



**August 10, 2020**  
**Kane County Planning Commission**  
**Land Use Authority**  
**Commission Chambers**  
**76 North Main Street, Kanab, Utah**

## **SPECIAL MEETING**

### **Agenda**

9:00 AM                      Call to Order  
                                    Pledge of Allegiance  
                                    Prayer

### **Administrative** **Public Meeting**

#### **Conditional Use Permit: Johnson**

An application for a conditional use permit for a family cemetery plot for parcel #8-3-16-1 on behalf of Moyle Johnson, Quilter Johnson Family Refuge Inc. Submitted by Brandon Johnson.

*Land Use Ordinances: [kane.utah.gov](http://kane.utah.gov); government; ordinances; title 9*  
*Information Packets: [kane.utah.gov](http://kane.utah.gov); government; departments; planning commission; documents; general*

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

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

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

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

#### **Definitions:**

“Public Hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. “Public Meeting” means a meeting that is required to be open to the public pursuant to the requirements of Title 52, Chapter 4 Open and Public Meetings; the public may or may not be invited to participate. “Legislative” means an action taken by the County Commission or Land Use Authority; amending ordinances, adopting general plan, annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community. “Administrative” means an action taken by the Land Use Authority Commission, staff, County Commission interpreting ordinances and regulations, conditional uses, approving subdivision site plans, issuing building permits; an administrative decision must satisfy the requirements prescribed under state law or the County Land Use Code (LUC), whichever is stricter.



## STAFF REPORT

**DATE:** 08/07/2020

**PROJECT:** The Applicant, Moyle Johnson, trustee of the Quilter Johnson Family Refuge, Inc., submitted the enclosed Conditional Use Permit (CUP) for a private family cemetery on parcel 8-3-16-1 (consisting of 40 acres) for a total of a 80' X 80' area, located in the Southwest/4 of Section 16, 38S R3W SLB&M., in Kane County Utah, in a AG zone.

**FINDINGS:** The above application complies with the Kane County Land Use Ordinance, 9-15A-1-6: Conditional Uses. The AG zone allows this use through a conditional use permit.

**9-15A-E, 1-24:** The land use authority shall approve a conditional use permit if conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any conditional use permit, the Land Use Authority may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include the following:

1. Assurance that the use will not be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity;
2. Assurance the use will:
  - a. Comply with the intent, spirit and regulations of the Kane County Land Use Ordinance and Kane County General;
  - b. Make the use harmonious with other neighboring uses in that zone;
3. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, safety, and aesthetic considerations;
4. Limiting the building height size or lot coverage, and/or location on the site;

5. Requiring and designating the size, height, location and/or materials for fences; the 80' X 80' area needs to be fenced and the legal description recorded in the Kane County Recorder's office.

20. The interment needs to be in a casket and concrete vault per Utah State requirements.

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

F: **Findings:** In approving a conditional use permit, the land use authority shall find:

1. That the proposed use is necessary or desirable and will contribute to the general well being of the community;

2. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity;

3. That the proposed use is in harmony with the intent of the general plan and the zone in which it is located. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

All notices are in conformance with all standards and notice requirements of §17-27a-201-205. A notice was posted that was visible to the public for 10 days prior in three different public places and posted in the local newspaper and the Utah State web site.

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

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The conditions as stated in the CUP application will be enforced by the Land Use Authority.

**STAFF RECOMMENDATION:** Kane County Land Use Administrator, Shannon McBride recommends passing the Conditional Use Permit for Moyle Johnson, trustee of the Quilter Johnson Family Refuge, Inc., for a private family cemetery on parcel 8-3-16- for a total of a 80' X 80' area, in Kane County Utah, in a AG zone with the stated conditions above.

Having determined that the applicable ordinances and statutes have been complied with and that good cause exists for granting the Conditional Use Permit.

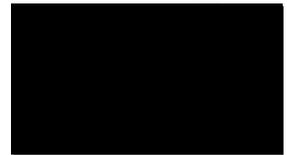
This does not need to be recommended to the County Commissioners.

I move to make a motion to approve/deny the Conditional Use Permit for a private family cemetery on behalf of Moyle Johnson, trustee of the Quilter Johnson Family Refuge, Inc., for a private family cemetery on parcel 8-3-16- for a total of a 80' X 80' area, in Kane County Utah, in a AG zone with the stated conditions above. Having determined that the applicable ordinances and statutes have been complied with and that good cause exists for granting the Conditional Use Permit.



# Kane County Land Use Authority

76 North Main Street  
Kanab, Utah 84741  
Phone (435) 644-4966  
[planning@kane.utah.gov](mailto:planning@kane.utah.gov)



## Residential Zone Conditional Use Permit Application Fee \$150.00\*

**\*In the event additional engineering costs are accrued by the County related to a specific project the project applicant will be responsible for all additional engineering fees.  
(KCLUO 9-15A-2C)**

### Applicant's Information

Name(s): Moyle Johnson

Mailing Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED] E-mail address: [REDACTED]

### Property Information

Parcel # 8-3-16-1 Zone: \_\_\_\_\_ Total acreage: 40 acres

Acreage occupied by new use: \_\_\_\_\_ Current use of land: Agriculture/Recreational

PROPOSED USE: Family cemetery - up to 8 plots

- \*A copy of the deed, offer or tax notice MUST be included to demonstrate ownership.**
- \*Application must be received in office 21 days prior to the scheduled Land Use Authority Meeting (KCLUO 9-15A-2A).**
- \*Incomplete applications will be returned to the applicant/engineer.**
- \*Fee is non-refundable after engineer's review.**

**Property Owner's information**  
(if different than applicant)

Name(s): Thorley Call Virginia Quilter Johnson Family Refuge Inc.  
(P. Mag) S Johnson

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail address: \_\_\_\_\_

**A notarized affidavit by owner that the applicant has authority to act on their behalf is required.**

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

I (We) understand that the Land Use Authority shall not authorize a Conditional Use Permit unless the evidence presented is such as to establish that such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified in the Kane County Land Use Ordinance for such use. (9-15A-(1-7))

\_\_\_\_\_  
Signature of owner(s) or applicant(s)

\_\_\_\_\_  
Date

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

**Please include a parcel map obtained from the Kane County Recorder's Office.**

**Land Use Authority Action:**

Approve       Deny

\_\_\_\_\_  
Planning Commission Chairman

\_\_\_\_\_  
Date

Commission Approval: \_\_\_\_\_

**TO BE COMPLETED BY KC LAND USE ADMINISTRATOR:**

Is this an amendment?     Yes     No

**KANE COUNTY  
CONDITIONAL USE PERMIT**

Maile Johnson  
Name of Applicant

August 06'2020  
Date of Application (attached)

**ATTACHMENTS**

- Exhibit "A" ..... Application for conditional use permit
- Exhibit "B" ..... Legal description of property for which conditional use is requested
- Exhibit "C" ..... Site map including parking, ingress & egress (KCLUO 9-15A-2)

**FINDINGS OF THE PLANNING  
AND ZONING COMMISSION**

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

1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community; and
2. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity; and
3. That the proposed use complies with the intent, spirit & regulations of the Kane County Land Use Ordinance and General Plan (KCLUO 9-15A-2E (2a)); and
4. The use is harmonious with other neighboring use in the zone (KCLUO 9-15A-2E (2b)); and
5. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CONDITIONAL USE PERMIT GRANTED

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

Applicant is hereby granted the following conditional use:

Private cemetery consisting of 6 plots on parcel 8-3-16-7

## CONDITIONS OF PERMIT

1. The holder of this permit must obey all state, local and federal laws in regard to use of the land on which this conditional use permit is granted. This includes compliance with all local ordinances, zoning ordinances, rules, regulations or other local laws as stated in Kane County Land Use Ordinance 9-15A-(1-7).
2. The holder of this permit must obtain a letter of approval from the Culinary Water Authority and/or Sanitary Sewer Authority.
3. Holder agrees to appear, when summoned in writing, at any meeting held by the Kane County Planning and Zoning Commission or the Kane County Commission, to address or answer any questions regarding the conditional use granted herein, including but not limited to holder's compliance or non-compliance with the conditions of the permit. Holder further agrees to make written response regarding compliance or non-compliance when requested by the Kane County Planning and Zoning Commission or the Kane County Commission.
4. Holder is allowed to construct and maintain the facilities, structures, and/or landscaping outlined in the site map which is attached hereto as Exhibit "C" and is hereby approved as part of this conditional use permit. Holder is not allowed to construct any additional facilities, structures, and/or landscaping unless said additions are approved by the Planning and Zoning Commission as part of this conditional use or are approved as activities that are acceptable within the zone.
5. Holder shall maintain all property and facilities used under this conditional use permit in good condition and repair and shall not allow their activities to cause or create a circumstance which causes or creates disturbance to persons or properties in the area surrounding the property which is the subject of this conditional use permit.
6. The conditional use permit will expire after one **(1) year** unless substantial work shall have been accomplished towards completion of the use. Whether or not substantial work has been accomplished shall be determined by the Planning and Zoning Commission.
7. This conditional use permit is granted with the use of the land, unless otherwise revoked or modified by the Planning and Zoning Commission as outlined herein, or as otherwise allowed by law and equity. If holder fails to complete the project within a reasonable time after **one (1) year** from the date of this permit, the Planning and Zoning Commission reserves the right to revoke the conditional use permit granted herein and the term above specified will no longer apply. Before the expiration of any term specified herein, holder may apply to amend the conditional use permit granted herein.
8. The holder of this permit shall allow members of the Planning and Zoning Commission, members of the Kane County Commission, the Kane County Building Inspector, and their designated agents to inspect the premises

during the course of construction, and thereafter, to insure that holder is complying with the conditions of the conditional use permit.

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

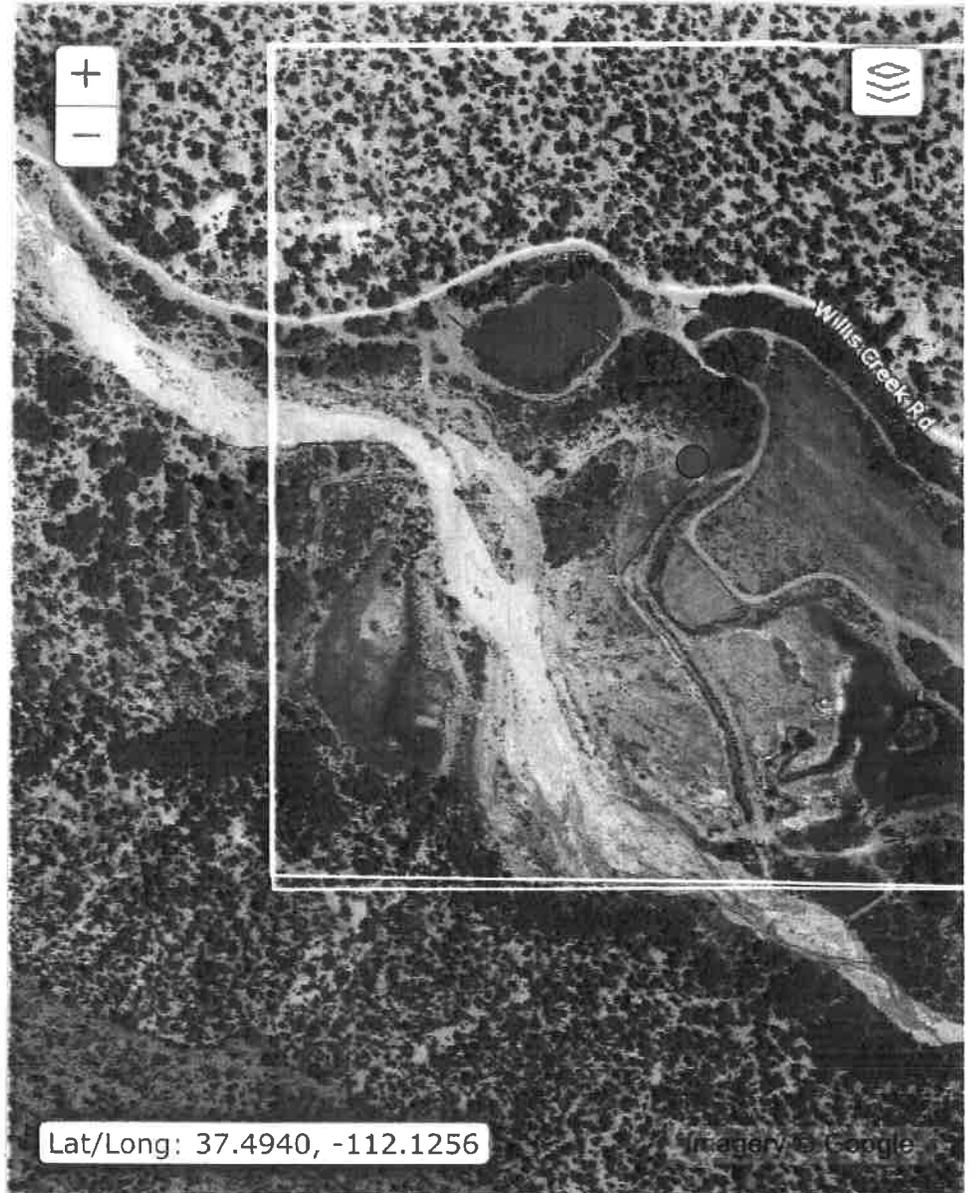
10. 50' x 50' minimum area surveyed and description recorded in the Kane County Recorder's Office.

11. Plot to be fenced

12. Internment to be in a casket and concrete vault.

13. Need to have a new deed filed with restrictive covenants recorded in the Kane County Recorder's Office

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





Approximate Location of Proposed Gravesite  
400500°1'25.6478"E 4150328°4'11.9861"N  
Property Parcel #: 8-3-16-1

37° 29' 38.4" N  
112° 07' 28.5" W