



# KANE COUNTY, UTAH GENERAL PLAN

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

**Adopted** \_\_\_\_\_

Should any part of the Kane County General Plan be determined invalid, no longer applicable or need modification, those changes shall affect only those parts of the Plan that are deleted, invalidated or modified and shall have no effect on the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

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

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## **Preamble**

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

## **Acknowledgments**

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

### **Kane County Commission**

Dirk Clayson, Chairman  
Jim Matson  
Lamont Smith

### **Kane County Staff**

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Danny Brown  
Jim Matson, *ex officio*

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

Camille Johnson

# Vision Statement

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Kane County, Utah is a land of contrasts. It has approximately 4,100<sup>1</sup> square miles of territory extending from the sandstone deserts of Glen Canyon and Lake Powell to the 10,000 foot high alpine meadows of the Paunsaugunt Plateau. Lack of precipitation and difficulty of access has resulted in a land use pattern which is dominated by public lands surrounding a small base of private lands located primarily along perennial water courses. Original villages were established to take advantage of arable lands along streams. Many homesteads were established in the late 19th century, and have become the basis of extensive ranching operations using both private and public lands. The construction of Glen Canyon Dam created settlements originally designed to house construction workers but have evolved into permanent communities. A substantial amount of higher elevation forest lands have been developed for recreation homes and cabins, some of which are now being used year-round. Extensive deposits of coal and other natural resources have been the subject of numerous explorations, with coal deposits near Alton now being actively mined. Each of these land uses presents different challenges and opportunities to county officials.

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

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

The limited base of private property will not be condemned for public use unless absolutely necessary. When it is necessary, the owner will be compensated at or above market value.

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<sup>1</sup> 3,992 sq. mi. surface (land) and 118 sq. mi. water (Total 4,110 sq. mi.) Utah Geological and Mineral Survey, "The Geology of Kane County", H. Doelling, F. Davis, C. Brandt, 1989, Division of Utah Dept. of Natural Resources, Bulletin 124, pgs. 1,7. *And*, Bureau of Economic and Business Research, "An Analysis of Long-Term Economic Growth in Southwestern Utah: Past and Future Conditions" University of Utah.

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

All wealth and resources used by society are generated in the private sector. Private sector solutions are consistently more efficient than public sector solutions. Kane County will maintain a land use environment that allows individuals and businesses to succeed. Private sector enterprises will not be subsidized with county funds. For governments to do so interrupts the delicate balance of supply and demand. If the free market system will not support an enterprise, there is either too much of that enterprise or it is not a need. Kane County will not compete with private enterprise. Kane County will employ private resources rather than compete with them. Over regulation is highly discouraging to the private sector. Kane County will regulate only as is necessary to protect the general population from real hazards.

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

Federal land managers have recognized that to be most effective, they must coordinate with state and local governments as equal partners in the public lands planning process. Congressional policy requires that federal planners coordinate with state and local governments,<sup>3</sup> and that federal plans be consistent with adjacent jurisdictions within the constraints of federal law. The Kane County Commission is a proactive equal partner in all public lands planning processes, which impact the county land base. Kane County requires coordination in all efforts pertaining to federal and state lands. Kane County will resist by all legal means the encroachment of federal planning and implementation which interrupts our citizen’s access to state and federally managed lands. Federal lands will be managed for multiple-use access. Placing public lands into a vacuum where they cannot be utilized and enjoyed is contrary to wise management practices which should employ natural resources for the public social and economic benefit.

Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support. The Commission will be an active partner with other governments to foster a sustainable, broad-based economy which allows traditional economic uses to remain vibrant, while fostering new economic activities that expand economic opportunity and protect important scenic and social qualities. Federal land managers will coordinate with Kane County as an active, equal, on-going partner to be consistent with county goals and policies when not constrained by federal law.

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

# Chapter 1 - Land Use

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

## **Introduction:**

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

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

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

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

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

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

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

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

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

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

### **Agricultural Land Use:**

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

Of the 125,441 acres, 4,456 acres is cropland (a 49% drop from 2007), and approximately 3,953 acres are irrigated (an 8% drop). Most of the irrigated cropland is devoted to hay production,

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

<sup>7</sup> <[trustlands.utah.gov/download/financial/TrustAcreage\\_County\\_02212014.pdf](http://trustlands.utah.gov/download/financial/TrustAcreage_County_02212014.pdf)> AND "Utah Land Status and Areas of Responsibility", June 2015, <[trustlands.utah.gov/resources/maps/gis-data-and-maps/surface-and-mineral-maps](http://trustlands.utah.gov/resources/maps/gis-data-and-maps/surface-and-mineral-maps)>

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

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

which is an increase of 61% (from 1,658 to 2,673 acres)<sup>9</sup>. The 2012 Census of Agriculture illustrates that land in orchards decreased again from 12 farms to 10. That represents an 83% drop from orchards listed in the 1992 Census of Agriculture.

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

There was an increase in sheep/lamb operations (from 9 to 17) running 1,069 head, but it was still a dramatic reduction in total inventory (-83%)<sup>9</sup> since 1992. While many of these operations were not the sole source of income for the operators, they are a vital tie to the traditional lifestyle valued by county residents and visitors. Furthermore, the dramatic decreases in agricultural activity are unsustainable in terms of economic and environmental factors. The 2014 Utah Agricultural Statistics/Utah Department of Agriculture and Food Annual Report (combined reports)<sup>11</sup> showed Kane County farms operating at a loss. The Farm Income and Expenses summary indicates Gross Farm Income to be \$11.1 million, but Farm Production Expenses are \$13 million (for a net loss of \$1.9 million).

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

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

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<sup>10</sup> 2012 Census of Agriculture; 2014 UT Ag Stats & UT Dept. of Ag & Food Annual Report, County Estimates, Selected Items & Years, Utah; U.S. Department of Agriculture and National Agricultural Statistics Service, <[www.nass.usda.gov](http://www.nass.usda.gov)>

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

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

## Residential Land Use:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Public Lands:**

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

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

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

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

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

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

## Land Use - Key Issues:

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

The land (and water) base in Kane County stretches over 4,100 square miles of terrain ranging from high-elevation forest lands around Navajo Lake, where deep snow covers the land November through May, to the Colorado River canyons and Lake Powell, where annual precipitation is less than 10 inches. It is impossible to develop land use policies which can be uniformly applied to such a varied landscape. What may be applicable to recreation homes on Cedar Mountain, does not apply to ranching lands held inside the Grand Staircase-Escalante National Monument. Private lands surrounding Kanab have different characteristics than the lands surrounding Big Water or Glendale.

Because of this wide diversity, this plan recognizes the need to develop land use policies based

upon different regions. These regions will allow the county to develop policies which correspond to major public lands management units, as well as reflecting the varied conditions of private lands. Recommended regions include (*see new map*):

- A. *Glen Canyon Region* – All land inside the Glen Canyon National Recreation Area.
- B. *Escalante Grazing Zone Region* – All land from the boundary of the Glen Canyon Region to the Southwest Region and National Forest Region.
- C. *Municipality Region & Unincorporated Municipalities* – This region includes all municipalities in the county, which include developments, subdivisions and unincorporated towns under county jurisdiction.
- D. *Bryce Canyon National Park Region* – All land within the Bryce Canyon National Park area.
- E. *National Forest Region* – All land designated National Forest.
- F. *Zion National Park Region* – All land within Zion National Park that is within Kane County.
- G. *Southwest Corner Region* – All land on the west side of the county (excluding Zion National Park Region) to the Escalante Grazing Zone Region (on the east), up to the National Forest Region (to the north).

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

## **2. Avoiding the Extension of Municipal-Scale Services in Unincorporated Areas**

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

The Kane County Commission has supported efforts of the Southwest Utah Public Health Department to tighten the regulations allowing the installation of septic tank systems. The Commission has also implemented or supported the establishment of wellhead protection zones. The presence of the vast Navajo Sandstone Aquifer is also recognized as an important resource.

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

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

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

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

In order to protect agricultural pursuits on unincorporated private land, Kane County has set a minimum of 10 acres for agricultural land or land splits, subject to further ordinance or State law requirements, as may be applicable.

Recreational uses of forest land must also be recognized and treated as a separate land use with a different set of constraints, particularly wild land fire prevention.

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

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

Kane County created the Escalante Region Multiple-Use/Multiple-Functions Grazing Zone to help with public concerns on grazing public lands versus private lands and agricultural pursuits. Forest Recreational Zones have been changed to *Residential* and all zones 10 acres and larger have been zoned *Agriculture* to help benefit and protect agricultural pursuits on private lands.

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

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

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<sup>21</sup> 2012 Census of Agriculture; 2014 UT Ag Stats & UT Dept. of Ag & Food Annual Report, County Estimates, Selected Items & Years, Utah; U.S. Department of Agriculture and National Agricultural Statistics Service, <[www.nass.usda.gov](http://www.nass.usda.gov)>

farmland in Kane County since the 1992 Census of Agriculture.<sup>22</sup>

While many of these operations are not the sole source of income for the operators, they are a vital tie to the traditional lifestyle valued by county residents and visitors. Furthermore, the dramatic decreases in agricultural activity are unsustainable in terms of economic and environmental factors.

Historically, agricultural pursuits have been a vital base of economic activity in Kane County. The Utah Agricultural Statistics and Utah Department of Agriculture and Food 2014 Annual Report<sup>23</sup> stated that Farm Income from livestock (and products) was estimated at \$9.8 million; crops were estimated at \$451,000. The total number of cattle and calves inventory in Kane County was \$8.2 million. However, when Gross Farm Income (\$11.135 million) is deducted from Farm Production Expenses (\$13.092 million) there is a realized net loss of Farm Income (-\$1.957 million).

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

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

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

## **7. Develop a Systematic Wild Land Fire Protection System**

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

To address these issues, a multi-jurisdictional group of agencies, organizations, and individuals have collaborated to develop the Southwest Utah Regional Wildfire Protection Plan (SURWPP). SURWPP endeavors to provide oversight and guidance to residents through education and awareness of the dangers of wildfire. Its planning objectives help identify strategies that reduce the risk of wildfire around homes and communities.

Kane County understands the most effective wildfire management tool is wise harvest of the resource. As the forest is harvested, dead and dry fuel woods must be removed during the

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

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

cleanup process. Ripe and diseased trees must be removed to promote a perpetually young healthy forest and there is the added benefit of economic stimulus as wood products are harvested.

**Land Use Goals:**

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

**Residential Land Uses:**

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

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

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

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

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

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

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

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

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

which development application is sought.

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

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

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

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

Kane County understands the most effective wildfire management tool is wise harvest of the resource. As the forest is harvested, dead and dry fuel woods must be removed during the cleanup process. Ripe and diseased trees must be removed to promote a perpetually young healthy forest and it has the added benefit of economic stimulus as wood products are harvested.

#### **Commercial Land Uses:**

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

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

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

#### **Agricultural Land Uses:**

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

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

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