

KANE COUNTY RESOLUTION NO. R 2022 – 15

A RESOLUTION RESPONDING TO THE REQUEST TO ADD PARKS AND RECREATION SERVICE TO THE ZION MOUNTAIN LOCAL SERVICE DISTRICT

WHEREAS, property owners from the Zion Mountain Local Service District (“ZMLSD”) on or about December 30, 2021, submitted to the Kane County Commission and the Kane County Clerk a “Request to Add Parks and Recreation Service to Zion Mountain Local Service District” (“ZMLSD Request”) under Utah Code §§17B-1-204 and 205; and

WHEREAS, the ZMLSD Request is for the purpose of adding the service of “the operation of parks or recreation facilities or services” to ZMLSD, with the specific intent of allowing “the operation of a public visitor’s center on approximately 20 acres of land situated near the east entrance to Zion National Park along State Route 9 East, which public visitor’s center will provide various public amenities including some or all but not limited to the following: a visitor building and orientation center providing hikers’ permit area, junior ranger program, Zion Canyon Field Institute, emergency/first aid station, and retail shopping; a parking lot; and a national park shuttle stop;” and

WHEREAS, on January 6, 2022 the Kane County Clerk certified the ZMLSD Request as set forth in Utah Code §17B-1-206; and

WHEREAS, the Kane County Commission held a duly notice public hearing within the boundaries of the District on January 20, 2022 in accordance with Utah Code §17B-1-210 to allow public input on (a) whether the requested service is needed in the area of ZMLSD, (b) whether the service should be provided by the county or ZMLSD, and (c) all other matters relating to the request or the proposed local district; and

WHEREAS, the Kane County Commission held additional town hall meetings in Kanab and Orderville to take public input on the ZMLSD Request; and

WHEREAS, the Kane County Commission has been planning for several years to build a visitor center within ZMLSD using funds generated from the East Zion Community Reinvestment Area through the Kane County Redevelopment Agency; and

WHEREAS, the Kane County Commission can see many benefits to allowing ZMLSD to take over this project and therefore no longer desires for the County to build a visitor center within the boundaries of ZMLSD and does not desire for there to be any liability, both legal or financial, for the construction or operation of a visitor center or other parks and recreation activities within the ZMLSD; and

WHEREAS, the Kane County Commission desires to respond to the ZMLSD Request as required under Utah Code § 17B-1-212 by affirming that it will not provide the requested service, or in other words, that the County will not build the requested visitor center; and

WHEREAS, the legal effect of this resolution will be to allow the sponsors of the ZMLSD Request to move forward with submitting a petition to add the proposed service to ZMLSD as set forth in Utah Code §17B-1-201 et. al.; and

WHEREAS, the statutory authority for this resolution is found in Utah State Code §§ 17B-1-101e et. al., 17-53-201, and 17-53-301;


NOW THEREFORE BE IT HEREBY RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:

1. Kane County hereby responds to the ZMLSD Request by affirming that it will not provide the service of Parks and Recreation within the boundaries of ZMLSD and specifically will not build a visitor center as set forth in the ZMLSD Request. The ZMLSD Request is therefor denied.
2. Kane County anticipates that the sponsors of the ZMLSD Request will proceed with a petition and other legal requirements which will authorize the service of “the operation of parks or recreation facilities or services” to be added to ZMLSD.
3. If the ZMLSD proceeds with the construction and operation of a visitor center, Kane County will not contribute any funds to the project. Any liability for the project, whether financial or legal, will rest with ZMLSD.
4. The Kane County Redevelopment Agency will determine if any tax increment revenue from the East Zion Community Reinvestment Area will be contributed towards any projects within that area, which may include building a visitor center.
5. This Resolution is effective immediately.

ADOPTED this 22nd day of February 2022.

ATTEST:


KARLA JOHNSON
Kane County Clerk




Andrew Gant, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted
Commissioner Gant voted
Commissioner Chamberlain voted

aye
aye
aye