Commissioner Kubeja voted \_\_\_\_\_  
Commissioner Meyeres voted \_\_\_\_\_



# KANE COUNTY LAND USE AUTHORITY

Shannon McBride  
LAND USE AUTHORITY  
ADMINISTRATOR

## Staff Report

DATE: February 15, 2023

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**To:** Planning Commission  
**From:** Shannon McBride, Land Use Administrator  
**Subject:** Project # 23011: Zone Change Application, R-5 to C-2, Ordinance O-2023-09  
Parcel 1-9-15-2D1 consisting of 17.82 +/- acres.

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**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject area. A public notice was posted in two public locations on the state and county web sites.*

**REQUEST:** On February 15, 2023, Zion Mountain Development Inc., Kevin McLaws, submitted a zone change application, for parcel 1-9-15-2D1, located east of the Zion National Park boundary and right off the North Fork Road at the entrance to the North Fork area. He is requesting to rezone from Residential 5, (R-5) to Commercial 2 (C-2). He intends on building a Gateway Community. Currently the parcel is undeveloped.

**Legal Description Parcel 1-9-15-2D1:** Commencing at the South ¼ Corner of Section 15, Township 41 South, Range 9 West, Salt Lake Base and Meridian; thence, along the North-South ¼ Line, North 00° 45' 16" East 1320.80 feet, to the Center-South 1/16 Corner; thence, along the South 1/16 Line, South 89° 17' 30" East 723.15 feet, to the POINT OF BEGINNING, and running; thence North 36° 47' 41" East 215.77 feet; thence North 10° 57' 53" East 113.26 feet, to the beginning of a curve; thence, along the curve to the right, 198.98 feet, having a radius of 140.00 feet, a central angle of 81° 25' 58" and whose long chord bears North 51° 40' 52" East 182.65 feet; thence South 87° 36' 09" East 41.91 feet; thence North 40° 33' 31" East 502.37 feet; thence South 48° 38' 50" East 375.70 feet; thence South 44° 14' 24" West 152.91 feet, to the beginning of a curve; thence, along the curve to the left, 170.99 feet, having a radius of 433.00 feet, a central angle of 22° 37' 35" and whose long chord bears South 32° 55' 37" West 169.88 feet; thence South 21° 36' 50" West 66.45 feet, to the beginning of a curve; thence, along the curve to the right, 212.24 feet, having a radius of 467.00 feet, a central angle of 26° 02' 21" and whose long chord bears South 34° 38' 00" West 210.42 feet; thence South 47° 39' 11" West 179.42 feet, to the beginning of a curve; thence, along the curve to the left, 380.35 feet, having a radius of 383.00 feet, a central angle of 56° 53' 56" and whose long chord bears South 19° 12' 13" West 364.91 feet; thence South 09° 14' 45" East 26.37 feet, to the beginning of a non-tangential curve; thence, along the curve to the right, 60.45 feet, having a radius of 95.67 feet, a central angle of 36° 12' 17" and whose long chord bears North 68° 45' 09" West 59.45 feet; thence North 50° 39' 00" West 206.66 feet; thence South 39° 21' 01" West 142.73 feet; thence South 50° 39' 00" East 265.06 feet, to the beginning of a curve; thence, along the curve to the left, 131.87 feet, having a radius of 121.76 feet, a central angle of 62° 02' 56" and whose long chord bears South 81° 40' 28" East 125.52 feet; thence South 09° 14' 45" East 127.03 feet, to the beginning of a curve; thence, along the curve to the right, 153.38 feet, having a radius of 100.00 feet, a central angle of 87° 52' 49" and whose long chord bears South 34° 41' 40" West 138.78 feet, to the Northerly right-of-way of U.S. Highway 9; thence, along said right-of-way, South 78° 38' 04" West 407.20 feet; thence North 16° 44' 09"

West 417.85 feet, to the beginning of a curve; thence, along the curve to the right, 336.34 feet, having a radius of 360.00 feet, a central angle of 53° 31' 50" and whose long chord bears North 10° 01' 46" East 324.24 feet; thence North 36° 47' 41" East 242.19 feet, to the POINT OF BEGINNING; containing 17.82 acres (more or less).

#### **FACTS & FINDINGS:**

- Parcel 1-9-15-2D1 meets the requirements to be zoned C-2. The parcel is currently zoned R-5.
- The applicant requests the parcel be zoned C-2 which requires a zone change.
- If the zone change is approved all uses contained in the C-2 Uses will be allowed.
- **9-7C-2: USE REGULATIONS:**
  - A. Permitted Uses: The following uses are permitted in the C-2 zone:  
Any permitted use listed in the L-C and C-1 zones.  
Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use.  
Auditoriums, conference rooms, museums, theaters, libraries and community social centers.  
Car wash (large).  
Freight or trucking yard or terminal.  
Heli pad commercial.  
Propane storage tanks.  
Repairing, renovating, painting and cleaning of goods, merchandise and equipment.  
Retail and/or wholesale sale and/or rental of goods, merchandise and equipment, which may include storage and display outside an enclosed building.
  - B. Conditional Uses: The following uses are subject to the conditional use approval process outlined in chapter 15 of this title.  
Accessory uses and buildings, customarily incidental and subordinate to an approved conditional use.  
ATV's/UTV's rentals.  
Dams and Reservoirs.  
Hospital.  
Hotel or motel.  
Motor vehicle, trailer, camper and recreational vehicle sales agency.  
Recreational Vehicle Parks.  
Storage units.  
Solar Power panels producing over 25 KW.  
Substation.
  - C. Any combination of the above uses which meets all other provisions of this title.
  - D. Other: Any use not named which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the chapter by the Kane County Planning Commission in a public hearing and approval of the County Commission. (Ord. O-2022-42, 7-26-2022)
- Surrounding parcels are zoned AG, Commercial 1 and 2.
- Utah State Code 17-27a-308. Land use authority requirements -- Nature of land use decision.
  - (1) A land use authority shall apply the plain language of land use regulations.
  - (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
  - (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

*Effective 5/12/2015*

**17-27a-505. Zoning districts.**

- (1) (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
  - (b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
  - (c) A county may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:
    - (i) protect life; and
    - (ii) prevent:
      - (A) the substantial loss of real property; or
      - (B) substantial damage to real property.
- (2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, but the regulations in one zone may differ from those in other zones.
- (3) (a) There is no minimum area or diversity of ownership requirement for a zone designation.
  - (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a county decision.

- **Kane County Land Use Ordinance 9-1-2:** It is Kane County policy to refuse to participate in spot infrastructure improvements which benefit only a localized area yet burden the taxpayers at large.
- The parcel would gain access from Highway 9 and North Fork Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice. Notices are posted on the state and county websites.
- **9-7C-1: PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)
- **Kane County General Plan, (KCGP) Vision Statement, Pg. 3:** 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.
- **KCGP, Pg. 7 Industrial and Commercial Land Use:** Industrial and commercial land uses are usually located at major highway intersections and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amingiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park.

# RECORD OF SURVEY APPLE CROSS VISITOR CENTER

KANE COUNTY, UTAH  
LOCATED IN SW¼, SE¼ OF SECTION 15,  
TOWNSHIP 41 SOUTH, RANGE 9 WEST,  
SALT LAKE BASE AND MERIDIAN



Building on Solid Foundations

460 E. 300 SOUTH  
KANAB, UTAH 84741  
435-644-2031  
www.ironrockeng.com

### SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, License Number 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the property described herein in accordance with Section 17-23-17 and have verified all measurements; and have placed monuments as represented on this Record of Survey.

Thomas W. Avant, PLS # 5561917

Date: \_\_\_\_\_

### NARRATIVE

The purpose of this survey was to retrace and mark on the ground the lines as shown on this Record of Survey at the request of the client. The purpose of the survey is to delineate the boundaries. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone.

### Legal Description:

#### Parcel 1 - Parcel 1-9-15-2D1:

Commencing at the South ¼ Corner of Section 15, Township 41 South, Range 9 West, Salt Lake Base and Meridian; thence, along the North-South ¼ Line, North 00° 45' 16" East 1320.80 feet, to the Center-South 1/16 Corner; thence, along the South 1/16 Line, South 89° 17' 30" East 723.15 feet, to the POINT OF BEGINNING, and running; thence North 36° 47' 41" East 215.77 feet; thence North 10° 57' 53" East 113.26 feet, to the beginning of a curve; thence, along the curve to the right, 198.98 feet, having a radius of 140.00 feet, a central angle of 81° 25' 58" and whose long chord bears North 51° 40' 52" East 182.65 feet; thence South 87° 36' 09" East 41.91 feet; thence North 40° 33' 31" East 502.37 feet; thence South 48° 38' 50" East 375.70 feet; thence South 44° 14' 24" West 152.91 feet, to the beginning of a curve; thence, along the curve to the left, 170.99 feet, having a radius of 433.00 feet, a central angle of 22° 37' 35" and whose long chord bears South 32° 55' 37" West 169.88 feet; thence South 21° 36' 50" West 66.45 feet, to the beginning of a curve; thence, along the curve to the right, 212.24 feet, having a radius of 467.00 feet, a central angle of 26° 02' 21" and whose long chord bears South 34° 38' 00" West 210.42 feet; thence South 47° 39' 11" West 179.42 feet, to the beginning of a curve; thence, along the curve to the left, 380.35 feet, having a radius of 383.00 feet, a central angle of 56° 53' 56" and whose long chord bears South 19° 12' 13" West 364.91 feet; thence South 09° 14' 45" East 26.37 feet, to the beginning of a non-tangential curve; thence, along the curve to the right, 60.45 feet, having a radius of 95.67 feet, a central angle of 36° 12' 17" and whose long chord bears North 68° 45' 09" East 59.45 feet; thence North 50° 39' 00" West 206.66 feet; thence South 39° 21' 01" West 142.73 feet; thence South 50° 39' 00" East 265.06 feet, to the beginning of a curve; thence, along the curve to the left, 131.87 feet, having a radius of 121.76 feet, a central angle of 62° 02' 56" and whose long chord bears South 81° 40' 28" East 125.52 feet; thence South 09° 14' 45" East 127.03 feet, to the beginning of a curve; thence, along the curve to the right, 153.38 feet, having a radius of 100.00 feet, a central angle of 87° 52' 49" and whose long chord bears South 34° 41' 40" West 138.78 feet, to the Northerly right-of-way of U.S. Highway 9; thence, along said right-of-way, South 78° 38' 04" West 407.20 feet; thence North 16° 44' 09" West 417.85 feet, to the beginning of a curve; thence, along the curve to the right, 336.34 feet, having a radius of 360.00 feet, a central angle of 53° 31' 50" and whose long chord bears North 10° 01' 46" East 324.24 feet; thence North 36° 47' 41" East 242.19 feet, to the POINT OF BEGINNING; containing 17.82 acres (more or less).

#### Parcel 2 - Parcel 1-9-15-1:

Commencing at the South ¼ Corner of Section 15, Township 41 South, Range 9 West, Salt Lake Base and Meridian; thence, along the North-South ¼ Line, North 00° 45' 16" East 914.63 feet; thence South 89° 14' 44" East 775.93 feet, to the POINT OF BEGINNING, and running; thence North 39° 21' 01" East 142.73 feet; thence South 50° 39' 00" East 206.66 feet, to the beginning of a curve; thence, along the curve to the left, 60.45 feet, having a radius of 95.67 feet, a central angle of 36° 12' 17" and whose long chord bears South 68° 45' 09" East 59.45 feet; thence South 09° 14' 45" East 145.93 feet, to the beginning of a non-tangential curve; thence, along the curve to the right, 131.87 feet, having a radius of 121.76 feet, a central angle of 62° 02' 56" and whose long chord bears North 81° 40' 28" West 125.52 feet; thence North 50° 39' 00" West 265.06 feet, to the POINT OF BEGINNING; containing 1.11 acres (more or less).

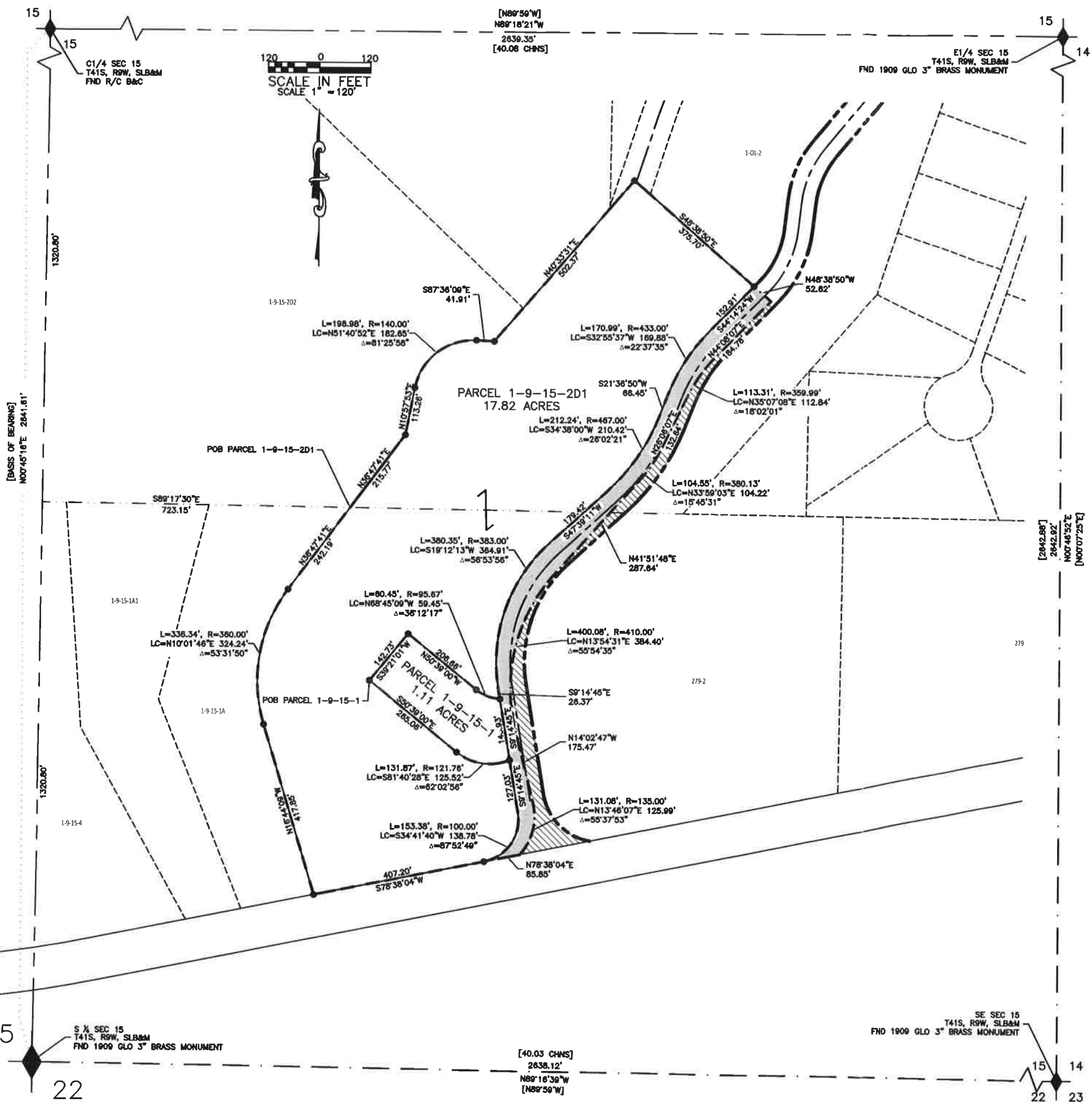
SURVEYED AT THE REQUEST OF :

REFERENCED DOCUMENTS

### LEGEND

- SET 5/8" x 24" REBAR WITH PLASTIC CAP MARKED IRON ROCK PLS 5561917
- ✦ FOUND SECTION CORNER AS NOTED

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- SURVEY BOUNDARY
- SECTION LINE
- ¼ SECTION LINE
- HIGHWAY RIGHT OF WAY
- ROAD CENTER LINE

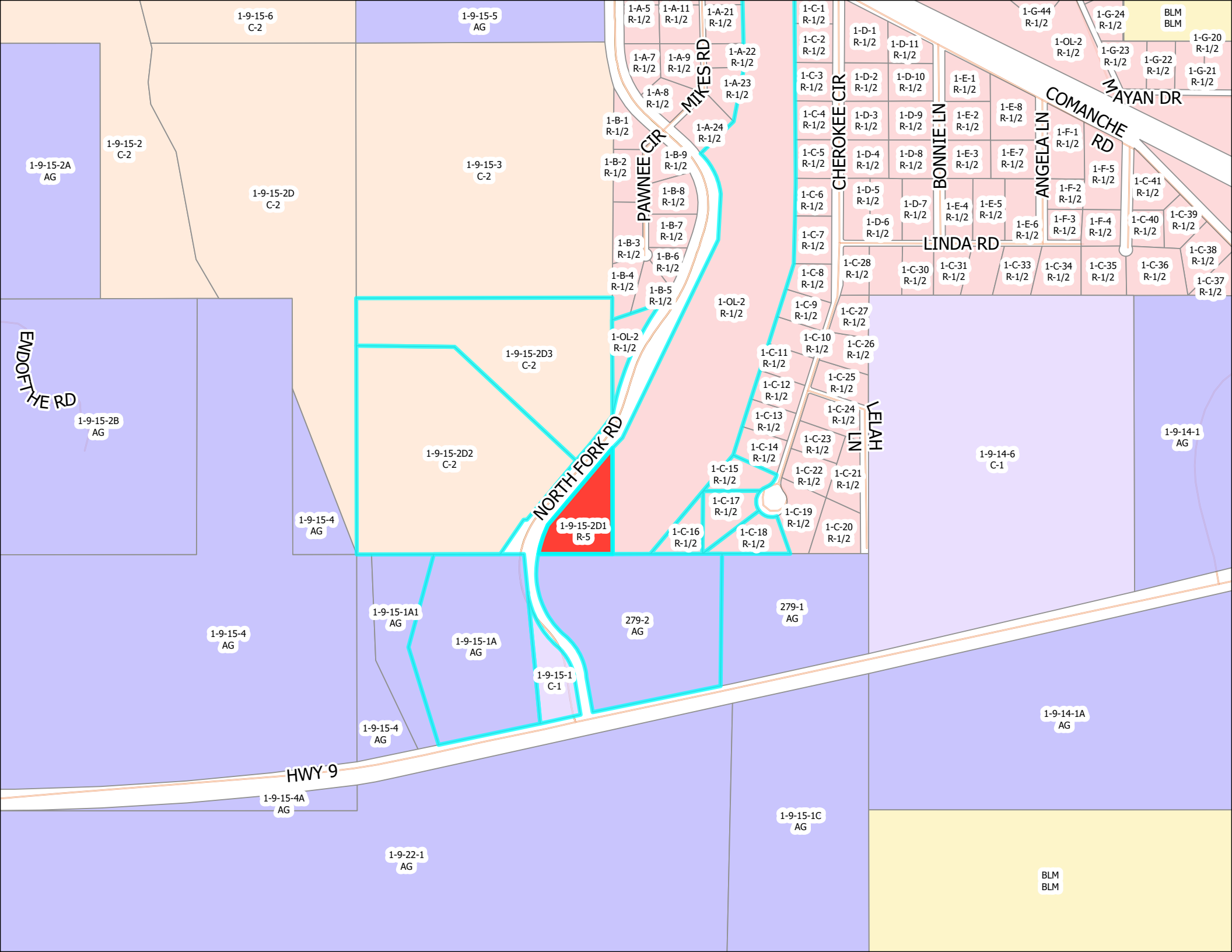


RECORD OF SURVEY  
PARCELS 1-9-15-2D1 & 1-9-15-1  
KANE COUNTY, UTAH

| INITIAL | DATE       | DESCRIPTION |
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SHEET:  
**1 OF 1**

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**KANE COUNTY ORDINANCE NO. O 2023-09**

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 1-9-15-2D1 FROM RESIDENTIAL 5 TO COMMERCIAL 2**

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

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

**WHEREAS**, the statutory authority for enacting this ordinance is Utah State Code Sections 17-27a-201- 205, 17-27a-308, and 17-27a-505;

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 1-9-15-2D1, from Residential 5 (R-5) to Commercial 2 (C-2);

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

**Legal Description Parcel 1-9-15-2D1:** Commencing at the South ¼ Corner of Section 15, Township 41 South, Range 9 West, Salt Lake Base and Meridian; thence, along the North-South ¼ Line, North 00° 45' 16" East 1320.80 feet, to the Center-South 1/16 Corner; thence, along the South 1/16 Line, South 89° 17' 30" East 723.15 feet, to the POINT OF BEGINNING, and running; thence North 36° 47' 41" East 215.77 feet; thence North 10° 57' 53" East 113.26 feet, to the beginning of a curve; thence, along the curve to the right, 198.98 feet, having a radius of 140.00 feet, a central angle of 81° 25' 58" and whose long chord bears North 51° 40' 52" East 182.65 feet; thence South 87° 36' 09" East 41.91 feet; thence North 40° 33' 31" East 502.37 feet; thence South 48° 38' 50" East 375.70 feet; thence South 44° 14' 24" West 152.91 feet, to the beginning of a curve; thence, along the curve to the left, 170.99 feet, having a radius of 433.00 feet, a central angle of 22° 37' 35" and whose long chord bears South 32° 55' 37" West 169.88 feet; thence South 21° 36' 50" West 66.45 feet, to the beginning of a curve; thence, along the curve to the right, 212.24 feet, having a radius of 467.00 feet, a central angle of 26° 02' 21" and whose long chord bears South 34° 38' 00" West 210.42 feet; thence South 47° 39' 11" West 179.42 feet, to the beginning of a curve; thence, along the curve to the left, 380.35 feet, having a radius of 383.00 feet, a central angle of 56° 53' 56" and whose long chord bears South 19° 12' 13" West 364.91 feet; thence South 09° 14' 45" East 26.37 feet, to the beginning of a non-tangential curve; thence, along the curve to the right, 60.45 feet, having a radius of 95.67 feet, a central angle of 36° 12' 17" and whose long chord bears North 68° 45' 09" West 59.45 feet; thence North 50° 39' 00" West 206.66 feet; thence South 39° 21' 01" West 142.73 feet; thence South 50° 39' 00" East 265.06 feet, to the beginning of a curve; thence, along the curve to the left, 131.87 feet, having a radius of 121.76 feet, a central angle of 62° 02' 56" and whose long chord bears South 81° 40' 28" East 125.52 feet; thence South 09° 14' 45" East 127.03 feet, to the beginning of a curve; thence, along the curve to the right, 153.38 feet, having a radius of 100.00 feet, a central angle of 87° 52' 49" and whose long chord bears South 34° 41' 40" West 138.78

feet, to the Northerly right-of-way of U.S. Highway 9; thence, along said right-of-way, South 78° 38' 04" West 407.20 feet; thence North 16° 44' 09" West 417.85 feet, to the beginning of a curve; thence, along the curve to the right, 336.34 feet, having a radius of 360.00 feet, a central angle of 53° 31' 50" and whose long chord bears North 10° 01' 46" East 324.24 feet; thence North 36° 47' 41" East 242.19 feet, to the POINT OF BEGINNING; containing 17.82 acres (more or less).

Acres 17.82+/- more or less

Is hereby rezoned from R-5 to C-2 and shall from here forth be zoned C-2.

---- END OF ORDINANCE ----

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

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

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

\_\_\_\_\_  
Wade Heaton, Chair  
Board of Commissioners  
Kane County

Commissioner Heaton voted \_\_\_\_\_  
Commissioner Kubeja voted \_\_\_\_\_  
Commissioner Meyeres voted \_\_\_\_\_



They are all Planned Unit Developments and Kane County encourages this trend to continue. 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.

- **KCGP Pg. 15 Commercial Land Uses Goal #1:** Encourage and provide for commercial uses in locations with infrastructure in place to serve the public. Objective: Develop commercial uses compatibly with the use and character of the surrounding area. Policy: The Land Use Ordinance and associated zoning map will determine the standards for commercial uses at appropriate locations.
- **KCGP Pg. 28 1. Kane County will not become a provider of municipal-scale services, but will assist in such development if serviced by a special service district:** Kane County's unincorporated areas cannot be expected to provide municipal-scale services. Residential or commercial zones which require large investments in infrastructure such as roads, water, waste disposal, schools, etc. cannot occur on a land base where such services are not available. Kane County recognizes this distinction, and will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain their own services. Kane County will discourage development in unincorporated areas unless such development is serviced by a special district established for that purpose.

**Conclusion:** The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan. This zone change request maintains the purpose of the General Plan for commercial land use. If the zone change amendment is adopted, the regulations of the new zone of C-2 can be found in the Kane County Land Use Ordinance, Chapter 7: Commercial 2 Zone.

**MOTION: I move to recommend denying/approving the zone change for parcel 1-9-15-2D1 from R-5 to C-2 & Ordinance O-2023-09, to the County Commission, based on the facts and findings as documented in the staff report.**

**KANE COUNTY ORDINANCE NO. O 2023-07**

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 4 ZONES SECTION 4 AND  
CHAPTER 7, ARTICLE D, SECTION 3 SITLA LANDS OF THE KANE COUNTY  
LAND USE ORDINANCE**

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to specific sections of Chapter 4, Section 4 and to Chapter 7 Article D SITLA Lands of the Kane County Land Use Ordinance; and

**WHEREAS**, the purpose of amending Chapter 4, is as follows: 9-4-4D Rules For Locating: D: Disapproval of a zoning amendment application shall prohibit the filing of another application to rezone the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final disapproval of the application, unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within a one-year time period; and

**OR**, 9-4-4D: If an application for a zone change is denied for failure to meet the requirements of this title and the denial is the final decision on the property, an application for all or part of the same property shall not be considered for a period of at least one year from the date of denial unless the subsequent application is for a development that is materially different from the previously denied proposal; and,

9-4-4E: Each zone change request by an applicant, seeking a change from a less dense zone to a denser zone, shall provide proof of all required utilities. No zone change application will be processed or granted without meeting said utility requirements. Some areas of the county are not suitable for some zones due to scarcity of utilities, or lack of compatibility of the land for the requested zone. Required proof of utilities shall be submitted to, and approved by, the county prior to zone change approval, with all letters, applications, studies, plans, contract terms and conditions, acceptable to the county in its sole discretion; and,

**WHEREAS**, the purpose of amending Chapter 7 Article D. State Lands (SITLA); revising Section 3, 2b, is to clarify the purposes, reviewing process and procedure for SITLA Recommendations as follows: “ For purposes of determining "compliance with applicable land use ordinances," the Land Use Administrator may review any of the requirements of Title 9 in developing the report. For land owned by SITLA, the Land Use Administrator shall specifically review the requirements of land as if it is zoned Commercial 2 (C-2) ~~that is zoned Agricultural (AG)~~. For land owned by other agencies of the State, the Land Use Administrator shall review the requirements of the zone or zones of similarly situated land near the proposed development. Nothing in this section shall be construed as an attempt to impose a zone on any state owned land as prohibited by Utah Code 63A-5-206(6). State land that is transferred to private ownership shall automatically be zoned Agricultural (AG) as set forth in Section 9-7D-4(A).”

**WHEREAS**, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval amendments to Chapter 4, Section 4 and Chapter 7 Article D of the Kane County Land Use Ordinance; and

**WHEREAS**, the Kane County Board of Commissioners desires to implement the recommended amendments; and

**WHEREAS**, the authority for this ordinance is found in Utah Code §17-27a-102, 501, and §17-53-201;

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

Chapter 4 and Chapter 7 of the Kane County Land Use Ordinance are amended as set forth below. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

//

(9-4-4D) RULES FOR LOCATING: D: Disapproval of a zoning amendment application shall prohibit the filing of another application to rezone the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final disapproval of the application, unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within a one-year time period.

**OR, 9-4-4D:** If an application for a zone change is denied for failure to meet the requirements of this title or the land management code and the denial is the final decision on the property, an application for all or part of the same property shall not be considered for a period of at least one year from the date of denial unless the subsequent application is for a development that is materially different from the previously denied proposal.

9-4-4E: Each zone change request by an applicant, seeking a change from a less dense zone to a denser zone, shall provide proof of all required utilities. No zone change application will be processed or granted without meeting said utility requirements. Some areas of the county are not suitable for some zones due to scarcity of utilities, or lack of compatibility of the land for the requested zone. Required proof of utilities shall be submitted to, and approved by, the county prior to zone change approval, with all letters, applications, studies, plans, contract terms and conditions, acceptable to the county in its sole discretion

//

//

9-7-D-3-2b

For purposes of determining "compliance with applicable land use ordinances," the Land Use Administrator may review any of the requirements of Title 9 in developing the report. For land owned by SITLA, the Land Use Administrator shall specifically review the requirements of land as if it is zoned Commercial 2 (C-2) ~~that is zoned Agricultural (AG)~~. For land owned by other agencies of the State, the Land Use Administrator shall review the requirements of the zone or zones of similarly situated land near the proposed development. Nothing in this section shall be construed as an attempt to impose a zone on any state owned land as prohibited by Utah Code 63A-5-206(6). State land that is transferred to private ownership shall automatically be zoned Agricultural (AG) as set forth in Section 9-7D-4(A)."

//

End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below.

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

ADOPTED this 14th day of March, 2023.

ATTEST:

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

\_\_\_\_\_  
Wade Heaton, Chair  
Board of Commissioners  
Kane County

Commissioner Heaton voted \_\_\_\_\_  
Commissioner Kubeja voted \_\_\_\_\_  
Commissioner Meyeres voted \_\_\_\_\_



# **KANE COUNTY, UTAH**

## **GENERAL PLAN**

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

**Amended ~~August 2018~~ March 2023**

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

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

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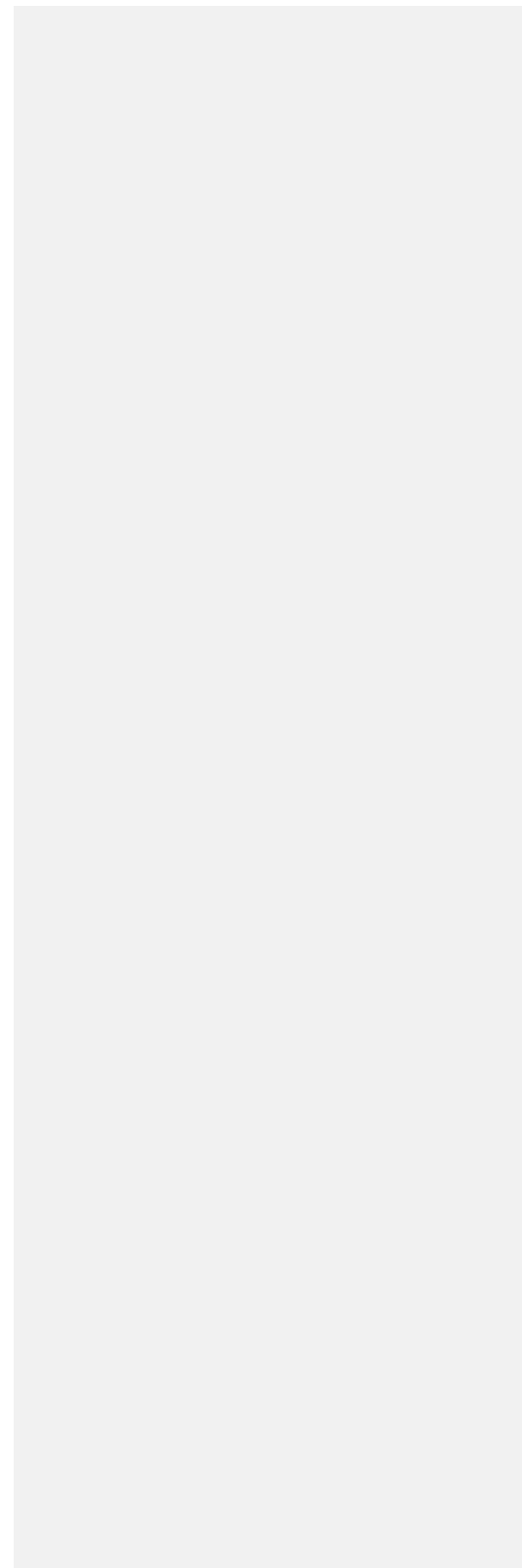
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**Kane County General Plan Maps:**

**Map One – SITLA**

**Map Two – Kane County Regions**

**Map Three – New Boundary Map for Grand Staircase**



## **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**

~~Dirk Clayson, Chairman  
Jim Matson  
Lamont Smith  
Wade Heaton, Chairman  
Patty Kubeja  
Celeste Meyeres~~

### **Kane County Staff**

~~Karla Johnson Chameill Lamb, County Clerk/Auditor  
Robert Van Dyke, County Attorney  
Reid Mann, Deputy County Attorney  
Ryan Maddux, Kane County Assessor~~

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

~~Mike Noel, Executive Director~~

### **Kane County Resource Development**

~~Mary Reynolds, Resource Management Planner~~

### **Resource Development Committee:**

~~Tony Wright, Chairman — Tony Chelewski  
Byard Kershaw — Charlie Saba  
Lance Jackson — Danny Little  
Bob Wallen — Hal Hamblin  
Kelly Stowell  
Jim Matson, ex officio~~

### **Kane County Public Lands/GIS Director**

~~Taylor Glover, Director~~

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

~~Shannon McBride, Land Use Administrator  
Ade Nelson Charee Shepherd, Zoning Administrator  
Wendy Allan, Assistant Planning and Zoning Administrator~~

### **Planning & Zoning Commission:**

~~Tony Chelewski, Chairman  
Dale Clarkson  
Wade Heaton  
Robert Houston  
Harold Hamblin  
Byard Kershaw  
Danny Brown  
Dirk Clayson, ex officio  
Doug Heaton, Chairman  
Byard Kershaw  
Jeremy Chamberlain  
Gwen Brown  
Aaron Bonham  
John Reese  
Matt Cox  
Wade Heaton, ex officio~~

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

~~Camille Johnson, Executive Director~~

### **Kane County GIS**

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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.

## Vision Statement

Kane County, Utah is a land of contrasts. It has 3,992 square miles of land and 138 sq. miles of water<sup>1</sup> 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.

<sup>1</sup> 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.

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Kane County's private land base is approximately 10 percent<sup>2</sup> of the 4,100 combined square miles found inside its boundaries. Owners of this limited private land base will be provided with a wide array of opportunities to use their property without undue constraints employing the guise of concepts such as *sustainable development*. County land use legislation will protect people from each other and refrain from trying to protect people from themselves; and only protect the government from private interests where absolutely necessary. Zoning districts have been established to provide fundamental fairness in land use regulation and to protect property values, not the interests of those who intrude on the zone. Zone changes will be made only after those interests for which the zone was created have expired or there is no interest left to protect.

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

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

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

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.

### **Plan Update**

Kane County, in order to be consistent with its goals to update the General Plan every five years, is implementing a plan revision as of March 8<sup>th</sup>, 2023. County staff and legislators realize this process will take several workshops, community surveys and public hearings to gather information and obtain public input. Each section will be revised as time allows the planning staff.

Due to another surge in growth in the unincorporated areas of the County during the years of 2020, 2021, and 2022 the need to update the General Plan, herein known as the "Plan" is much needed. Several new, large subdivisions and Planned Unit Developments, along with an increase in zone changes, and building permits throughout the County has changed the dynamics of Kane County land use.

The public survey results will be implemented and added as an Appendix at a later date in the revision process.

The Plan will serve as a blueprint for both short and long-range goals for growth and development in the County.

Utah State Code 17-27a-401 requires each county:

(1) To accomplish the purposes of this chapter, a county shall prepare and adopt a comprehensive, long-range general plan:

(a) for present and future needs of the county;

(b) (i) for growth and development of all or any part of the land within the unincorporated portions of the county;

(c) as a basis for communicating and coordinating with the federal government on land and resource management issues.

(2) To promote health, safety, and welfare, the general plan may provide for:

(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;

- (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (c) the efficient and economical use, conservation, and production of the supply of:
  - (i) food and water; and
  - (ii) drainage, sanitary, and other facilities and resources;
- (d) the use of energy conservation and solar and renewable energy resources;
- (e) the protection of urban development;
- (f) the protection and promotion of air quality;
- (g) historic preservation;
- (h) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by an affected entity; and
- (i) an official map.

Kane County Motto: “Kane County Magically Unspoiled”

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**KANE COUNTY ORDINANCE NO. O 2023-08**

**AN ORDINANCE AMENDING THE KANE COUNTY GENERAL PLAN  
ACKNOWLEDGMENT, PREAMBLE AND VISIONS STATEMENT SECTIONS**

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to the Acknowledgement , Preamble and Visions Statement sections of the Kane County General Plan; and

**WHEREAS**, the purpose of amending the above sections of the General Plan is to update new staff and elected officials and condense language; and

**WHEREAS**, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval amendments to the above sections of the General Plan; and

**WHEREAS**, the Kane County Board of Commissioners desires to implement the recommended amendments; and

**WHEREAS**, the authority for this ordinance is found in Utah Code §17-27a-102, 201 and 401-408;

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

See attachments.

End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below.

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

ADOPTED this 14th day of March, 2023.

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ATTEST:

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

Wade Heaton, Chair  
Board of Commissioners  
Kane County

Commissioner Heaton voted \_\_\_\_\_  
Commissioner Kubeja voted \_\_\_\_\_  
Commissioner Meyeres voted \_\_\_\_\_