

8. Provides each newly created lot with: a) ~~a vesting legal recorded access to~~ the utility and access easements and other rights of access that the parent parcel holds at the time of the subdivision application; b) a minimum of sixty-six foot (66') wide recorded access and utility easement(s) across the parent parcel to provide access and utility easement(s) from the original point of access of the parent parcel to the newly created parcels; c) a recorded utility easement across the parent parcel necessary to allow each newly created lot access to the same utilities currently available to the parent parcel or planned, at the time of the proposed subdivision, to be available to all the new parcel(s) in the future; and d) provide recorded legal access that is necessary to connect all the new parcel(s) to any public right-of-way to which the parent parcel has access. (Ord. 2014-18, 9-22-2014). ~~If an existing recorded access does not exist at the time of the application, the width of the newly created access across private property shall be as listed below in subsection B sixty six (66) feet. New access across public lands shall be accepted in the form of any valid, private, public or county title V or RS2477 right of way. Prescriptive easements do not satisfy the access requirements of this section unless the subservient land owner signs a recordable document acknowledging the prescriptive easement and allows use for all of the new lots in the proposed subdivision.~~

A) A public right-of-way shall be any right-of-way claimed by the County, ~~or, a municipality or UDOT~~ as a Class B, C or D road which is established or claimed through recorded deed or easement, RS-2477 assertion and/or claimed public prescriptive right.

B) The recorded legal access may be any of the following:

_____1) ~~New access across public lands shall be accepted in the form of any valid, private, public or county title V.~~ Title V access across land managed by the Bureau of Land Management (BLM) ~~with~~ any width approved by the BLM ~~will be being deemed~~ accepted.

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2) Existing recorded legal access easement with a minimum of twenty-eight (28) feet.

3) Any newly recorded easement across private land, with a minimum width of sixty-six (66) feet.

~~New access across public lands shall be accepted in the form of any valid, private, public or county title V or RS2477 right of way.~~4) ~~Prescriptive easements do not satisfy the access requirements of this section unless the subservient land owner signs a recordable document acknowledging the prescriptive easement and allows use for all of the new lots in the proposed subdivision. The minimum width of the acknowledged prescriptive easement shall be twenty-eight (28) feet.~~

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9. Has a name for each existing and newly created access road or easement distinct from other road or easement names located in Kane County for address purposes, designated on the record of survey.

- C. No building permit shall be granted for the construction or alteration of any residential or commercial building or structure on any parcel of land unless:
1. The parcel has a recorded means of access of at least twenty eight feet (28') in width;
 2. The applicant submits proof of, and provides on site verification of, an adequate, approved water supply as follows:
 - a. Valid, legal right to hook up to an approved public or nonpublic water system;
 - b. Valid, legal, private on site parcel with well right and well, approved for domestic use;
 - c. In existing, recorded "dry subdivisions" only, water hauling will be allowed for a single recreational property that is seasonal in nature. A two thousand (2,000) gallon tank that is certified for domestic use must be provided along with satisfactory proof of a water hauling contract or delivery system from a source approved for domestic use;
 3. If the structure is not connected to a public or private sewer system, septic system approval will have to be obtained from the Southwest Utah public health department;
 4. The parcel and proposed improvements comply with all other provisions of the Kane County land use and subdivision ordinances;
 5. The applicant acknowledges that the access to the parcel will not be maintained by Kane County unless the access has been dedicated to, and accepted by, Kane County;
 6. The applicant acknowledges that no fire protection is provided or guaranteed by Kane County;
 7. All wildland urban interface requirements are met.
- D. No lot, parcel, or any division of land may be sold, offered for sale, deeded, gifted, conveyed, or transferred using any other method without first complying with the provisions of this chapter.
- E. No subdivision plat may be filed or recorded in the county recorder's office without first complying with the provisions of this chapter.

- F. No deed of any lot or parcel resulting from a subdivision of land that is not in compliance with this chapter may be executed or recorded in the county recorder's office without first complying with the provisions of this chapter.
- G. Nothing in this chapter shall be construed to imply that the county recorder is in violation of this chapter by recording any document that is presented for recording.
- H. Recording alone of any document in the county recorder's office does not constitute compliance with this chapter. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21D-5: LAND USE AUTHORITY APPROVAL:

A. The Kane County land use authority administrator shall review all completed applications for preliminary plat approval and shall forward to the Land use Authority~~approve~~ only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this chapter and all other ordinances and laws of Kane County and the state of Utah; including, but not limited to, land use ordinances, general plan and transportation plan.

B. At a public meeting the land use authority may ~~approve~~ recommenc, approve to the County Commission, with or without conditions, table until additional information has been provided or disapprove the preliminary plat. In the event that the Kane County land use authority disapproves a preliminary plat, it shall state, in writing, within thirty (30) days to the developer/subdivider the reason for disapproval via certified mail, return receipt requested. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

C. If recommended for approval to the County Commission, the County Commission shall review the application for approval, approval with conditions, or denial at the next regularly scheduled County Commission meeting.

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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 title 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. If additional engineering costs are accrued the County may charge additional fees to cover the county's cost for the specific project. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

C. Fee: The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the board of county commissioners. If additional engineer review is required an additional fee can be charged to cover to the county's costs.

9-15A-4: INSPECTION:

The building official-inspector shall inspect the conditional use during the course of construction to ensure that it complies with the conditions of the permit. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

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 which would require amending the original conditional use permit and going before the Planning Commission for approval. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

This is the language found on the conditional use permit application.

The conditional use permit will expire after one (1) year unless substantial work shall have been accomplished towards completion of the use. Whether or not substantial work has been accomplished shall be determined by the Planning and Zoning Commission.

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Comment [sm1]: Needs to match language in the ordinance.

6. This conditional use permit is granted with the use of the land, unless otherwise revoked or modified by the Planning and Zoning Commission as outlined herein, or as otherwise allowed by law and equity. If holder fails to complete the project within a reasonable time after one (1) year from the date of this permit, the Planning and Zoning Commission reserves the right to revoke the conditional use permit granted herein and the term above specified will no longer apply. Before the expiration of any term specified herein, holder may apply to extend the conditional use permit granted herein.



Land Use Authority

180 West 300 North
Kanab, Utah 84741
Phone (435) 644-4966
Or 435-644-4901
Fax (435) 644-4963
planning@kane.utah.gov

Conditional Use Permit Application

Fee \$200.00

Field Code Changed

***If engineering review is required additional fees will be charged to cover engineering review costs.**

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Property information and location

(All lines applicable to this site must be filled in)

Section _____ Township _____ Range _____ Parcel # _____

You MUST include a parcel map obtained from the Kane County Recorder's Office with this application!

Property Owner(s) Information

Name(s): _____

Address per tax rolls: _____

City/County: _____ State: _____ Zip: _____

Office/home phone: _____ Fax phone: _____

Mobile phone: _____ Message phone: _____

E-mail address: _____

A copy of the deed, offer or tax notice MUST be included to demonstrate ownership

(for office use only)

CUP# _____ Fee: **\$200.00** Receipt # _____

Is this an amendment? Yes No

This application MUST be submitted no later than **21** days before the scheduled Land Use Authority Meeting:

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

Revised **August 2013** **May 2016**

Agent for the property owner(s) information

Name(s): _____

Address per tax rolls: _____

City/County: _____ State: _____ Zip: _____

Office/home phone: _____ Fax phone: _____

Mobile phone: _____ Message phone: _____

E-mail address: _____

Notarized affidavit by owner that agent has authority to act on their behalf

There shall be no presumption of approval of any aspect of the process. Each application for a Conditional Use Permit shall have all required submittals before it is accepted as a complete application. *It is highly recommended that the applicant or their authorized agent be present at the Planning Commission meeting that the Conditional Use Permit is an agenda item. Electronic appearance is acceptable if prior arrangements are made.

APPLICATION IS HEREBY MADE TO THE LAND USE AUTHORITY REQUESTING THE FOLLOWING CONDITIONAL USE: _____

OTHER COMMENTS: _____

Total acreage of parcel: _____ Area occupied by this use: _____

Current zoning designation: _____ Current use of land: _____

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

Date signed: _____

Signature of owner(s) or agent(s)

Land Use Authority Action

Date: _____

Approve

Deny

Planning Commission Chairman

**KANE COUNTY
CONDITIONAL USE PERMIT**

Name of Applicant

Date of Application (attached)

ATTACHMENTS

- Exhibit "A"..... Application for conditional use permit
- Exhibit "B"..... Legal description of property for which
conditional use is requested
- Exhibit "C"..... Site map approved by Commission

**FINDINGS OF THE PLANNING
AND ZONING COMMISSION**

The Planning and Zoning Commission has reviewed the application for a conditional use permit submitted in this matter, has held a regularly scheduled meeting to consider the application and having had an opportunity to fully consider the matter, the Commission hereby makes the following findings:

1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community;
and
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; and
3. That the proposed use is in harmony with the intent of the Master Plan and the zone in which it is located; and
4. _____

5. _____

CONDITIONAL USE PERMIT GRANTED

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

Applicant is hereby granted the following conditional use:

CONDITIONS OF PERMIT

1. The holder of this permit must obey all state, local and federal laws in regard to use of the land on which this conditional use permit is granted. This includes compliance with all local ordinances, zoning ordinances, rules, regulations or other local laws.
2. Holder agrees to appear, when summoned in writing, at any meeting held by the Kane County Planning and Zoning Commission or the Kane County Commission, to address or answer any questions regarding the conditional use granted herein, including but not limited to holder's compliance or non-compliance with the conditions of the permit. Holder further agrees to make written response regarding compliance or non-compliance when requested by the Kane County Planning and Zoning Commission or the Kane County Commission.
3. Holder is allowed to construct and maintain the facilities, structures, and/or landscaping outlined in the site map which is attached hereto as Exhibit "C" and is hereby approved as part of this conditional use permit. Holder is not allowed to construct any additional facilities, structures, and/or landscaping unless said additions are approved by the Planning and Zoning Commission as part of this conditional use or are approved as activities that are acceptable within the zone.
4. Holder shall maintain all property and facilities used under this conditional use permit in good condition and repair and shall not allow their activities to cause or create a circumstance which causes or creates disturbance to persons or properties in the area surrounding the property which is the subject of this conditional use permit.
5. The conditional use permit will expire after one (1) year unless substantial work shall have been accomplished towards completion of the use. Whether or not substantial work has been accomplished shall be determined by the Planning and Zoning Commission.
6. This conditional use permit is granted with the use of the land, unless otherwise revoked or modified by the Planning and Zoning Commission as outlined herein, or as otherwise allowed by law and equity. If holder fails to complete the project within a reasonable time after one (1) year from the date of this permit, the Planning and Zoning Commission reserves the right to revoke the conditional use permit granted herein and the term above specified will no longer apply. Before the expiration of any term specified herein, holder may apply to extend the conditional use permit granted herein.
7. The holder of this permit shall allow members of the Planning and Zoning Commission, members of the Kane County Commission, the Kane County Building Inspector, and their designated agents to inspect the premises during the course of construction, and thereafter, to insure that holder is complying with the conditions of the conditional use permit.

Comment [sm1]: Needs to match language in the ordinance.

Comment [sm2]: Match with ordinance

8. This conditional use permit may not be transferred or assigned without express written consent of the Planning and Zoning Commission.

9. _____

10. _____

11. _____

12. _____

This conditional use permit may be revoked in whole or in part or may be modified based on any failure to observe any of the conditions outlined herein or those enforceable in law or in equity.

EXHIBIT “A”

Application for conditional use permit

EXHIBIT “B”

Legal descriptions of property for
which conditional use is requested

EXHIBIT “C”

Site map ~~approved by Commission~~