



KANE COUNTY, UTAH GENERAL PLAN

for the Physical Development of the Unincorporated Area

Pursuant to Section 17-27a-403 of the Utah Code

ADOPTED 28 NOVEMBER 2011

Should any part of the Kane County General Plan be determined invalid, no longer applicable or need modification, those changes shall affect only those parts of the Plan that are deleted, invalidated or modified and shall have no effect on the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 by the Division of Community and Economic Development of the Five County Association of Governments under the guidance and direction of the Kane County Resource Development Committee, Kane County Land Use Authority and the Board of County Commissioners. Funding used to prepare this document came from Kane County contributions, a Regional Planning grant from the Utah Permanent Community Impact Board and a Planning and Technical Assistance Grant from the U.S. Department of Commerce, Economic Development Administration.

AN ORDINANCE OF THE KANE COUNTY, UTAH BOARD OF COUNTY COMMISSIONERS ADOPTING THE KANE COUNTY, UTAH GENERAL PLAN FOR THE PHYSICAL DEVELOPMENT OF THE UNINCORPORATED PORTIONS OF THE COUNTY.

Preamble

In order to provide for the health, safety and general welfare of both residents and visitors to Kane County, Utah, 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.

WHEREAS, Kane County, Utah has a long history of active involvement in developing formal plans and policies for the use and development of lands; and

WHEREAS, a locally-appointed Resource Development Committee, a group of consultants, and the county Planning Commission have forwarded a series of recommendations for revisions to existing county plans and policies; and

WHEREAS, the county planning commission has reviewed and recommended the adoption of the General Plan;

NOW THEREFORE BE IT ORDAINED that the attached General Plan dated the 28th day of November 2011 is adopted as the official Kane County General Plan pursuant to the provisions of Section 17-27-303 of the Utah Code. All previous editions of Kane County General or Master Plans are hereby superseded by this document.

Signed this 28th day of November 2011

KANE COUNTY COMMISSIONION

Douglas Heaton

James Matson

Dirk Clayson

ATTEST: Kane County Clerk

Karla Johnson

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 upon 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 Kane County. Some specific individuals and groups have had intensive involvement in the Kane County planning process, and are acknowledged below:

Kane County Commission

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Dirk Clayson
Jim Matson

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Vision Statement

Kane County, Utah is a land of contrasts. Its 4100 square miles of territory extend from the sandstone deserts of Glen Canyon and Lake Powell to the 10,000 foot high alpine meadows of the Pansugant 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 bases of extensive ranching operations using both private and public lands. The construction of Glen Canyon Dam resulted in settlements originally designed to house construction workers which have evolved into permanent communities. A substantial amount of lands in the higher elevation forest lands have been developed for recreation homes and cabins, some of which are 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 our 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 rest with those land owners who make them. Kane County will not unduly regulate private land use nor will public funds be used to bail those who make unwise land use decisions.

Kane County's unincorporated private land base is less than 10 percent of the 4100 square miles found inside the county 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 unincorporated 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 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, federal land planning must include state and local governments as full partners in the public lands planning process. Congressional policy requires that federal planners consult with state and local governments, and that federal plans are consistent with plans of adjacent jurisdictions within the constraints of federal law. The Kane County Commission is a proactive partner in all public lands planning processes which impact the county land base. 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 enjoyed and utilized by the public is contrary to wise management practice which should employ natural resources for the public social, and economic benefit.

Given these basic premises, the Kane County Commission will use this Plan to guide land use decision-making for the unincorporated county. This plan will assure that present and future residents and visitors to the unincorporated areas of Kane County will be housed in safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses 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 which expand economic opportunity and protect important scenic and social qualities. Federal land management planning processes will include Kane County as an active, on-going partner and will be consistent with county goals and policies when not constrained by federal law.

Land Use

A Land Use element showing: 1) the general distribution of land; and 2) standards of population density and building intensity of lands used for:

- a) Housing;*
- b) Business;*
- c) Industry;*
- d) Agriculture;*
- e) Recreation;*
- f) Public Buildings and Grounds;*
- g) Open Space; and*
- h) Other categories of public and private uses of land, as appropriate.*

Introduction

Kane County, Utah encompasses approximately 3 million acres of some of the most remote and rugged lands in the continental United States. Much of the county was among the last lands systematically explored and surveyed by federal government authorities. The county is a land of extremes in elevation, vegetation, precipitation and landscapes.

The area encompassed by the present Kane County boundaries originally became part of the United States in 1848 as part of the Treaty of Guadalupe Hidalgo, which ended the Mexican-American War. The area was first designated as Indian Territory, and remained in that classification until 1868. The lands then became subject to the mid-19th century land tenure laws, including the Homestead Act. Mormon settlers came to Utah prior to the land becoming part of the U.S., and established many communities without legal title to the lands. Legal title to land in most Kane County settlements was granted through filings with county and federal lands offices sometimes years after occupation.

Climate, elevation, and the presence of adequate water have determined the present-day land ownership and use patterns of Kane County. Almost 90 percent of the county land base remains in federal ownership. This is due to the lack of sufficient water, arable soils, and forage; all which made it difficult for early settlers to maintain a homestead. The land base which is privately owned is located along perennial water courses and at the base of high elevation forests where precipitation allows enough vegetation growth to support stock-raising, but is not isolated by heavy snowpack found at higher elevations.

An additional 3.8 percent of the land base is controlled by the Utah State Institutional and Trust Lands Administration. These lands were granted to Utah at the time of statehood for the purpose of generating revenue for schools and other public institutions. The state received four sections in each township, which has created a "checkerboard" of state lands scattered throughout the county. These lands are reserved for the purpose of providing the maximum amount of revenue possible for the purposes of the trust. They are not a public lands base reserved for general public interests such as recreation or wildlife habitat. They

must be considered as part of the developable land base of the county, with more similarity to private lands than other public lands.

Agricultural Land Use

While agriculture has been an important base of economic activity in Kane County, the total amount of land devoted to agricultural pursuits is relatively minor. According to the 2007 Census of Agriculture, Kane County contained 145 farms encompassing a total of 113,417 acres. This acreage represents a 46% reduction in total farmland in Kane County since the 1992 Census of Agriculture. Of the 113,417 acres, 8,691 acres was cropland, and approximately 4,300 acres was irrigated. Most of the irrigated cropland was devoted to hay production (1,658 acres). The 1992 to 2007 Census of Agriculture illustrates that land in orchards has decreased by 80% to a current level of 12 acres in orchards.

However, the majority of BLM and National Forest public lands have been included in livestock grazing allotments. According to the 2007 Census of Agriculture, Kane County contained 91 cattle/calf operations running over 6,786 head of cattle. This represents a 28.6% reduction in total head of cattle and a 14.2% reduction in cattle/calf operations in Kane County since the 1992 Census of Agriculture. There were also 9 sheep operations running about 451 head of sheep. In similar fashion as the reduction in cattle operations, sheep operations saw a dramatic 50% reduction in total farms and a 92.5% reduction in sheep inventory in Kane County since the 1992 Census of Agriculture.

While many of these operations are not the sole source of income for the operators, they are a vital tie to the traditional lifestyles valued by county residents and visitors. Furthermore, the dramatic decreases in agricultural activity are unsustainable in terms of economic and environmental factors. Historically, agricultural pursuits have been a vital base of economic activity in Kane County. Although, agricultural pursuits are not as pronounced in the 21st century, they still provide valuable opportunities for supplemental income and open space preservation. Further, much of the vegetation manipulation on both public and private rangelands is tied directly to overcoming impacts caused by past grazing practices, wildland fire suppression, or to improve the forage value for current livestock and wildlife use.

Residential Land Use

Private land base in Kane County totals 192,999 acres or 7.3%. Kane County is second only to Garfield County in the scarcity of privately owned land (10.1%) and the abundance of federal lands (87.5%). Less than one percent (0.80%) of the total county land base is located inside incorporated communities. According to the *Bureau of Economic and Business Research*, in 2007 the County had a housing inventory of 5,094 units. The number of total occupied units was 3,288, of which only 485 or 14.7% were rental units. As a share of occupied housing inventory, the county has the smallest proportion of rental units of the five southwestern Utah counties.

Over one-third of the total units in the county were seasonal or recreational units, the highest percent of seasonal units among the five southwestern Utah counties. This documents the large presence of seasonal dwelling units in the county, found primarily on Cedar Mountain and in the Deer Springs region below Bryce Canyon National Park. These areas are especially vulnerable to wildland fire.

Other important unincorporated communities include Church Wells/Paria in eastern Kane County, East Zion in western Kane County, and the housing complexes near Bullfrog Marina on Lake Powell.

According to the *Bureau of Economic and Business Research*, new residential construction in the County has remained at relatively stabilized levels since the 1970's. However, from 1994 to 2003 residential construction in the county moved to a new level of approximately 125 units annually. This increase in activity is attributable to the much higher levels of seasonal dwelling units. During much of this period cabins accounted for over 50% of new residential construction.

The next period of high growth in the County began in 2005, when residential construction suddenly exploded, reaching an all-time high of 300 new units. In 2005, building permits were issued for 126 new detached single-family homes, 32 condominiums, 92 cabins, and 46 manufactures homes. In 2006, new residential permits increased another 10% to 332 units as the number of condominiums increased dramatically.

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

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

Industrial and Commercial Land Use

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

According to the *Bureau of Economic and Business Research*, employment in the County is projected to increase at an annual rate of 2.6%, from 4,116 in 2005 to 6,028 by 2020, with little change in the overall structure of the economy. The fastest growing sector will be leisure and hospitality, adding 630 jobs over the period and accounting for about 28% of all jobs in the county by 2020. Other fast growing sectors will be other services (305 new jobs) and government (304 new jobs). The fewest jobs gains will be in information and manufacturing.

Public Facilities/ Developed Recreation Land Use

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

The Jackson Flat Reservoir, immediately south of Kanab, is a new 4,228 acre/foot reservoir that will become an important water storage facility and area recreation spot in the near future. The large project (Groundbreaking Ceremony April 2011), undertaken by the Kane County Water Conservancy District includes 232 acres of a historic ranch owned by the Jackson family.

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

Public Lands

With over 90 percent of the county land base in public ownership, the land use and management decisions of state and federal land managers weighs heavily on the use of the small private land base. The National Park Service, U.S. Forest Service, Bureau of Land Management, the Utah State School and Institutional Trust Lands Administration, and the Utah State Department of Natural Resources must diligently and proactively coordinate all public land use management decisions with Kane County officials in order to ensure the goals, objectives and policies of this general plan are maintained and the general health, safety and welfare of the County and its citizens is protected.

Land Use - Key Issues

1. Diversity of Land Forms and the Vast Extent of the Land Base

The land base in Kane County stretches over 130 miles of terrain ranging from the high-elevation forest lands around Navajo Lake, where deep snows cover the land from November through May, downward to the Colorado River canyons and Lake Powell, where annual precipitation is less than 10 inches. It's impossible to develop land use policies which can be uniformly applied to such a varied landscape. What may be applicable to recreation homes on Cedar Mountain, does not apply to ranching lands held inside Grand Staircase -Escalante National Monument. The private lands surrounding Kanab have different characteristics than the lands surrounding Big Water or Glendale.

Because of this wide diversity, previous county plans have recommended the division of the county into districts which reflect the diversity of land uses and ownership. The creation of the Grand Staircase - Escalante National Monument has also resulted in the division of the Monument into three major landscapes. This plan recognizes the need to continue the development of land use policies based upon such districts. These districts will allow the county to develop policies which correspond to major public lands management units, as well as reflecting the varied conditions of private lands in the various districts. Recommended districts include (from east to west, See Map 4):

- 1) *The Glen Canyon District* -Including all lands inside the Glen Canyon National Recreation Area (NRA);
- 2) *The Escalante Canyons District* -Including those lands which lay between the Straight Cliffs and the Glen Canyon NRA boundary, traversed by the Hole-in-the-Rock Road;
- 3) *The Kaiparowits District* -Including those lands between the Cockscomb and Straight Cliffs inside the Grand Staircase -Escalante National Monument boundaries.
- 4) *The Grand Staircase. District* -Including those lands between Johnson Canyon and the Cockscomb inside the Grand Staircase - Escalante National Monument boundaries.
- 5) *The Church Wells/Paria District* -Including those lands between the Paria River and Glen Canyon NRA outside-of the Grand Staircase -Escalante National Monument boundaries.
- 6) *The Johnson Canyon District* -Including those lands in the Johnson Canyon drainage outside of the Grand Staircase -Escalante National Monument boundaries, as well as the lands around US 89.

7) *The Deer Springs District* -Including those lands between the national forest boundary and the Skutumpah Road outside of the Grand Staircase -Escalante National Monument boundaries.

8) *The Bryce Canyon District* -Including those lands inside the national forest or Bryce Canyon National Park east of the private lands surrounding Alton.

9) *The Kanab District* -Including those lands in the Kanab Creek and tributary drainage.

10) *The Long Valley District* -Including the East Fork of the Virgin drainage to Mt. Carmel Junction.

11) *The Alton District* -Including those private lands surrounding Alton from the county boundary on the north to the public lands on the south.

12) *The Moquith Mountain/Parunuweap District* -Including the lands south of State Highway 9 and west of the Cottonwood Canyon drainage.

13) *The North Fork District* -Including those lands north of State Highway 9 outside of the national forest.

14) *The Duck Creek/Navajo Lake District* -Including those lands inside the national forest boundary west of the private lands surrounding Alton.

These districts will serve as a means to focus more directly on the specific needs and challenges presented in the districts. They can also serve as the focus of any future formal district organizations which might be pursued under the provisions of state law.

2. Avoiding the Extension of Municipal-Scale Services in the Unincorporated Area

A guiding principle which has been present in every Kane County plan from 1970 onward has been the recognition that the unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses. Residential or commercial land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, and so on, cannot occur on a land base where such services are not available. Past limitations on proposed land uses due to the lack of services have sometimes disqualified private land for development. Kane County will allow development within the perimeters of county land use and zoning ordinances with the understanding that infrastructure improvement, development and maintenance will be at the expense of the subdivider and land owners who enjoy the benefits of such improvements. Kane County will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain services without expecting or receiving county-provided services. The installation of water systems and fire hydrants does not imply or require county provided road maintenance or snow removal.

The Kane County Commission has supported efforts of the Southwest Utah Public Health Department to tighten the regulations allowing the installation of septic tank systems. The Commission has also

implemented or supported the establishment of wellhead protection zones. The presence of the vast Navajo Sandstone aquifer is also recognized as an important resource.

The Kane County Impact Policy should be codified in the Kane County Land Use Ordinance for the purpose of regulating the use of land on the basis of the impacts to the County, its communities or surrounding areas, and other matters in accordance with the General Plan.

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

Past land use designations and zoning districts have equated the term "agriculture" with almost all unincorporated private lands. A major controversy which has arisen in recent applications of zoning regulations is the division of land designated as "agricultural" for primarily low density residential uses.

The County Commission desires to recognize and protect important agricultural lands, especially irrigated cropland, for its agricultural production value and contribution to the preservation of open space. Lands which do not contribute significantly to the agricultural base will be recognized as potential low density residential areas.

With regard to low density residential uses, Kane County endeavors to provide for residential neighborhoods of a rural character which provide for a limited number of livestock. Ultimately, this rural residential attribute contributes to the benefit and enjoyment of the residents, and provides a sustainable opportunity for households to continue agricultural pursuits for their families and community alike. Furthermore, it provides innumerable benefits for the community and the environment in the form of open space conservation and aesthetic enjoyment.

The recreational uses of the high forests must also be recognized and treated as a separate land use with a different set of constraints, particularly wild land fire prevention.

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

The 1980's versions of Kane County plans lumped the forest areas of the county with the rangelands of the county, and designated all as "multiple use". This has been a major concern to the owners of forest lands, as well as to ranchers. Many feel that the "multiple use" designation was meant to apply only to public lands. Recent discussions have led to the conclusion that a distinction must be made between public and private forest lands, public and private rangelands, and irrigated croplands.

5. Protect the Limited Irrigated Cropland Base

According to the 2007 Census of Agriculture, only 113,417 acres of land (0.04% of total land base) or 145 farms existed in Kane County. Of this amount, only 4,300 acres or 0.002% of total land base was irrigated. This acreage total represents a 46% reduction in total farmland in Kane County since the 1992 Census of Agriculture.

While many of these operations are not the sole source of income for the operators, they are a vital tie to the traditional lifestyles valued by county residents and visitors. Furthermore, the dramatic decreases in agricultural activity are unsustainable in terms of economic and environmental factors. Historically, agricultural pursuits have been a vital base of economic activity in Kane County. Although, agricultural pursuits are not as pronounced in the 21st century, they still provide valuable opportunities for supplemental income and open space preservation. Further, much of the vegetation manipulation on both public and private rangelands is tied directly to overcoming impacts caused by past grazing practices, wildland fire suppression, or to improve the forage value for current livestock and wildlife use. Suffice it to say that this limited, valuable land base is threatened by conversion to other uses.

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

Just as the lack of financial resources constrains the development of land, the physical layout of the land present limitations on land uses as well. The presence of flood plains, steep slopes, unstable soils, faults, and similar physical constraints must be recognized as legitimate reasons for the restrictions of allowable land uses.

7. Develop a Systematic Wildland Fire Protection System

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

To address these issues, a multi-jurisdictional group of agencies, organizations, and individuals have collaborated to develop the Southwest Utah Regional Wildfire Protection Plan (SURWPP). The SURWPP endeavors to provide oversight and guidance in planning objectives, by providing a collaborative effort to promote the interest, education, and long-term involvement of residents of Southwest Utah in realizing the danger of wildfire and identifying strategies that will reduce the risk around their homes and in their communities.

Kane County understands that the most effective wildfire management tool is wise harvest of the resource. As the forest is harvested, dead and dry fuel woods are removed by the cleanup processes. The "ripe" and diseased trees are removed providing a perpetually young healthy forest and avoids the destructive gyrations of natural forest cycle. It has the added benefit of economic stimulus to the area as wood products are harvested.

Land Use - Goals

Unincorporated land uses will remain at densities which can be adequately serviced and which retain the qualities of a rural, open setting with uses not typically found in a town or city. Intensive, urban-scale uses will be directed to municipalities where basic services can be accommodated.

Residential Land Uses

Goal #1: To provide for residential areas that support and complement the unique rural quality and character of the County.

Objective: Minimum allowable densities in unincorporated zoning districts will be determined by the Land Use Ordinance.

Objective: To provide appropriate locations where residential neighborhoods may be established, maintained and protected. Also, encourage the establishment of, with proper controls, the public and semi-public uses such as churches, schools, libraries, parks and recreation sites which serve the requirements of the residents. The intent is to prohibit those uses that would be harmful to residential estate neighborhoods.

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

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

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

Policy: Assign the 14 districts (recommended herein) to an elected or appointed official (i.e. County Commissioner, Planning Commissioner or their assign). The assigned, respective district representative will then serve as the point of contact for all matters related to land use. The Planning Commission Chair would serve as the individual responsible to ensure that district assignments are being maintained and administered.

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

Objective: Develop policies which provide a reasonable means for assessment of the geologic, flood,

or other natural hazards that may exist on land, lot or parcel for which development application is sought.

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

Goal #4: Develop a systematic wildland fire protection system.

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

Policy: Work in cooperation with the Color Country Interagency Fire Center in implementing the goals of the Southwest Utah Regional Wildfire Protection Plan (SURWPP). Namely, to promote the interest, education, and long-term involvement of residents in realizing the danger of wildfire and identifying strategies that will reduce the risks around their homes and in their communities.

Kane County understands that the most effective wildfire management tool is wise harvest of the resource. As the forest is harvested, the dead and dry fuel woods are removed by the cleanup processes. The "ripe" and diseased trees are removed providing a perpetually young healthy forest and avoids the destructive gyrations of natural forest cycle. It has the added benefit of economic stimulus to the area as wood products are harvested.

Commercial Land Uses

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

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

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

Agricultural Land Uses

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

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Objective: Recognize and protect important agricultural lands, especially irrigated cropland, for its agricultural production value and contribution to the preservation of open space.

Objective: Encourage the establishment of Agriculture Protection Areas as authorized by state law

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

Transportation and Circulation

A Transportation and Circulation element showing the general location and extent of:

- a) Arterial, Collector and Local Streets;*
- b) Mass Transit; and*
- c) Other modes of transportation.*

Introduction

One defining feature of Kane County is its remote character. The unincorporated county contains approximately 216 linear miles of paved roads, the majority of which are included in the major state highways (89, 89A, 9, 14, and the Bryce Canyon road). Johnson Canyon, the Coral Pink Sand Dunes Road, the Hancock Road, 6 miles of the North Fork road, the road to Alton, small local roads located in subdivisions, and the access road to Navajo Lake are the only paved county roads. The Kanab municipal airport is the only public paved airstrip in the county. Most of the county transportation system is comprised of gravel roads, roads that are not regularly maintained by the county, and other roads that serve very specific uses such as rangeland and utility access.

However, millions of visitors use the few major roadways to make their way to attractions such as Zion National Park, Lake Powell, the North Rim of the Grand Canyon, and Grand Staircase -Escalante National Monument, and further use the gravel and dirt roads to travel to and between scenic destinations within the county. This visitation pattern has continued to grow for the past two decades, and is projected to continue to grow into the foreseeable future.

Much of the transportation system developed in Kane County traverses public lands. Until 1976, the development of roads across public lands was authorized by a blanket right of way defined in Revised Statute (RS) 2477. Most such roads were never formally platted or surveyed. The adoption of the Federal Land Policy and Management Act in 1976 repealed RS 2477 with valid existing rights, and instituted a new right of way authorization system (Title V) for roads created after 1976. Kane County has filed maps showing all roads vested under the provisions of RS 2477.

Kane County will take the lead in providing a safe, efficient and functional transportation system which emphasizes the circulation of residents and visitors between communities, as well as to the scenic wonders found in the county. The system will stress a wide range of transportation methods, and will be founded upon the ability of the county to utilize rights of way on public lands vested under the authority of Revised Statute 2477.

Transportation and Circulation - Key Issues

1. Validate the R.S. 2477 Rights of Way identified by Kane County

The RS 2477 rights of way in Kane County have been filed with appropriate federal authorities. The RS 2477 issue is under deliberation at the highest levels of the Department of the Interior and federal courts. It is also under litigation as of August 2011. The resolution of this controversy is critical to the ability of the county to manage transportation. To date, Kane County has been awarded by a federal judge five of its county roads as valid RS 2477 roads; namely, Sand Dunes Road, Hancock Road, Mill Creek Road, Bald Knoll Road, and Skutumpah Road.

2. Promote "Scenic Route", All Weather Road Connections to Major Highways

Past tourism promotion efforts have emphasized a "windshield tourist" pattern, where visitors quickly drove through the county on their way to other destinations. Very few visitors made use of the narrow, unsurfaced back country roads for scenic drives. A key part of current efforts to increase destination tourism is to provide a series of back country drives on roads which are upgraded to a safe, all-weather condition. The circulation map designates such routes.

3. Cooperate with UDOT and the Federal Highway Administration in Changing Access Requirements on U.S. 89

Much of US Highway 89 is a limited access highway, which restricts the number of access points to the highway. This is important to allow the highway to retain the capability to carry traffic at safe, relatively high speeds. While the county understands this need, it is also evident that some locations along the Highway are in need of additional access points. These can be allowed, while retaining the arterial nature of the Highway. The Kanab East Transportation Corridor to mile post 48.8 has been developed by Kane County and UDOT to establish safe ingress and egress off of Highway 89 east of Kanab. This plan will serve as the designated access locations for future major access needs along this portion of Highway 89.

4. Restrictions Due to Wilderness Study Area Boundaries

Many Wilderness Study Area (WSA) boundaries in Kane County have been drawn along county roads, and current federal land managers incorrectly believe these WSA's commence "at the edge of the disturbance" of the road. This means that improvements or expansion of the roads is very difficult. Past efforts to improve such roads has resulted in trespass actions against the county. The original WSA inventories and virtually all final wilderness recommendations in other areas have included a reasonable corridor (a set-back) along public roads, in order to allow prudent and necessary improvements.

5. Develop Design Standards which Incorporate Alternative Transportation Methods such as Bicycle Paths, Trails, etc.

Past standard highway engineering has paid little attention to the needs of other transportation modes. The number of residents and visitors now are demanding the ability to walk, ride or bicycle is increasing dramatically. These modes of transportation must be considered in future right of way and highway design.

6. Maintenance of existing Airstrips

While the Kanab Airport contains the only paved public airstrip in the county, a number of unpaved airstrips with little or no improvements have been established at various locations in the county.

These airstrips include:

- a) Swains Creek,
- b) Bryce Woodlands,
- c) Strawberry,
- d) Deer Springs, and
- e) Johnson Canyon (Smith).

The Big Water area is also considering the potential of locating an airstrip in that vicinity.

Transportation and Circulation - Goals

Kane County will take the lead in providing a safe, efficient and functional transportation system which emphasizes the circulation of residents and visitors between communities, as well as to the scenic wonders found in the county. The system will stress a wide range of transportation methods, and will be founded upon the ability of the county to utilize rights of way on public lands granted under the authority of Revised Statute 2477.

Goal #1: Improve County and regional mobility.

Objective: Develop a balanced transportation system which provides a broad range of transportation modes, efficiency, and connectivity.

Policy: Develop a County-wide transportation system through coordinated transportation planning efforts with local, regional, state, and federal agencies.

Goal #2: Develop a balanced transportation system which provides for safe and efficient movement of vehicles and pedestrians.

Objective #1: Coordinate land use and transportation planning to maximize land development opportunities.

Objective #2: Ensure that decisions regarding future land development and transportation planning are closely coordinated and mutually supportive.

Policy: The County will work to improve safety and circulation efficiency when roadway improvement or property development occurs.

Goal #3: Provide for safe travel and access to property off of US-89.

Objective: Work with UDOT in changing access requirements (where applicable) on US-89.

Policy: Cooperate with UDOT in their efforts to establish safe ingress/egress to property off of US-89 by drafting an access management plan, which will designate additional access locations.

Environment

An Environmental element that addresses:

- a) *The protection, conservation, development and use of natural resources; and*
- b) *Environmentally sensitive area protection and reclamation.*

Introduction

Kane County encompasses over 2.6 million acres of the western side of the Colorado Plateau. Regionally, the county is divided into four broad landscapes known from northwest to southeast as the High Southern Plateaus, the Grand Staircase, the Kaiparowits Plateau, and the Colorado River Canyons. These landscapes lie across four broad watersheds, all part of the Colorado River system.

The Virgin River is a 162-mile long tributary of the Colorado River which originates at the confluence of the East Fork Virgin with the North Fork Virgin. The Escalante River system flows from the Aquarius Plateau and Boulder Mountain into the upper portions of Lake Powell. Last Chance Creek and Wahweap Creek are the principal tributaries off the Kaiparowits Plateau, flowing into the main body of Lake Powell. The Paria River- Kitchen Corral Wash system extends from the Bryce Canyon-Bryce Valley area, terminating below Glen Canyon Dam near Lee's Ferry. Johnson Wash flows southward into Kanab Creek and eventually into the Grand Canyon. Less than ten percent of these are perennial streams and primarily include Kanab Creek, the Paria River, and Last Chance Creek.

Precipitation within the county varies from 7 to 18 inches annually. Winter-time precipitation varies from 4 to 12 inches, and is the primary source of recharge of ground-water systems. Winter precipitation is the greatest along the northwest border of county in the higher elevations of the Pansugant Plateau.

The county provides habitat for over 400 species of vertebrates and invertebrates. Some animals are migratory through the county and others are year around residents, and still others use the county as seasonal habitat. Many species of birds use the county as breeding and nesting areas and populations of elk move onto the county for winter use. Deer and Big Horn sheep are year long residents. The main riparian systems allow fish to move in and out of the county depending on water flows and seasons. These water systems are the main habitat for most of the identified species of birds.

Climate, elevation, and the presence of adequate water have determined the present day land ownership and land use patterns of Kane County. Almost 90 percent of the county land base remains in federal ownership. The land base which is privately owned is located along perennial water courses and at the base of high elevation forests. Less than one percent of the county land base is located inside incorporated communities. A substantial amount of lands in the higher elevations forest lands have been developed for recreation homes and cabins. While agriculture has been an important base of economic activity in Kane County, the total amount of land devoted to agricultural pursuits is relatively minor. However, the majority of BLM and National Forest public lands have been included in livestock grazing allotments.

Kane County is a land of contrasts. Its territory extends from the sandstone deserts of Glen Canyon and Lake Powell to the 10,000 foot high alpine meadows of the Pansugant Plateau. Extensive deposits of coal and other natural resources have been the subject of numerous explorations and feasibility studies. Each

of these land uses presents different challenges and opportunities. There are six types of problem soils and rocks that are found in Kane County; namely, Expansive Soil, Collapsible Soil, Limestone (Karsts Terrain), Gypsiferous Soil/Rock, Soils subject to Piping, and Sand Dunes.

According to the *Southwest Utah Regional Wildfire Protection Plan (October 2007)*, Kane County is almost exclusively covered in Forest and Shrub/Rangelands accounting for 97% of the area. Shrub/Rangelands accounts for 75% of the land area. Shrub/Rangelands consist of oak savannahs and sagebrush flats. Forest area accounts for 22% of the County. Water/Wetlands and Developed each comprise about 1% of the County's land area. Grass/Pasture/Haylands/Croplands make up less than 1% of the County's land area.

Environment - Key Issues

1. The Protection of Watersheds is Critical to the Continued Development of Kane County

Past land use practices in this arid region have caused impacts which are still affecting soil and water quality a century later. One major affect is the decrease in water flows and water quality. Much work has been done to improve watershed conditions and to protect water quality.

2. The Past Trends of Invasion of Trees and Woody Plants has Displaced Grasses and Forbes

In order to reverse past disturbances, it is vital to participate in efforts to reintroduce grasses and forbes as the dominant vegetation type across the county.

3. The Presence of Extensive Mineral Deposits Must Be Recognized

While the designation of the Grand Staircase -Escalante National Monument has precluded any future location under the mining law and mineral material sales contracts on the Kaiparowits Plateau, the presence of the vast mineral resources must be recognized as a potential resource for future generations.

4. Multiple Use Management of Public Lands

Federal land management agencies must comply with the multiple use goals and objectives of the Congress as stated in the following statutory law: Taylor Grazing Act; Federal Lands Policy & Management Act, Public Rangelands Improvement Act, National Environmental Protection Act, Mining Laws of 1866 and 1872, Mining & Mineral Policy Act of 1970, National Materials and Minerals Policy, Research & Development Act of 1980, and other related federal and state laws concerning recreational and other multiple use of natural resources which impact the watershed. The Utah State Code requires that all State lands be administered "in such manner as will secure the maximum long term financial

return to the institution to which granted or to the state.” The National Environmental Policy Act requires consideration of all environmental actions on the culture, heritage and custom of local government.

Environment - Goals

Land use policies and regulations will recognize and respect the constraints which natural hazards present to human use. The presence of sensitive lands such as important watersheds and habitat for wildlife and livestock will also be reflected. Most importantly, the county will recognize that humans have been an integral part of natural systems in the region for over 12,000 years, and must continue to play an active role in the functioning of natural systems.

Goal #1: Kane County will be a proactive participant in commenting on and developing federal environmental regulations which affect the county's land base.

Goal #2: Maintain and support the County Resource Development Committee.

Objective: Promote the development of the county’s mineral, water, manpower, industrial, historical, cultural, and other resources.

Policy: Make such recommendations to the County as the Resource Development Committee considers advisable.

Goal #3: Recognize the presence of water resources in the county and the integral role these systems play in the natural and built environment.

Objective: Support the Kane County Water Conservancy District as the primary agency involved with water resource development in the county.

Policy: The County Commission will be involved and comment on any actions which impact efforts to develop water resources in Kane County.

Goal #4: Recognize the constraints to development caused by the natural environment.

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

Policy: Standards for subdivisions, as they pertain to constraints to development caused by the natural environment, will be determined by the Land Use Ordinance.

Goal #5: Develop a systematic wildland fire protection system.

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

Policy #1: Work in cooperation with the Color Country Interagency Fire Center in implementing the goals of the Southwest Utah Regional Wildfire Protection Plan (SURWPP). Namely, to promote the interest, education, and long-term involvement of residents in realizing the danger of wildfire and identifying strategies that will reduce the risks around their homes and in their communities.

Kane County understands that the most effective wildfire management tool is wise harvest of the resource. As the forest is harvested, the dead and dry fuel woods are removed by the cleanup processes. The "ripe" and diseased trees are removed providing a perpetually young healthy forest and avoids the destructive gyrations of natural forest cycle. It has the added benefit of economic stimulus to the area as wood products are harvested.

Policy #2: Manage the pinyon-juniper plant community, which inhibits the growth of necessary forbes and grasses, so as to allow a more diverse vegetative resource.

Public Services and Facilities

A Public Services and Facilities element showing plans for:

- c) Sewage Disposal;*
- d) Waste Disposal;*
- e) Drainage;*
- f) Local Utilities;*
- e) Rights-of-Way and Easements;*
- f) Public Safety; and*
- g) Other public services.*

Introduction

Kane County provides an array of basic services to county residents, including: Road Maintenance (county accepted roads); Assessing and Collection of Taxes; Recordation Services; Law Enforcement; Public Buildings and Unincorporated Land Use Management. Most Kane County administrative and maintenance facilities have been located inside incorporated communities, mainly in the county seat, Kanab.

The county does not provide other "municipal-type" services. Such services are provided by municipalities or special service districts.

A guiding principle which has been present in every Kane County plan from 1970 onward has been the recognition that the unincorporated areas of the county cannot be expected to accommodate municipal-scale services. Residential or commercial land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, and so on, cannot occur on a land base where such services are not available. Past limitations on proposed land uses due to the lack of services have sometimes disqualified private land for development. Kane County will allow development within the perimeters of county land use and zoning ordinances with the understanding that infrastructure improvement, development and maintenance will be at the expense of the sub-divider and 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.

Kane County will discourage development which by its nature will require municipal type services unless such development is serviced by a special district established for that purpose. Special Service Districts in Kane County include:

- 1) Canyon Land Special Service District
- 2) Cedar Mountain Fire Protection District
- 3) Church Wells Special Service District
- 4) East Zion Special Service District
- 5) Glen Canyon City Special Service District #1
- 6) Kanab Creek Ranchos Special Service District
- 7) Kane County Human Resources Special Service District (DBA: Kane County Hospital)
- 8) Kane County Recreation and Transportation Special Service District
- 9) Kane County Water Conservancy District

- 10) Long Valley Sewer Improvement District
- 11) Mt. Carmel Special Service District
- 12) Western Kane County Special Service District #1

Public Services and Facilities - Key Issues

1. Kane County will NOT become a provider of Municipal-Scale Services.

A guiding principle which has been present in every Kane County plan from 1970 onward has been the recognition that the unincorporated areas of the county cannot be expected to accommodate municipal-scale services. Residential or commercial land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, and so on, cannot occur on a land base where such services are not available. 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 services without expecting or receiving county-provided services.

Kane County will discourage development which by its nature will require municipal-scale services unless such development is serviced by a special district established for that purpose.

2. Kane County will require all major developers to analyze the impacts of proposed development on the county's budget.

A development impact policy should be codified in the Kane County Land Use Ordinance for the purpose of regulating the use of land on the basis of the impacts to the County, its communities or surrounding areas, and other matters in accordance with the General Plan.

3. Kane County will cooperate with major utility providers, including but not limited to: power, natural gas, water, telephone, fiber optics, to establish necessary utility corridors.

Kane County endeavors to ensure that its residents and visitors enjoy improved utilities, such as, power, natural gas, water, telephone and fiber optics. The county will cooperate with major utility providers in their efforts to establish necessary utility corridors. These efforts will provide an improved system which equitably and efficiently meets the needs of present and future residents and visitors in a cost effective and sustainable manner.

Public Services and Facilities - Goals

Kane County does not intend to become the provider of municipal-scale services or facilities. The county will play the role of facilitating the transmission and distribution of necessary services by entities created and financed by those using such services. Direct county services will continue to be limited to those which have a county-wide scope.

Goal #1: Recognition that unincorporated areas of the County cannot be expected to accommodate or provide municipal-scale services.

Objective: Residential or commercial land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, etc., will be encouraged to coordinate their efforts in proximity to adjoining municipalities or special service districts.

Policy: The County will support property owners in their efforts to secure municipal-scale services through municipalities or special service districts.

Goal #2: Purposefully plan for the future development of public services and facilities as a result of current land use development.

Objective: Ensure that all major land use developments analyze the impacts of the proposed development on the county's budget.

Policy: Develop an impact policy in the Kane County Land Use Ordinance for the purpose of regulating the use of land on the basis of the impacts to the County, its communities or surrounding areas, and other matters in accordance with the General Plan.

Goal #3: Ensure that County residents and visitors enjoy improved utilities, such as, power, natural gas, water, telephone and fiber optics.

Objective: Assist utility providers in their efforts to convey improved systems which equitably and efficiently meet the needs of present and future residents and visitors in a cost effective and sustainable manner.

Policy: The County will cooperate with major utility providers in their efforts to establish necessary utility corridors.

Rehabilitation and Conservation

A Rehabilitation and Conservation element providing for:

- a) *Historic preservation; and*
- b) *Redevelopment potential.*

Introduction

Rehabilitation largely consists of historic preservation. The purpose and intent of historic preservation is that it enriches the lives of all who reside and visit Kane County by providing a greater understanding of the history, and contributing to the visual character and appeal of the county. History is found not only in written form, but within the homes, stores, churches, factories, and civic buildings interwoven through the fabric of the county. Buildings have their own historic sagas to tell about their age, prestige, function, and importance. As a collective whole, buildings tell the county's history, chronicling the growth, character, and culture. Preserving elements from every period of history is important. When we lose historically significant buildings, we lose the sense of place these structures create. Additionally, in order for us to understand the present and future, it is important for us to see and appreciate the progress that has been made since settlement. The ability to appreciate such progress is, in large part, accomplished through the architecture of the past.

While saving the past is important, preserving every old building is not necessary to achieve an understanding of the County's past and to ensure that the character that is Kane County is retained. Buildings which should be preserved are those which best represent their historical period and can be adapted to functional uses that are economically viable, without sacrificing the uniqueness of their age and architectural style.

The preservation of historic resources in Kane County has been the focus of many local and regional organizations. Kane County will continue to partner with such organizations in historic preservation projects, but does not intend to become a lead agency in historic preservation. The State Historic Preservation Office (SHPO) will be the lead agency in providing the county with historical research, building and community preservation, and cultural resource management.

The second function of the Rehabilitation and Conservation element focuses on redevelopment potential within the county. Specifically, the element seeks to address the diminution or elimination of blight and redevelopment of land, including housing sites, business and industrial sites, and public building sites. Utah State Code (17C-1-201) defines a redevelopment agency as "...a political subdivision of the state, that is created to undertake or promote urban renewal, economic development, or community development, or any combination of them, as provided in this title, and whose geographic boundaries are coterminous with: (a) for an agency created by a county, the unincorporated area of the county; and (b) for an agency created by a city or town, the boundaries of the city or town."

Typically, redevelopment efforts are contemplated in an urban environment due to the complexity and scale involved with their chartered purposes. At the writing of this plan Kane County does not have a redevelopment agency and will likely not have one for the foreseeable future.

During the fall of 2009, the physical condition of housing stock in Kane County was surveyed by the staff of the Five County Association of Governments to determine the percentage of residential units (detached single family homes, mobile homes, duplexes and apartments) in deteriorated or dilapidated condition. By definition, a dilapidated home requires demolition or replacement and a deteriorated home requires substantial rehabilitation and reconstruction to bring them into a condition suitable for continued habitation. When viewed at from a County perspective, the actual numbers and percentages of the whole appear insignificantly small. However, when one zooms into the local level, even a small number of dilapidated and deteriorated homes may constitute a significantly troubling percentage of the housing stock in that community.

Each participating community designated a representative to complete and provide Five County with a list of addresses of likely structures to be investigated in greater detail by staff. The following table illustrates the results of these efforts.

All of Kane County		
	# of Homes	% of Total Homes
All Homes	2,724	100.00%
Homes in Excellent, Fair or Moderate Condition	2,629	96.51%
Mobile Homes in Deteriorated Condition	40	1.47%
Mobile Homes in Dilapidated Condition	19	0.70%
Single Family Homes in Dilapidated Condition	19	0.70%
Single Family Homes in Deteriorated Condition	17	0.62%

Source: Five County Association of Governments, *Consolidated Plan, Annual Action Plan 2011*

“Deteriorated” is defined by HUD as a structure needing multiple repairs to many of its core features such as shingles, siding, window frames, foundation, or chimney. Such defects are non-structural.

“Dilapidated” is defined by HUD as a structure with significant structural problems that are beyond the ability to undertake cost-effective rehabilitation. Rehabilitation costs approach replacement cost.

The housing stock condition analysis illustrates that 96.5% of the homes in Kane County are in excellent, fair, or moderate condition. Although there are certainly other types of building construction found in the county the vast majority of improved land is residential in nature. As such, the analysis provides a good reference point or indicator as to the overall condition of building construction found within the County. This is to say that buildings, and the properties which they reside upon, are predominantly found to be well kept and presentable. Therefore, at this time it would not seem prudent for Kane County to formally establish a redevelopment agency and focus its efforts on the diminution or elimination of blight and redevelopment of land. However, the County will provide support to private property owners who desire to eliminate blight on their land.

Rehabilitation and Conservation- Goals

Goal #1: Kane County will provide support to private property owners who desire to eliminate blight on their land.

Goal #2: Kane County will continue to support local and regional organizations and their historic preservation efforts.

Objective: Encourage historic preservation that enriches the lives of all who reside and visit Kane County by providing a greater understanding of the history, and contributing to the visual character and appeal of the County.

Policy: The State Historic Preservation Office (SHPO) will be the lead agency in providing Kane County with historical research, building and community preservation, and cultural resource management.

Economic Development

An Economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include a review of:

- g) Existing and projected County revenue and expenditure reports;*
- h) Revenue sources;*
- i) Identification of basic and secondary industry;*
- j) Primary and secondary market areas;*
- k) Employment; and*
- l) Retail sales activity.*

Introduction

The economy of Kane County has traditionally been based upon the natural resources found in the county. The first European settlers founded villages based upon agricultural pursuits, along with associated support services. Soil and climate conditions quickly led the settlers to livestock grazing and timber harvesting as major economic bases. Overgrazing during the late 19th century led to dramatic changes in vegetation and erosion patterns. Most young people left the area to pursue education and careers. This pattern remained essentially unchanged through most of the 20th century, with two "booms": the western film and television industry and the construction of Glen Canyon Dam and power plant.

According to the University of Utah Bureau of Economic and Business Research (BEBR), since 1970 Kane County's economy has shifted from concentrations in government and trade to a significant concentration in services, primarily tourism-related services. In 1970, government and trade accounted for 60% of jobs in the county. By 2006, government's share of employment had fallen to 23% and trade/transportation/utilities to 14.5%. Employment in services totaled 1,404 and accounted for 45% of all jobs. The leisure and hospitality sector is the largest of the service sectors, accounting for almost 30% of all nonfarm jobs.

Despite a 15% increase in total nonfarm wages in 2006, the average monthly wage in Kane County was \$1,942, which represents 87% of the regional average and fifth lowest in the state. The highest-paying jobs were in government (\$2,442), followed closely by other services (\$2,392). The lowest-paying jobs were trade/transportation/utilities (\$1,750) and leisure and hospitality (\$1,260). Kane County has the region's largest share of its workforce working out-of-state and the largest number of net out-commuters (379). In 2000, a total of 754 residents of Kane County commuted to jobs outside the county; well over half worked outside Utah, primarily in Arizona.

Historically, two major factors have hindered economic development in Kane County. These are the relatively low wage rates for existing jobs and the small private land base. As a result, the county has struggled to retain the 20 to 35 year old population base. The county has recognized these concerns, and has been a major player in the development of an economic development strategic plan. The basic issues and goals found in that plan are the basis of the following sections.

The Center for Education, Business and the Arts (CEBA) is an interlocal agency formed between Dixie State College, Kanab City and Kane County. CEBA was created for the purpose of enhancing the economy and quality of life in Kane County and the surrounding region. One of the methods CEBA achieves its goals is through adherence to its *Economic Development Strategic Plan (February 2009)*, which is a blueprint for developing economic diversity and beneficial growth in Kane County. Information found below has been cited from the *Economic Development Strategic Plan (February 2009)*. For a complete copy of this Plan please refer to: http://www.cebakanecounty.org/pdf/CEBA_Strategic_Plan.pdf

In June 2008, a report entitled *An Analysis of Long-Term Economic Growth in Southwestern Utah: Past and Future Conditions* was released by the University of Utah's Bureau of Economic and Business Research (BEBR). This report studied and analyzed the economic conditions impacting Kane County. Information found below has been cited from *An Analysis of Long-Term Economic Growth in Southwestern Utah: Past and Future Conditions (June 2008)*. For a complete copy of this Plan please refer to: <http://www.bebr.utah.edu/Documents/studies/SouthwesternUtahGrowth.pdf>

Industry and Market Areas

In contrast with the positive aspects of Kane County, its rural character can create some challenges for economic and industrial growth. The same qualities that attract residents and tourists create myriad problems for businesses and industries that must interact with the outside world.

Historically, some of the best opportunities for economic development in Kane County have been due to the abundance of natural resources found in the area. However, most of these resources are located on lands administered by Federal agencies and access to these resources has diminished at an ever-increasing rate since the 1970's. Grazing, timber harvests, water, and mining opportunities have been reduced to the point they offer minimal economic benefit to the area, although they continue to be important to the area's culture, customs, traditions, and quality of life.

Environmental restraints placed on federally managed lands have effectively reduced high-paying, quality jobs, which has lowered economic expectations for many people in the region. According to the University of Utah Bureau of Economic and Business Research (BEBR), since 1970 Kane County's economy has shifted to a significant concentration in services, primarily tourism-related services. Promotion of tourism in rural Utah has been a major state and federal initiative meant to further economic development and replace jobs lost in traditional resource based industries, but tourism alone lacks the stability of a diversified and sustaining economy.

Since the shift away from resource industries, the regional economy affecting Kane County relies heavily on tourist sector activity. Services and hospitality account for the majority of the tourism segment of the economy. Seasonal fluctuations characterize tourism in the area leading to high unemployment rates when the weather cools and some of the National Parks close down for the winter.

According to BEBR, since 1970 Kane County's economy has shifted from concentrations in government and trade. In 1970, government and trade accounted for 60% of jobs in the county. By 2006,

government’s share of employment had fallen to 23% and trade/transportation/utilities to 14.5%. Employment in services totaled 1,404 and accounted for 45% of all jobs. The leisure and hospitality sector is the largest of the service sectors, accounting for almost 30% of all nonfarm jobs.

According to CEBA’s *Economic Development Strategic Plan*, year round sustainability in the leisure and hospitality sector will be realized with a strong diversified economy. Most of the jobs found in these business sectors are low paying and provide no benefits. While tourism is an important element of the local economy, it is critical that the economic base of this area be developed as a diversified economy achieving economic stability for Kane County and the surrounding region. With the changes that have occurred in Kane County it is increasingly important to seize economic opportunities that are promising for the future, yet consistent with the desires of the local community.

Retail Sales Activity

The Utah State Tax Commission reports gross taxable sales by industry. The earliest year for which complete data are available is 1978. BEBR analyzed changes in retail sales from 1980 to 2006. Kane County was close behind Iron County in 1980–2006 retail sales growth, with total sales increasing 146.5% from \$22.0 million to \$54.3 million. Kane County per capita sales growth was the second fastest in the region at 58.6%. However, the county’s regional market share declined by more than half, from 5.6% to 2.5%.

According to BEBR’s *An Analysis of Long-Term Economic Growth in Southwestern Utah: Past and Future Conditions (2008)*, retail sales per capita provide some indication of whether or not there is retail “leakage” from an area; that is, are people leaving the area or going online to do their shopping. If, for example, a county has declining sales per capita while a neighboring county has increasing sales per capita, sales may be “leaking” from the first county to the second.

Four retail sectors, (food stores, motor vehicles and related, eating and drinking, and miscellaneous), accounted for 80% of Kane County’s total retail sales in 2006. Shares ranged from 16.7% for miscellaneous, with \$9.1 million in sales, to 25.9% for food stores, with \$14.1 million in sales. Furniture sales, which represented only 2.7% of retail sales in 2006, experienced the greatest growth over the period, climbing 642.2% from 1980. Much of that growth occurred in 2006, when sales jumped to almost \$1.5 million from less than half a million in 2005.

Kane County- Retail Sales Activity		
Retail Sector	Sales \$	Sales%
Food Stores	\$14,053,400	25.9%
Motor Vehicles and Related	\$10,486,200	19.3%
Eating and Drinking	\$10,132,000	18.7%
Miscellaneous	\$9,066,900	16.7%
TOTAL	\$43,738,500	80.6%

Source: BEBR, *An Analysis of Long-Term Economic Growth in Southwestern Utah: Past and Future Conditions (2008)*.

The next fastest growing sectors were food stores, up 264.4%; miscellaneous, up 237.9%, and building and garden, up 217.2% to \$6.0 million. Only general merchandise sales saw a decline over the period, from \$3.2 million to \$2.8 million for a 10.1% loss. Apparel and accessory stores saw a remarkable gain in sales from 1990 to 2006, increasing annual sales by \$180 million in 16 years.

According to BEBR, retail sales in Kane County have grown at an impressive annual rate of 3.5%, increasing from \$22.0 million in 1970 (in constant 2006 dollars) to \$54.3 million in 2006. Per capita retail sales growth was the second highest in the region, increasing by almost 59% from \$5,440 in 1970 to \$8,630 in 2006.

Employment

Major employers in Kane County include the Best Friends Animal Society, a 30,000-acre sanctuary for abused and homeless animals north of Kanab; Stampin' Up, a manufacturer of rubber stamps; and Kane County Human Resources SSD, the county hospital. The county school district has been a significant employer since at least 1970, as has the Bullfrog Marina on Lake Powell since at least 1980. The IGA Supercenter in Kanab has employed 50–99 people since at least 1990.

According to BEBR, employment in Kane County increased approximately 381% from 1970 to 2006 for an average annual rate of increase of 4.5%. In the southwestern Utah region this was second only to Washington County. From 1970 to 2000, Kane County accounted for 4.8% of regional growth; however, from 2001 to 2006 the county contributed only 1.0% of regional growth. Over the entire period county employment decreased from 6.7% of the region's employment in 1970 to 4.1% in 2006.

The fastest growing industries over the 1970–2000 period were services (approx. 450%) and manufacturing (up 454.3% from 1980). Trade and government also posted significant gains of 284.1% and 232.4%, respectively, though they were less than total employment growth. The information sector was by far the fastest growing, increasing employment 416.7%. However, its share of total employment in 2006, with 31, was only 1.0%. Other sectors with significant growth include financial activity, which doubled its employment; education and health services, up 80.4%; other services, up two-thirds; and professional and business services, which increased nearly 60%.

Mining employment was slow but steady from at least 1980 through 1994, but plummeted in 1995 and went to zero in 1999. Three sectors lost jobs from 2001 to 2006: manufacturing employment was cut in half, leisure and hospitality services were down 4.2%, and government employment shrank 2.3%.

In 1970, government, trade, and services combined accounted for more than 80% of Kane County employment. By 2000, government, trade, and services were still dominant and providing more than three-quarters of nonagricultural jobs. However, the manufacturing sector was also a significant employer with 13.8% of jobs. In 2006, government accounted for a little less than one-quarter of total employment (23.3%), leisure and hospitality services employed 27.9% and other services 13.2%; trade, transportation, and utilities employed 14.5%; and manufacturing had declined to 6.0%, near its level in 1980.

Kane County- Employment					
NAICS Sector	2005	2010	2020	2005-2020	
				% Increase	Amount Increase
Leisure & Hospitality	1,079	1,384	1,709	58.4%	630
Other Services	542	679	847	56.3%	305
Government	721	834	1,025	42.2%	304
Trade, Trans., Utilities	613	748	833	35.9%	220
Financial Activity	239	293	357	49.4%	118
Construction	265	310	362	36.6%	97
Education & Health Services	101	136	183	81.2%	82
Professional & Business Services	139	175	220	58.3%	81
Manufacturing	197	221	277	40.6%	80
Information	28	35	41	46.4%	13
Natural Resources & Mining	192	196	174	-9.4%	-18
Total	5177	7,021	8,048	495.90%	1,912

Source: BEBR, *An Analysis of Long-Term Economic Growth in Southwestern Utah: Past and Future Conditions (2008)*.

Leisure and hospitality related employment's share of total employment is an indicator of a county's dependence on tourism. By this measure, Garfield and Kane counties are by far the most tourism-dependent in the region. According to BEBR, travel and tourism-related employment in Kane County had a median share of about 30% of total employment from 1990 to 2005. By way of comparison, travel and tourism represented a median of about 9% of total statewide employment from 1990 through 2005.

According to BEBR, employment in Kane County is projected to grow at a similar pace to population, 46.5% from 2005 to 2020. The fastest-growing sectors are expected to be education and health services (up 81.2%), leisure and hospitality (58.4%), professional and business services (58.3%), and other services (56.3%). The industries projected to add the most jobs by 2020 are leisure and hospitality (630), other services (305), government (304), and trade, transportation, and utilities (220). The natural resources and mining sector is projected to lose jobs, declining by 9.4%. The overall structure of the economy is not expected to change drastically over the period. The projected top two industries in 2020 are the same as those in 2005; namely, leisure and hospitality which is projected to increase from 26.2% of total employment to 28.4%, and government, projected to decline slightly from 17.5% to 17.0%. The third and fourth top employment sectors in 2005; trade, transportation, and utilities with 14.9% and other services with 13.2% are projected to trade places by 2020 to 13.8% and 14.1%, respectively.

County Revenue Report

Property taxes are assessed at the state level and at the local level, by counties and special districts. Real property (land and buildings) and personal property are assessed locally. Utilities (electric, water, gas, phone companies etc.), natural resources, and motor vehicles are assessed by the state.

According to BEBR, from 1970 to 2006 all five southwestern Utah counties saw an increase in total property taxes charged, ranging from 79.0% in Garfield to 1642.8% in Washington. However, when we look at total property taxes per capita, Washington County had the lowest burden in 2006 at \$757 per capita, while Kane County had the highest at \$1,660 per person.

The value of locally assessed property (real estate and personal property) increased in every five southwestern Utah county from 1970 to 2006. Not surprisingly, Washington County saw the greatest growth; however, the next fastest growing county in the region was Kane, where assessed values of real and personal property increased 1164.1% or 7.3% annually, from \$100.9 million in 1970 to nearly \$1.3 billion in 2006.

The State Tax Commission collects local sales taxes, then after deducting a small administrative fee, distributes the revenue back to the counties and municipalities based on both population and point of sale. Sales tax collections in Kane County grew 816.3% from 1970 to 2006. Because retail sales activity in a given location is related to its population, as well as to other factors like the number of non-residents who shop there, price of goods sold, etc., BEBR calculated sales tax revenues per capita for each county in the region. This permits a comparison that accounts for widely differing populations. Using this metric, the differences among counties are much smaller, with 2006 amounts ranging from \$113 per capita in Beaver to \$181 in Kane, with Washington falling in the middle at \$159.

Economic Development - Key Issues

Kane County resides within the Five County Association of Governments Economic Development District which promotes a coordinated, region-wide approach to the economic development efforts of local governments in southwestern Utah. One method used to encourage such coordinated effort is the preparation of the *Comprehensive Economic Development Strategy* (CEDS). The June 2008 CEDS illustrates that many southwestern Utah communities exhibit economic barriers, such as: 1) poor access to markets and supplies; 2) inadequate labor supply; 3) poor labor conditions, rates, or productivity; 4) lack of energy for production; 5) inadequate community facilities including access to advanced technology (i.e. high speed internet); and 6) high local taxes. Economic development may not be possible or may be substantially restricted in areas which exhibit such barriers. By taking the first step in identifying barriers and then methodically correcting or eliminating them, a community stands a greater chance of implementing effective community development strategies.

The Center for Education, Business and the Arts (CEBA) *Economic Development Strategic Plan* (February 2009), which is a blueprint for developing economic diversity and beneficial growth in Kane County, explains that the same qualities that attract residents and tourists create myriad problems for businesses and industries. Indeed, some of the best opportunities for economic growth in the County through the years have been due to the abundance of natural resources; however, this economic sector is unsustainable because environmental restraints placed on federally managed lands have effectively reduced high-paying, quality jobs which has lowered economic expectations for many people in the County.

The following are the key economic development issues as identified in the Five County Association of Governments Economic Development District *Comprehensive Economic Development Strategy* (June 2008), and the Center for Education, Business and the Arts (CEBA) *Economic Development Strategic Plan* (February 2009).

1. Local Area Leadership

Kane County must foster an environment for effective formal and informal leadership that focuses on vision, communication, effectiveness and respect. Leaders must champion responsible economic development which enhances the quality of life and preserves unique scenic and natural beauty.

Kane County 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 which expand economic opportunity, utilize available natural resources, and protect important scenic and social qualities.

2. Year-Round Employment

Travel and tourism account for the majority of the County's economy. Seasonal fluctuations in travel and tourism result in high unemployment rates when the weather cools and some of the National

Parks close for the winter. Consistent employment opportunities during all months of the year not just during the time of highest visitation will result in a more stable economy for Kane County.

3. Economic Diversity

Business growth and development must key upon jobs which are high-quality, household-sustaining, and which provide high quality goods and services. Creating new jobs through retention and expansion of existing businesses and attracting targeted, new industries will diversify the economy. Further, creating additional educational opportunities for residents will allow life-long learning opportunities and stimulate economic vitality.

4. Targeted Economic Development

While tourism is an important element of the County economy, it is critical that the economic base be developed as a diversified economy in order to achieve economic stability for Kane County. Building on regional strengths and desires will lead to successful and direct development of the economy.

5. Arts and Cultural Opportunities

Local events which attract outside talents and provide opportunities for local talents to be exported must be encouraged. Preservation of culture and heritage is a focal point of the CEBA strategy in that it recognizes the need to include the area's culture and heritage in future economic development efforts.

6. Environment

Kane County is home to many astounding scenic qualities and clean and tidy communities. This sense of personal and community pride as stewards of the land must be fostered. Of particular importance to the County remains the ability to utilize the natural resources of the county in a responsible manner without undue political interference. This utilization can occur without impairing the scenic quality treasured by both residents and visitors. Access to scenic lands should be made available to those who will treat the lands with respect and honor.

Economic Development - Goals

Kane County 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 which expand economic opportunity, utilize available natural resources, and protect important scenic and social qualities.

Goal #1: Retain, expand and/or diversify existing businesses.

Objective: Create household sustaining jobs which maintain or improve the quality of life for both residents and visitors.

Policy #1: Focus business assistance and economic development efforts in Kane County on the retention, expansion, and diversification of existing businesses and industry.

Policy #2: Support the coordination of economic development organizations and workforce providers to ensure that appropriate training programs are created and delivered in the marketplace, which match the needs of existing and targeted businesses.

Policy #3: Support the annual CEBA Rural Economic Development Summit in their efforts to educate local citizens, entrepreneurs, and business owners on Kane County's economic development efforts.

Goal #2: Attract or develop self-sustaining new business which provides quality jobs.

Objective: To promote and encourage commercial, industrial and other economic development endeavors in order to strengthen and improve Kane County's employment sector and provide quality jobs for its citizens.

Policy #1: Kane County will coordinate its business recruitment efforts closely with, county, regional, state and other economic development organizations.

Policy #2: Develop a network of business contacts that can assist in business recruitment.

Goal #3: Enhance educational opportunities in Kane County.

Objective: Encourage and advocate for post-secondary educational opportunities being available, accessible, and affordable in Kane County.

Policy: Support CEBA in their efforts to create a “one stop shop” for post-secondary education in Kane County.

Goal #4: Support the preparation of a Tourism Development Plan which includes a vision statement and written goals and objectives.

Objective: Increase the economic impact of visitors and seasonal residents in Kane County.

Policy #1: Encourage and cooperate with local business organizations and tourist attractions to organize and promote events to stimulate local visitor industries.

Policy #2: Provide opportunities for year-round tourism by encouraging and supporting the attraction of conferences and educational retreats.

Policy #3: The county should support signage, maps, and other means of identifying areas and features of interest consistent with the desired image for Kane County.

Goal #5: Strengthen effective communications to enhance economic development.

Objective: Increase interaction and communication with federal, state, and regional agencies and the public to enhance economic development.

Policy: Kane County will be an active partner to foster a sustainable, broad-based economy which allows traditional economic uses to remain vibrant, while fostering new economic activities which expand economic opportunity.

Affordable Housing

An Affordable Housing element which provides a reasonable opportunity for a variety of housing to meet the needs of present and future residents, and considers the following:

- a) The existing supply of moderate income housing;*
- b) An estimate of the need for moderate income housing for a five year period, revised annually;*
- c) A survey of total residential zoning;*
- d) An evaluation of how existing zoning densities affect opportunities for moderate income housing;*
and,
- e) A description of the county's program to encourage an adequate supply of moderate income housing.*

Introduction

Utah State Code (Section 17-27a-403) requires counties to propose a plan for moderate-income housing as part of their general plans. "Moderate-income housing" is defined as housing that is affordable to households with gross incomes equal to or less than 80% of the area median income (AMI) of the county. Median incomes are established by the U.S. Department of Housing and Urban Development (HUD) for the county and are based on household size.

The Kane County General Plan focuses on the unincorporated areas of the county. Private land base in Kane County totals 192,999 acres or 7.3% of the total land base. Kane County is second only to Garfield County in the scarcity of privately owned land (10.1%) and the abundance of federal lands (87.5%). Less than one percent (0.80%) of the total county land base is located inside incorporated communities.

A guiding principle which has been present in every Kane County plan from 1970 onward has been the recognition that the unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses. Residential or commercial land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, and so on, cannot occur on a land base where such services are not available. The State Legislature has recognized the distinction between counties and municipalities, and has directed that urban-scale uses should occur inside of municipalities. With the basic premise that the county will not provide municipal-scale services, it is difficult for the unincorporated area to be expected to provide for an extensive array of affordable housing alternatives.

Existing Housing Supply

According to the *Bureau of Economic and Business Research*, in 2007 the County had a housing inventory of 5,094 units; of which only 3,288 were occupied units. As a share of occupied housing inventory the county has the smallest proportion of rental units (14.7%), of the five southwestern Utah counties. Over one-third of the total units in the county were seasonal or recreational units, the highest percent of seasonal units among the five southwestern counties.

According to the *Bureau of Economic and Business Research*, new residential construction in the County has remained at relatively stabilized levels since the 1970's. However, from 1994 to 2003 residential

construction in the county moved to a new level of approximately 125 units annually. This increase in activity is attributable to the much higher levels of seasonal dwelling units. During much of this period cabins accounted for over 50% of new residential construction.

The next period of high growth in the County began in 2005, when residential construction suddenly exploded, reaching an all-time high of 300 new units. In 2005, building permits were issued for 126 new detached single-family homes, 32 condominiums, 92 cabins, and 46 manufactures homes. In 2006, new residential permits increased another 10% to 332 units as the number of condominiums increased dramatically.

Housing Stock		
Year Home Built	# of Homes	% of Total Homes
Built 2000 or later	892	17.5%
Built 1990 to 1999	1,182	23.2%
Built 1980 to 1989	1,076	21.1%
Built 1970 to 1979	1,141	22.4%
Built 1969 or earlier	803	15.8%
TOTAL	5,094	100.0%

Source: U.S. Census Bureau, 2005-2009 American Community Survey; Bureau of Economic and Business Research.

The majority of Kane County’s housing stock (84.2%) has been constructed in the last 40 years. According to the U.S. Census Bureau (*2005-2009 American Community Survey*), only 803 housing units were present in Kane County prior to 1970. The decades of the 1970-1990’s saw increases in housing units constructed at levels of 22.2% or 1,133 housing units per decade (average).

According to the U.S. Census Bureau (*2005-2009 American Community Survey*), there are 654 households (23.8%) that rent in Kane County. According to HUD (*2011 Fair Market Rents*) the median cost to rent a two-bedroom unit in the County is \$672. Households earning 80% of AMI are able to afford the rental rates in the County; however, those households earning 50% of AMI and less cannot.

Need for Moderate Income Housing

Housing is considered affordable when a household spends no more than 30% of their annual income on housing expenses, including mortgage/rent and utilities. In Kane County, the 2011 Area Median Income (AMI) was \$49,900 annually or \$4,158 monthly. Mortgage/rent and utilities should not exceed \$1,247 per month for a median income earning household in Kane County.

The intent of a moderate income housing plan is to ensure that housing is affordable for all income levels, not just those earning a median income or higher. To put housing affordability into perspective let’s use an example of a household who earns 80% of area median income. As previously illustrated, 2011 AMI is \$49,900 so 80% of AMI is \$39,920 annually or \$3,326 monthly. Mortgage/rent and utilities should not exceed \$998 per month for a moderate income household. The table below illustrates the monthly affordable housing costs for several income levels in Kane County.

Housing Affordability			
Income Level	Yearly Gross Income	Monthly Mortgage/Rent	Maximum Home Purchase Price
30% of AMI (extremely low income)	\$14,970	\$374	\$62,380
50% of AMI (very low income)	\$24,950	\$623	\$103,911
80% of AMI (low income)	\$39,920	\$998	\$166,458
Area Median Income (AMI)	\$49,900	\$1,247	\$207,989

Source: U.S. Census Bureau, 2005-2009 American Community Survey.

The Utah State Department of Community and Culture and Lotus Community Development Institute created the *Guidebook for the Development of Community-Based Housing* to assist communities to better understand how they can be a partner in actively promoting and developing additional housing opportunities. One of the initiatives which this consortium promotes is their *Housing Estimating Model/Software for Tracking Attainable Housing Needs*. The software is designed to help evaluate housing affordability, demand, and potential market opportunities for attainable lifecycle housing and other affordable housing.

The *Housing Estimating Model/Software* was used to determine moderate income housing needs for Kane County. According to the analysis, there is a \$298 affordability gap for extremely low income households and a \$49 affordability gap for low income households that rent (Fair Market Rent: \$672). The current statistics provide indication that affordability of rent is particularly difficult for those households earning 30% of area median income. This indicates that more affordable rental opportunities for households earning less than 30% of area median income are necessary.

In order to determine whether or not the current “for-sale” housing stock is affordable, the homes for sale in Kane County were analyzed. Statistical information was retrieved from www.realtor.com on June 1, 2011. Exactly 150 residential dwellings were listed, ranging in price from a low of \$49,000 to a high of \$1,175,000. The median home price was computed at \$199,000; the average home price is estimated at \$233,047. Using the data provided in the previous table, the current statistics provide indication that housing affordability in terms of home ownership will be difficult for those households earning less than the area median income. In terms of home ownership, the *Housing Estimating Model/Software* indicates that gaps exist in housing affordability for those at or below area median income levels. This indicates that more affordable housing opportunities for households earning at or below area median income levels are necessary.

The April 2010 U.S. Census count indicates the population of Kane County stands at 7,125 people. In terms of future growth, the Utah Governor’s Office of Planning and Budget estimates that Kane County population will reach 8,004 in the next five years (2016) and 8,910 people by 2021. The *Housing Estimating Model/Software* was utilized in an effort to assess the need for moderate income housing; the following table represents the results of this analysis. In summary, the greatest need now and into the foreseeable future appears to be affordable rental opportunities for households earning less than 30% of area median income. Since approximately 85% of the population base is housed in the incorporated

communities, Kane County’s participation in meeting the moderate income housing needs within the unincorporated areas of the county is expected to be minor. This is based largely upon the premise that the unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses.

Affordable Housing Supply & Affordability Gap by HUD AMI Kane County (June 2011)						
Income Level	Shelter Cost		# of Dwelling Units (2011)	Affordable Housing Supply		
	Own	Rent		Current (2011)	5 Years (2016)	10 Years (2021)
30% AMI (Up to \$14,970)	\$60,000	\$472	353	(251)	(283)	(320)
50% AMI (\$14,970 to \$24,950)	\$108,000	\$786	907	520	570	625
60% AMI (\$24,950 to \$29,940)	\$133,000	\$944	589	420	462	508
80% AMI (\$29,940 to \$39,920)	\$181,000	\$1,258	787	470	515	565
AMI (More than \$39,920)	\$253,000	\$1,730	2,127	932	1,017	1,109
TOTAL			4,763	2,091	2,281	2,486

Source: U.S. Census Bureau, 2005-2009 American Community Survey.

Evaluation of Zoning Densities

Kane County offers several zoning districts which provide the opportunity for a mix of housing types. Housing as a permitted use is found within the Residential and Agricultural Zones. Generally the purpose of the Residential Zone is to provide for residential neighborhoods of a rural character. Zoning densities in the Residential Zone include: ½ acre, 1-acre, 2-acre, and 5-acre. In the Agricultural Zone zoning density is 10 acres minimum.

Kane County- Evaluation of Zoning (2011)				
Use	R- 1/2	R- 1	R- 2	R- 5
Apartments	C	P	P	P
Condos	C	C	P	P
Duplexes	C	C	P	P
Multi-Residential Units	C	C	C	C
Planned Unit Developments	C	C	C	C
Single Family Dwelling	P	P	P	P
Tri-Plexes	C	C	P	P
4-Plexes	C	C	P	P
Town Homes	C	C	P	P

P= Permitted Use, C= Conditional Use

Source: Kane County Land Use Ordinance, 2011.

The preceding table illustrates the residential zoning districts found in Kane County and the mix of housing types that are either permitted or conditional uses in each residential zone. The Kane County Land Use Ordinance (2011) also provides opportunities for the following housing choices:

- Assisted living buildings;
- Guest homes;
- Mobile home parks;
- Residential facilities for elderly/disabled persons;
- Second family dwelling for the household of a hired man, seasonal laborer, or members of owner's family.

The above information provides evidence that Kane County's residential zoning districts and Land Use Ordinance (2011) provide increased opportunities for moderate income housing. As such, it would be fair to state that Kane County is achieving success in its efforts to meet the underlying goal of Utah State Code (17-27a-403) as it pertains to moderate income housing, specifically to:

"...facilitate a reasonable opportunity for a variety of housing, including moderate income housing to meet the needs of people desiring to live there, and to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life."

County Program for Moderate Income Housing

The intent of a moderate income housing plan is to ensure that housing is affordable for all income levels, not just those earning a median income or higher. Through utilization of the *Housing Estimating Model/Software*, it was determined that Kane County's rent is particularly difficult for those households earning 30% of area median income. This indicates that more affordable rental opportunities for households earning less than 30% of area median income are necessary. Further, in terms of home ownership the *Housing Estimating Model/Software* indicates that gaps exist in housing affordability for those at or below area median income levels. This indicates that more affordable housing opportunities for households earning at or below area median income levels are necessary.

Through utilization of the *Housing Estimating Model/Software*, the greatest need now and into the foreseeable future appears to be affordable rental opportunities for households earning less than 30% of area median income. Additionally, single-family homeownership opportunities are limited for those at or below area median income levels.

Kane County offers several zoning districts which provide the opportunity for a variety of housing types. The Land Use Ordinance (2011) also provides progressive opportunities for moderate income housing, namely: assisted living buildings; guest homes; mobile home parks; residential facilities for elderly/disabled persons; and second family dwelling for the household of a hired man, seasonal laborer, or members of owner's family. In terms of land use and development, Kane County is best portrayed as rural in nature. This being said, the County's zoning and the uses permitted therein are progressive in nature; this provides an increased opportunity to meet the housing needs of all people desiring to live in the county.

Affordable Housing - Goals

Goal #1: Present and future residents to the unincorporated areas of Kane County will be housed in safe, sanitary, and attractive conditions.

Objective: Housing types will reflect the rural, open nature of unincorporated land uses and will enable residents of a wide range of income levels to reside in Kane County.

Policy: Standards for building construction and design (where applicable) will be determined by the Kane County Building Official (applicable building code) and Land Use Ordinance.

Goal #2: Provide a mix of housing types and respond to emerging housing industry trends and markets.

Objective: Support a mix of quality housing opportunities to support economic development efforts.

Policy #1: Promote a range of housing types and affordability; particularly rental opportunities for households earning less than 30% of area median income and single-family homeownership opportunities for those at or below area median income levels.

Goal #3: Recognition that unincorporated areas of the County cannot be expected to accommodate or provide municipal-scale services.

Objective: Residential land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, etc., will be encouraged to coordinate their efforts in proximity to adjoining municipalities or special service districts.

Policy: 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 County will support property owners in their efforts to secure municipal-scale services through municipalities or special service districts.

Appendix One

Location and Setting

Geology

Kane County has a geologic history reaching back over a billion years. Approximately 270 million years of this history is revealed in the rocks, paleontology, and scenery of the county. The oldest rocks found in the county record a time when the equator angled northeast from southern California past the southeastern corner of Utah. Kane County was then marginal marine lowlands of streams, flood plains, and tidal flats. The sea lay to the west, but occasionally spread east across the area leaving beds of limestone with sea shells, sponges, and other fossils between red beds of sandstone and mudstone. The Hermit, Toroweap, Kaibab and Moenkopi Formations record these events covering the first 35 million years (middle of the Permian through early Triassic) of geological history. Periods of erosion are recorded between the Kaibab and Moenkopi Formations and between the Moenkopi and Chinle Formations. Reptile tracks are found in beds of the Moenkopi Formation. These Permian through Triassic formations are seen in the Buckskin Mountain areas of the county.

During the late Triassic, this region was again subjected to a period of erosion before being covered by great sand dunes in early Jurassic time (208 to 187 million years ago). The depositional environment changed from windblown sand dunes to stream laid sand beds and back to windblown sand dunes. Early Jurassic rocks form the Vermillion (Wingate/Moenave and Kayenta Formations) and White cliffs (Navajo Sandstone) of the Grand Staircase. Though generally void of fossils, these rocks occasionally exhibit the fossilized tracks of reptiles including small to medium sized dinosaurs.

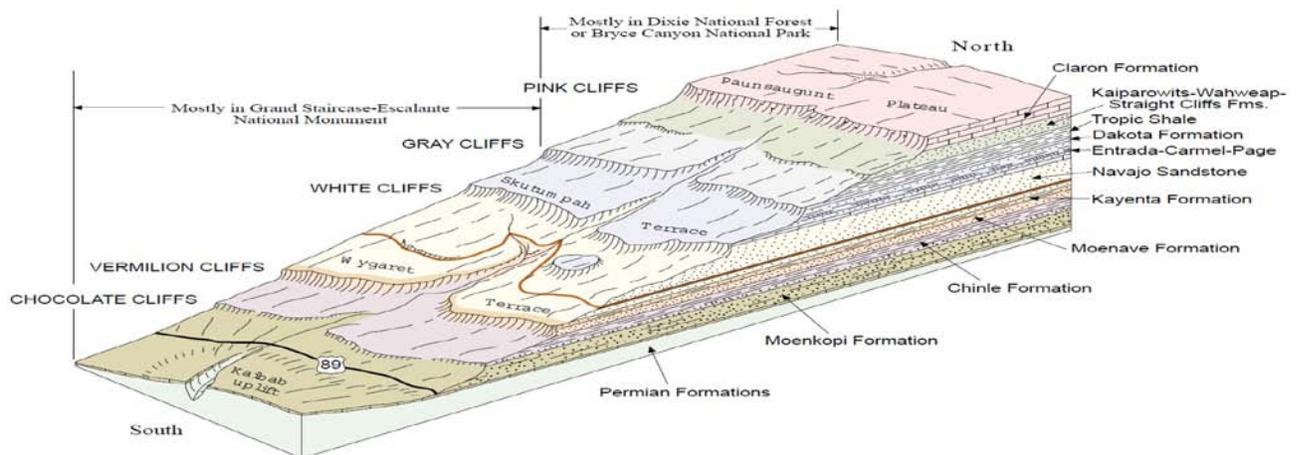
The middle Jurassic is represented by the Carmel Formation. It is composed of color banded layers of sandstone, limestone, calcareous shale, siltstone, gypsum, and mudstone deposited in and near the southern edge of a shallow sea that advanced into the area from the north. Limestones contain marine fossils of mollusks, brachiopods, crinoids, coral and algae. Desert sand dunes of the Entrada Formation formed on top of the Carmel Formation as the sea retreated to the north. Another period of erosion occurred before the Late Jurassic Morrison Formation (famous for its dinosaur fossils) was deposited by in lakes and east flowing streams. The Morrison is found on the east side of the county at the foot of the Straight Cliff and southeast of the Kaiparowits Plateau. Middle and Late Jurassic sedimentary formations along with erosional periods span time from about 180 to 144 million years ago. Early Cretaceous erosion and non-deposition represent a period of 45 million years.

During Late Cretaceous time, mountains rose to the west and provided sediments for streams flowing east into a great continental sea. This sea covered most of the interior continental United States from Alaska to the Gulf of Mexico. As sediments accumulated, the area along the shore sagged. The shoreline moved back and forth from east to west creating a series of alternating terrestrial-marine deposits covering over 30 million years at the end of the Cretaceous Period. The Dakota Formation was deposited on remnants of either Morrison (east) or Entrada (west) and is a mix of stream sediments and near-shore marine deposits. The Dakota was covered by marine clays of the Tropic Shale. Deposition continued, becoming more terrestrial through time, resulting in the Straight Cliffs Formation, the Wahweap Formation, and the Kaiparowits Formation. These formations are seen on and around the Kaiparowits Plateau and form the

Gray Cliffs of the Grand Staircase.

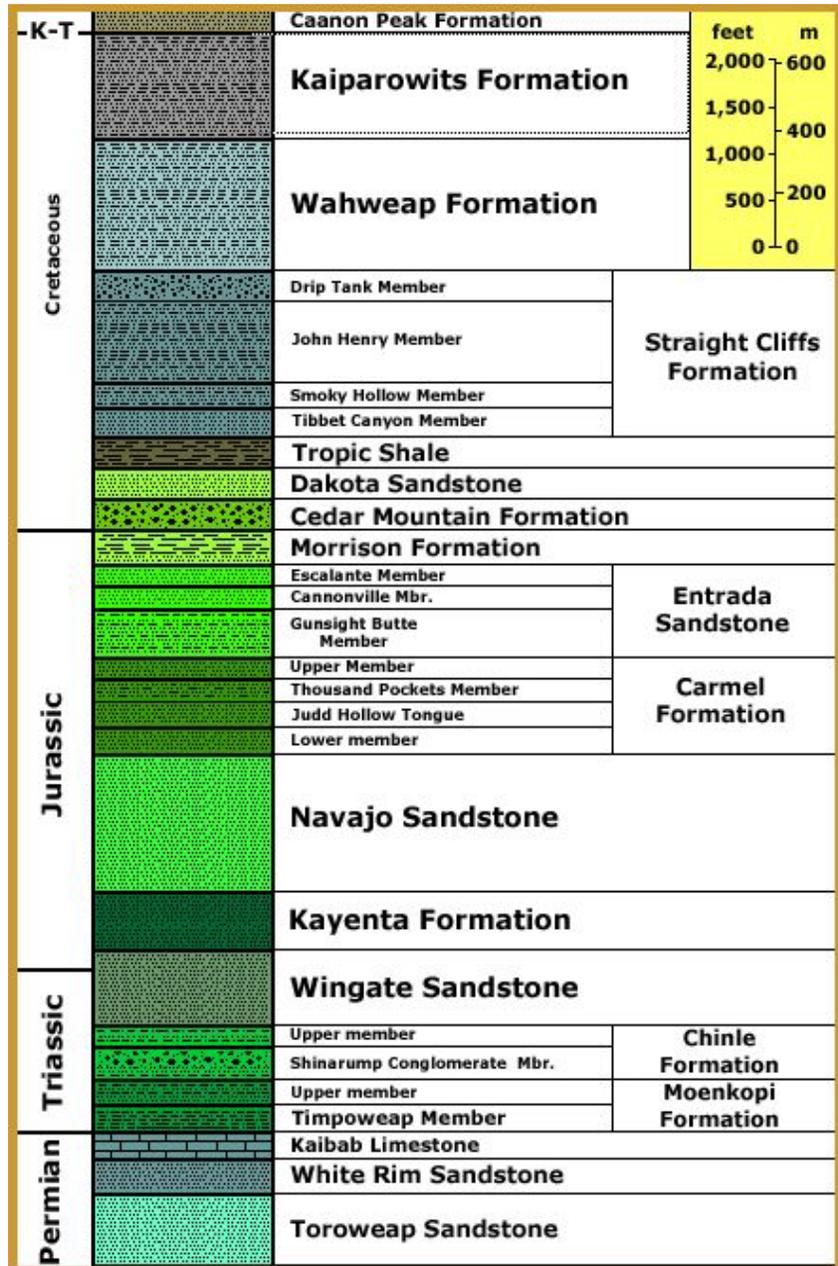
The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodylians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tippet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the county, these formations have produced the only evidence in our hemisphere of terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlying Wahweap and Kaiparowits Formations, contain one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

The Canaan Peak Formation straddles the boundary between the Cretaceous and Tertiary Periods. The beginning of the Tertiary Period marked the end of marine environments in or near the monument. The dinosaurs had become extinct and radical changes began to occur in the geology of the county. Several large lakes occupied an area from southwestern Wyoming to southwestern Utah. The Claron Formation, seen as the Pink Cliffs at Bryce Canyon, was deposited at this time. The Tertiary Period lasted about 64 million years during which time Utah experienced uplifts, folding, faulting, and volcanism. Uplift of the Colorado Plateau and Utah in general over the last 15 million years, activated the erosional cycle which uncovered geologic formations dating back 270 million years and created the topography and scenery we now see in the county. Quaternary sediments (younger than 1.6 million years) also occur in the county and have a potential for Pleistocene fossils.



Cross-sectional Diagram of the Grand Staircase from *Geology of Grand Staircase-Escalante National Monument* by Doelling, et al

Stratigraphy of Kane County, UT



Stratigraphy after: Doelling, H.H., Blackett, R.E., Hamblin, A.H., Powell, J.D., and Pollock, G.L., 2000, Geology of Grand Staircase - Escalante National Monument: In *Geology of Utah's Parks and Monuments*, Sprinkel, D.A., Chidsey, T.C., and Anderson, P.B., eds., Utah Geological Association Publication 28., p. 189-231. And, Hintze, L.F., 1988, *Geologic History of Utah; A Field Guide to Utah's Rocks*: Brigham Young University Geology Studies Special Publication 7, p. 194 [Uinta Basin chart 98].

Watersheds

The county lies across four broad watersheds, all part of the Colorado River system. The Escalante River system flows from the Aquarius Plateau and Boulder Mountain into the upper portions of Lake Powell. Last Chance Creek and Wahweap Creek are the principal tributaries off the Kaiparowits Plateau, flowing into the main body of Lake Powell. The Paria River-Kitchen Corral Wash system extends from the Bryce Canyon-Bryce Valley area, terminating below Glen Canyon Dam near Lee’s Ferry. Johnson Wash flows southward into Kanab Creek and eventually into the Grand Canyon. Less than ten percent of these are perennial streams and primarily include Kanab Creek, the Paria River, and Last Chance Creek.

Precipitation within the county varies from 7 to 18 inches annually. Winter-time precipitation varies from 4 to 12 inches and is the primary source of recharge of ground-water systems. Winter precipitation is the greatest along the northwest border of county in the higher elevations of the Paunsaugunt Plateau.

Soils

Soils present in the county form the base on which ecosystems develop. Understanding the condition of soils is important to the management of many resources. Resource data on soils varies in level of detail across the county. Presently, there are two levels of data available for the county. These data-sets are as follows:

Kane County Soil Survey - this unpublished report is presently only in a file format and was conducted at a scale of 1:63,360 (1 inch per mile).

STATSGO - The State Soil Geographic Database is generalized soil survey information for the entire state of Utah. This data was collected at a scale of 1:250,000 and can be used at a county or regional level.

There are three climatic zones in the county, summarized below, in which soils information can be generalized.

Climate Zones				
Climatic Zones	Precipitation (in)	Temp. (degrees F)	Freeze Free Period (Days)	Elevation (Feet)
Desert	6 to 8	50 to 57	170 to 200	4000 to 4800
Semi-desert	8 to 12	47 to 55	125 to 170	4800 to 6500
Upland	12 to 16	43 to 50	100 to 125	6200 to 7500

The Desert climate zone is found in two general areas of the county:

The Sooner Bench area of the Hole in the Rock Road is typified by soils of very minimal soil development. Soils typically only have developed a horizon of calcium carbonate (lime) accumulation or no other noticeable subsoil development. Structural benches and dunes on Navajo and Entrada Sandstone, the Carmel Formation and quaternary alluvial deposits characterize this area. Important vegetation for this area includes blackbrush, Cutler Mormon-tea, broom snakeweed, Indian ricegrass and galleta.

The Big Water area is typified by soils of very minimal soil development, with no noticeable subsurface horizon development. Hill slopes and badlands on Tropic Shale, Dakota Formation and lower members of the Straight Cliffs Formation characterize this area. Important vegetation for this area includes mat saltbush, shadscale, galleta, bottlebrush squirreltail and Indian pipeweed.

The Semidesert climate zone is found in two general areas of the county.

The Western area of the Hole in the Rock Road is typified by very deep (>60 inches) soils with developed horizons of clay and calcium carbonate (lime) accumulation. Structural benches and dunes on Entrada Sandstone, the Carmel Formation and quaternary alluvial deposits characterize this area. Important vegetation for this area includes Indian ricegrass, needleandthread grass, globemallow, fourwing saltbush, Mormon-tea and winterfat.

The Highway 89 area between Johnson Canyon and the Cockscomb is typified by very deep soils (>60 inches deep) with development of calcium carbonate (lime) and clay accumulation subsurface horizons. The Moenkopi Formation and quaternary alluvial deposits dominate as the parent material of this area. Important vegetation for this area includes Indian ricegrass, galleta, winterfat and big sagebrush.

The Semi desert to upland transition climate zone is found in two general areas of the county.

The Death Ridge, Carcass Canyon and Burning Hills areas is typified by shallow soils (10 to 20 inches deep) with minimal development of calcium carbonate (lime) horizons or no subsurface diagnostic horizons present. The Straight Cliffs Formation dominates as the parent material of this area. Typical landforms consist of structural benches with highly dissected side slope canyons and badland areas of exposed geologic materials. Important vegetation for this area includes galleta, blackbrush, Mormon-tea and Utah juniper.

The Forty Mile area (Wahweap WSA) is typified by shallow to moderately deep soils (10 to 40 inches deep) over the John Henry member of the Straight Cliffs Formation. Soil development consists dominantly of a horizon of calcium carbonate (lime) accumulation or little to no subsurface soil horizon development. Typical landforms consist of structural benches with highly dissected sideslope canyons. Important vegetation for this area includes Utah juniper, pinion, galleta, Mormon-tea and Bigelow sagebrush.

The Upland climate zone is found in three general areas of the county.

The Fifty Mile Mountain area is typified by shallow to moderately deep soils (10 to 40 inches deep) over the John Henry member of the Straight Cliffs Formation. Soil development consists dominantly of a horizon of clay accumulation or little to no subsurface soil horizon development. Typical landforms consist of structural benches with highly dissected sideslope canyons. Important vegetation for this area

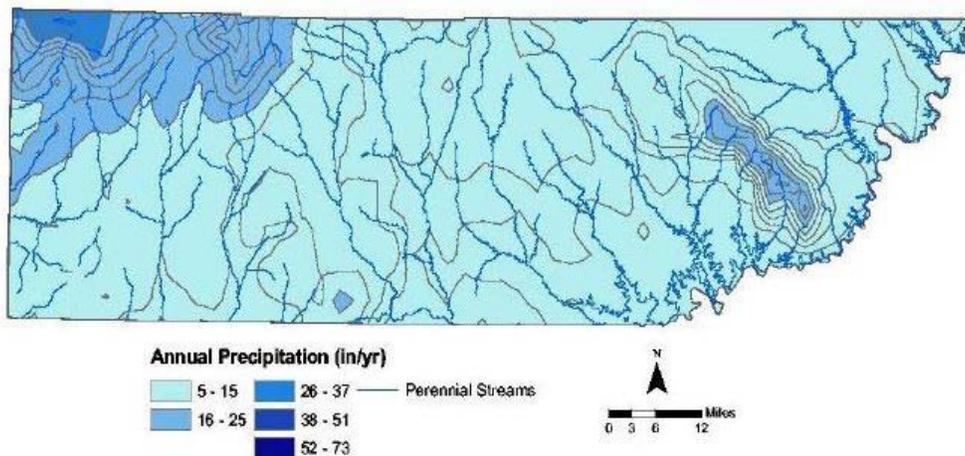
includes Indian ricegrass, galleta, rock goldenrod, Bigelow sagebrush, green Mormon-tea, pinion and Utah juniper.

The Kodachrome basin and Skutumpah Road area is typified by diverse soil properties that are found on the Carmel Formation and quaternary alluvial deposits. Landforms consist of dissected sideslopes and alluvial fans and flats. Important vegetation for this area includes Indian ricegrass, galleta, big sagebrush, bitterbrush, pinion and Utah juniper.

The Paria-Hackberry WSA area consists dominantly of Navajo Sandstone geology with varying depths (20 to >60 inches deep) of sand. Landforms consist of vegetated dunes and outcroppings of sandstone. Important vegetation for this area includes sand dropseed, Indian ricegrass, blue grama, green Mormon-tea, pinion and Utah juniper.

Soils and soil condition affect the degree of water infiltration. This in turn affects basin storage and availability for a range of resource uses. When management activities result in compaction of soils, runoff from precipitation is accelerated and less water is stored in the soil. These results in higher erosion rates and less available water for plants, animals, and ground water recharge.

Kane County, Utah Precipitation



Source: Kane County, Utah Resource Assessment August 2005

Riparian Areas

Riparian is simply defined as vegetation and habitats that are dependent upon or associated with the presence of water. Riparian areas comprise the transition zone between permanently saturated soils and upland areas. These areas exhibit vegetation or physical characteristics reflective of permanent surface or subsurface water. Excluded are such sites as ephemeral streams or washes that do not support vegetation dependent upon free and unbound water in the rooting zone of the soil. Examples of riparian areas would include lands along perennially and intermittently flowing rivers and streams and the shores of lakes and reservoirs with stable water levels. Wetlands are represented by marshes and wet meadows. Riparian areas, though they total less than 1 percent of the total lands in the county, are some of the most

productive, ecologically valuable, and utilized resources.

Riparian ecosystems in the western states are some of the rarest and most significant in the Western Hemisphere. They are also some of the most affected by the activities of man. As a consequence of western expansion and growth, an estimated 95 percent of riparian habitats have been altered or greatly impacted by such activities as water diversion, channelization, livestock use, clearing, impoundments, and invasion by non-native vegetation. Riparian areas also exhibit a high degree of resiliency when changes in management occur. A large number of plant and animal species depend on riparian areas. In the physiographic region covered by the county, up to 80 percent of vertebrates use riparian habitats at some stage in their life. Over 50 percent of the nesting bird species in this region use riparian habitats as the primary habitat for breeding purposes. This species richness is made possible by the plant diversity, availability of water, prey species, and the proximity to upland communities with their separate flora and faunal diversity.

A base flow of water is mandatory for the health and functioning of riparian areas. Factors which interfere with these processes include water diversions, ground water pumping, and changes in vegetation type and cover. Human activities can also result in degraded water quality and levels of seasonal flow. Resulting changes may be seen in the type and structure of vegetation communities, increased water temperatures, unsatisfactory physical functioning of hydrologic processes, aesthetics, and wildlife habitat.

As the density of woodlands increases there is a complementary decrease in the amount of grasses and shrubs present. This in turn decreases the rate and amount of water infiltration following precipitation since runoff rates are accelerated.

Availability and location of water is a key component to proper livestock management. The access to reliable water largely determines the timing and intensity of livestock use in an area. By controlling the availability and access to water, resource managers are better able to manage the rangeland resources. Wildlife is also depending upon developed livestock water sources.

Vegetation

The county is located on the Western edge of the Colorado Plateau just to the east of the Great Basin region. Steep canyons, limited water, seasonal flood events, unique and isolated geologic substrates, and large fluctuations in climatic conditions have all influenced the composition, structure, and diversity of vegetation associations of this region. These same factors have also made access into these areas difficult, leaving much undiscovered.

Many systems for classifying vegetation have been produced for this area of the country. Few of these systems have been checked for accuracy as they relate to the county. Coarse scale vegetation mapping exists through the Utah GAP program, but again this information has not been field checked as it relates to the county. Levels of precipitation (elevation), geology, and soil type are the primary factors influencing the distribution of vegetation associations in the area. Some areas don't fit into these vegetation categories. These included: areas traditionally low in diversity (barren areas), treated areas (seedings, chaining), flooded areas, lava flows, and rock outcrops.

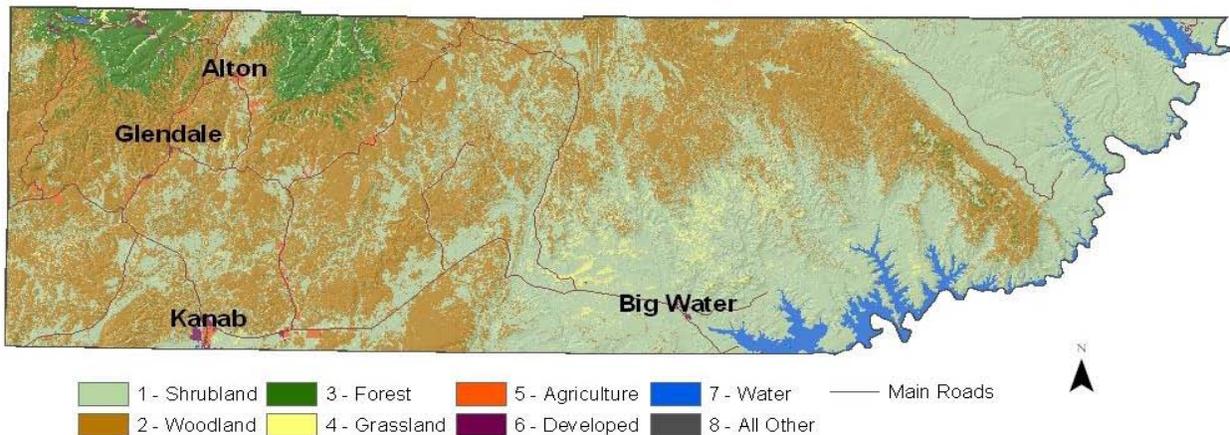
Relict plant communities refer to areas that have persisted despite the pronounced warming and drying of

the interior west over the last few thousand years and/or have not been influenced by settlement and post-settlement activities, chiefly domestic stock grazing. This isolation, over time and/or from disturbance, have created unique areas that can be used as baseline for gauging impacts occurring elsewhere in the county. Little if any information has been collected on the composition and structure of the vegetation associations or other physical and biological components. The same factors that have created and protected these areas over time have also contributed to preventing study of these unique and potentially informative associations.

The geologic and geographic conditions for the presence of hanging gardens exist in the county. Inventory work was conducted in conjunction with the Kaiparowits Study (1971-1974) which determined the location and species composition of several hanging gardens. The potential for more hanging gardens is also high. Due to the conditions of isolation produced in hanging gardens there is a potential for unique species in these areas.

Mosses, liverworts and lichens are vegetative life forms that have historically been overlooked due to their inconspicuous nature. This large group of organisms has been studied to some degree in other areas of Southern Utah, but little information about these organisms exists for the county. Besides the individual study of these organisms there is another association to which they belong. This association, referred to as microbiotic, cryptogamic or crypto biotic crusts, has been found to perform a vital function in dry land ecosystems for infiltration, stabilization, nutrient cycling and seedling establishment. These crusts are also very sensitive to ground disturbance, and specifically compression. Although information on the effects of activities on microbiotic crust exists, this information is based on a limited amount of research. Much study is needed on the role of these organisms on in the ecosystem.

Kane County, Utah Land Cover



Source: Kane County, Utah Resource Assessment August 2005

Wildlife

The county provides habitat for nearly 400 species of vertebrates and an un-quantified number of species of invertebrates. Some animals are migratory through the county and others are year around residents, and still others use the county as seasonal habitat.

Many species of birds use the county as breeding and nesting areas and populations of elk move onto the county for winter use. Mule deer and Big Horn sheep are year-long residents. The main riparian systems allow fish to move in and out of the county depending on water flows and seasons. These water systems are the main habitat for most of the identified species of birds.

There are several species of wildlife listed as threatened or endangered found within the county. Some are listed under the Federal Endangered Species Act and some are identified under the Utah Sensitive Species List. Those species listed as federally protected are listed on the following page.

Habitat manipulation has been a customary practice for improving the vegetation for wildlife for many years and should continue until the desired vegetation mix is achieved. Water in this desert environment is essential to maintain the wide variety of wildlife species in the county. This includes the riparian systems of the Kanab Creek and Paria rivers for fish, amphibians and other associated wildlife species that depend on minimum stream flows. Wildlife populations have grown to depend upon water catchment devices constructed over the years.

AT-RISK SPECIES				
	Common Name	Group	Primary Habitat	Secondary Habitat
FEDERALLY-LISTED				
Endangered:	California Condor (experimental)	Bird	Cliff	
	Kanab Ambersnail	Mollusk	Water - Lentic	Wetland
	Bonytail	Fish	Water - Lotic	
	Colorado Pikeminnow	Fish	Water - Lotic	
	Humpback Chub	Fish	Water - Lotic	
	Razorback Sucker	Fish	Water - Lotic	
Threatened:	Southwestern Willow Flycatcher	Bird	Lowland Riparian	Mountain Riparian
	Mexican Spotted Owl	Bird	Cliff	Lowland Riparian
	Bald Eagle	Bird	Lowland Riparian	Agriculture
Candidate:	Utah Prairie-dog	Mammal	Grassland	Agriculture
	Coral Pink Sand Dunes Tiger Beetle	Insect		
Proposed:	(None)			
STATE SENSITIVE				
Conservation Agreement Species:	Northern Goshawk	Bird	Mixed Conifer	Aspen
	Bonneville Cutthroat Trout	Fish	Water - Lotic	Mountain Riparian
	Bluehead Sucker	Fish	Water - Lotic	Mountain Riparian
	Roundtail Chub	Fish	Water - Lotic	
	Flannelmouth Sucker	Fish	Water - Lotic	
Species of Concern:	Allen's Big-eared Bat	Mammal	Lowland Riparian	Pinyon-Juniper
	American White Pelican	Bird	Water - Lentic	Wetland
	Arizona Toad	Amphibian	Lowland Riparian	Wetland
	Big Free-tailed Bat	Mammal	Lowland Riparian	Cliff
	Burrowing Owl	Bird	High Desert Scrub	Grassland
	Common Chuckwalla	Reptile	High Desert Scrub	Low Desert Scrub
	Desert Night Lizard	Reptile	Low Desert Scrub	Pinyon-Juniper
	Desert Sucker	Fish	Water - Lotic	
	Ferruginous Hawk	Bird	Pinyon-Juniper	Shrubsteppe
	Fringed Myotis	Mammal	Northern Oak	Pinyon-Juniper
	Greater Sage-grouse	Bird	Shrubsteppe	
	Kit Fox	Mammal	High Desert Scrub	
	Lewis's Woodpecker	Bird	Ponderosa Pine	Lowland Riparian
	Long-billed Curlew	Bird	Grassland	Agriculture
	Spotted Bat	Mammal	Low Desert Scrub	Cliff
	Three-toed Woodpecker	Bird	Sub-Alpine Conifer	Lodgepole Pine
Townsend's Big-eared Bat	Mammal	Pinyon-Juniper	Mountain Shrub	
Western Toad	Amphibian	Wetland	Mountain Riparian	

*Definitions of habitat categories can be found in the Utah Comprehensive Wildlife Conservation Strategy.

Appendix Two

Historical Background

Native Americans inhabited present day Kane County for thousands of years prior to European contact. Nomadic hunter-gatherers passed through the area as they traveled to the nearby plateaus to hunt. The first semi-permanent settlement of the area was undertaken by the Anasazi or Ancestral Puebloans around the time of Christ. About the same time the Fremont culture established semi-permanent settlements in the Long Valley area. These groups left the area in approximately 1300 A.D. Most researchers believe the movement was caused by a combination of drought and raids by other Native Americans. Paiute, Navajo, and Hopi tribes used the area as hunting grounds, but permanent settlement was scarce. European explorers and settlers found mainly nomadic Southern Paiutes inhabiting the area during the late 18th and early 19th centuries.

The barrier created by the Grand Canyon and Colorado River kept early Spanish explorers from reaching present day Kane County for hundreds of years. The Escalante/Dominguez party was the first European group to enter the region. After exploring much of Utah and Northern Arizona searching for a route from Santa Fe to California in 1776, they crossed the Colorado River at the "Crossing of the Fathers". A spur of the Old Spanish Trail is said to have crossed through Kane County near the Utah/Arizona border. This trade route carried considerable traffic during the early 19th century. However, no permanent settlement was attempted. The area became part of the United States in 1848 as a result of the Treaty of Guadalupe Hildago.

The first European settlement of Kane County was undertaken in the mid-19th century by Mormon ranchers and settlers. These members of the newly-formed Church of Jesus Christ of Latter-day Saints had arrived in the Great Basin in 1847 after having been driven from their homes in Illinois and Missouri. They established many small agrarian villages throughout the Great Basin and extended their colonization into California, Nevada, Arizona, and Mexico.

The desert highlands south of Kanab were found to be excellent winter range for livestock. A number of Mormon ranchers established grazing operations in the area in the early 1860's. The Long Valley area north of the desert was the first area to be settled permanently. Small settlements were established in the mid-1860's at Glendale and Alton. Indian hostilities forced these early settlers to leave.

Mormon settlers returning from the Nevada area re-established the communities in Long Valley and established Kanab in 1870. These settlers farmed the bottom lands near streams and grazed livestock on the high plateaus in the summer and desert highlands in the winter. The small towns prospered during the 1870's. Residents established orchards, field crops, and livestock grazing operations. Unfortunately, a drought from 1879-1882 caused a severe shortage in irrigation water, resulting in great hardships to the settlers. The drought was followed by three years of floods which deepened the channel of Kanab Creek almost 60 feet. Most of the farm land was washed away.

Most of the early settlers were experienced desert colonizers and survived the trying times. They continued to expand the agricultural base upon which their livelihood was dependent. Population levels remained fairly constant during the late 19th century. One of the most successful communal organizations in the history of the United States was established by Mormons in Orderville.

The economy of the area remained based upon livestock grazing into the 1930's. The establishment of Grand Canyon National Park and the Kaibab Game Reserve began a demand for tourist services. The first economic "boom" occurred during the 1930's-1950's as the area became a famous location for shooting western films and television episodes. Over 50 feature length westerns have been filmed in Kane County.

The canyon country of eastern Kane County remained a sparsely settled area until the construction of Glen Canyon Dam on the Colorado River in the late 1950's. The resulting reservoir, Lake Powell, created the impetus for the establishment of Page, Arizona, Big Water, Utah and Bullfrog Marina in northeastern Kane County. Lake Powell is a world class attraction which draws millions of visitors each year. Most travel through Kane County to reach the Lake.

The small timber harvesting operations which supplied building materials to local residents expanded in the 1940's and began to provide timber to larger markets. The Kaibab Forest Products sawmill in Fredonia, Arizona became a major year round employer. Concerns with wildlife habitat and other environmental issues, combined with economic downturns have caused a major reduction in timber harvests from the nearby plateaus.

Presently, Kane County is experiencing moderate growth by attracting additional trade and service sector activity to support growing tourist activity. In addition, more and more people are coming to Kane County for retirement living.

Appendix Three

Economic and Demographic Conditions

Census 2010 shows that Kane County's population reached 7,125 persons. Historically, Kane County has had the smallest population of the five-county region, with a population that remained below 2,500 through 1970. Since 1970, the county has added a total of 4,704 persons, with net in-migration accounting for more than half of the county's growth from 1970 to 2010.

Kane County's minority population is very small in both number and share. In the 2010 census, 309 minority persons were living in Kane County, representing 4.3 percent of the population—the lowest share in the region. Hispanics are the single largest group, representing 85 percent of the minority population.

Nonagricultural employment in Kane County totaled 2,927 in 2010, a five-fold increase since 1970, but a decrease from levels before the economic decline of 2008-2010. This represents an average annual growth rate of 4.5 percent.

Since 1970, Kane County's economy has shifted from concentrations in government and trade to a significant concentration in services, primarily tourism-related. In 1970, government and trade accounted for 60 percent of jobs in the county. By 2010, government's share of employment had fallen to 28.5 percent, and trade/transportation/utilities to 14.3 percent. Employment in services totaled 1,161 and accounted for 45 percent of all jobs. The leisure and hospitality sector is the largest of the service sectors, accounting for 20 percent of all nonfarm jobs.

The 2010 average monthly wage in Kane County was \$2,207— 68 percent of the state average. The highest-paying jobs were in manufacturing (\$3,206), followed by professional, scientific and technical services (\$2,805). The lowest-paying jobs were administrative and technical support (\$1,393) and retail trade (\$1,358).

Kane County has the region's largest share of its workforce working out-of-state and the largest number of net out-commuters (312). In 2009, 21 percent of Kane County workers commuted to jobs outside the county; 10.8 percent worked outside Utah, primarily in Arizona.

In 2010, Kane County had a housing inventory of 5,815 units. Over 41 percent of these were seasonal or recreational units, the highest percentage of the five southwestern counties. The number of occupied units was 2,900, of which just 737 or 25.4 percent were rental units.

More than 64 percent of all housing units in Kane County have been built since 2000, reflecting the housing boom that began in the region in 2005 when residential construction reached an all-time high of 300 new units. From 2000 to 2010, permits for a total of 1487 dwelling units were issued in Kane County.

By 2020, Kane County's population is projected to be 8,746, growing at an annual rate of 1.9 percent. Most of this gain will be in the working-age population (18–64), which is projected to increase from 3,246 in 2000 to 4,910 in 2020. The school-age population (0–17) is expected to grow at the slowest rate and by 2020 will represent about 27 percent of the population, down from 29 percent in 2000. The retirement-age group (65+) will increase to 456, but as a share of total population remains unchanged at 16.8 percent.

Employment in Kane County is projected to increase at an annual rate of 2.6 percent, from 4,116 in 2005 to 6,028 by 2020, with little change in the overall structure of the economy. The fastest-growing sector

will be leisure and hospitality, adding 630 jobs over the period and accounting for about 28 percent of all jobs in the county by 2020. Other fast-growing sectors will be other services (305 new jobs) and government (304 new jobs). The fewest job gains will be in information (13) and manufacturing (80). The natural resources and mining sector will actually lose jobs, with a corresponding decline in its employment share from 4.7 percent to 2.9 percent.

U.S. Census Bureau

AMERICAN
FactFinder



DP-1 | Profile of General Population and Housing Characteristics: 2010
2010 Demographic Profile Data

NOTE: For more information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/profiletd.pdf>.

GEO: Kane County, Utah

Subject	Number	Percent
SEX AND AGE		
Total population	7,125	100.0
Under 5 years	496	7.0
5 to 9 years	471	6.6
10 to 14 years	467	6.6
15 to 19 years	471	6.6
20 to 24 years	293	4.1
25 to 29 years	356	5.0
30 to 34 years	391	5.5
35 to 39 years	325	4.6
40 to 44 years	336	4.7
45 to 49 years	465	6.5
50 to 54 years	486	6.8
55 to 59 years	608	8.5
60 to 64 years	572	8.0
65 to 69 years	529	7.4
70 to 74 years	343	4.8
75 to 79 years	214	3.0
80 to 84 years	173	2.4
85 years and over	129	1.8
Median age (years)	44.5	(X)
16 years and over	5,591	78.5
18 years and over	5,396	75.7
21 years and over	5,163	72.5
62 years and over	1,706	23.9
65 years and over	1,388	19.5
Male population	3,521	49.4
Under 5 years	238	3.3
5 to 9 years	251	3.5
10 to 14 years	246	3.5
15 to 19 years	252	3.5
20 to 24 years	159	2.2
25 to 29 years	165	2.3
30 to 34 years	207	2.9
35 to 39 years	150	2.1
40 to 44 years	165	2.3
45 to 49 years	223	3.1
50 to 54 years	221	3.1
55 to 59 years	287	4.0
60 to 64 years	285	4.0
65 to 69 years	245	3.4
70 to 74 years	195	2.7
75 to 79 years	108	1.5
80 to 84 years	77	1.1
85 years and over	47	0.7

Kane County, Utah General Plan Adopted 28 November 2011

Subject	Number	Percent
Median age (years)	42.8	(X)
16 years and over	2,734	38.4
18 years and over	2,628	36.9
21 years and over	2,494	35.0
62 years and over	834	11.7
65 years and over	672	9.4
Female population	3,604	50.6
Under 5 years	258	3.6
5 to 9 years	220	3.1
10 to 14 years	221	3.1
15 to 19 years	219	3.1
20 to 24 years	134	1.9
25 to 29 years	191	2.7
30 to 34 years	184	2.6
35 to 39 years	175	2.5
40 to 44 years	171	2.4
45 to 49 years	242	3.4
50 to 54 years	265	3.7
55 to 59 years	321	4.5
60 to 64 years	287	4.0
65 to 69 years	284	4.0
70 to 74 years	148	2.1
75 to 79 years	106	1.5
80 to 84 years	96	1.3
85 years and over	82	1.2
Median age (years)	45.6	(X)
16 years and over	2,857	40.1
18 years and over	2,768	38.8
21 years and over	2,669	37.5
62 years and over	872	12.2
65 years and over	716	10.0
RACE		
Total population	7,125	100.0
One Race	7,030	98.7
White	6,816	95.7
Black or African American	16	0.2
American Indian and Alaska Native	104	1.5
Asian	31	0.4
Asian Indian	4	0.1
Chinese	1	0.0
Filipino	5	0.1
Japanese	11	0.2
Korean	5	0.1
Vietnamese	0	0.0
Other Asian [1]	5	0.1
Native Hawaiian and Other Pacific Islander	1	0.0
Native Hawaiian	1	0.0
Guamanian or Chamorro	0	0.0
Samoan	0	0.0
Other Pacific Islander [2]	0	0.0
Some Other Race	62	0.9
Two or More Races	95	1.3
White; American Indian and Alaska Native [3]	38	0.5
White; Asian [3]	10	0.1
White; Black or African American [3]	12	0.2
White; Some Other Race [3]	21	0.3
Race alone or in combination with one or more other races: [4]		
White	6,904	96.9
Black or African American	33	0.5
American Indian and Alaska Native	147	2.1

Kane County, Utah General Plan Adopted 28 November 2011

Subject	Number	Percent
Asian	47	0.7
Native Hawaiian and Other Pacific Islander	9	0.1
Some Other Race	85	1.2
HISPANIC OR LATINO		
Total population	7,125	100.0
Hispanic or Latino (of any race)	263	3.7
Mexican	187	2.6
Puerto Rican	10	0.1
Cuban	2	0.0
Other Hispanic or Latino [5]	64	0.9
Not Hispanic or Latino	6,862	96.3
HISPANIC OR LATINO AND RACE		
Total population	7,125	100.0
Hispanic or Latino	263	3.7
White alone	177	2.5
Black or African American alone	1	0.0
American Indian and Alaska Native alone	1	0.0
Asian alone	0	0.0
Native Hawaiian and Other Pacific Islander alone	0	0.0
Some Other Race alone	59	0.8
Two or More Races	25	0.4
Not Hispanic or Latino	6,862	96.3
White alone	6,639	93.2
Black or African American alone	15	0.2
American Indian and Alaska Native alone	103	1.4
Asian alone	31	0.4
Native Hawaiian and Other Pacific Islander alone	1	0.0
Some Other Race alone	3	0.0
Two or More Races	70	1.0
RELATIONSHIP		
Total population	7,125	100.0
In households	7,025	98.6
Householder	2,900	40.7
Spouse [6]	1,646	23.1
Child	1,976	27.7
Own child under 18 years	1,592	22.3
Other relatives	259	3.6
Under 18 years	115	1.6
65 years and over	38	0.5
Nonrelatives	244	3.4
Under 18 years	21	0.3
65 years and over	27	0.4
Unmarried partner	126	1.8
In group quarters	100	1.4
Institutionalized population	100	1.4
Male	58	0.8
Female	42	0.6
Noninstitutionalized population	0	0.0
Male	0	0.0
Female	0	0.0
HOUSEHOLDS BY TYPE		
Total households	2,900	100.0
Family households (families) [7]	1,907	65.8
With own children under 18 years	676	23.3
Husband-wife family	1,646	56.8
With own children under 18 years	553	19.1
Male householder, no wife present	82	2.8
With own children under 18 years	38	1.3
Female householder, no husband present	179	6.2
With own children under 18 years	85	2.9

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Subject	Number	Percent
Nonfamily households [7]	993	34.2
Householder living alone	857	29.6
Male	368	12.7
65 years and over	122	4.2
Female	489	16.9
65 years and over	215	7.4
Households with individuals under 18 years	740	25.5
Households with individuals 65 years and over	974	33.6
Average household size	2.42	(X)
Average family size [7]	3.04	(X)
HOUSING OCCUPANCY		
Total housing units	5,815	100.0
Occupied housing units	2,900	49.9
Vacant housing units	2,915	50.1
For rent	120	2.1
Rented, not occupied	2	0.0
For sale only	131	2.3
Sold, not occupied	82	1.4
For seasonal, recreational, or occasional use	2,423	41.7
All other vacants	157	2.7
Homeowner vacancy rate (percent) [8]	5.5	(X)
Rental vacancy rate (percent) [9]	14.0	(X)
HOUSING TENURE		
Occupied housing units	2,900	100.0
Owner-occupied housing units	2,163	74.6
Population in owner-occupied housing units	5,368	(X)
Average household size of owner-occupied units	2.48	(X)
Renter-occupied housing units	737	25.4
Population in renter-occupied housing units	1,657	(X)
Average household size of renter-occupied units	2.25	(X)

X Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] One of the four most commonly reported multiple-race combinations nationwide in Census 2000.

[4] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race.

[5] This category is composed of people whose origins are from the Dominican Republic, Spain, and Spanish-speaking Central or South American countries. It also includes general origin responses such as "Latino" or "Hispanic."

[6] "Spouse" represents spouse of the householder. It does not reflect all spouses in a household. Responses of "same-sex spouse" were edited during processing to "unmarried partner."

[7] "Family households" consist of a householder and one or more other people related to the householder by birth, marriage, or adoption. They do not include same-sex married couples even if the marriage was performed in a state issuing marriage certificates for same-sex couples. Same-sex couple households are included in the family households category if there is at least one additional person related to the householder by birth or adoption. Same-sex couple households with no relatives of the householder present are tabulated in nonfamily households. "Nonfamily households" consist of people living alone and households which do not have any members related to the householder.

[8] The homeowner vacancy rate is the proportion of the homeowner inventory that is vacant "for sale." It is computed by dividing the total number of vacant units "for sale only" by the sum of owner-occupied units, vacant units that are "for sale only," and vacant units that have been sold but not yet occupied; and then multiplying by 100.

[9] The rental vacancy rate is the proportion of the rental inventory that is vacant "for rent." It is computed by dividing the total number of vacant units "for rent" by the sum of the renter-occupied units, vacant units that are "for rent," and vacant units that have been rented but not yet occupied; and then multiplying by 100.

Source: U.S. Census Bureau, 2010 Census.

U.S. Census Bureau

AMERICAN
FactFinder



QT-H1 | General Housing Characteristics: 2010
2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

GEO: Kane County, Utah

Subject	Number	Percent
OCCUPANCY STATUS		
Total housing units	5,815	100.0
Occupied housing units	2,900	49.9
Vacant housing units	2,915	50.1
TENURE		
Occupied housing units	2,900	100.0
Owner occupied	2,163	74.6
Owned with a mortgage or loan	1,272	43.9
Owned free and clear	891	30.7
Renter occupied	737	25.4
VACANCY STATUS		
Vacant housing units	2,915	100.0
For rent	120	4.1
Rented, not occupied	2	0.1
For sale only	131	4.5
Sold, not occupied	82	2.8
For seasonal, recreational, or occasional use	2,423	83.1
For migratory workers	5	0.2
Other vacant	152	5.2
TENURE BY HISPANIC OR LATINO ORIGIN OF HOUSEHOLDER BY RACE OF HOUSEHOLDER		
Occupied housing units	2,900	100.0
Owner-occupied housing units	2,163	74.6
Not Hispanic or Latino householder	2,125	73.3
White alone householder	2,081	71.8
Black or African American alone householder	1	0.0
American Indian and Alaska Native alone householder	15	0.5
Asian alone householder	13	0.4
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	1	0.0
Two or More Races householder	14	0.5
Hispanic or Latino householder	38	1.3
White alone householder	25	0.9
Black or African American alone householder	0	0.0
American Indian and Alaska Native alone householder	0	0.0
Asian alone householder	0	0.0
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	7	0.2
Two or More Races householder	6	0.2
Renter-occupied housing units	737	25.4
Not Hispanic or Latino householder	697	24.0
White alone householder	662	22.8
Black or African American alone householder	1	0.0

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Subject	Number	Percent
American Indian and Alaska Native alone householder	15	0.5
Asian alone householder	6	0.2
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	1	0.0
Two or More Races householder	12	0.4
Hispanic or Latino householder	40	1.4
White alone householder	24	0.8
Black or African American alone householder	0	0.0
American Indian and Alaska Native alone householder	0	0.0
Asian alone householder	0	0.0
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	12	0.4
Two or More Races householder	4	0.1

X Not applicable.

Source: U.S. Census Bureau, 2010 Census.

Summary File 1, Tables H3, H4, H5, and HCT1.

U.S. Census Bureau

AMERICAN
FactFinder



QT-H2 | Tenure, Household Size, and Age of Householder: 2010
2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

GEO: Kane County, Utah

Subject	Number	Percent
TENURE		
Occupied housing units	2,900	100.0
Owned with a mortgage or loan	1,272	43.9
Owned free and clear	891	30.7
Renter occupied	737	25.4
TENURE BY HOUSEHOLD SIZE		
Owner-occupied housing units	2,163	100.0
1-person household	536	24.8
2-person household	979	45.3
3-person household	229	10.6
4-person household	157	7.3
5-person household	139	6.4
6-person household	63	2.9
7-or-more-person household	60	2.8
Renter-occupied housing units	737	100.0
1-person household	321	43.6
2-person household	183	24.8
3-person household	97	13.2
4-person household	59	8.0
5-person household	32	4.3
6-person household	37	5.0
7-or-more-person household	8	1.1
TENURE BY AGE OF HOUSEHOLDER		
Owner-occupied housing units	2,163	100.0
15 to 24 years	15	0.7
25 to 34 years	183	8.5
35 to 44 years	220	10.2
45 to 54 years	384	17.8
55 to 64 years	583	27.0
65 years and over	778	36.0
65 to 74 years	469	21.7
75 to 84 years	245	11.3
85 years and over	64	3.0
Renter-occupied housing units	737	100.0
15 to 24 years	60	8.1
25 to 34 years	159	21.6
35 to 44 years	121	16.4
45 to 54 years	129	17.5
55 to 64 years	130	17.6
65 years and over	138	18.7
65 to 74 years	78	10.6
75 to 84 years	31	4.2
85 years and over	29	3.9



QT-P11 | Households and Families: 2010
2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

GEO: Kane County, Utah

Subject	Number	Percent
HOUSEHOLD TYPE		
Total households	2,900	100.0
Family households [1]	1,907	65.8
Male householder	1,515	52.2
Female householder	392	13.5
Nonfamily households [2]	993	34.2
Male householder	443	15.3
Living alone	368	12.7
Female householder	550	19.0
Living alone	489	16.9
HOUSEHOLD SIZE		
Total households	2,900	100.0
1-person household	857	29.6
2-person household	1,162	40.1
3-person household	326	11.2
4-person household	216	7.4
5-person household	171	5.9
6-person household	100	3.4
7-or-more-person household	68	2.3
Average household size	2.42	(X)
Average family size	3.04	(X)
FAMILY TYPE AND PRESENCE OF RELATED AND OWN CHILDREN		
Families [3]	1,907	100.0
With related children under 18 years	734	38.5
With own children under 18 years	676	35.4
Under 6 years only	154	8.1
Under 6 and 6 to 17 years	184	9.6
6 to 17 years only	338	17.7
Husband-wife families	1,646	100.0
With related children under 18 years	586	35.6
With own children under 18 years	553	33.6
Under 6 years only	122	7.4
Under 6 and 6 to 17 years	161	9.8
6 to 17 years only	270	16.4
Female householder, no husband present families	179	100.0
With related children under 18 years	98	54.7
With own children under 18 years	85	47.5
Under 6 years only	15	8.4
Under 6 and 6 to 17 years	19	10.6
6 to 17 years only	51	28.5

X Not applicable.

[1] A household that has at least one member of the household related to the householder by birth, marriage, or adoption is a "Family household." Same-sex couple households are included in the family households category if there is at least one additional person related to the householder by birth or adoption. Same-sex couple households with no relatives of the householder present are tabulated

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in nonfamily households. Responses of "same-sex spouse" were edited during processing to "unmarried partner."

[2] "Nonfamily households" consist of people living alone and households which do not have any members related to the householder.

[3] "Families" consist of a householder and one or more other people related to the householder by birth, marriage, or adoption. They do not include same-sex married couples even if the marriage was performed in a state issuing marriage certificates for same-sex couples. Same-sex couples are included in the families category if there is at least one additional person related to the householder by birth or adoption. Responses of "same-sex spouse" were edited during processing to "unmarried partner." Same-sex couple households with no relatives of the householder present are tabulated in nonfamily households.

Source: U.S. Census Bureau, 2010 Census.

Summary File 1, Tables P17, P18, P28, P29, P37, P38, and P39.

Appendix Four

Traffic on Selected Kane County Highways

<u>ROUTE NAME</u>	<u>BEG. ACCUM. MILEAGE</u>	<u>END ACCUM. MILEAGE</u>	<u>LOCATION DESCRIPTION</u>	<u>2010 AADT</u>	<u>2009 AADT</u>	<u>2008 AADT</u>
0009	44.771	57.075	East Incl Zion National Park - SR 89 Mt Carmel	970	965	950
0014	4.961	18.172	Scenic Backway to Kolob Reservoir	1,575	1,625	1,575
0014	18.172	25.711	SR 148 Road to Cedar Breaks National Monument	825	875	840
0014	25.711	40.995	Navajo Lake Rd - SR 89 Long Valley	845	890	855
089A	0.000	2.945	Arizona State Line - SR 89 Kanab *ATR 412*	4,335	4,235	4,205
0089	0.000	7.293	Arizona State Line	3,425	3,330	3,230
0089	7.293	54.629	Local Road to Big Water	2,340	2,280	2,210
0089	54.629	62.908	Road Right to Johnson Canyon (Route 1854)	2,635	2,565	2,485
0089	62.90	63.832	900 East Kanab	5,915	5,865	5,780
0089	63.832	64.943	SR 89A (100 East) Kanab	8,660	7,760	7,645
0089	64.943	81.211	300 North Kanab	3,065	3,040	2,995
0089	81.211	85.212	SR 9 "Mt. Carmel"	2,460	2,440	2,595
0089	85.212	86.222	Frost Lane Orderville	3,090	3,065	3,020
0089	86.222	89.294	100 North Orderville	2,295	2,275	2,240
0089	89.294	90.018	400 South Glendale	1,825	1,810	1,785
0089	90.018	103.684	300 North Glendale	1,635	1,710	1,685
0089	103.684	114.480	SR 14 Long Valley	1,475	1,465	1,445
1854	0.000	16.203	SR 89 East of Kanab via Johnson Canyon	260	260	250
1854	16.203	23.447	Road Right to Cannonville via Johnson Canyon Rd	115	120	115
1854	23.447	34.634	1870 Road Left to Glendale	115	120	115
1854	34.634	35.234	200 South Alton 1854 turns West	225	225	220
1854	35.234	39.058	200 North Alton via Main Street - SR 89 west of Alton	155	160	155
1850	0.000	3.502	West Boundary Coral Pink Sand Dunes Park	70	95	90
1850	3.502	12.120	Hancock Road Right - SR 89 South of SR 9	95	95	90
1864	0.000	47.900	East of Big Water - Hole in the Rock Road	395	400	385
1868	0.000	32.792	Jct Johnson Canyon Rd - Kodachrome Road via Deer Springs	100	100	95
1870	0.000	7.732	SR 89 - Johnson Canyon Road via 300 North Glendale	130	130	125

Appendix Five

Utah Code -- Title 17 -- Chapter 27a -- County Land Use, Development, and Management Act

Effective October 2011

Researchers should refer to the most recent version of the Utah Code found at <http://www.le.state.ut.us/~code/code.htm>

17-27a-101. Title.

This chapter is known as the "County Land Use, Development, and Management Act."
Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-102. Purposes -- General land use authority.

(1) (a) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each county and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.

(b) To accomplish the purposes of this chapter, counties may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the unincorporated area of the county, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy-efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

(2) Each county shall comply with the mandatory provisions of this part before any agreement or contract to provide goods, services, or municipal-type services to any storage facility or transfer facility for high-level nuclear waste, or greater than class C radioactive waste, may be executed or implemented.

Amended by Chapter 363, 2007 General Session

17-27a-103. Definitions.

As used in this chapter:

(1) "Affected entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owners association, public utility, or the Utah Department of Transportation, if:

(a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

(b) the entity has filed with the county a copy of the entity's general or long-range plan; or

(c) the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(2) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(3) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(4) (a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

(iii) an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(b) "Charter school" does not include a therapeutic school.

(5) "Chief executive officer" means the person or body that exercises the executive powers of the county.

(6) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(7) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the

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owner of the property is required by the:

- (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
 - (b) Utah Constitution Article I, Section 22.
- (8) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
- (9) "Development activity" means:
- (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
 - (b) any change in use of a building or structure that creates additional demand and need for public facilities; or
 - (c) any change in the use of land that creates additional demand and need for public facilities.
- (10) (a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
- (b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.
- (11) "Educational facility":
- (a) means:
 - (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;
 - (ii) a structure or facility:
 - (A) located on the same property as a building described in Subsection (11)(a)(i); and
 - (B) used in support of the use of that building; and
 - (iii) a building to provide office and related space to a school district's administrative personnel; and
 - (b) does not include:
 - (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
 - (A) not located on the same property as a building described in Subsection (11)(a)(i); and
 - (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or
 - (ii) a therapeutic school.
- (12) "Elderly person" means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
- (13) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.
- (14) "Flood plain" means land that:
- (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
 - (b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.
- (15) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).
- (16) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of the unincorporated land within the county.
- (17) "Geologic hazard" means:
- (a) a surface fault rupture;
 - (b) shallow groundwater;
 - (c) liquefaction;
 - (d) a landslide;
 - (e) a debris flow;
 - (f) unstable soil;
 - (g) a rock fall; or
 - (h) any other geologic condition that presents a risk:
 - (i) to life;
 - (ii) of substantial loss of real property; or
 - (iii) of substantial damage to real property.
- (18) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:
- (a) runs with the land; and
 - (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
 - (ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.
- (19) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility system.
- (20) "Identical plans" means building plans submitted to a county that:
- (a) are clearly marked as "identical plans";
 - (b) are substantially identical building plans that were previously submitted to and reviewed and approved by the county; and
 - (c) describe a building that:
 - (i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

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- (ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;
- (iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the county; and
- (iv) does not require any additional engineering or analysis.
- (21) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.
- (22) "Improvement assurance" means a surety bond, letter of credit, cash, or other security:
 - (a) to guaranty the proper completion of an improvement;
 - (b) that is required as a condition precedent to:
 - (i) recording a subdivision plat; or
 - (ii) beginning development activity; and
 - (c) that is offered to a land use authority to induce the land use authority, before actual construction of required improvements, to:
 - (i) consent to the recording of a subdivision plat; or
 - (ii) issue a permit for development activity.
- (23) "Improvement assurance warranty" means a promise that the materials and workmanship of improvements:
 - (a) comport with standards that the county has officially adopted; and
 - (b) will not fail in any material respect within a warranty period.
- (24) "Interstate pipeline company" means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- (25) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- (26) "Land use application" means an application required by a county's land use ordinance.
- (27) "Land use authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.
- (28) "Land use ordinance" means a planning, zoning, development, or subdivision ordinance of the county, but does not include the general plan.
- (29) "Land use permit" means a permit issued by a land use authority.
- (30) "Legislative body" means the county legislative body, or for a county that has adopted an alternative form of government, the body exercising legislative powers.
- (31) "Local district" means any entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
- (32) "Lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.
- (33) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.
- (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:
 - (a) verifying that building plans are identical plans; and
 - (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.
- (35) "Noncomplying structure" means a structure that:
 - (a) legally existed before its current land use designation; and
 - (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.
- (36) "Nonconforming use" means a use of land that:
 - (a) legally existed before its current land use designation;
 - (b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and
 - (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
- (37) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:
 - (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
 - (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
 - (c) has been adopted as an element of the county's general plan.
- (38) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- (39) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:
 - (a) an estimate of the existing supply of moderate income housing located within the county;
 - (b) an estimate of the need for moderate income housing in the county for the next five years as revised biennially;
 - (c) a survey of total residential land use;
 - (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
 - (e) a description of the county's program to encourage an adequate supply of moderate income housing.
- (40) "Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Section [17-](#)

[27a-603](#), [17-23-17](#), or [57-8-13](#).

- (41) "Potential geologic hazard area" means an area that:
- (a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
 - (b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.
- (42) "Public agency" means:
- (a) the federal government;
 - (b) the state;
 - (c) a county, municipality, school district, local district, special service district, or other political subdivision of the state; or
 - (d) a charter school.
- (43) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- (44) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
- (45) "Receiving zone" means an unincorporated area of a county that the county's land use authority designates as an area in which an owner of land may receive transferrable development rights.
- (46) "Record of survey map" means a map of a survey of land prepared in accordance with Section [17-23-17](#).
- (47) "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that meets the requirements of Section [17-27a-515](#), but does not include a health care facility as defined by Section [26-21-2](#).
- (48) "Residential facility for persons with a disability" means a residence:
- (a) in which more than one person with a disability resides; and
 - (b) (i) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
 - (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- (49) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
- (a) parliamentary order and procedure;
 - (b) ethical behavior; and
 - (c) civil discourse.
- (50) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
- (51) "Sending zone" means an unincorporated area of a county that the county's land use authority designates as an area from which an owner of land may transfer transferrable development rights to an owner of land in a receiving zone.
- (52) "Specified public agency" means:
- (a) the state;
 - (b) a school district; or
 - (c) a charter school.
- (53) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section [54-2-1](#).
- (54) "State" includes any department, division, or agency of the state.
- (55) "Street" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.
- (56) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
- (b) "Subdivision" includes:
- (i) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
 - (ii) except as provided in Subsection (56)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- (c) "Subdivision" does not include:
- (i) a bona fide division or partition of agricultural land for agricultural purposes;
 - (ii) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - (A) no new lot is created; and
 - (B) the adjustment does not violate applicable land use ordinances;
 - (iii) a recorded document, executed by the owner of record:
 - (A) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - (B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
 - (iv) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of

the resulting separate parcels:

- (A) an electrical transmission line or a substation;
- (B) a natural gas pipeline or a regulation station; or
- (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
- (v) a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - (A) no new dwelling lot or housing unit will result from the adjustment; and
 - (B) the adjustment will not violate any applicable land use ordinance; or
- (vi) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.
- (d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection (56) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.
- (57) "Therapeutic school" means a residential group living facility:
 - (a) for four or more individuals who are not related to:
 - (i) the owner of the facility; or
 - (ii) the primary service provider of the facility;
 - (b) that serves students who have a history of failing to function:
 - (i) at home;
 - (ii) in a public school; or
 - (iii) in a nonresidential private school; and
 - (c) that offers:
 - (i) room and board; and
 - (ii) an academic education integrated with:
 - (A) specialized structure and supervision; or
 - (B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.
- (58) "Township" means a contiguous, geographically defined portion of the unincorporated area of a county, established under this part or reconstituted or reinstated under Section [17-27a-306](#), with planning and zoning functions as exercised through the township planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority, except that "township" means a former township under Laws of Utah 1996, Chapter 308, where the context so indicates.
- (59) "Transferrable development right" means the entitlement to develop land within a sending zone that would vest according to the county's existing land use ordinances on the date that a completed land use application is filed seeking the approval of development activity on the land.
- (60) "Unincorporated" means the area outside of the incorporated area of a municipality.
- (61) "Water interest" means any right to the beneficial use of water, including:
 - (a) each of the rights listed in Section [73-1-11](#); and
 - (b) an ownership interest in the right to the beneficial use of water represented by:
 - (i) a contract; or
 - (ii) a share in a water company, as defined in Section [73-3-3.5](#).
- (62) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.
Amended by Chapter 47, 2011 General Session
Amended by Chapter 92, 2011 General Session
Amended by Chapter 107, 2011 General Session
Amended by Chapter 407, 2011 General Session

17-27a-104. Stricter requirements.

- (1) Except as provided in Subsection (2), a county may enact an ordinance imposing stricter requirements or higher standards than are required by this chapter.
- (2) A county may not impose stricter requirements or higher standards than are required by:
 - (a) Section [17-27a-305](#);
 - (b) Section [17-27a-513](#);
 - (c) Section [17-27a-515](#); and
 - (d) Section [17-27a-519](#).Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-201. Required notice.

- (1) At a minimum, each county shall provide actual notice or the notice required by this part.
- (2) A county may by ordinance require greater notice than required under this part.
Enacted by Chapter 254, 2005 General Session

17-27a-202. Applicant notice -- Waiver of requirements.

(1) For each land use application, the county shall:

- (a) notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
- (b) provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
- (c) notify the applicant of any final action on a pending application.

(2) If a county fails to comply with the requirements of Subsection (1)(a) or (b) or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Amended by Chapter 257, 2006 General Session

17-27a-203. Notice of intent to prepare a general plan or comprehensive general plan amendments in certain counties.

(1) Before preparing a proposed general plan or a comprehensive general plan amendment, each county of the first or second class shall provide 10 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment:

- (a) to each affected entity;
- (b) to the Automated Geographic Reference Center created in Section [63F-1-506](#);
- (c) to the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and
- (d) on the Utah Public Notice Website created under Section [63F-1-701](#).

(2) Each notice under Subsection (1) shall:

- (a) indicate that the county intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;
- (b) describe or provide a map of the geographic area that will be affected by the general plan or amendment;
- (c) be sent by mail, e-mail, or other effective means;

(d) invite the affected entities to provide information for the county to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:

- (i) impacts that the use of land proposed in the proposed general plan or amendment may have; and
- (ii) uses of land within the county that the affected entity is considering that may conflict with the proposed general plan or amendment; and

(e) include the address of an Internet website, if the county has one, and the name and telephone number of a person where more information can be obtained concerning the county's proposed general plan or amendment.

Amended by Chapter 188, 2009 General Session

17-27a-204. Notice of public hearings and public meetings to consider general plan or modifications.

(1) A county shall provide:

- (a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
- (b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar days before the public hearing and shall be:

- (a) (i) published in a newspaper of general circulation in the area; and
- (ii) published on the Utah Public Notice Website created in Section [63F-1-701](#);
- (b) mailed to each affected entity; and

(c) posted:

- (i) in at least three public locations within the county; or
- (ii) on the county's official website.

(3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be:

- (a) (i) submitted to a newspaper of general circulation in the area; and
- (ii) published on the Utah Public Notice Website created in Section [63F-1-701](#); and

(b) posted:

- (i) in at least three public locations within the county; or
- (ii) on the county's official website.

Amended by Chapter 90, 2010 General Session

17-27a-205. Notice of public hearings and public meetings on adoption or modification of land use ordinance.

(1) Each county shall give:

- (a) notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use ordinance; and

(b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be:

- (a) mailed to each affected entity at least 10 calendar days before the public hearing;
- (b) posted:

- (i) in at least three public locations within the county; or
 - (ii) on the county's official website; and
 - (c) (i) published:
 - (A) in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and
 - (B) on the Utah Public Notice Website created in Section [63F-1-701](#), at least 10 calendar days before the public hearing; or
 - (ii) mailed at least 10 days before the public hearing to:
 - (A) each property owner whose land is directly affected by the land use ordinance change; and
 - (B) each adjacent property owner within the parameters specified by county ordinance.
 - (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the hearing and shall be posted:
 - (a) in at least three public locations within the county; or
 - (b) on the county's official website.
- Amended by Chapter 90, 2010 General Session
Amended by Chapter 123, 2010 General Session

17-27a-206. Third party notice.

- (1) If a county requires notice to adjacent property owners, the county shall:
 - (a) mail notice to the record owner of each parcel within parameters specified by county ordinance; or
 - (b) post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
 - (2) If a county mails notice to third party property owners under Subsection (1), it shall mail equivalent notice to property owners within an adjacent jurisdiction.
- Enacted by Chapter 254, 2005 General Session

17-27a-207. Notice for an amendment to a subdivision -- Notice for vacation of or change to street.

- (1) (a) For an amendment to a subdivision, each county shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b).
 - (b) At least 10 calendar days before the public meeting, the notice required under Subsection (1)(a) shall be:
 - (i) mailed and addressed to the record owner of each parcel within specified parameters of that property; or
 - (ii) posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
 - (2) Each county shall provide notice as required by Section [17-27a-208](#) for a subdivision that involves a vacation, alteration, or amendment of a street.
- Amended by Chapter 338, 2009 General Session

17-27a-208. Hearing and notice for proposal to vacate a public street, right-of-way, or easement.

- (1) For any proposal to vacate some or all of a public street, right-of-way, or easement, the legislative body shall:
 - (a) hold a public hearing; and
 - (b) give notice of the date, place, and time of the hearing, as provided in Subsection (2).
 - (2) At least 10 days before the public hearing under Subsection (1)(a), the notice required under Subsection (1)(b) shall be:
 - (a) mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;
 - (b) mailed to each affected entity;
 - (c) posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and
 - (d) (i) published in a newspaper of general circulation in the county in which the land subject to the petition is located; and
 - (ii) published on the Utah Public Notice Website created in Section [63F-1-701](#).
- Amended by Chapter 90, 2010 General Session

17-27a-209. Notice challenge.

If notice given under authority of this part is not challenged under Section [17-27a-801](#) within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

Enacted by Chapter 254, 2005 General Session

17-27a-210. Notice to county when a private institution of higher education is constructing student housing.

- (1) Each private institution of higher education that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.
 - (2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:
 - (a) the county in whose unincorporated area the privately owned residential property is located; or
 - (b) the municipality in whose boundaries the privately owned residential property is located.
 - (3) At the request of a county or municipality that is entitled to notice under this section, the institution and the legislative body of the affected county or municipality shall jointly hold a public hearing to provide information to the public and receive input from the public about the proposed construction.
- Enacted by Chapter 231, 2005 General Session

17-27a-211. Canal owner or operator -- Notice to county.

(1) For purposes of Subsection [17-27a-508](#)(1)(b)(iv), a canal company or a canal operator shall provide on or before July 1, 2010, any county in which the canal company or canal operator owns or operates a canal:

(a) a current mailing address and phone number;

(b) a contact name; and

(c) a general description of the location of each canal owned or operated by the canal owner or canal operator.

(2) If the information described in Subsection (1) changes after a canal company or a canal operator has provided the information to the county, the canal company or canal operator shall provide the correct information within 30 days of the day on which the information was changed.

Enacted by Chapter 332, 2010 General Session

17-27a-301. Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Township planning commission -- Compensation.

(1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a township.

(b) Subsection (1)(a) does not apply if all of the county is included within any combination of:

(i) municipalities; and

(ii) townships with their own planning commissions.

(2) (a) The ordinance shall define:

(i) the number and terms of the members and, if the county chooses, alternate members;

(ii) the mode of appointment;

(iii) the procedures for filling vacancies and removal from office;

(iv) the authority of the planning commission;

(v) subject to Subsection (2)(b), the rules of order and procedure for use by the planning commission in a public meeting; and

(vi) other details relating to the organization and procedures of the planning commission.

(b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(3) (a) (i) If the county establishes a township planning commission, the county legislative body shall enact an ordinance that defines:

(A) appointment procedures;

(B) procedures for filling vacancies and removing members from office;

(C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the township planning commission in a public meeting; and

(D) details relating to the organization and procedures of each township planning commission.

(ii) Subsection (3)(a)(i)(C) does not affect the township planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(b) The planning commission for each township shall consist of seven members who, except as provided in Subsection (4), shall be appointed by:

(i) in a county operating under a form of government in which the executive and legislative functions of the governing body are separated, the county executive with the advice and consent of the county legislative body; or

(ii) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body.

(c) (i) Members shall serve four-year terms and until their successors are appointed or, as provided in Subsection (4), elected and qualified.

(ii) Notwithstanding the provisions of Subsection (3)(c)(i) and except as provided in Subsection (4), members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.

(d) (i) Except as provided in Subsection (3)(d)(ii), each member of a township planning commission shall be a registered voter residing within the township.

(ii) (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection [17-27a-306](#)(1)(k)(i) may be an appointed member who is a registered voter residing outside the township if that member:

(I) is an owner of real property located within the township; and

(II) resides within the county in which the township is located.

(B) (I) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township planning commission from a list of three persons submitted by the county legislative body.

(II) If the township planning commission has not notified the county legislative body of its choice under Subsection

(3)(d)(ii)(B)(I) within 60 days of the township planning commission's receipt of the list, the county legislative body may appoint one of the three persons on the list or a registered voter residing within the township as a member of the township planning commission.

(4) (a) The legislative body of each county in which a township reconstituted under Laws of Utah 1997, Chapter 389, or

reinstated or established under Subsection [17-27a-306](#)(1)(e)(i) is located shall on or before January 1, 2012, enact an ordinance that provides for the election of at least three members of the planning commission of that township.

(b) (i) Beginning with the 2012 general election, the election of planning commission members under Subsection (4)(a) shall coincide with the election of other county officers during even-numbered years.

(ii) Approximately half the elected planning commission members shall be elected every four years during elections held on even-numbered years, and the remaining elected members shall be elected every four years on alternating even-numbered years.

(c) If no person files a declaration of candidacy in accordance with Section **20A-9-202** for an open township planning commission member position:

(i) the position may be appointed in accordance with Subsection (3)(b); and

(ii) a person appointed under Subsection (4)(c)(i) may not serve for a period of time that exceeds the elected term for which there was no candidate.

(5) (a) A legislative body described in Subsection (4)(a) shall on or before January 1, 2012, enact an ordinance that:

(i) designates the seats to be elected; and

(ii) subject to Subsection (6)(b), appoints a member of the planning and zoning board of the former township, established under Laws of Utah 1996, Chapter 308, as a member of the planning commission of the reconstituted or reinstated township.

(b) A member appointed under Subsection (5)(a) is considered an elected member.

(6) (a) Except as provided in Subsection (6)(b), the term of each member appointed under Subsection (5)(a) shall continue until the time that the member's term as an elected member of the former township planning and zoning board would have expired.

(b) (i) Notwithstanding Subsection (6)(a), the county legislative body may adjust the terms of the members appointed under Subsection (5)(a) so that the terms of those members coincide with the schedule under Subsection (4)(b) for elected members.

(ii) Subject to Subsection (6)(b)(iii), the legislative body of a county in which a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection [17-27a-306](#)(1)(e)(i) is located may enact an ordinance allowing each appointed member of the planning and zoning board of the former township, established under Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning commission of the reconstituted or reinstated township until the time that the member's term as a member of the former township's planning and zoning board would have expired.

(iii) If a planning commission of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection [17-27a-306](#)(1)(e)(i) has more than one appointed member who resides outside the township, the legislative body of the county in which that township is located shall, within 15 days of the effective date of this Subsection (6)(b)(iii), dismiss all but one of the appointed members who reside outside the township, and a new member shall be appointed under Subsection (3)(b) to fill the position of each dismissed member.

(7) (a) Except as provided in Subsection (7)(b), upon the appointment or election of all members of a township planning commission, each township planning commission under this section shall begin to exercise the powers and perform the duties provided in Section [17-27a-302](#) with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or township planning and zoning board.

(b) Notwithstanding Subsection (7)(a), if the members of a former township planning and zoning board continue to hold office as members of the planning commission of the township planning district under an ordinance enacted under Subsection (5)(a), the township planning commission shall immediately begin to exercise the powers and perform the duties provided in Section [17-27a-302](#) with respect to all matters then pending that had previously been under the jurisdiction of the township planning and zoning board.

(8) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.

Amended by Chapter 107, 2011 General Session

Amended by Chapter 305, 2011 General Session

17-27a-302. Planning commission powers and duties.

(1) Each countywide or township planning commission shall, with respect to the unincorporated area of the county, or the township, make a recommendation to the county legislative body for:

(a) a general plan and amendments to the general plan;

(b) land use ordinances, zoning maps, official maps, and amendments;

(c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;

(d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and

(e) application processes that:

(i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and

(ii) shall protect the right of each:

(A) applicant and third party to require formal consideration of any application by a land use authority;

(B) applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority; and

(C) participant to be heard in each public hearing on a contested application.

(2) The planning commission of a township under this part may recommend to the legislative body of the county in which the township is located:

(a) that the legislative body support or oppose a proposed incorporation of an area located within the township, as provided in Subsection [10-2-105](#)(4); or

(b) that the legislative body file a protest to a proposed annexation of an area located within the township, as provided in Subsection [10-2-407](#)(1)(b).

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-303. Entrance upon land.

A county may enter upon any land at reasonable times to make examinations and surveys pertinent to the:

(1) preparation of its general plan; or

(2) preparation or enforcement of its land use ordinances.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-304. State and federal property.

Unless otherwise provided by law, nothing contained in this chapter may be construed as giving a county jurisdiction over property owned by the state or the United States.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-305. Other entities required to conform to county's land use ordinances -- Exceptions -- School districts and charter schools -- Submission of development plan and schedule.

(1) (a) Each county, municipality, school district, charter school, local district, special service district, and political subdivision of the state shall conform to any applicable land use ordinance of any county when installing, constructing, operating, or otherwise using any area, land, or building situated within the unincorporated portion of the county.

(b) In addition to any other remedies provided by law, when a county's land use ordinance is violated or about to be violated by another political subdivision, that county may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2) (a) Notwithstanding Subsection (1), a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, is not required to conform to any applicable land use ordinance of a county of the first class when constructing a:

(i) rail fixed guideway public transit facility that extends across two or more counties; or

(ii) structure that serves a rail fixed guideway public transit facility that extends across two or more counties, including:

(A) platforms;

(B) passenger terminals or stations;

(C) park and ride facilities;

(D) maintenance facilities;

(E) all related utility lines, roadways, and other facilities serving the public transit facility; or

(F) other auxiliary facilities.

(b) The exemption from county land use ordinances under this Subsection (2) does not extend to any property not necessary for the construction or operation of a rail fixed guideway public transit facility.

(c) A county of the first class may not, through an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, require a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, to obtain approval from the county prior to constructing a:

(i) rail fixed guideway public transit facility that extends across two or more counties; or

(ii) structure that serves a rail fixed guideway public transit facility that extends across two or more counties, including:

(A) platforms;

(B) passenger terminals or stations;

(C) park and ride facilities;

(D) maintenance facilities;

(E) all related utility lines, roadways, and other facilities serving the public transit facility; or

(F) other auxiliary facilities.

(3) (a) Except as provided in Subsection (4), a school district or charter school is subject to a county's land use ordinances.

(b) (i) Notwithstanding Subsection (4), a county may:

(A) subject a charter school to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and

(B) impose regulations upon the location of a project that are necessary to avoid unreasonable risks to health or safety, as provided in Subsection (4)(f).

(ii) The standards to which a county may subject a charter school under Subsection (3)(b)(i) shall be objective standards only and may not be subjective.

(iii) Except as provided in Subsection (8)(d), the only basis upon which a county may deny or withhold approval of a charter school's land use application is the charter school's failure to comply with a standard imposed under Subsection (3)(b)(i).

(iv) Nothing in Subsection (3)(b)(iii) may be construed to relieve a charter school of an obligation to comply with a requirement of an applicable building or safety code to which it is otherwise obligated to comply.

(4) A county may not:

(a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building

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inspections, county building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;

(b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

(c) require a district or charter school to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district or charter school is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;

(e) require a school district or charter school to pay any impact fee for an improvement project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;

(f) impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or

(g) for a land use or a structure owned or operated by a school district or charter school that is not an educational facility but is used in support of providing instruction to pupils, impose a regulation that:

(i) is not imposed on a similar land use or structure in the zone in which the land use or structure is approved; or

(ii) uses the tax exempt status of the school district or charter school as criteria for prohibiting or regulating the land use or location of the structure.

(5) Subject to Section [53A-20-108](#), a school district or charter school shall coordinate the siting of a new school with the county in which the school is to be located, to:

(a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and

(b) maximize school, student, and site safety.

(6) Notwithstanding Subsection (4)(d), a county may, at its discretion:

(a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and

(b) provide recommendations based upon the walk-through.

(7) (a) Notwithstanding Subsection (4)(d), a school district or charter school shall use:

(i) a county building inspector;

(ii) (A) for a school district, a school district building inspector from that school district; or

(B) for a charter school, a school district building inspector from the school district in which the charter school is located; or

(iii) an independent, certified building inspector who is:

(A) not an employee of the contractor;

(B) approved by:

(I) a county building inspector; or

(II) (Aa) for a school district, a school district building inspector from that school district; or

(Bb) for a charter school, a school district building inspector from the school district in which the charter school is located; and

(C) licensed to perform the inspection that the inspector is requested to perform.

(b) The approval under Subsection (7)(a)(iii)(B) may not be unreasonably withheld.

(c) If a school district or charter school uses a school district or independent building inspector under Subsection (7)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and county building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.

(8) (a) A charter school shall be considered a permitted use in all zoning districts within a county.

(b) Each land use application for any approval required for a charter school, including an application for a building permit, shall be processed on a first priority basis.

(c) Parking requirements for a charter school may not exceed the minimum parking requirements for schools or other institutional public uses throughout the county.

(d) If a county has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school provides a waiver.

(e) (i) A school district or a charter school may seek a certificate authorizing permanent occupancy of a school building from:

(A) the state superintendent of public instruction, as provided in Subsection [53A-20-104](#)(3), if the school district or charter school used an independent building inspector for inspection of the school building; or

(B) a county official with authority to issue the certificate, if the school district or charter school used a county building inspector for inspection of the school building.

(ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection [53A-20-104](#)(3)(a)(ii).

(iii) A charter school may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school used a school district building inspector for inspection of the school building.

(iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection [53A-20-104](#)(3) or a school district official with authority to issue the certificate shall be considered to satisfy any county requirement

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for an inspection or a certificate of occupancy.

(9) (a) A specified public agency intending to develop its land shall submit to the land use authority a development plan and schedule:

(i) as early as practicable in the development process, but no later than the commencement of construction; and

(ii) with sufficient detail to enable the land use authority to assess:

(A) the specified public agency's compliance with applicable land use ordinances;

(B) the demand for public facilities listed in Subsections [11-36a-102](#)(15)(a), (b), (c), (d), (e), and (g) caused by the development;

(C) the amount of any applicable fee described in Section [17-27a-509](#);

(D) any credit against an impact fee; and

(E) the potential for waiving an impact fee.

(b) The land use authority shall respond to a specified public agency's submission under Subsection (9)(a) with reasonable promptness in order to allow the specified public agency to consider information the municipality provides under Subsection (9)(a)(ii) in the process of preparing the budget for the development.

(10) Nothing in this section may be construed to:

(a) modify or supersede Section [17-27a-304](#); or

(b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or any other provision of federal law.

Amended by Chapter 47, 2011 General Session

Amended by Chapter 92, 2011 General Session

Amended by Chapter 407, 2011 General Session

17-27a-306. Townships.

(1) (a) A township may be established as provided in this Subsection (1).

(b) A township may not be established unless the area to be included within the proposed township:

(i) is unincorporated;

(ii) is contiguous; and

(iii) (A) contains:

(I) at least 20% but not more than 80% of:

(Aa) the total private land area in the unincorporated county; or

(Bb) the total value of locally assessed taxable property in the unincorporated county; or

(II) (Aa) in a county of the first, second, or third class, at least 5% of the total population of the unincorporated county; or

(Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population of the unincorporated county; or

(B) has been declared by the United States Census Bureau as a census designated place.

(c) (i) The process to establish a township is initiated by the filing of a petition with the clerk of the county in which the proposed township is located.

(ii) A petition to establish a township may not be filed if it proposes the establishment of a township that includes an area within a proposed township in a petition that has previously been certified under Subsection (1)(g), until after the canvass of an election on the proposed township under Subsection (1)(j).

(d) A petition under Subsection (1)(c) to establish a township shall:

(i) be signed by the owners of private real property that:

(A) is located within the proposed township;

(B) covers at least 10% of the total private land area within the proposed township; and

(C) is equal in value to at least 10% of the value of all private real property within the proposed township;

(ii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be established as a township;

(iii) indicate the typed or printed name and current residence address of each owner signing the petition;

(iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;

(v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and

(vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to establish a township.

(e) Subsection [10-2-101](#)(3) applies to a petition to establish a township to the same extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1, Incorporation.

(f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing the establishment of a township in a county of the first or second class, the county clerk shall provide notice of the filing of the petition to:

(A) each owner of real property owning more than 1% of the assessed value of all real property within the proposed township; and

(B) each owner of real property owning more than 850 acres of real property within the proposed township.

(ii) A property owner may exclude all or part of the property owner's property from a proposed township in a county of the first or second class:

(A) if:

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- (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all property within the proposed township;
- (Iiii) the property is nonurban; and
- (IIiii) the property does not or will not require municipal provision of municipal-type services; or
- (Bb) the property owner owns more than 850 acres of real property within the proposed township; and
- (II) exclusion of the property will not leave within the township an island of property that is not part of the township; and
- (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice under Subsection (1)(f)(i).
- (iii) (A) The county legislative body shall exclude from the proposed township the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection (1)(f)(ii)(A).
- (B) If the county legislative body excludes property from a proposed township under Subsection (1)(f)(iii), the county legislative body shall, within five days after the exclusion, send written notice of its action to the contact sponsor.
- (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county clerk shall:
 - (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (1)(d); and
 - (B) (I) if the clerk determines that the petition complies with the requirements of Subsection (1)(d):
 - (Aa) certify the petition and deliver the certified petition to the county legislative body; and
 - (Bb) mail or deliver written notification of the certification to the contact sponsor; or
 - (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
- (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
- (h) (i) Within 90 days after a petition to establish a township is certified, the county legislative body shall hold a public hearing on the proposal to establish a township.
- (ii) A public hearing under Subsection (1)(h)(i) shall be:
 - (A) within the boundary of the proposed township; or
 - (B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
- (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing:
 - (A) at least once in a newspaper of general circulation in the county; and
 - (B) on the Utah Public Notice Website created in Section [63F-1-701](#).
- (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body shall arrange for the proposal to establish a township to be submitted to voters residing within the proposed township at the next regular general election that is more than 90 days after the public hearing.
- (j) A township is established at the time of the canvass of the results of an election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the proposal to establish a township voted in favor of the proposal.
- (k) (i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is reinstated as a township under this part with the same boundaries and name as before the dissolution, if the former township consisted of a single, contiguous land area.
- (ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an ordinance establishing as a township under this part a former township that was dissolved under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be reinstated under Subsection (1)(k)(i).
- (iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection (1)(k)(ii) is subject to the provisions of this part.
- (l) A township established under this section on or after May 5, 1997, may use the word "township" in its name.
- (2) The county legislative body may:
 - (a) assign to the countywide planning commission the duties established in this part that would have been assumed by a township planning commission designated under Subsection (2)(b); or
 - (b) designate and appoint a planning commission for the township.
- (3) (a) An area within the boundary of a township may be withdrawn from the township as provided in this Subsection (3).
- (b) The process to withdraw an area from a township is initiated by the filing of a petition with the clerk of the county in which the township is located.
- (c) A petition under Subsection (3)(b) shall:
 - (i) be signed by the owners of private real property that:
 - (A) is located within the area proposed to be withdrawn from the township;
 - (B) covers at least 50% of the total private land area within the area proposed to be withdrawn from the township; and
 - (C) is equal in value to at least 33% of the value of all private real property within the area proposed to be withdrawn from the township;
 - (ii) state the reason or reasons for the proposed withdrawal;
 - (iii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be withdrawn from the township;
 - (iv) indicate the typed or printed name and current residence address of each owner signing the petition;
 - (v) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;

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- (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and
- (vii) request the county legislative body to withdraw the area from the township.
- (d) Subsection [10-2-101\(3\)](#) applies to a petition to withdraw an area from a township to the same extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1, Incorporation.
- (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county clerk shall:
 - (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (3)(c); and
 - (B) (I) if the clerk determines that the petition complies with the requirements of Subsection (3)(c):
 - (Aa) certify the petition and deliver the certified petition to the county legislative body; and
 - (Bb) mail or deliver written notification of the certification to the contact sponsor; or
 - (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
- (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
- (f) (i) Within 60 days after a petition to withdraw an area from a township is certified, the county legislative body shall hold a public hearing on the proposal to withdraw the area from the township.
 - (ii) A public hearing under Subsection (3)(f)(i) shall be held:
 - (A) within the area proposed to be withdrawn from the township; or
 - (B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
 - (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative body shall:
 - (A) publish notice of the petition and the time, date, and place of the public hearing:
 - (I) at least once a week for three consecutive weeks in a newspaper of general circulation in the township; and
 - (II) on the Utah Public Notice Website created in Section [63F-1-701](#), for three consecutive weeks; and
 - (B) mail a notice of the petition and the time, date, and place of the public hearing to each owner of private real property within the area proposed to be withdrawn.
 - (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county legislative body shall make a written decision on the proposal to withdraw the area from the township.
 - (ii) In making its decision as to whether to withdraw the area from the township, the county legislative body shall consider:
 - (A) whether the withdrawal would leave the remaining township in a situation where the future incorporation of an area within the township or the annexation of an area within the township to an adjoining municipality would be economically or practically not feasible;
 - (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn area:
 - (I) whether the proposed subsequent incorporation or withdrawal:
 - (Aa) will leave or create an unincorporated island or peninsula; or
 - (Bb) will leave the county with an area within its unincorporated area for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years; and
 - (II) whether the municipality to be created or the municipality into which the withdrawn area is expected to annex would be or is capable, in a cost effective manner, of providing service to the withdrawn area that the county will no longer provide due to the incorporation or annexation;
 - (C) the effects of a withdrawal on adjoining property owners, existing or projected county streets or other public improvements, law enforcement, and zoning and other municipal services provided by the county; and
 - (D) whether justice and equity favor the withdrawal.
 - (h) Upon the written decision of the county legislative body approving the withdrawal of an area from a township, the area is withdrawn from the township and the township continues as a township with a boundary that excludes the withdrawn area.
- (4) (a) A township may be dissolved as provided in this Subsection (4).
- (b) The process to dissolve a township is initiated by the filing of a petition with the clerk of the county in which the township is located.
- (c) A petition under Subsection (4)(b) shall:
 - (i) be signed by registered voters within the township equal in number to at least 25% of all votes cast by voters within the township at the last congressional election;
 - (ii) state the reason or reasons for the proposed dissolution;
 - (iii) indicate the typed or printed name and current residence address of each person signing the petition;
 - (iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;
 - (v) authorize the petition sponsors to act on behalf of all persons signing the petition for purposes of the petition; and
 - (vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to dissolve the township.
- (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county clerk shall:
 - (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (4)(c); and
 - (B) (I) if the clerk determines that the petition complies with the requirements of Subsection (4)(c):
 - (Aa) certify the petition and deliver the certified petition to the county legislative body; and

- (Bb) mail or deliver written notification of the certification to the contact sponsor; or
 - (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
 - (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
 - (e) (i) Within 60 days after a petition to dissolve the township is certified, the county legislative body shall hold a public hearing on the proposal to dissolve the township.
 - (ii) A public hearing under Subsection (4)(e)(i) shall be held:
 - (A) within the boundary of the township; or
 - (B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
 - (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing:
 - (A) at least once a week for three consecutive weeks in a newspaper of general circulation in the township; and
 - (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for three consecutive weeks immediately before the public hearing.
 - (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body shall arrange for the proposal to dissolve the township to be submitted to voters residing within the township at the next regular general election that is more than 90 days after the public hearing.
 - (g) A township is dissolved at the time of the canvass of the results of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal to dissolve the township voted in favor of the proposal.
- Amended by Chapter 90, 2010 General Session
Amended by Chapter 218, 2010 General Session

17-27a-307. Certain township planning and zoning board dissolved.

Except as provided in Subsection [17-27a-306](#)(1)(f), the planning and zoning board of each township formed before May 5, 1997, under Laws of Utah 1996, Chapter 308, is dissolved.
Amended by Chapter 250, 2008 General Session

17-27a-401. General plan required -- Content -- Provisions related to radioactive waste facility.

- (1) In order to accomplish the purposes of this chapter, each county shall prepare and adopt a comprehensive, long-range general plan for:
 - (a) present and future needs of the county; and
 - (b) growth and development of all or any part of the land within the unincorporated portions of the county.
- (2) The 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 or promotion of moderate income housing;
 - (g) the protection and promotion of air quality;
 - (h) historic preservation;
 - (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
 - (j) an official map.
- (3) (a) The plan shall include specific provisions related to any areas within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section [19-3-303](#). The provisions shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:
 - (i) the information identified in Section [19-3-305](#);
 - (ii) information supported by credible studies that demonstrates that the provisions of Subsection [19-3-307](#)(2) have been satisfied; and
 - (iii) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.
- (b) A county may, in lieu of complying with Subsection (3)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

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- (c) A county may adopt the ordinance listed in Subsection (3)(b) at any time.
 - (d) The county shall send a certified copy of the ordinance under Subsection (3)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.
 - (e) If a county repeals an ordinance adopted pursuant to Subsection (3)(b) the county shall:
 - (i) comply with Subsection (3)(a) as soon as reasonably possible; and
 - (ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.
 - (4) The plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.
 - (5) Subject to Subsection [17-27a-403](#)(2), the county may determine the comprehensiveness, extent, and format of the general plan.
- Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-402. Information and technical assistance from the state.

Each state official, department, and agency shall:

- (1) promptly deliver any data and information requested by a county, unless the disclosure is prohibited by Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (2) furnish any other technical assistance and advice that they have available to the county without additional cost to the county.
- Amended by Chapter 382, 2008 General Session

17-27a-403. Plan preparation.

- (1) (a) The planning commission shall provide notice, as provided in Section [17-27a-203](#), of its intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.
- (b) The planning commission shall make and recommend to the legislative body a proposed general plan for the unincorporated area within the county.
- (c) (i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.
- (ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is recommended by the municipal planning commission and adopted by the governing body of the municipality.
- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
 - (ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and
 - (iii) an estimate of the need for the development of additional moderate income housing within the unincorporated area of the county, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.
- (b) In drafting the moderate income housing element, the planning commission:
 - (i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - (A) to meet the needs of people desiring to live there; and
 - (B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
 - (ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:
 - (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the county;
 - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
 - (G) consider utilization of affordable housing programs administered by the Department of Community and Culture.
- (c) In drafting the land use element, the planning commission shall:

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- (i) identify and consider each agriculture protection area within the unincorporated area of the county; and
 - (ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.
- (3) The proposed general plan may include:
- (a) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 - (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
 - (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation;
 - (ii) the diminution or elimination of blight; and
 - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
 - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
 - (e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
 - (f) provisions addressing any of the matters listed in Subsection [17-27a-401](#)(2); and
 - (g) any other element the county considers appropriate.
- Amended by Chapter 168, 2008 General Session

17-27a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

- (1) (a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.
- (b) The planning commission shall provide notice of the public hearing, as required by Section [17-27a-204](#).
- (c) After the public hearing, the planning commission may modify the proposed general plan or amendment.
- (2) The planning commission shall forward the proposed general plan or amendment to the legislative body.
- (3) (a) As provided by local ordinance and by Section [17-27a-204](#), the legislative body shall provide notice of its intent to consider the general plan proposal.
- (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan regarding Subsection [17-27a-401](#)(3). The hearing procedure shall comply with this Subsection (3)(b).
- (ii) The hearing format shall allow adequate time for public comment at the actual public hearing, and shall also allow for public comment in writing to be submitted to the legislative body for not fewer than 90 days after the date of the public hearing.
- (c) (i) The legislative body shall give notice of the hearing in accordance with this Subsection (3) when the proposed plan provisions required by Subsection [17-27a-401](#)(3) are complete.
- (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of the state Legislature, executive director of the Department of Environmental Quality, the state planning coordinator, the Resource Development Coordinating Committee, and any other citizens or entities who specifically request notice in writing.
- (iii) Public notice shall be given by publication:
- (A) in at least one major Utah newspaper having broad general circulation in the state;
 - (B) in at least one Utah newspaper having a general circulation focused mainly on the county where the proposed high-level nuclear waste or greater than class C radioactive waste site is to be located; and
 - (C) on the Utah Public Notice Website created in Section [63F-1-701](#).
- (iv) The notice shall be published to allow reasonable time for interested parties and the state to evaluate the information regarding the provisions of Subsection [17-27a-401](#)(3), including:
- (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before the date of the hearing to be held under this Subsection (3); and
 - (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the date of the hearing to be held under this Subsection (3).
- (4) (a) After the public hearing required under this section, the legislative body may make any revisions to the proposed general plan that it considers appropriate.
- (b) The legislative body shall respond in writing and in a substantive manner to all those providing comments as a result of the hearing required by Subsection (3).
- (5) (a) The county legislative body may adopt or reject the proposed general plan or amendment either as proposed by the planning commission or after making any revision the county legislative body considers appropriate.
- (b) If the county legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning

commission for its consideration.

(6) The legislative body shall adopt:

- (a) a land use element as provided in Subsection [17-27a-403](#)(2)(a)(i);
- (b) a transportation and traffic circulation element as provided in Subsection [17-27a-403](#)(2)(a)(ii); and
- (c) after considering the factors included in Subsection [17-27a-403](#)(2)(b), a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

Amended by Chapter 90, 2010 General Session

17-27a-405. Effect of general plan.

(1) Except for the mandatory provisions in Subsection [17-27a-401](#)(3)(b) and Section [17-27a-406](#), the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

(2) The legislative body may adopt an ordinance mandating compliance with the general plan, and shall adopt an ordinance requiring compliance with all provisions of Subsection [17-27a-401](#)(3)(b).

Enacted by Chapter 254, 2005 General Session

17-27a-406. Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-407. Effect of official maps.

(1) Counties may adopt an official map.

(2) (a) An official map does not:

(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or

(ii) require a county to immediately acquire property it has designated for eventual use as a public street.

(b) This section does not prohibit a county from:

(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section [17-27a-507](#);

(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or

(iii) requiring the dedication and improvement of a street if the street is found necessary by the county because of a proposed development and if the dedication and improvement is consistent with Section [17-27a-507](#).

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-408. Biennial review of moderate income housing element of general plan.

(1) The legislative body of each county with a population over 25,000 shall biennially:

(a) review the moderate income housing plan element of its general plan and its implementation; and

(b) prepare a report setting forth the findings of the review.

(2) Each report under Subsection (1) shall include a description of:

(a) efforts made by the county to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;

(b) actions taken by the county to encourage preservation of existing moderate income housing and development of new moderate income housing;

(c) progress made within the county to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and

(d) efforts made by the county to coordinate moderate income housing plans and actions with neighboring counties and municipalities.

(3) The legislative body of each county with a population over 25,000 shall send a copy of the report under Subsection (1) to the Department of Community and Culture and the association of governments in which the county is located.

(4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection [17-27a-404](#)(6)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Amended by Chapter 148, 2005 General Session

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-409. State to indemnify county regarding refusal to site nuclear waste -- Terms and conditions.

If a county is challenged in a court of law regarding its decision to deny siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste or its refusal to provide municipal-type services regarding the operation of the storage or transfer facility, the state shall indemnify, defend, and hold the county harmless from any claims or damages, including court costs and attorney fees that are assessed as a result of the county's action, if:

(1) the county has complied with the provisions of Subsection [17-27a-401](#)(3)(b) by adopting an ordinance rejecting all proposals for the siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the boundaries of the county;

- (2) the county has complied with Subsection [17-34-1](#)(3) regarding refusal to provide municipal-type services; and
- (3) the court challenge against the county addresses the county's actions in compliance with Subsection [17-27a-401](#)(3)(b) or [17-34-1](#)(3).

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-501. Authority to enact land use ordinances and zoning map.

The legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in this chapter.

Amended by Chapter 240, 2006 General Session

17-27a-502. Preparation and adoption of land use ordinance or zoning map.

(1) The planning commission shall:

- (a) provide notice as required by Subsection [17-27a-205](#)(1)(a);
- (b) hold a public hearing on a proposed land use ordinance or zoning map; and
- (c) prepare and recommend to the legislative body a proposed land use ordinance or ordinances and zoning map that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the unincorporated area of the county.

(2) The county legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as required by Subsection [17-27a-205](#)(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed ordinance or map either as proposed by the planning commission or after making any revision the county legislative body considers appropriate.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-503. Land use ordinance or zoning map amendments.

(1) The legislative body may amend:

- (a) the number, shape, boundaries, or area of any zoning district;
- (b) any regulation of or within the zoning district; or
- (c) any other provision of a land use ordinance.

(2) The legislative body may not make any amendment authorized by this subsection unless the amendment was proposed by the planning commission or is first submitted to the planning commission for its recommendation.

(3) The legislative body shall comply with the procedure specified in Section [17-27a-502](#) in preparing and adopting an amendment to a land use ordinance or a zoning map.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-504. Temporary land use regulations.

(1) (a) A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

- (i) the legislative body makes a finding of compelling, countervailing public interest; or
- (ii) the area is unregulated.

(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) The legislative body shall establish a period of limited effect for the ordinance not to exceed six months.

(3) (a) A legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A regulation under Subsection (3)(a):

- (i) may not exceed six months in duration;
- (ii) may be renewed, if requested by the Transportation Commission created under Section [72-1-301](#), for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and
- (iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Renumbered and Amended by Chapter 254, 2005 General Session

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.

Amended by Chapter 326, 2008 General Session

17-27a-505.5. Limit on single family designation.

(1) As used in this section, "single-family limit" means the number of unrelated individuals allowed to occupy a unit in a zone permitting occupancy by a single family.

(2) A county may not adopt a single-family limit that is less than:

(a) three, if the county has within its unincorporated area:

(i) a state university; or

(ii) a private university with a student population of at least 20,000; or

(b) four, for each other county.

Enacted by Chapter 352, 2010 General Session

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.

Amended by Chapter 245, 2005 General Session

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-507. Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

(1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (2), an exaction for a water interest, if:

(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.

(2) (a) (i) A county or, if applicable, the county's culinary water authority shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(ii) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (2)(a)(i) on which an exaction for a water interest is based.

(b) A county or its culinary water authority may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection [73-1-4\(2\)\(f\)](#).

(3) (a) If a county plans to dispose of surplus real property under Section [17-50-312](#) that was acquired under this section and has been owned by the county for less than 15 years, the county shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the county.

(b) A person to whom a county offers to reconvey property under Subsection (3)(a) has 90 days to accept or reject the county's offer.

(c) If a person to whom a county offers to reconvey property declines the offer, the county may offer the property for sale.

(d) Subsection (3)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.

Amended by Chapter 163, 2009 General Session

17-27a-508. Applicant's entitlement to land use application approval -- Exceptions -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1) (a) Except as provided in Subsection (1)(b), an applicant is entitled to approval of a land use application if the application conforms to the requirements of the county's land use maps, zoning map, and applicable land use ordinance in effect when a complete application is submitted and all application fees have been paid, unless:

(i) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

- (ii) in the manner provided by local ordinance and before the application is submitted, the county has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
- (b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval of a land use application until the requirements of this Subsection (1)(b)(i) and Subsection (1)(b)(ii) have been met if the land use application relates to land located within the boundaries of a high priority transportation corridor designated in accordance with Section [72-5-403](#).
- (ii) (A) A county shall notify the executive director of the Department of Transportation of any land use applications that relate to land located within the boundaries of a high priority transportation corridor.
- (B) The notification under Subsection (1)(b)(ii)(A) shall be in writing and mailed by certified or registered mail to the executive director of the Department of Transportation.
- (iii) Except as provided in Subsection (1)(c), a county may not approve a land use application that relates to land located within the boundaries of a high priority transportation corridor until:
 - (A) 30 days after the notification under Subsection (1)(b)(ii)(A) is received by the Department of Transportation if the land use application is for a building permit; or
 - (B) 45 days after the notification under Subsection (1)(b)(ii)(A) is received by the Department of Transportation if the land use application is for any land use other than a building permit.
- (iv) (A) If an application is an application for a subdivision approval, including any land, subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a canal, the land use authority shall:
 - (I) within 30 days after the day on which the application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Section [17-27a-211](#); and
 - (II) wait at least 10 days after the day on which the land use authority notifies a canal company or canal operator under Subsection (1)(b)(iv)(A)(I) to approve or reject the subdivision application described in Subsection (1)(b)(iv)(A).
- (B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by certified or registered mail to the canal company or canal operator contact described in Section [17-27a-211](#).
- (C) The location of land described in Subsection (1)(b)(iv)(A) shall be:
 - (I) provided by a canal company or canal operator to the land use authority; and
 - (II) (Aa) determined by use of mapping-grade global positioning satellite units; or
 - (Bb) digitized from the most recent aerial photo available to the canal company or canal operator.
- (c) (i) A land use application is exempt from the requirements of Subsection (1)(b)(i) if:
 - (A) the land use application relates to land that was the subject of a previous land use application; and
 - (B) the previous land use application described under Subsection (1)(c)(i)(A) complied with the requirements of Subsections (1)(b)(i) and (ii).
- (ii) A county may approve a land use application without making the required notifications under Subsections (1)(b)(i) and (ii) if:
 - (A) the land use application relates to land that was the subject of a previous land use application; and
 - (B) the previous land use application described under Subsection (1)(c)(ii)(A) complied with the requirements of Subsections (1)(b)(i) and (ii).
- (d) After a county has complied with the requirements of Subsection (1)(b) for a land use application, the county may not withhold approval of the land use application for which the applicant is otherwise entitled under Subsection (1)(a).
- (e) The county shall process an application without regard to proceedings initiated to amend the county's ordinances as provided in Subsection (1)(a)(ii) if:
 - (i) 180 days have passed since the proceedings were initiated; and
 - (ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.
- (f) An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
- (g) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
- (h) A county may not impose on a holder of an issued land use permit or approved subdivision plat a requirement that is not expressed:
 - (i) in the land use permit or subdivision plat documents on which the land use permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or
 - (ii) in this chapter or the county's ordinances.
- (i) A county may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:
 - (i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or
 - (ii) in this chapter or the county's ordinances.
- (2) A county is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.
- (3) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.
- (4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection [17-27a-305\(9\)](#) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps,

zoning map, hookup fees, impact fees, other applicable development fees, and land use ordinances in effect on the date of submission.

Amended by Chapter 332, 2010 General Session

17-27a-509. Limit on fees -- Requirement to itemize fees -- Appeal of fee -- Provider of culinary or secondary water.

(1) A county may not impose or collect a fee for reviewing or approving the plans for a commercial or residential building that exceeds the lesser of:

- (a) the actual cost of performing the plan review; and
- (b) 65% of the amount the county charges for a building permit fee for that building.

(2) Subject to Subsection (1), a county may impose and collect only a nominal fee for reviewing and approving identical floor plans.

(3) A county may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to the county water, sewer, storm water, power, or other utility system.

(4) A county may not impose or collect:

- (a) a land use application fee that exceeds the reasonable cost of processing the application or issuing the permit; or
- (b) an inspection, regulation, or review fee that exceeds the reasonable cost of performing the inspection, regulation, or review.

(5) (a) If requested by an applicant who is charged a fee or an owner of residential property upon which a fee is imposed, the county shall provide an itemized fee statement that shows the calculation method for each fee.

(b) If an applicant who is charged a fee or an owner of residential property upon which a fee is imposed submits a request for an itemized fee statement no later than 30 days after the day on which the applicant or owner pays the fee, the county shall no later than 10 days after the day on which the request is received provide or commit to provide within a specific time:

(i) for each fee, any studies, reports, or methods relied upon by the county to create the calculation method described in Subsection (5)(a);

(ii) an accounting of each fee paid;

(iii) how each fee will be distributed; and

(iv) information on filing a fee appeal through the process described in Subsection (5)(c).

(c) A county shall establish a fee appeal process subject to an appeal authority described in Part 7, Appeal Authority and Variances, and district court review in accordance with Part 8, District Court Review, to determine whether a fee reflects only the reasonable estimated cost of:

(i) regulation;

(ii) processing an application;

(iii) issuing a permit; or

(iv) delivering the service for which the applicant or owner paid the fee.

(6) A county may not impose on or collect from a public agency any fee associated with the public agency's development of its land other than:

(a) subject to Subsection (4), a fee for a development service that the public agency does not itself provide;

(b) subject to Subsection (3), a hookup fee; and

(c) an impact fee for a public facility listed in Subsection [11-36a-102](#)(15)(a), (b), (c), (d), (e), or (g), subject to any applicable credit under Subsection [11-36a-402](#)(2).

(7) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following as if it were a county:

(a) Subsections (5) and (6);

(b) Section [17-27a-507](#); and

(c) Section [17-27a-509.5](#).

Amended by Chapter 47, 2011 General Session

Amended by Chapter 92, 2011 General Session

17-27a-509.5. Review for application completeness -- Substantive application review -- Reasonable diligence required for determination of whether improvements or warranty work meets standards -- Money damages claim prohibited.

(1) (a) Each county shall, in a timely manner, determine whether an application is complete for the purposes of subsequent, substantive land use authority review.

(b) After a reasonable period of time to allow the county diligently to evaluate whether all objective ordinance-based application criteria have been met, if application fees have been paid, the applicant may in writing request that the county provide a written determination either that the application is:

(i) complete for the purposes of allowing subsequent, substantive land use authority review; or

(ii) deficient with respect to a specific, objective, ordinance-based application requirement.

(c) Within 30 days of receipt of an applicant's request under this section, the county shall either:

(i) mail a written notice to the applicant advising that the application is deficient with respect to a specified, objective, ordinance-based criterion, and stating that the application must be supplemented by specific additional information identified in the notice; or

(ii) accept the application as complete for the purposes of further substantive processing by the land use authority.

(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application shall be considered complete, for purposes

of further substantive land use authority review.

- (e) (i) The applicant may raise and resolve in a single appeal any determination made under this Subsection (1) to the appeal authority, including an allegation that a reasonable period of time has elapsed under Subsection (1)(a).
 - (ii) The appeal authority shall issue a written decision for any appeal requested under this Subsection (1)(e).
 - (f) (i) The applicant may appeal to district court the decision of the appeal authority made under Subsection (1)(e).
 - (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of the written decision.
 - (2) (a) Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence.
 - (b) After a reasonable period of time to allow the land use authority to consider an application, the applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.
 - (c) The land use authority shall take final action, approving or denying the application within 45 days of the written request.
 - (d) If the land use authority denies an application processed under the mandates of Subsection (2)(b), or if the applicant has requested a written decision in the application, the land use authority shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.
 - (e) If the land use authority fails to comply with Subsection (2)(c), the applicant may appeal this failure to district court within 30 days of the date on which the land use authority should have taken final action under Subsection (2)(c).
 - (3) (a) With reasonable diligence, each land use authority shall determine whether the installation of required subdivision improvements or the performance of warranty work meets the county's adopted standards.
 - (b) (i) An applicant may in writing request the land use authority to accept or reject the applicant's installation of required subdivision improvements or performance of warranty work.
 - (ii) The land use authority shall accept or reject subdivision improvements within 15 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as practicable after that 15-day period if inspection of the subdivision improvements is impeded by winter weather conditions.
 - (iii) The land use authority shall accept or reject the performance of warranty work within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as practicable after that 45-day period if inspection of the warranty work is impeded by winter weather conditions.
 - (c) If a land use authority determines that the installation of required subdivision improvements or the performance of warranty work does not meet the county's adopted standards, the land use authority shall comprehensively and with specificity list the reasons for its determination.
 - (4) Subject to Section [17-27a-508](#), nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations.
 - (5) There shall be no money damages remedy arising from a claim under this section.
- Amended by Chapter 112, 2008 General Session

17-27a-509.7. Transferrable development rights.

A county may adopt an ordinance:

- (1) designating sending zones and receiving zones within the unincorporated area of the county; and
- (2) allowing the transfer of transferrable development rights from an owner of land within a sending zone to an owner of land within a receiving zone.

Enacted by Chapter 199, 2007 General Session

17-27a-510. Nonconforming uses and noncomplying structures.

- (1) (a) Except as provided in this section, a nonconforming use or a noncomplying structure may be continued by the present or a future property owner.
- (b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
- (c) For purposes of this Subsection (1), the addition of a solar energy device to a building is not a structural alteration.
- (2) The legislative body may provide for:
 - (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;
 - (b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and
 - (c) the termination of a nonconforming use due to its abandonment.
- (3) (a) A county may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.
- (b) A county may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:
 - (i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or
 - (ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the

nonconforming use.

(c) (i) Notwithstanding a prohibition in its zoning ordinance, a county may permit a billboard owner to relocate the billboard within the county's unincorporated area to a location that is mutually acceptable to the county and the billboard owner.

(ii) If the county and billboard owner cannot agree to a mutually acceptable location within 90 days after the owner submits a written request to relocate the billboard, the provisions of Subsection [17-27a-512\(2\)\(a\)\(iv\)](#) apply.

(4) (a) Unless the county establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.

(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

(c) Abandonment may be presumed to have occurred if:

(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the county regarding an extension of the nonconforming use;

(ii) the use has been discontinued for a minimum of one year; or

(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.

(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and shall have the burden of establishing that any claimed abandonment under Subsection (4)(c) has not in fact occurred.

(5) A county may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

Amended by Chapter 170, 2009 General Session

17-27a-511. Termination of a billboard and associated rights.

(1) A county may only require termination of a billboard and associated property rights through:

(a) gift;

(b) purchase;

(c) agreement;

(d) exchange; or

(e) eminent domain.

(2) A termination under Subsection (1)(a), (b), (c), or (d) requires the voluntary consent of the billboard owner.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-512. County's acquisition of billboard by eminent domain -- Removal without providing compensation -- Limit on allowing nonconforming billboard to be rebuilt or replaced -- Validity of county permit after issuance of state permit.

(1) As used in this section:

(a) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on a street or highway within the visibility area.

(b) "Highest allowable height" means:

(i) if the height allowed by the county, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the county; or

(ii) (A) for a noninterstate billboard:

(I) if the height of the previous use or structure is 45 feet or higher, the height of the previous use or structure; or

(II) if the height of the previous use or structure is less than 45 feet, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than 45 feet; and

(B) for an interstate billboard:

(I) if the height of the previous use or structure is at or above the interstate height, the height of the previous use or structure; or

(II) if the height of the previous use or structure is less than the interstate height, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than the interstate height.

(c) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.

(d) "Interstate height" means a height that is the higher of:

(i) 65 feet above the ground; and

(ii) 25 feet above the grade of the interstate.

(e) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate.

(f) "Visibility area" means the area on a street or highway that is:

(i) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

(ii) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:

(A) perpendicular to the street or highway; and

(B) (I) for an interstate billboard, 500 feet from the base of the billboard; or

(II) for a noninterstate billboard, 300 feet from the base of the billboard.

(2) (a) A county is considered to have initiated the acquisition of a billboard structure by eminent domain if the county prevents a billboard owner from:

(i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged by casualty, an act of God, or vandalism;

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- (ii) except as provided in Subsection (2)(c), relocating or rebuilding a billboard structure, or taking other measures, to correct a mistake in the placement or erection of a billboard for which the county has issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;
- (iii) structurally modifying or upgrading a billboard;
- (iv) relocating a billboard into any commercial, industrial, or manufacturing zone within the unincorporated area of the county, if:
 - (A) the relocated billboard is:
 - (I) within 5,280 feet of its previous location; and
 - (II) no closer than:
 - (Aa) 300 feet from an off-premise sign existing on the same side of the street or highway; or
 - (Bb) if the street or highway is an interstate or limited access highway that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act between the relocated billboard and an off-premise sign existing on the same side of the interstate or limited access highway; and
 - (B) (I) the billboard owner has submitted a written request under Subsection [17-27a-510\(3\)\(c\)](#); and
 - (II) the county and billboard owner are unable to agree, within the time provided in Subsection [17-27a-510\(3\)\(c\)](#), to a mutually acceptable location; or
 - (v) making the following modifications, as the billboard owner determines, to a billboard that is structurally modified or upgraded under Subsection (2)(a)(iii) or relocated under Subsection (2)(a)(iv):
 - (A) erecting the billboard:
 - (I) to the highest allowable height; and
 - (II) as the owner determines, to an angle that makes the entire advertising content of the billboard clearly visible; and
 - (B) installing a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before its relocation.
- (b) A modification under Subsection (1)(a)(v) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.
- (c) A county's denial of a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard does not constitute the initiation of acquisition by eminent domain under Subsection (2)(a) if the mistake in placement or erection of the billboard is determined by clear and convincing evidence to have resulted from an intentionally false or misleading statement:
 - (i) by the billboard applicant in the application; and
 - (ii) regarding the placement or erection of the billboard.
- (d) If a county is considered to have initiated the acquisition of a billboard structure by eminent domain under Subsection (1)(a) or any other provision of applicable law, the county shall pay just compensation to the billboard owner in an amount that is:
 - (i) the value of the existing billboard at a fair market capitalization rate, based on actual annual revenue, less any annual rent expense;
 - (ii) the value of any other right associated with the billboard structure that is acquired;
 - (iii) the cost of the sign structure; and
 - (iv) damage to the economic unit described in Subsection [72-7-510\(3\)\(b\)](#), of which the billboard owner's interest is a part.
- (3) Notwithstanding Subsection (2) and Section [17-27a-511](#), a county may remove a billboard without providing compensation if:
 - (a) the county determines:
 - (i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading statement in the applicant's application regarding the placement or erection of the billboard; or
 - (ii) by substantial evidence that the billboard:
 - (A) is structurally unsafe;
 - (B) is in an unreasonable state of repair; or
 - (C) has been abandoned for at least 12 months;
 - (b) the county notifies the owner in writing that the owner's billboard meets one or more of the conditions listed in Subsections (3)(a)(i) and (ii);
 - (c) the owner fails to remedy the condition or conditions within:
 - (i) except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's receipt of written notice under Subsection (3)(b); or
 - (ii) if the condition forming the basis of the county's intention to remove the billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a natural disaster, following the billboard owner's receipt of written notice under Subsection (3)(b); and
 - (d) following the expiration of the applicable period under Subsection (3)(c) and after providing the owner with reasonable notice of proceedings and an opportunity for a hearing, the county finds:
 - (i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the billboard; or
 - (ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months.
- (4) A county may not allow a nonconforming billboard to be rebuilt or replaced by anyone other than its owner or the owner acting through its contractors.

(5) A permit issued, extended, or renewed by a county for a billboard remains valid from the time the county issues, extends, or renews the permit until 180 days after a required state permit is issued for the billboard if:

- (a) the billboard requires a state permit; and
- (b) an application for the state permit is filed within 30 days after the county issues, extends, or renews a permit for the billboard.

Amended by Chapter 170, 2009 General Session

Amended by Chapter 233, 2009 General Session

17-27a-513. Manufactured homes.

(1) For purposes of this section, a manufactured home is the same as defined in Section [15A-1-302](#), except that the manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the applicable building code.

(2) A manufactured home may not be excluded from any land use zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local land use ordinances, building codes, and any restrictive covenants, applicable to a single-family residence within that zone or area.

(3) A county may not:

- (a) adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or
- (b) reject a development plan based on the fact that the development is expected to contain manufactured homes.

Amended by Chapter 14, 2011 General Session

Amended by Chapter 297, 2011 General Session

17-27a-514. Regulation of amateur radio antennas.

(1) A county may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

(2) If a county adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance shall:

- (a) reasonably accommodate amateur radio communications; and
- (b) represent the minimal practicable regulation to accomplish the county's purpose.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-515. Residential facilities for elderly persons.

(1) A residential facility for elderly persons may not operate as a business.

(2) A residential facility for elderly persons shall:

- (a) be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
 - (b) be consistent with any existing, applicable land use ordinance affecting the desired location; and
 - (c) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
- (3) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-516. County ordinances governing elderly residential facilities.

(1) Each county shall adopt ordinances that establish that a residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings.

(2) The ordinances shall establish a permit process that may require only that:

- (a) the facility meet each building, safety, land use, and health ordinance applicable to similar dwellings;
- (b) adequate off-street parking space be provided;
- (c) the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- (d) residential facilities for elderly persons be reasonably dispersed throughout the county;
- (e) no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and
- (f) placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-517. County approval of elderly residential facilities.

(1) Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, the county shall grant the requested permit to the facility if the facility is proposed outside of a zone regulated exclusively for single-family homes and shall otherwise comply with Section [17-27a-518](#) if the facility is proposed in a land use zone regulated exclusively for single-family homes.

(2) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a

residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this section.

(3) If a county has not adopted ordinances under this section at the time an application for a permit to establish a residential facility for elderly persons is made, the county shall grant the permit if it is established that the criteria set forth in this part have been met by the facility.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-518. Elderly residential facilities in areas zoned exclusively for single-family dwellings.

(1) For purposes of this section:

(a) no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons; and
(b) placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

(2) Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any zone that is regulated to permit exclusively single-family dwelling use, if that facility:

(a) conforms to all applicable health, safety, land use, and building codes;

(b) is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; and

(c) conforms to the county's criteria, adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings.

(3) A county may, by ordinance, provide that no residential facility for elderly persons be established within three-quarters mile of another existing residential facility for elderly persons or residential facility for persons with a disability.

(4) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

(5) (a) County ordinances shall prohibit discrimination against elderly persons and against residential facilities for elderly persons.

(b) The decision of a county regarding the application for a permit by a residential facility for elderly persons shall be based on legitimate land use criteria and may not be based on the age of the facility's residents.

(6) The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing land use ordinances that allow a specified number of unrelated persons to live together.

Amended by Chapter 297, 2011 General Session

17-27a-519. Residences for persons with a disability.

(1) Each county shall adopt an ordinance for residential facilities for persons with a disability.

(2) Each ordinance under Subsection (1) shall:

(a) comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.; and

(b) to the extent required by federal law, provide that a residential facility for persons with a disability is a permitted use in any zone where similar residential dwellings that are not residential facilities for persons with a disability are allowed.

(3) Subject to Subsection (2), an ordinance under Subsection (1) may:

(a) require residential facilities for persons with a disability:

(i) to be reasonably dispersed throughout the county;

(ii) to be limited by number of occupants;

(iii) for residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, to provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities:

(A) a security plan satisfactory to local law enforcement authorities;

(B) 24-hour supervision for residents; and

(C) other 24-hour security measures; and

(iv) to obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zone to similar uses that are not residential facilities for persons with a disability; and

(b) provide that a residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood may be excluded from a zone.

(4) The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:

(a) for programs or entities licensed or certified by the Department of Human Services, the Department of Human Services as provided in Title 62A, Chapter 5, Services to People with Disabilities; and

(b) for programs or entities licensed or certified by the Department of Health, the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-520. Wetlands.

A county may not designate or treat any land as wetlands unless the United States Army Corps of Engineers or other agency of

the federal government has designated the land as wetlands.
Enacted by Chapter 388, 2007 General Session

17-27a-521. Refineries.

- (1) As used in this section, "develop" or "development" means:
- (a) the construction, alteration, or improvement of land, including any related moving, demolition, or excavation outside of a refinery property boundary;
 - (b) the subdivision of land for a non-industrial use; or
 - (c) the construction of a non-industrial structure on a parcel that is not subject to the subdivision process.
- (2) Before a legislative body may adopt a non-industrial zoning change to permit development within 500 feet of a refinery boundary, the legislative body shall consult with the refinery to determine whether the proposed change is compatible with the refinery.
- (3) Before a land use authority may approve an application to develop within 500 feet of a refinery boundary, the land use authority shall consult with the refinery to determine whether the development is compatible with the refinery.
- (4) A legislative body described in Subsection (2), or a land use authority described in Subsection (3), may not request from the refinery:
- (a) proprietary information;
 - (b) information, if made public, that would create a security or safety risk to the refinery or the public;
 - (c) information that is restricted from public disclosure under federal or state law; or
 - (d) information that is available in public record.
- (5) (a) This section does not grant authority to a legislative body described in Subsection (2), or a land use authority described in Subsection (3), to require a refinery to undertake or cease an action.
- (b) This section does not create a cause of action against a refinery.
- (c) Except as expressly provided in this section, this section does not alter or remove any legal right or obligation of a refinery.
- Enacted by Chapter 306, 2010 General Session

17-27a-601. Enactment of subdivision ordinance.

- (1) The legislative body of a county may enact ordinances requiring that a subdivision plat comply with the provisions of the ordinance and this part before:
- (a) it may be filed or recorded in the county recorder's office; and
 - (b) lots may be sold.
- (2) If the legislative body fails to enact a subdivision ordinance, the county may regulate subdivisions only as provided in this part.
- Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-602. Planning commission preparation and recommendation of subdivision ordinance -- Adoption or rejection by legislative body.

- (1) The planning commission shall:
- (a) prepare and recommend a proposed ordinance to the legislative body that regulates the subdivision of land;
 - (b) prepare and recommend or consider and recommend a proposed ordinance that amends the regulation of the subdivision of the unincorporated land in the county;
 - (c) provide notice consistent with Section [17-27a-205](#); and
 - (d) hold a public hearing on the proposed ordinance before making its final recommendation to the legislative body.
- (2) The county legislative body may adopt or reject the ordinance either as proposed by the planning commission or after making any revision the county legislative body considers appropriate.
- Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-603. Plat required when land is subdivided -- Approval of plat -- Recording plat.

- (1) Unless exempt under Section [17-27a-605](#) or excluded from the definition of subdivision under Section [17-27a-103](#), whenever any land is laid out and platted, the owner of the land shall provide an accurate plat that describes or specifies:
- (a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;
 - (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;
 - (c) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale; and
 - (d) every existing right-of-way and easement grant of record for underground facilities, as defined in Section [54-8a-2](#), and for other utility facilities.
- (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's ordinances and this part and has been approved by the culinary water authority and the sanitary sewer authority, the county shall approve the plat.
- (b) Counties are encouraged to receive a recommendation from the fire authority before approving a plat.
- (3) The county may withhold an otherwise valid plat approval until the owner of the land provides the legislative body with a tax

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clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(4) (a) A plat may not be submitted to a county recorder for recording unless, subject to Subsection [17-27a-604](#)(2):

(i) prior to recordation, each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and

(ii) the signature of each owner described in Subsection (4)(a)(i) is acknowledged as provided by law.

(b) The surveyor making the plat shall certify that the surveyor:

(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii) has completed a survey of the property described on the plat in accordance with Section [17-23-17](#) and has verified all measurements; and

(iii) has placed monuments as represented on the plat.

(c) (i) As applicable, the owner or operator of the underground and utility facilities shall approve the:

(A) boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;

(B) location of existing underground and utility facilities; and

(C) conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.

(ii) The approval of an owner or operator under Subsection (4)(c)(i):

(A) indicates only that the plat approximates the location of the existing underground and utility facilities but does not warrant or verify their precise location; and

(B) does not affect a right that the owner or operator has under:

(I) Title 54, Chapter 8a, Damage to Underground Utility Facilities;

(II) a recorded easement or right-of-way;

(III) the law applicable to prescriptive rights; or

(IV) any other provision of law.

(5) (a) After the plat has been acknowledged, certified, and approved, the owner of the land shall, within the time period designated by ordinance, record the plat in the county recorder's office in the county in which the lands platted and laid out are situated.

(b) An owner's failure to record a plat within the time period designated by ordinance renders the plat voidable.

Amended by Chapter 377, 2011 General Session

17-27a-604. Subdivision plat approval procedure -- Effect of not complying.

(1) A person may not submit a subdivision plat to the county recorder's office for recording unless:

(a) the person has complied with the requirements of Subsection [17-27a-603](#)(4)(a);

(b) the plat has been approved by:

(i) the land use authority of the county in whose unincorporated area the land described in the plat is located; and

(ii) other officers that the county designates in its ordinance; and

(c) all approvals described in Subsection (1)(b) are entered in writing on the plat by designated officers.

(2) An owner of a platted lot is the owner of record sufficient to re-subdivide the lot if the owner's platted lot is not part of a community association subject to Title 57, Chapter 8a, Community Association Act.

(3) A plat recorded without the signatures required under this section is void.

(4) A transfer of land pursuant to a void plat is voidable.

Amended by Chapter 377, 2011 General Session

17-27a-604.5. Subdivision plat recording or development activity before required improvements are completed -- Improvement assurance -- Warranty.

A land use authority may allow a land use applicant to proceed with subdivision plat recording or development activity before completing improvements required as a condition precedent to subdivision plat recording or development activity if:

(1) the land use authority requires an improvement assurance that provides for:

(a) an improvement assurance warranty for a period of up to:

(i) one year after final acceptance of the improvement or warranty work; or

(ii) two years after final acceptance of the improvement or warranty work, if the county:

(A) determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and

(B) has substantial evidence of:

(I) prior poor performance of the applicant;

(II) unstable soil conditions within the subdivision or development area; or

(III) extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period; and

(b) a partial release of the improvement assurance, if appropriate; and

(2) the land use authority establishes objective inspection standards for final acceptance of the required improvements.

Enacted by Chapter 112, 2008 General Session

17-27a-605. Exemptions from plat requirement.

(1) Notwithstanding Sections [17-27a-603](#) and [17-27a-604](#), the land use authority may approve the subdivision of unincorporated land into 10 lots or less without a plat, by certifying in writing that:

- (a) the county has provided notice as required by ordinance; and
- (b) the proposed subdivision:
 - (i) is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
 - (ii) has been approved by the culinary water authority and the sanitary sewer authority;
 - (iii) is located in a zoned area; and
 - (iv) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

(2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section [17-27a-603](#) if the lot or parcel:

- (i) qualifies as land in agricultural use under Section [59-2-502](#);
- (ii) meets the minimum size requirement of applicable land use ordinances; and
- (iii) is not used and will not be used for any nonagricultural purpose.

(b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section [17-27a-604](#), shall be recorded with the county recorder.

(c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the county shall require the lot or parcel to comply with the requirements of Section [17-27a-603](#).

(3) (a) Except as provided in Subsection (4), a document recorded in the county recorder's office that divides property by a metes and bounds description does not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.

(b) The absence of the certificate or written approval required by Subsection (1) does not:

- (i) prohibit the county recorder from recording a document; or
- (ii) affect the validity of a recorded document.

(c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached in accordance with Section [57-3-106](#).

(4) (a) As used in this Subsection (4):

(i) "Divided land" means land that:

- (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and
- (B) has been divided by a minor subdivision.

(ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.

(iii) "Minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that, after the division, is separate from the remainder of the original 100 or more contiguous acres of agricultural land.

(iv) "Minor subdivision lot" means a lot created by a minor subdivision.

(b) Notwithstanding Sections [17-27a-603](#) and [17-27a-604](#), an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by submitting for recording in the office of the recorder of the county in which the land to be divided is located:

- (i) a recordable deed containing the legal description of the minor subdivision lot; and
- (ii) a notice:

- (A) indicating that the owner of the land to be divided is making a minor subdivision;
- (B) referring specifically to this section as the authority for making the minor subdivision; and
- (C) containing the legal description of:

- (I) the land to be divided; and
- (II) the minor subdivision lot.

(c) A minor subdivision lot:

- (i) may not be less than one acre in size;
- (ii) may not be within 1,000 feet of another minor subdivision lot; and
- (iii) is not subject to the subdivision ordinance of the county in which the minor subdivision lot is located.

(d) Land to be divided by a minor subdivision may not include divided land.

(e) A county:

(i) may not deny a building permit to an owner of a minor subdivision lot based on:

- (A) the lot's status as a minor subdivision lot; or
- (B) the absence of standards described in Subsection (4)(e)(ii); and

(ii) may, in connection with the issuance of a building permit, subject a minor subdivision lot to reasonable health, safety, and access standards that the county has established and made public.

Amended by Chapter 377, 2011 General Session

17-27a-606. Common or community area parcels on a plat -- No separate ownership -- Ownership interest equally divided among other parcels on plat and included in description of other parcels.

(1) (a) A parcel designated as a common or community area on a plat recorded in compliance with this part may not be separately owned or conveyed independent of the other lots, units, or parcels created by the plat unless:

- (i) the parcel is being acquired by a county for a governmental purpose; and
- (ii) the conveyance is approved by the owners of at least 75% of the lots, units, or parcels on the plat, after the county gives its approval.

(b) A notice of the approval required in Subsection (1)(a)(ii) shall be:

- (i) attached as an exhibit to the document of conveyance; or
- (ii) recorded concurrently with the conveyance as a separate document.

(2) The ownership interest in a parcel described in Subsection (1) shall:

- (a) for purposes of assessment, be divided equally among all parcels created by the plat, unless a different division of interest for assessment purposes is indicated on the plat or an accompanying recorded document; and
- (b) be considered to be included in the description of each instrument describing a parcel on the plat by its identifying plat number, even if the common or community area interest is not explicitly stated in the instrument.

Amended by Chapter 381, 2010 General Session

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

(1) A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in this part, operates, when recorded, as a dedication of all streets and other public places, and vests the fee of those parcels of land in the county for the public for the uses named or intended in the plat.

(2) The dedication established by this section does not impose liability upon the county for streets and other public places that are dedicated in this manner but are unimproved.

Amended by Chapter 381, 2010 General Session

17-27a-608. Vacating or amending a subdivision plat.

(1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.

(b) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:

- (i) any owner within the plat notifies the county of the owner's objection in writing within 10 days of mailed notification; or
- (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(b) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:

(a) the petition seeks to:

- (i) join two or more of the petitioning fee owner's contiguous lots;
- (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
- (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in the same subdivision;
- (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
- (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

(A) owned by the petitioner; or

(B) designated as a common area; and

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

(3) Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way, or easement is also subject to Section [17-27a-609.5](#).

(4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

(a) the name and address of each owner of record of the land contained in:

- (i) the entire plat; or
- (ii) that portion of the plan described in the petition; and
- (b) the signature of each owner who consents to the petition.

(5) (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b).

(b) The land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.

(c) If an exchange of title is approved under Subsection (5)(b):

(i) a notice of approval shall be recorded in the office of the county recorder which:

(A) is executed by each owner included in the exchange and by the land use authority;

(B) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

(C) recites the descriptions of both the original parcels and the parcels created by the exchange of title; and

(ii) a document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.

(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.

(6) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).

(b) The surveyor preparing the amended plat shall certify that the surveyor:

(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii) has completed a survey of the property described on the plat in accordance with Section [17-23-17](#) and has verified all measurements; and

(iii) has placed monuments as represented on the plat.

(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision recorded in the county recorder's office.

(d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

Amended by Chapter 269, 2010 General Session

Amended by Chapter 381, 2010 General Session

17-27a-609. Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

(1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

(a) there is good cause for the vacation or amendment; and

(b) no public street, right-of-way, or easement has been vacated or amended.

(2) The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.

(3) A legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.

(4) An amended plat may not be submitted to the county recorder for recording unless it is signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.

(5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.

(6) A plat may be corrected as provided in Section [57-3-106](#).

Amended by Chapter 381, 2010 General Session

17-27a-609.5. Vacating a street, right-of-way, or easement.

(1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:

(a) the name and address of each owner of record of land that is:

(i) adjacent to the public street, right-of-way, or easement; or

(ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and

(b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

(2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section [17-27a-208](#) and determine whether:

(a) good cause exists for the vacation; and

(b) the public interest or any person will be materially injured by the proposed vacation.

(3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:

(a) good cause exists for the vacation; and

(b) neither the public interest nor any person will be materially injured by the vacation.

(4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:

(a) a plat reflecting the vacation; or

(b) an ordinance described in Subsection (3).

(5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:

(a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way, or easement; and

(b) may not be construed to impair:

(i) any right-of-way or easement of any lot owner; or

(ii) the franchise rights of any public utility.
Amended by Chapter 381, 2010 General Session

17-27a-610. Restrictions for solar and other energy devices.

The land use authority may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-611. Prohibited acts.

(1) (a) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.

(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this Subsection (1), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; and

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable county ordinances on land use and development.

(2) (a) A county may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.

(b) An action under this Subsection (2) may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

(c) A county need only establish the violation to obtain the injunction.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-701. Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1) Each county adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities to hear and decide:

(a) requests for variances from the terms of the land use ordinances;

(b) appeals from decisions applying the land use ordinances; and

(c) appeals from a fee charged in accordance with Section [17-27a-509](#).

(2) As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a land use authority's decision, in accordance with local ordinance.

(3) An appeal authority:

(a) shall:

(i) act in a quasi-judicial manner; and

(ii) serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and

(b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.

(4) By ordinance, a county may:

(a) designate a separate appeal authority to hear requests for variances than the appeal authority it designates to hear appeals;

(b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;

(c) require an adversely affected party to present to an appeal authority every theory of relief that it can raise in district court;

(d) not require an adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of the adversely affected party's duty to exhaust administrative remedies; and

(e) provide that specified types of land use decisions may be appealed directly to the district court.

(5) If the county establishes or, prior to the effective date of this chapter, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:

(a) notify each of its members of any meeting or hearing of the board, body, or panel;

(b) provide each of its members with the same information and access to municipal resources as any other member;

(c) convene only if a quorum of its members is present; and

(d) act only upon the vote of a majority of its convened members.

Amended by Chapter 92, 2011 General Session

17-27a-702. Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.

(2) (a) The appeal authority may grant a variance only if:

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- (i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (v) the spirit of the land use ordinance is observed and substantial justice done.
- (b) (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:
- (A) is located on or associated with the property for which the variance is sought; and
 - (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- (ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
- (i) relate to the hardship complained of; and
 - (ii) deprive the property of privileges granted to other properties in the same zone.
- (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (4) Variances run with the land.
- (5) The appeal authority may not grant a use variance.
- (6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
- (a) mitigate any harmful affects of the variance; or
 - (b) serve the purpose of the standard or requirement that is waived or modified.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-703. Appealing a land use authority's decision -- Panel of experts for appeals of geologic hazard decisions.

- (1) The applicant, a board or officer of the county, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.
- (2) (a) An applicant who has appealed a decision of the land use authority administering or interpreting the county's geologic hazard ordinance may request the county to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
- (b) If an applicant makes a request under Subsection (2)(a), the county shall assemble the panel described in Subsection (2)(a) consisting of, unless otherwise agreed by the applicant and county:
- (i) one expert designated by the county;
 - (ii) one expert designated by the applicant; and
 - (iii) one expert chosen jointly by the county's designated expert and the applicant's designated expert.
- (c) A member of the panel assembled by the county under Subsection (2)(b) may not be associated with the application that is the subject of the appeal.
- (d) The applicant shall pay:
- (i) 1/2 of the cost of the panel; and
 - (ii) the county's published appeal fee.

17-27a-704. Time to appeal.

- (1) The county shall enact an ordinance establishing a reasonable time of not less than 10 days to appeal to an appeal authority a written decision issued by a land use authority.
- (2) In the absence of an ordinance establishing a reasonable time to appeal, an adversely affected party shall have 10 calendar days to appeal to an appeal authority a written decision issued by a land use authority.

Amended by Chapter 240, 2006 General Session

17-27a-705. Burden of proof.

The appellant has the burden of proving that the land use authority erred.
Enacted by Chapter 254, 2005 General Session

17-27a-706. Due process.

- (1) Each appeal authority shall conduct each appeal and variance request as described by local ordinance.
- (2) Each appeal authority shall respect the due process rights of each of the participants.
- Enacted by Chapter 254, 2005 General Session

17-27a-707. Standard of review for appeals.

- (1) A county may, by ordinance, designate the standard of review for appeals of land use authority decisions.
 - (2) If the county fails to designate a standard of review of factual matters, the appeal authority shall review the matter de novo.
 - (3) The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.
 - (4) Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.
- Enacted by Chapter 254, 2005 General Session

17-27a-708. Final decision.

- (1) A decision of an appeal authority takes effect on the date when the appeal authority issues a written decision, or as otherwise provided by local ordinance.
 - (2) A written decision, or other event as provided by ordinance, constitutes a final decision under Subsection [17-27a-801](#)(2)(a) or a final action under Subsection [17-27a-801](#)(4).
- Amended by Chapter 240, 2006 General Session

17-27a-801. No district court review until administrative remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court review -- Record on review -- Staying of decision.

- (1) No person may challenge in district court a county's land use decision made under this chapter, or under a regulation made under authority of this chapter, until that person has exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and Variances, if applicable.
 - (2) (a) Any person adversely affected by a final decision made in the exercise of or in violation of the provisions of this chapter may file a petition for review of the decision with the district court within 30 days after the local land use decision is final.
 - (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section [13-43-204](#) until 30 days after:
 - (A) the arbitrator issues a final award; or
 - (B) the property rights ombudsman issues a written statement under Subsection [13-43-204](#)(3)(b) declining to arbitrate or to appoint an arbitrator.
 - (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.
 - (iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.
 - (3) (a) The courts shall:
 - (i) presume that a decision, ordinance, or regulation made under the authority of this chapter is valid; and
 - (ii) determine only whether or not the decision, ordinance, or regulation is arbitrary, capricious, or illegal.
 - (b) A decision, ordinance, or regulation involving the exercise of legislative discretion is valid if it is reasonably debatable that the decision, ordinance, or regulation promotes the purposes of this chapter and is not otherwise illegal.
 - (c) A final decision of a land use authority or an appeal authority is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
 - (d) A determination of illegality requires a determination that the decision, ordinance, or regulation violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance or regulation adopted.
- (4) The provisions of Subsection (2)(a) apply from the date on which the county takes final action on a land use application for any adversely affected third party, if the county conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending decision.
- (5) If the county has complied with Section [17-27a-205](#), a challenge to the enactment of a land use ordinance or general plan may not be filed with the district court more than 30 days after the enactment.
- (6) The petition is barred unless it is filed within 30 days after land use authority or the appeal authority's decision is final.
- (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of its proceedings, including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
 - (b) If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Subsection (7).
- (8) (a) (i) If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.
 - (ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that it was improperly excluded.
- (b) If there is no record, the court may call witnesses and take evidence.
- (9) (a) The filing of a petition does not stay the decision of the land use authority or appeal authority, as the case may be.
 - (b) (i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section [13-43-204](#), the aggrieved party may petition the appeal authority to stay its decision.
 - (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed pending district court review if the appeal authority finds it to be in the best interest of the county.

(iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Section [13-43-204](#), the petitioner may seek an injunction staying the appeal authority's decision.

Amended by Chapter 306, 2007 General Session

Amended by Chapter 363, 2007 General Session

17-27a-802. Enforcement.

(1) (a) A county or any adversely affected owner of real estate within the county in which violations of this chapter or ordinances enacted under the authority of this chapter occur or are about to occur may, in addition to other remedies provided by law, institute:

- (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A county need only establish the violation to obtain the injunction.

(2) (a) The county may enforce the ordinance by withholding building permits.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within a county without approval of a building permit.

(c) The county may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-803. Penalties.

(1) The county may, by ordinance, establish civil penalties for violations of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter.

(2) Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter is punishable as a class C misdemeanor upon conviction either:

(a) as a class C misdemeanor; or

(b) by imposing the appropriate civil penalty adopted under the authority of this section.

Renumbered and Amended by Chapter 254, 2005 General Session