

COMMISSION MEETING

PACKET

DATE:

March 26, 2024



NOTICE AND AGENDA OF A MEETING OF THE KANE COUNTY COMMISSION

PUBLIC NOTICE IS HEREBY GIVEN that the Commissioners of Kane County, State of Utah, will hold a **Commission Meeting** in the Commission Chambers at the Kane County Courthouse, 76 N. Main Street, Kanab, Utah on **Tuesday, March 26, 2024** at the hour of **2:00 P.M.**

*The Commission Chair, in her discretion, may accept public comment on any listed agenda item unless more notice is required by the Open and Public Meetings Act.

This meeting is available for call in option - #435-676-9000 – Enter participant code-168030

**CALL MEETING TO ORDER
WELCOME
INVOCATION
PLEDGE OF ALLEGIANCE**

PUBLIC COMMENT:

CONSENT AGENDA:

Check Edit Report:

Approval of: Meeting Minutes for February 27, 2024 Public Work Meeting, March 7, 2024 Town Hall Meeting, March 12, 2024 Commission Meeting, and Kane County Ordinance No. O-2024-13 an Ordinance Establishing County Policy Regarding Public Acknowledgment of the Use of County Funds

REGULAR SESSION:

- 1. Stacey Baron from DOVE Center-Kane County's Rape/Sexual Assault Mobil Advocate/Commissioner Kubeja**
- 2. VOCA Grant/Victim Service Update/Commissioner Kubeja**

- 3. Kane County Ordinance No. O-2024-06 an Ordinance Amending Title 9 Chapter 21 Subdivision Regulations Article F. Dedication and Acceptance of Streets and Public Improvements in the Kane County Land Use Ordinance-Shannon McBride/Commissioner Heaton**
- 4. Zone Change/Ordinance 2024-07: Third Mesa/JT Maxwell-Shannon McBride/Commissioner Heaton**
- 5. Zone Change/Ordinance 2024-08: Rogers-Shannon McBride/Commissioner Heaton**
- 6. Amended Plat/Ordinance 2024-09: Bean/Chournos-Shannon McBride/Commissioner Heaton**
- 7. Lot Joinder: Guy-Shannon McBride/Commissioner Heaton**
- 8. Kane County Ordinance No. O-2024-10 an Ordinance Amending Kane County Code Title 2 Chapter 7 Kane County Criminal Justice Coordinating Council/Commissioner Kubeja**
- 9. Notice of Changes to UCIP Bylaws Coverage Addendum-Attorney Van Dyke/Commissioner Heaton**
- 10. Approval of Disposal of Surplus County Property/Full Commission**
- 11. Approval of Recommendations from the Kane County Tourism Tax Advisory Board/Commissioner Heaton**
- 12. TRT/250 Discussion/Decision on Funding/Full Commission**
- 13. Discussion/Decision for Payment of Electrical Utility Service Installation on the Kanab Center Property/Full Commission**
- 14. Kane County Resolution No. R-2024-11 a Resolution to Petition the Town of Orderville to Vacate Two Platted Streets that Cross Kane County Property/Commissioner Heaton**
- 15. Easement Through Middle of Hoyt Property Around Well-Orderville/Commissioner Heaton**
- 16. Discussion/Approval of New Kane County Logo/Full Commission**
- 17. Coral Pink Sand Dunes Road Project-Grant Discussion-Update/Full Commission**

18. Old Elementary School Discussion/Full Commission

**19. Acknowledgement and Agreement with Kanab City Resolution 3-1-24 R a
Resolution Authorizing Kane County to Use City Property North of Their Property
Located at 20 North 100 East to Install Public Parking Stalls/Full Commission**

20. Review of Legislative Issues/Full Commission

21. Commissioner Report on Assignments/Full Commission

Closed Session:

- Discussing an individual's character, professional competence, or physical or mental health.
- Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property.
- Discussions regarding security personnel, devices or systems.
- Investigative proceedings regarding allegations of criminal misconduct.

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Chameill Lamb at (435) 644-2458. Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate. All items to be placed on the agenda must be submitted to the Clerk's office by noon Thursday, prior to the meeting.

CONSENT AGENDA

Minutes of:

February 27, 2024 Public Work Meeting, March 7, 2024
Town Hall Meeting, March 12, 2024 Commission
Meeting, and Kane County Ordinance No. O-2024-13 an
Ordinance Establishing County Policy Regarding Public
Acknowledgment of the Use of County Funds



Kane County Commission Public Work Meeting

76 N Main Street
Kanab, UT 84741
435.644.4964

February 27, 2024
12:30 pm
Public Work Meeting
Location: Kane County Commission Chambers
76 N Main St. Kanab, UT 84741

Attending: Commissioner Patty Kubeja (chair), Commissioner Wade Heaton, Commissioner Celeste Meyeres

Matt Fisher speaks on issues the public committee are facing.

Travis Legler covers a couple of other issues not mentioned by Matt.

Kyler Ludwig address previous comments and cautions that many decisions are legislative.

Commissioner Meyeres asks Kyler some follow-up questions and he answers them.

Commissioner Kubeja gives an example of how Utah County addresses fees for fire protection and some other SSDs in Kane County, not all members pay for all services.

Commissioner Heaton comments that the proposed SSD is a concern for many throughout the county. He then asks the audience members some questions and they respond accordingly.

A discussion ensues between the commission and various members of the audience.

Motion to adjourn: Commissioner Meyeres

Meeting adjourned 1:50 pm

Patty Kubeja- Chair

Chameill Lamb- Clerk/Auditor



Kane County Commission Town Hall Meeting

76 N Main Street
Kanab, UT 84741
435.644.4964

March 7, 2024
7:00 pm
Town Hall Meeting
Location: Big Water Town Hall
60 Aaron Burr Rd Big Water, UT 84741

Attending: Commissioner Patty Kubeja (chair), Commissioner Celeste Meyeres,
Commissioner Wade Heaton

Call Meeting to Order: Commissioner Kubeja
Welcome: Commissioner Kubeja
Invocation: Mayor David Schmuker
Pledge of Allegiance: Jim (audience member)

Commissioner Kubeja introduces Janette Peatross and Camberly Anderson from the Kane County Office of Tourism.

Commissioner Heaton states his appreciation for local government and the town council of Big Water. Commissioner Meyeres echoes her thanks for the people of Big Water and shares some updates about various topics pertaining to the Big Water area.

Commissioners Meyeres and Heaton give an update regarding SITLA.
An update and discussion between the commission and audience members about the AES Solar Project ensues.

Jennie Lassen asks why AES did the opposite of what they said they would do.
The commission encourages the group to voice their concerns directly to SITLA.
Shirlene Hall asks who actually gets the "windfall"?
It is reinvested into different areas and groups.

A discussion begins about Transient Room Tax (TRT). Janette Peatross gives input regarding TRT and explains how people can appear before the Tax Tourism Advisory Board to petition for TRT money.

Janette asks about the Big Water Dinosaur festival and how the Office of Tourism can help promote it. Audience members explain the plans for the event.

Commissioner Meyeres mentions some projects that have happened in the east area of Kane County and thanks Mayor Schmuker for his efforts in making those projects a success.

The commission mentions a project the Kane County Economic Opportunity (CEO) Board is beginning regarding money distributed to the municipalities based on the amount of business licenses in the county.

Chris Ramos mentions that Utah has a code that is based on cleanup of properties where drug paraphernalia has happened and Kane County doesn't have any reports of this code being used. She wonders who oversees the process and where the breakdown is happening. A discussion about the topic ensues. The commission asks clarifying questions and Chris answers them.

Paul Hyde asks about burn permits and why Big Water is subject to the same index as Salt Lake.

Commissioner Heaton explains that it is a mandate issued statewide by the state of Utah. Craig Christensen asks if the burn permit issues relates to fire rings/pits for homes. It does not, but there is sometimes limitations brought on by dry weather conditions. The question is asked what is considered an approved fire pit. Commissioner Heaton says that each municipal fire department establishes the conditions for approval.

Mark Maham wonders why access to Crosby Canyon would be closed to trail ride and uses. Commissioner Kubeja responds that the Department of the Interior (DOI) and the National Parks Service is responsible for those closures. A discussion about the topic ensues.

The topic about tourism is brought up and briefly discussed.

Graydon Meeks brings up the rise of property taxes and asks when the cut off is and the process of appealing it. Commissioner Kubeja responds the cut off usually occurs in September and explains the process. Commissioner Heaton and the other commissioners gives a brief explanation of how the tax assessment works in Kane County. Commissioner Kubeja mentions the abatement programs for taxes.

Meeting adjourned at 7:15 pm

Patty Kubeja - Chair

Chameill Lamb - Clerk

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
March 12, 2024
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH**

Present: Chair Patty Kubeja, Commissioner Celeste Meyeres, Commissioner Wade Heaton (Phone-in), Attorney Van Dyke (Phone-in), Sheriff Tracy Glover, Clerk/Auditor Chameill Lamb, Deputy Clerk/Auditor Candice Brown (Phone-in)

Also Present: Keiren Chatterley, Morgan Shakespear, Bert Harris

CALL MEETING TO ORDER: Commissioner Kubeja

WELCOME: Commissioner Kubeja

INVOCATION: Sheriff Glover

PLEDGE OF ALLEGIANCE: Gwen Brown

PUBLIC COMMENT:

Gary Webster from Senator Lee's office came and gave an annual report.

CONSENT AGENDA:

Check Edit Report:

Motion to adopt the Consent Agenda, which includes the Check Edit Report as well as the Commission Meeting Minutes from February 27, 2024 made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. Canvas of the March 5, 2024 Presidential Primary-Heather Narramore/Commissioner Heaton

Heather came and presented the results from the March 5, 2024 Democrat Party Presidential Primary election. She said that 496 ballots were sent out and only 229 votes were cast. No one voted during early voting and on Election Day, we had 10 come in person and one provisional.

Motion to approve and adopt the Canvas of the March 5, 2024 Presidential Primary made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

2. Payment In Lieu of Taxes (PILT) Payment Presentation by Utah Division of Wildlife/Commissioner Meyeres

Kevin Bunnell, with the Utah Division of Wildlife came and delivered a PILT payment in the amount of \$2.41. He also gave an update on the property they own east of town saying that it has been prepared for doing inspections on boats coming back from Lake Powell for aquatic invasive species. They are planning to begin inspecting boats around Memorial Day weekend.

3. Recognition of Outgoing SSD Board Members/Full Commission

The Commission gave recognition and thanks to Tony Wright, Byard Kershaw, Karen Alvey and Ed Browning who have been serving diligently on boards and districts within the county for many years.

4. Action on Rural County Grant Funds Recommended by the Kane County Economic Opportunity Board/Commissioner Meyeres

1. Southwest Tech is Requesting a Total of \$29,000 for Spring and Fall Course Business Development Training Offerings in 2024

2. Kanab Area Chamber of Commerce Requests \$10,000 for Business Development and Expansion, General Support, as well as Workforce Training and Development

Pat Guerrero from the Kanab Area Chamber of Commerce went over the two (above-mentioned) grant-funding requests. One is from Southwest Tech and the other is from Kanab Area Chamber of Commerce.

Motion to grant funding for Southwest Tech for a total of \$29K for Spring and Fall Course Business Development Training Offerings in 2024, as well as \$10K for Kanab Area Chamber of Commerce to use for Business Development and Expansion, General Support, as well as Workforce Training and Development made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

5. Discussion/Possible Action Regarding the Willow Reserve Public Infrastructure District (PID) No. 1/Full Commission

Commissioner Kubeja stated that last month it was on their agenda to talk about whether they should have a policy for PID's as a county and at that time, they decided not to have a written policy. They decided instead to take each application as is and then decide if it was the right thing for our county.

The Commission looked at and discussed the PID application from the Kanab 600, LLC and decided not to accept the application.

Motion to deny the Kanab 600 PID application as presented made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Kubeja-aye
Commissioner Meyeres-aye
Commissioner Heaton-aye

6. Review of Legislative Issues/Full Commission

Commissioner Meyeres gave a summary of what happened the last six weeks during the legislative session. Every year they do two things. One of the things they do is try to block legislation that will be harmful to our communities or constituents. The other thing they try to do is pass either funding appropriations or bills that will benefit our area. She feels like overall this was a great session from our standpoint.

7. Commissioner Report on Assignments/Full Commission

Commissioner Kubeja mentioned that the Senior Center/Active Living Center will be remodeling the kitchen at the Kanab location. The Meals on Wheels will continue to happen. The cooking will take place at the Valley Active Living Center and the meals will be brought down to Kanab and delivered. There will not be any congregate meals taking place in Kanab, but they will be having a bus/van going to the Valley Center if anyone wants to go eat/congregate there. There is not a start date as of yet, but once there is they will socialize it on Facebook and the Kane County website.

Sheriff Glover mentioned that the Building B project is coming along nicely, but they did have a delay on the installation of the gym floor. They expect it to be done around April 23rd.

Motion to go into closed session to discuss pending or reasonably imminent litigation and keep Sheriff Glover as a guest made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Motion to go back into regular session at 4:33p.m. March 12th made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Motion to adjourn made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

WHERE UPON MEETING WAS ADJOURNED

Patty Kubeja Chair

Chameill Lamb Clerk/Auditor

KANE COUNTY ORDINANCE NO. O 2024 – 13

**AN ORDINANCE ESTABLISHING COUNTY POLICY REGARDING PUBLIC
ACKNOWLEDGMENT OF THE USE OF KANE COUNTY FUNDS**

WHEREAS Kane County is authorized, through various state and federal constitutional provisions and through various general and specific state laws, along with various limitations under state and federal law, to provide funding derived from taxes and other revenue sources to other governmental entities and to private non-profit organizations and under limited circumstances to individuals or for-profit entities for public purposes; and

WHEREAS Kane County is also authorized to expend funds directly for various public purposes including but not limited to events and infrastructure projects; and

WHEREAS Kane County desires to have greater transparency by requiring various public acknowledgment of the use of taxes or other county revenues when any Kane County funds are provided to another person or entity for specific public purposes or when the County itself hosts a public event or builds any public infrastructure; and

WHEREAS the statutory authority for enacting this ordinance is Utah State Code §§ 17-53-201 et. al.;

**NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY,
STATE OF UTAH, ORDAINS AS FOLLOWS:**

Section 1. Ordinance Enactment.

Kane County Code Title 1 Chapter 12 Section 7 “Public Acknowledgment of Use of County Funds” is enacted to read as follows.

1-12-7: PUBLIC ACKNOWLEDGMENT OF USE OF COUNTY FUNDS:

- A. **PURPOSE:** The purpose of this policy is to provide greater public transparency by requiring public acknowledgment that county funds, and in certain circumstances the specific source of county funds, have been provided or expended to support public events, public infrastructure projects, and other public purposes as set forth herein.
- B. **DEFINITIONS:** As used in this section 1-12-7:
 - 1. “County employee” means.
 - 2. “County funds” means any revenue to Kane County including:
 - a. All taxes, fees, fines, state or federal appropriations, grants, donations, or other similar revenue to Kane County.
 - b. Any of the funds set forth in subsection B2a that Kane County diverts or transfers to the Kane County Municipal Building Authority (Kane County MBA), the Kane County Redevelopment Agency (Kane County RDA), or the Kane County Center for Education, Business, and the Arts Interlocal Agency.

- c. Any of the funds set forth in subsection B2a that Kane County or the entities listed in subsection B2b divert or transfer to any other legal entity.
 - 3. "County funds" does not mean:
 - a. taxes that are assessed or imposed by a local taxing entity other than Kane County that are collected by the County Treasurer or County Assessor before being distributed to the taxing entity.
 - b. Fines collected by the Kane County Justice Court that are ultimately distributed to a governmental entity other than Kane County.
 - 4. "Event" means any organized or planned gathering or social occasion whether indoors or outdoors for the purpose of recreation, leisure, education, community engagement, or public interest.
 - 5. "Infrastructure project" means the pre-construction, construction, or repair of any building, road, trail, public right-of-way, public utility infrastructure such as pipes or wires for gas, power, water, sewer, telephone or internet, or other similar construction project for public purposes.
- C. SCOPE:
- 1. Effective Date: The requirements of this section 1-12-7 apply beginning as follows:
 - a. Beginning April 12, 2024 for any expenditure of county funds subject to a contract, county grant, or other authorizing document, as set forth in subsection E1, which is authorized or executed after April 11, 2024.
 - b. Beginning July 1, 2024 for any other authorization of the use of county funds not covered by subsection C1a.
 - 2. Categories: The requirements of this section 1-12-7 apply when the expenditure of county fund meets one of the following:
 - a. Any direct expenditure of county funds by the county through any county office or department.
 - b. Any expenditure of funds by any person or entity for any public or private purpose when the expenditure is in whole or in part using county funds received through a county grant, interlocal agreement, other contract or any other means of transferring county funds to the person or entity.
 - c. Any funds described in subsection C2a or C2b that are expended or further distributed by the Kane County Municipal Building Authority, the Kane County Redevelopment Agency, or the Kane County Center for Education, Business and the Arts Interlocal Agency.
 - 3. Exceptions: The requirements of this section 1-12-7 do not apply to the following unless it is otherwise clear from the context of this section 1-12-7 that the requirements do apply:
 - a. Expenditure of county funds for a single event or project less than \$1000.
 - b. County employee related expenditures including salaries, benefits, travel and training expenses, employee job related equipment, events solely for county personnel and their families, or other employee related expenses.
 - c. Expenditures for goods or services related to the operation and administration of government including office supplies, office equipment such as computers, printers, desks, and chairs, vehicles and vehicle maintenance, other large equipment, cleaning

or other supplies, professional services such as engineering, architecture or accounting services, labor services such as cleaning, maintenance, or other contract services, and other goods or services necessary for the standard operation and administration of government.

- d. Expenditures authorized under the Kane County Program for Assistance of the Transient Homeless (PATH).
- e. Expenditures directly related to the statutory duties of the County Assessor, County Attorney, County Clerk-Auditor, County Recorder, County Sheriff, County Treasurer, County Surveyor, and County Justice Court.
- f. Expenditures related to maintenance and anticipated regular repair of county roads or any county facility.
- g. Expenditures of the Land Use Authority or Building Department.

D. PUBLIC ACKNOWLEDGMENT:

1. Events: If an event is supported in whole or in part by county funds, the event organizer must acknowledge that the event is supported by county funds. The acknowledgment must be included in one or more advertisements for the event and a written acknowledgment must be displayed at one or more locations during the event where it is reasonably anticipated that individuals present at the event will view the acknowledgment. If the event is supported by a known specific source of county funds, the specific source of funds must also be acknowledged. The acknowledgement whether written or oral must be substantially similar to one of the following, as the circumstances may apply:
 - a. "This event is supported in part by Kane County."
 - b. "This event is provided by a donation from Kane County."
 - c. "This is a Kane County event supported by your tax dollars."
 - d. "This Fourth of July celebration is funded by Kane County through the Transient Room Tax (TRT)."
 - e. "This concert is funded by the Kane County Restaurant Tax."
2. Infrastructure Projects: If an infrastructure project is supported in whole or in part by county funds, the project manager or other person with authority over the construction of the infrastructure project must acknowledge the project is supported by county funds. A written acknowledgment that the project is supported in whole or in part by county funds must be displayed at one or more locations at the construction site during construction in a manner that is reasonably likely to be viewed by the general public. If the infrastructure project is supported by a known specific source of county funds, the specific source of funds must also be acknowledged. The acknowledgement must be substantially similar to one of the following, as the circumstances may apply:
 - a. "This project is supported in part by Kane County."
 - b. "This Kane County road improvement project is being funded by the County Option Sales and Use Tax for Highways and Public Transit."
 - c. "This public infrastructure project is being supported by Kane County Transient Room Tax (TRT) funds allowed for the purposes of mitigating the effects of tourism."
 - d. "This building is being constructed by funding from the Kane County Rural County Health Care Facilities Tax"

3. Permanent Structures: If a building or other permanent public facility is constructed in whole or in part using county funds, the owner of the building or facility must acknowledge the building or permanent structure is supported by county funds. A permanent written acknowledgement must be erected on the property that is reasonably likely to be viewed by the general public or users of the facility. If the construction was supported by a known specific source of county funds, the specific source of funds must also be acknowledged. The acknowledgment must be substantially similar to one of the following, as the circumstances may apply:
 - a. "This building was constructed in part by a donation from Kane County."
 - b. "This Kane County facility was constructed using the Transient Room Tax (TRT)."
 - c. "This visitor center was constructed using funds from the Kane County Redevelopment Agency."
 - d. "This hospital addition was constructed by funding from the Kane County Rural County Health Care Facilities Tax."
 4. Other: Any other expenditure that meets the requirements of subsection C must acknowledge the use of county funds in a manner that is substantially similar to the requirements of subsections D1 through D3.
- E. CONTRACTS AND FAILURE TO ACKNOWLEDGE:
1. Any contract, grant or other document authorized or executed after April 11, 2024 that provides for the expenditure or transfer of county funds that falls under the requirements of this section 1-12-7, must include the applicable acknowledgment requirements of section D.
 2. Any person or entity that fails to comply with the requirements of this section 1-12-7 may be ineligible to receive additional county funds, at the discretion of the county commission.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date

This ordinance is effective fifteen (15) days after adoption, and after publication and notice are completed as set forth below.

Section 4. Publication and Notice.

This Ordinance shall be deposited in the Office of the Kane County Clerk. The Kane County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the Kane County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

//

End of Ordinance.

ADOPTED this 26th day of March 2024.

ATTEST:

CHAMEILL LAMB
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Meyeres voted _____
Commissioner Kubeja voted _____

AGENDA ITEMS

ITEM # 1

Stacey Baron from DOVE Center-Kane County's
Rape/Sexual Assault Mobil Advocate

PROCLAMATION

WHEREAS it is a basic human right to live a life free from violence and abuse; and

WHEREAS sexual violence is a serious problem that occurs in all cultures and communities and does not discriminate by age, gender, social class, race, ethnicity, religious affiliation or sexual orientation; and

WHEREAS, one in five children are sexually abused before they turn the age of 18 and one in three women and one in six men have experienced sexual violence in Utah; and

WHEREAS Over 80% of reported sexual assault cases were perpetrated by someone the survivor knew; and

WHEREAS Rape is the only violent crime in Utah that is higher than the national average; and 63% of sexual assaults are never reported to police; and the economic cost from sexual violence in Utah equals \$5 billion every year;

WHEREAS awareness and intentional collaboration are required to find solutions to sexual violence; and

WHEREAS it is the role of local government to provide for the health, safety, and welfare of its citizens; and

NOW THEREFORE I (Name), Mayor of the (City of Name), Utah, in partnership with DOVE Center, do hereby proclaim April as:

SEXUAL ASSAULT AWARENESS MONTH

in the (City of Kanab). We urge all residents to use April as ***Sexual Assault Awareness Month*** to learn how they can break the silence and end sexual violence in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the _____ day of (Month and Year).

Seal of the (City Name) Utah

(Name), Mayor

ITEM # 2

VOCA Grant/Victim Service Update

ITEM # 3

Kane County Ordinance No. O-2024-06 an Ordinance
Amending Title 9 Chapter 21 Subdivision Regulations
Article F. Dedication and Acceptance of Streets and
Public Improvements in the Kane County Land Use
Ordinance

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: March 26, 2024

Dept. /Business Name: Land Use

Topic/Re: Ordinance 2024-6: KCLUO 9-21F-6

Description: An ordinance revising Kane County Land Use Ordinance 9-21F-6 Right-Of-Ways and roadway Improvements; removing the requirement of chip seal or asphalt roads in subdivisions.

Attachments: Ordinance 2024-6

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommended approval in a split decision of 5-2.

KANE COUNTY ORDINANCE NO. O 2024-06

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 21 SUBDIVISION REGULATIONS
ARTICLE F. DEDICATION AND ACCEPTANCE OF STREETS AND PUBLIC
IMPROVEMENTS IN THE KANE COUNTY LAND USE ORDINANCE**

WHEREAS the Kane County Planning Commission recommended changes to Kane County Land Use Ordinance Chapter 21, Subdivision Regulations Article F., Sections 1 and 6 to remove the requirement to construct asphalt roads on subdivision streets; and

WHEREAS, this ordinance will also remove the American Association of State and Highway and Transportation Officials (AASHTO) standards for subdivisions in chapter 21, and

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for the approval the amendments; and

WHEREAS, the Kane County Board of Commissioners desires to implement the recommendations of the Planning Commission and amend the Ordinance; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-101 et. al., and §17-53-201;

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:

Section 1. Ordinance Amendment.

Kane County Code Title 9 Chapter 21 Article F Section 6 of the Kane County Land Use Ordinance is amended to read as follows. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

9-21F-6: RIGHT-OF-WAY AND ROADWAY IMPROVEMENTS:

Dedicated rights-of-way/roadways not located within a platted subdivision do not have to be improved at the time of dedication. A dedicated right-of-way/roadway will be required to be improved to the standards set forth by the Utah Wildland Urban Interface Code (current edition) prior to a building permit being issued to any parcel required to be served by an all weather surface right- of-way/roadway. The right-of-way/roadway will have to be improved to a minimum twenty eight feet (28') wide improved all weather travel surface, prior to a second building permit being issued on a parcel being served by the right-of-way/roadway. The owner will be required to submit all invoices associated with the cost of building the road to the County. Any building permits issued within ten (10) years of the date of completion of improvements of the right-of-way/roadway will require the property owner to pay a proportionate share of the road construction cost to the property owner who paid the original cost of improvements. ~~The road will be required to be asphalted prior to a development of five (5) acre density, or less, being approved or prior to~~

~~a building permit being issued which will cause the average daily traffic (ADT) to be above four hundred (400) trips per day or then current standard for very low volume local road as defined by the American Association of State Highway and Transportation Officials (AASHTO) standards. The improvements may be completed with the development construction. (Ord. O 2019 2, 1-14-2019)~~

AVERAGE DAILY TRAFFIC USAGE TABLE

Land Uses	Units	Daily (Weekday) Average Rate	
Land Uses	Units	Units	Daily (Weekday) Average Rate
Single family home	Dwelling units		9.52
Apartment	Dwelling units		6.65
Lodging/hotel	Dwelling units		8.92
Retail/shopping center	1,000 square feet		Non-linear rate
General office building	1,000 square feet		11.03
Superstore	1,000 square feet		50.75
Gasoline/service station	Vehicle fueling positions		168.56
Fast food restaurant with drive thru window	1,000 square feet		496.12
Restaurant (sit down)	1,000 square feet		127.15
Industrial/general light	1,000 square feet		6.97
Charter schools/private (K-12)	Students		2.48
Civic:	-		-
Library	1,000 square feet		56.24
Government office building	1,000 square feet		68.93
State Motor Vehicle Department	1,000 square feet		166.02

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date

This ordinance is effective fifteen (15) days after adoption, and after publication and notice are completed as set forth below.

Section 4. Publication and Notice.

This Ordinance shall be deposited in the Office of the Kane County Clerk. The Kane County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is

available at the Office of the Kane County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

End of Ordinance.

ADOPTED this 26th day of March 2024.

ATTEST:

CHAMEILL LAMB
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Meyeres voted _____
Commissioner Kubeja voted _____

March 24, 2024

To: Commissioners Kubeja, Heaton and Meyers

From: Mark Habbeshaw

Re: Comments regarding modifying KCLUO 9-21F-6 allowing subdivisions with lots sizes less than five (5) acres to be developed without asphalt subdivision roads

I understand the County accepted all of the subdivision roads in both Crimson Estates and Sunflower Valley Estates. From experience, I understand why the County Road Department does not have the funding or equipment to maintain asphalt subdivision roads. Class B road funding is very limited and will not increase with the County's acceptance of numerous subdivision Class B roads.

I submitted comments to the P&Z Commission that the County should not accept subdivision roads as county roads, unless an occasional road travels through a subdivision and serves a public purpose beyond the subdivision. That is not the case with subdivision roads in either Sunflower Valley Estates or Crimson Estates.

I also proposed that P&Z Commissioners recommend that the County Commission consider abandoning the county roads previously accepted in both Crimson Estates and Sunflower Valley Estates. The acceptance of the subdivision roads was clearly a mistake and beyond the budget and operational capability of the County Road Department.

Utah Code 72-5-104 (1),(2)(a) allows for the formal abandonment of county roads by resolution or ordinance. If the subdivision roads were abandoned by the County, the roads would revert to the developer or the subdivision property owners. This would be a fair and equitable solution given the lack of both financial and operational ability of the County Road Department to take on, not only these subdivision roads but additional high-density subdivision roads in the near future.

I have taken the liberty of submitting the comments verbally presented at the P&Z meeting because they are still relevant considering the removal of the asphalt requirement for roads in subdivisions with less than five (5) acre lots, as currently required in KCLUO 9-21F-6:

Point 1 – I understand the original issue was a lack of Class B road funding to acquire and maintain subdivision roads as County roads; however, the Public Hearing Issue is stated as (Quote) "Removing the requirement of chip seal or asphalt roads in subdivisions." I am not sure I understand the connection: - but I have proposed solutions for both of those issues.

Point 2 – Important lessons were learned years ago when the Vermillion Cliffs Estates developer abandoned the subdivision without finishing the roads. This created a health, safety and welfare danger with unimproved roads. Residents and emergency vehicles could not reach homes on the dirt roads during inclement weather. Property owners were unable to agree on road improvements. In 2005 the County created the Vermillion Cliffs Estates Special Improvement District and constructed hard surfaces roads and took the roads over as county roads as a one-time solution to a serious problem: - with no idea that 19 years later we would be seeing multiple-one (1) acre subdivisions in rural Kane County.

Point 3 - One (1) acre subdivisions with two dwellings are municipal-type densities and require asphalt roads. High-density subdivision roads without asphalt create health, safety and welfare problems because of snow, ice, mud, ruts, washboards, and dust (requiring magnesium chloride).

Point 4 - Proposed Solution

Developers are currently required to chip seal or asphalt subdivision roads in developments with lots less than five (5) acres. **Because of the serious problems with dirt or road-based roads in high-density subdivisions the requirement for chip seal or asphalt in KCLUO 9-21F-6 should not be changed.** To illustrate the seriousness of this issue: consider Kanab City's streets as existing today as dirt roads.

Point 5 - Proposed Solution

Because of the lack of Class B road funding and the County Road Department's lack of ability to maintain asphalt roads, the County should simply adopt a policy that it will not accept subdivision roads unless the road serves a wider public interest beyond the subdivision. For example; some might claim that Sunburst Lane in Sunflower Valley Estates serves as a through road but the Eight Mile Gap road serves the same purpose and is already a county road.

Point 6 - Experience has shown that HOAs would not be effective in constructing asphalt subdivision roads: that should be the responsibility of the developer to complete the subdivision's infrastructure in municipal-density developments. An HOA would be capable of providing maintenance on subdivision roads as required over time.

Point 7 - For the same reasons: asphalt subdivision roads should not require the creation of a special service district after the developer has finished the subdivision. The developer should have been responsible to hard-surface the roads.

Point 8 - High-density, spot zoning development has created this issue and other municipal-type service issues including fire service needs, increase law enforcement service needs, ambulance,

EMS and others. The municipal-type service needs will only increase with the Kanab 600, the Kanab 160 and other one (1) acre developments in the near future.

Point 9 - A solution to the high-density development changing our rural community to a municipal-type community would be for the Planning Commission and the County Commissioners to adopt a five (5) acre or larger subdivision lot size requirement: based on the ever growing municipal-type problems caused by the approval of actual one-half (1/2) acre density, when allowing two dwellings per lot.

Point 10 – As a final thought: most of us moved to unincorporated Kane County for a rural quality of life. We do not want and are not ready for municipal incorporation but the Planning Commission and the County Commissioners, because of high-density subdivision approvals, are taking away our rural lifestyle and forcing us toward a city environment we moved here to avoid.

Respectfully submitted,

Mark Habbeshaw,

Former Kane County Commissioner

(435) 644-8091

markhabbeshaw326@gmail.com

ITEM # 4

Zone Change/Ordinance 2024-07: Third Mesa/JT
Maxwell

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: March 26, 2024

Dept. /Business Name: Land Use

Topic/Re: Zone Change/Ordinance 2024-07: Third Mesa/JT Maxwell

Description: An application for a zone change from Agricultural (AG) to rural 10 (RU-10), parcel 3-5-24-3A containing 71-34 acres, located near the mouth of Johnson Canyon.

Attachments: Info Packet

Public emails

Ordinance 2024-07

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommended approval in a split decision of 4-3.

Wendy Allan

From: rocel@aol.com
Sent: Monday, March 4, 2024 9:27 AM
To: Shannon McBride; Wendy Allan; Charee Shepherd
Subject: Zone Change - Johnson Canyon Rd (Ordinance 2024-07)

Dear Planning and Zoning Commission,

I am writing to oppose the zone change request from AG to RU-10 for Third Mesa LLC. This property is located on Johnson Canyon Road in a rural area. The zone change would allow this parcel of 71.34 acres to build up to 70 cabins at 1,500 sq ft each, up to 70 campground/glamp-ground sites, an animal shelter, spa, restaurant, recreational center, golf course, and gift shop to name just some of the new uses. These are commercial type facilities that do not belong next to rural residents.

It has become very clear within the last 5 years that our County Commission is intent on destroying our rural way of life east of Kanab. From one acre developments to high-end glamping resorts and RV parks, there will soon be no place for those of us who want a quiet way of life to reside.

The County Commissioners keep saying, "We don't provide municipal type services in the county." Yet, they continue to approve municipal type developments. The County gathers more and more property tax revenues from these developments yet there is no money for structural fire protection or road maintenance. Those living east of Kanab have been told that they will lose structural fire protection come October of 2024. How does the County Commission justify zone changes when these properties will be unable to get fire insurance? Furthermore, Johnson Canyon Road has been in terrible condition for years and only getting worse. This rezone will put even more traffic on it. When is the County going to repair the road? For the past five years they have said that there is no money for repairs.

To continue approving rezones, municipal style developments, and resort communities in our rural areas when there is no money to maintain the roads or ensure structural fire protection is irresponsible and lacks any reasonable planning efforts.

Please reject this rezone request and save our rural way of life.

Sincerely,

Rocel Bettencourt



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: February 12, 2023

To: Planning Commission
From: Shannon McBride, Zoning Administrator
Subject: Project # 24005: Zone Change Application, AG to RU-10, Ordinance O-2024-07
Parcel 3-5-24-3A consisting of a total of 71.34 acres

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area and on public websites. A public notice was posted in two public locations, and a sign was posted near the parcel.*

PROPERTY PROJECT HISTORY	
Project Number	Vacant Land
24005	Current zone is AG

REQUEST: On January 24, 2024, JT Maxwell, submitted a zone change application on behalf of his company Third Mesa, LLC for parcel 3-5-24-3A, located on Johnson Canyon Road approximately a quarter mile from Hwy 89, requesting to rezone from AG to RU-10.

BACKGROUND: Parcel 3-5-24-3A is assigned AG zoning. The property owner previously applied for a zone change in 2018 from AG to C-1 which was denied and then again in 2021 from AG to Rural-40 which was denied at the P&Z level and was never placed on the Commission agenda. The applicant is now asking for the Rural-10 zone.

LEGAL DESCRIPTIONS: PARCEL 1: THE SW/4SW/4 OF SEC 24 T43S R5W SLB&M. CONT 40.0 AC, M/L.

PARCEL 2: THAT PORTION OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M, LYING W'LY OF THE JOHNSON CANYON ROAD.

LESS & EXCEPTING THEREFROM:

BEG AT THE NE COR OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M & RUN TH W 467.0 FT; TH S 467.0 FT; TH E 467.0 FT; TH N 467.0 FT TO THE PT OF BEG. CONT 5.0 AC, M/L. (LEAVING 29 AC M/L)

RESERVING UNTO THE GRANTOR, HIS HEIRS OR ASSIGNS, A R/W EASEMENT FOR INGRESS & EGRESS & PUBLIC UTILITIES OVER, UNDER & ACROSS THE S 66.0 FT OF PARCELS 1 & 2 DESC'D ABOVE FOR THE BENEFIT OF THE FOLLOWING DESC'D PROP: THE SE/4SE/4 OF SEC 23 T43S R5W SLB&M

FACTS & FINDINGS:

- Parcel 3-5-24-3A meets the minimum acreage required to be zoned RU-10. The parcel is currently zoned AG.
- The developer requests RU-10 zoning which requires a zone change.
- If the zone change is approved all uses contained in the RU-10 uses table will be allowed.

9-5C-6: USES TABLE:

Use	Rural 10		Rural 40	
			Rural 10	Rural 40
Accessory buildings and uses customarily incidental to conditional uses			C	C
Accessory buildings and uses customarily incidental to permitted uses			P	P
Animal shelter, commercial			C	C
Animal shelter, private			P	P
ATV tours & rentals			-	-
Building with a height greater than 35 feet			C	C
Cabins -- not to exceed 1500 Sq. ft. Limited to up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more			C	C
Campground/glamp-ground with up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more			C	C
Educational Shop			C	C
Fruit, fruit juice store; fruit and/or vegetable stand, or store			P	P
Gift shop; incidental to permitted uses			P	P
Golf courses			C	C
Helicopter tours			!	-
Helipad, private			!	C
Parks and other recreational areas			C	C
Parking lot incidental to a use conducted on the premises			P	P
Public parks and playground			P	P
Reception center and/or wedding chapel			P	P
Recreational center, recreational camp, facilities or area that is private and/or commercial			P	P

Recreational vehicle park	I	C
Restaurant	C	C
Shooting Range	C	C
Spa	C	C
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work	P	P
Tourist and tour guide companies or services	C	P
4x4 Vehicle tours & rentals	-	-

- Surrounding parcels are zoned AG, AG-FAA and R-1.
- The parcel would gain access from Johnson Canyon Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice and a sign has been posted near the parcel.
- **9-5A-1: PURPOSE:**
To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **9-5B-1: PURPOSE:**
Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2020-14, 6-23-2020)
- Kane County General Plan, Preamble: 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.
- Kane County General Plan, Industrial and Commercial Land Use: **Industrial and commercial land uses are usually located at major highway intersections and near established communities.** Much of the existing commercial and industrial activity has been annexed into adjacent communities.

Conclusion: The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of

surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan.

Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner; *Patterson v. Utah County Bd. of Adjustment*, 893 P.2d 602, 606 (UT App 1995)

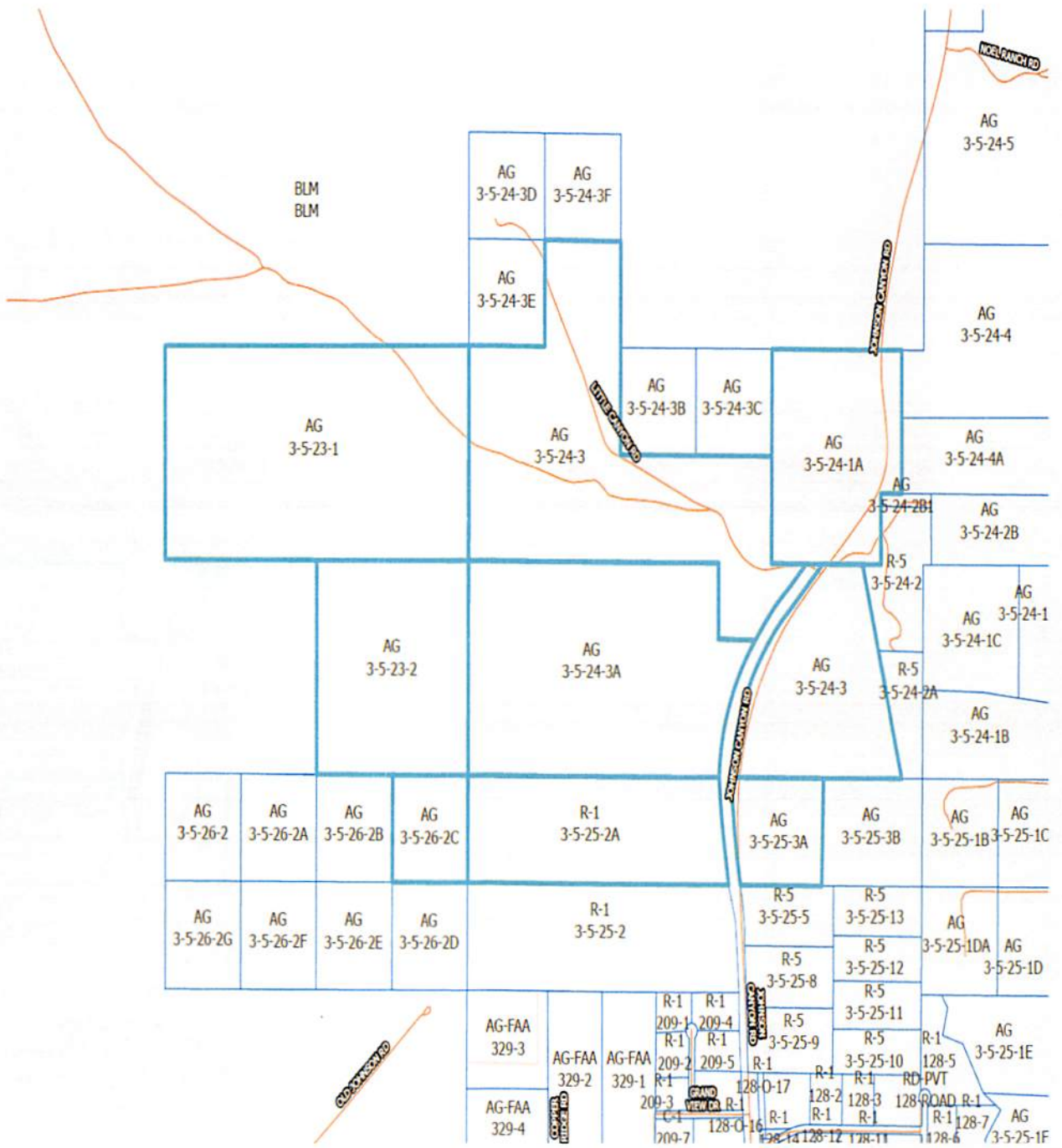
If the zone change amendment is adopted, the regulations of the new zone of RU-10 can be found in the Kane County Land Use Ordinance, Chapter 5: Agriculture and Rural Zones.

MOTION: I move to recommend denying/approving the zone change from AG to RU-10 for parcel 3-5-24-3A, & Ordinance O-2024-07 to the County Commission based on the facts and findings as documented in the staff report.





76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4966 | www.kane.utah.gov
Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov



KANE COUNTY ORDINANCE NO. O 2024-07

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 3-5-24-3A
FROM AGRICULTURE TO RURAL 10**

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-5B-1: **PURPOSE:** Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2020-14, 6-23-2020)

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 7-27a-201- 205, 17-27a-308, and 17-27a-505;

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 3-5-24-3A from AG to Rural 10;

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:

Parcel 3-5-24-3A

Acres 71.34

LEGAL DESCRIPTION: PARCEL 1: THE SW/4SW/4 OF SEC 24 T43S R5W SLB&M. CONT 40.0 AC, M/L.

PARCEL 2: THAT PORTION OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M, LYING W'LY OF THE JOHNSON CANYON ROAD.

LESS & EXCEPTING THEREFROM:

BEG AT THE NE COR OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M & RUN TH W 467.0 FT; TH S 467.0 FT; TH E 467.0 FT; TH N 467.0 FT TO THE PT OF BEG. CONT 5.0 AC,M/L. (LEAVING 29 AC M/L)

RESERVING UNTO THE GRANTOR, HIS HEIRS OR ASSIGNS, A R/W EASEMENT FOR INGRESS & EGRESS & PUBLIC UTILITIES OVER, UNDER & ACROSS THE S 66.0 FT OF PARCELS 1 & 2 DESC'D ABOVE FOR THE BENEFIT OF THE FOLLOWING DESC'D PROP:

THE SE/4SE/4 OF SEC 23 T43S R5W SLB&M

Is hereby rezoned from AG to Rural 10 and shall from here forth be zoned.

---- END OF ORDINANCE ----

This Ordinance shall be deposited in the Office of the County Clerk, and recorded in the Kane County Recorder's Office and shall take effect fifteen (15) days after the date signed below. Utah State Code 17-53-208 (3) (a).

The County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this ____ day of _____, 2024.

ATTEST:

Patty Kubeja, Chair
Board of Commissioners Kane County

Chameill Lamb
Kane County Clerk

Commissioner Heaton voted _____
Commissioner Kubeja voted _____
Commissioner Meyeres voted _____

ITEM # 5

Zone Change/Ordinance 2024-08: Rogers

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: March 26, 2024

Dept. /Business Name: Land Use

Topic/Re: Zone Change/Ordinance 2024-08: Rogers

Description: An application for a zone change from Agricultural FAA (AG-FAA_ to Rural 10 (RU-10), parcels 256-6, 256-7, 256-8 and 256-9 totaling 40 acres, in the Paunsagunt Ranches rural Unimproved Subdivision, located off of Lutherwood Road near Tod's Junction and the Oaken Acres Subdivision.

Attachments: Info Packet

 Public emails

 Ordinance 2024-08

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommended approval in a split decision of 4-3.



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

DRAFT Staff Report

DATE: February 15, 2024

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 24010: Zone Change Application, AG-FAA to RU-10, Ordinance O-2024-08
Parcels 256-6, 256-7, 256-8, and 256-9 each consisting of 10 acres with a total of 40 acres.

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area and on public websites. A public notice was posted in two public locations, and a sign was posted near the parcel.*

PROPERTY PROJECT HISTORY	
Project Number	Vacant Land
240010	Current zone is AG-FAA Rural Unimproved Subdivision

REQUEST: On February 13, 2024, Michael Field Rogers, submitted a zone change application for parcels 256-6, 256-7, 256-8, and 256-9, in the Paunsaugunt Ranches Rural Unimproved Subdivision, located off of Lutherwood Road near Tod's Junction, close to the Oaken Acres Subdivision, requesting to rezone from AG-FAA to RU-10. Bart Battista, acting with Power of Attorney will present the project.

BACKGROUND: Parcels 256-6, 256-7, 256-8, and 256-9 are in the Paunsaugunt Ranches Rural Unimproved Subdivision and are assigned AG-FAA zoning. Kane County's most restrictive zoning is assigned to Rural Unimproved Subdivision/Splits due to using the AG-FAA exemption to create separate parcels and not going through the full subdivision process.

LEGAL DESCRIPTION: ALL of parcels 256-6, 256-7, 256-8, and 256-9 in the Paunsaugunt Ranches, A Rural Unimproved Subdivision.

FACTS & FINDINGS:

- Parcels 256-6, 256-7, 256-8 and 256-9 meet the minimum acreage required to be zoned RU-10. The parcel is currently zoned AG-FAA.
- The developer requests RU-10 zoning which requires a zone change.
- If the zone change is approved all uses contained in the RU-10 uses table will be allowed.

The current uses are as stated below:

9-5A-3: USES TABLE:

Uses	AG	AG-FAA	
		AG	AG-FAA
Accessory buildings and uses customarily incidental to conditional uses	C	C	C
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Agricultural industry or business including all livestock marketing, production, and wholesale	P	P	P
Agricultural tourism (agritourism)	P	P	P
Animal feed lot	P	P	P
Animal feeding operation	C	C	C
Apiary (beehives)	P	P	P
Automatic car wash	-	-	-
Automobile fuel filling station	-	-	-
Aviary	P	P	P
Bed and breakfast	P	-	-
Beer sales at public recreational facilities	C	-	-
Billiards or pool hall	-	-	-
Bowling alley; commercial skating	-	-	-
Boxing arena	-	-	-
Campground, glamp-ground, up to 7 sites for lots of 10 acres or more.	C	-	-
Cannabis, Marijuana, Hemp (without state license)	-	-	-
Cannabis production establishment (with state cannabis production establishment license) (must be located at least twelve and a half (12.5) miles away from any community location as the crow flies)	P	P	P
Commercial dwelling or residential facilities for elderly or disabled persons	P	-	-
Construction equipment and supply trailer, temporary	P	-	-
Convenience store with gasoline sales	-	-	-
Cottage industry that may be permitted to employees that reside outside of the dwelling providing adequate off street parking can be made available on the property	C	C	C
Dams, reservoirs and hydroelectric facilities	C	C	C
Dude ranch, family vacation ranch	C	C	C
Dwelling	P	P	P
Electrical power substation	C	C	C
Farms devoted to raising of chickens, turkeys or other fowl or poultry, fish and frogs	P	P	P
Forestry	P	P	P
Guest homes	P	P	P
Home occupation	P	P	P
Hotel, motel, inn	-	-	-
Industrial hemp (with state industrial hemp license) (must be located at least twelve and a half (12.5) miles away from any community location as the crow flies)	P	P	P
Kennel and/or cattery commercial or private	P	P	P

Large CAFO-Light	-	!
Large CAFO-Heavy	-	!
Lodges	C	!
Logging and lumber harvesting	P	P
Medical cannabis (with state medical cannabis license) (must be located at least twelve and a half (12.5) miles away from any community location as the crow flies)	P	P
Nightclub/social club	-	!
Parks	P	P
Park model	P	P
Parks, public	P	P
Personal agriculture, including crop production, grazing and pasturing of animals	P	P
Plant materials nursery or greenhouse	P	P
Power generation for on site use under 50 kVA	P	P
Private airstrip	C	C
Private cemetery	P	P
Private roads	P	P
Processing and composting of State regulated Class A, B, and C biosolids and other acceptable organic waste such as chicken manure	C	C
Production agriculture, including crop and grazing and pasturing of animals	P	P
Public, quasi-public, and private service utility lines, pipelines, power lines, excluding overhead lines with base structure over 70 feet in height	P	P
Public recreational grounds and facilities	C	C
Public riding stable, riding academy or riding ring, horse show barns, or facilities	P	P
Public use, quasi-public use, essential services, including accredited private school, with a curriculum corresponding to a public school	C	C
Radio and television transmitting stations and towers and wireless communications towers	C	C
Recreational vehicle park	-	!
Reservoir and hydroelectric facilities	C	C
Residential facilities	P	P
Second family dwelling for the household of a hired man or seasonal laborer, or members of owner's family	P	P
Seed/feed sales with no store front	P	P
Solar panels on a larger scale than residential producing 25 kW and above	C	C
Solar panels producing below 25 kW of energy	P	!
Solar power plant	C	!
Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment	P	!
Surface mines, quarries and gravel pits	C	!
Tourist based companies	P	!
Truck stop and truck wash	-	!
Underground mining, including underground and surface for mining and transporting of minerals and for processing such minerals for sale or use	C	!

Uses if zone change is approved the following uses table applies:

9-5C-6: USES TABLE:

Use	Rural 10	Rural 40	
		Rural 10	Rural 40
Accessory buildings and uses customarily incidental to conditional uses		C	C
Accessory buildings and uses customarily incidental to permitted uses		P	P
Animal shelter, commercial		C	C
Animal shelter, private		P	P
ATV tours & rentals		-	-
Building with a height greater than 35 feet		C	C
Cabins -- not to exceed 1500 Sq. ft. Limited to up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more		C	C
Campground/glamp-ground with up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more		C	C
Educational Shop		C	C
Fruit, fruit juice store; fruit and/or vegetable stand, or store		P	P
Gift shop; incidental to permitted uses		P	P
Golf courses		C	C
Helicopter tours		-	-
Helipad, private		-	C
Parks and other recreational areas		C	C
Parking lot incidental to a use conducted on the premises		P	P
Public parks and playground		P	P
Reception center and/or wedding chapel		P	P
Recreational center, recreational camp, facilities or area that is private and/or commercial		P	P
Recreational vehicle park		-	C
Restaurant		C	C
Shooting Range		C	C
Spa		C	C
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work		P	P
Tourist and tour guide companies or services		C	P
4x4 Vehicle tours & rentals		-	-

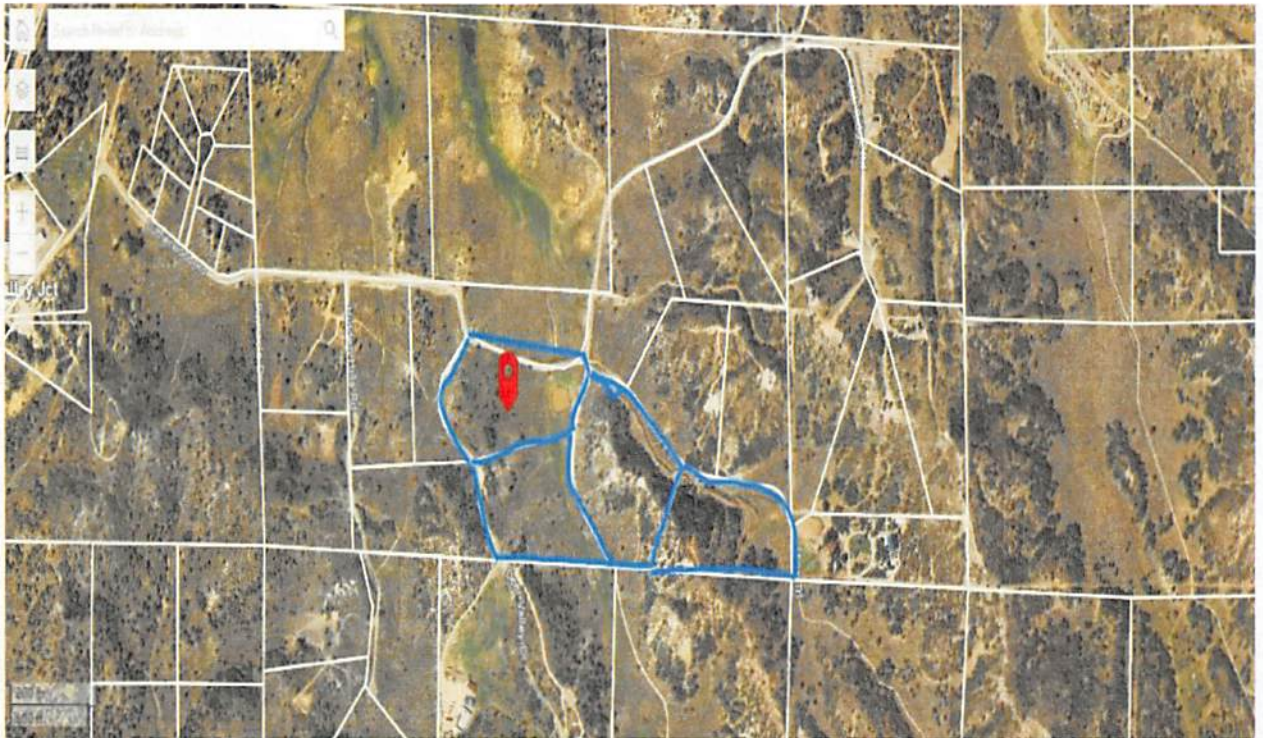
- Surrounding parcels are zoned AG, AG-FAA.
- The parcel would gain access from Highway 89 and Lutherwood Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice and a sign has been posted near the parcel.
- **Agricultural Zone 9-5A-1: PURPOSE:** To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **Rural 10 Zone 9-5C-1: PURPOSE:** Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2023-03, 1-24-2023)
- **Kane County General Plan, Preamble:** 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.
- **Kane County General Plan, Industrial and Commercial Land Use:** **Industrial and commercial land uses are usually located at major highway intersections and near established communities.** Much of the existing commercial and industrial activity has been annexed into adjacent communities.

Conclusion: The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan.

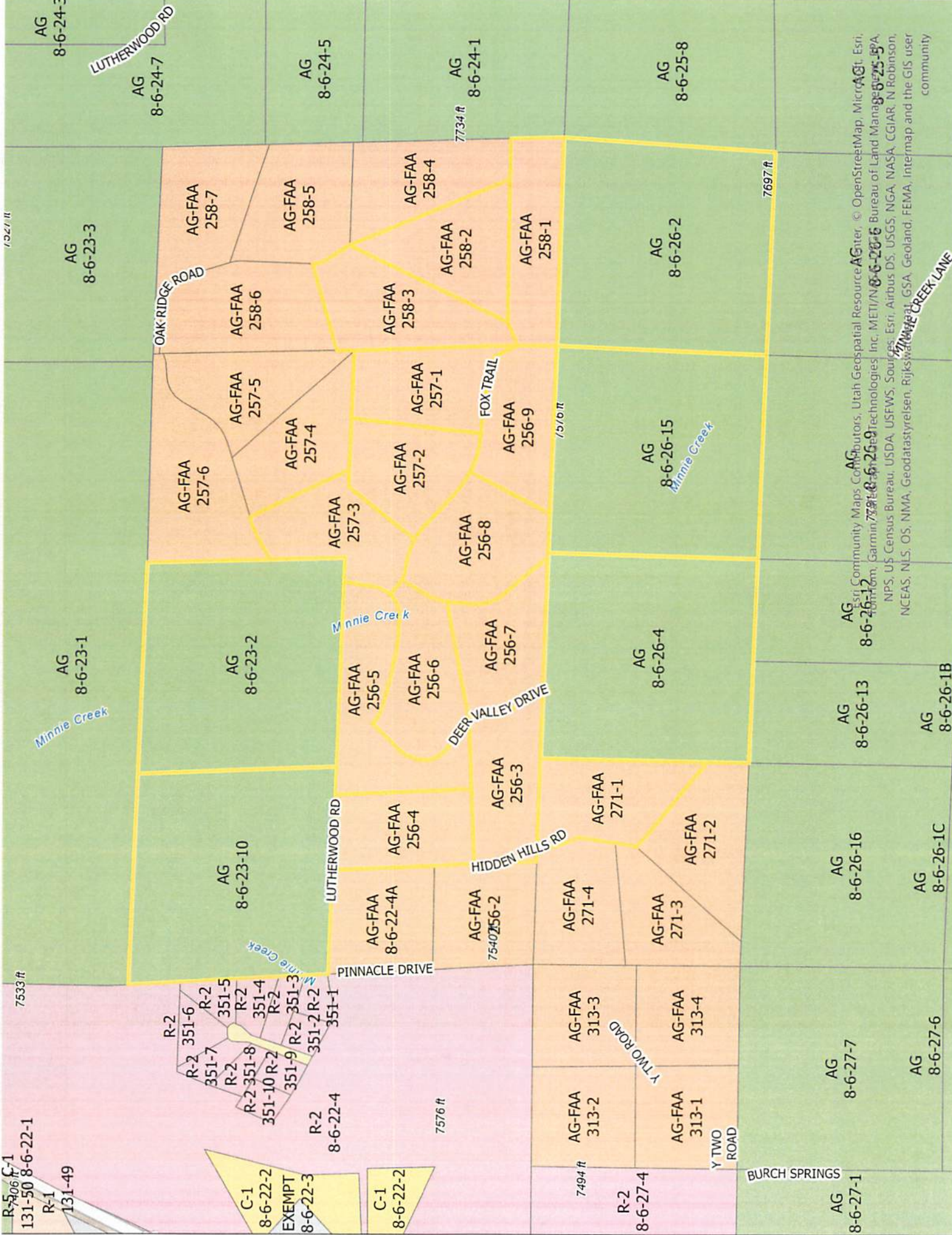
Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner; *Patterson v. Utah County Bd. of Adjustment*, 893 P.2d 602, 606 (UT App 1995)

If the zone change amendment is adopted, the regulations of the new zone of RU-10 can be found in the Kane County Land Use Ordinance, Chapter 5: Agriculture and Rural Zones.

MOTION: I move to recommend denying/approving the zone change from AG-FAA to RU-10 for parcels 256-6, 256-7, 256-8, and 256-9, & Ordinance O-2024-08 to the County Commission based on the facts and findings as documented in the staff report.



76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4966 | www.kane.utah.gov
Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov



AG-FAA 258-7
 AG-FAA 258-5
 AG-FAA 258-4
 AG-FAA 258-2
 AG-FAA 258-1
 AG 8-6-26-2
 AG-FAA 257-6
 AG-FAA 257-5
 AG-FAA 257-4
 AG-FAA 257-3
 AG-FAA 257-2
 AG-FAA 257-1
 AG-FAA 256-9
 AG 8-6-26-15
 AG-FAA 256-8
 AG-FAA 256-7
 AG 8-6-26-4
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 AG-FAA 256-5
 AG-FAA 256-4
 AG-FAA 256-3
 AG 8-6-26-13
 AG-FAA 271-1
 AG-FAA 271-2
 AG 8-6-26-16
 AG-FAA 271-4
 AG-FAA 271-3
 AG-FAA 271-2
 AG 8-6-26-1C
 AG-FAA 313-3
 AG-FAA 313-4
 AG 8-6-27-7
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 AG-FAA 313-1
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KANE COUNTY ORDINANCE NO. O 2024-08

AN ORDINANCE AMENDING THE ZONING OF LOTS 256-6, 256-7, 256-8 AND 256-9 FROM AGRICULTURE FAA TO RURAL 10

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-5B-1: **PURPOSE:** Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2020-14, 6-23-2020.

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 7-27a-201- 205, 17-27a-308, and 17-27a-505;

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to lots 256-6, 256-7, 256-8 and 256-9 from AG-FAA to Rural 10;

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:

ALL of parcels 256-6, 256-7, 256-8, and 256-9 in the Paunsaugunt Ranches, A Rural Unimproved Subdivision.

Is hereby rezoned from AG-FAA to Rural 10 and shall from here forth be zoned.

---- END OF ORDINANCE ----

This Ordinance shall be deposited in the Office of the County Clerk, and recorded in the Kane County Recorder's Office and shall take effect fifteen (15) days after the date signed below. Utah State Code 17-53-208 (3) (a).

The County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance

is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this ____ day of _____, 2024.

ATTEST:

Patty Kubeja, Chair
Board of Commissioners Kane County

Chameill Lamb
Kane County Clerk

Commissioner Heaton voted _____
Commissioner Kubeja voted _____
Commissioner Meyeres voted _____

ITEM # 6

Amended Plat/Ordinance 2024-09: Bean/Chournos

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: March 26, 2024

Dept. /Business Name: Land Use

Topic/Re: Amended Plat/Ordinance 2024-09: Bean/Chournos

Description: An application to vacate, amend & extend a subdivision plat to adjust the lot line, by Ordinance 2024-09, between parcel 297-1 in the Square One Rural Unimproved Subdivision and parcel 317-1 in the Johnson Canyon Estates Rural Unimproved Subdivision.

Attachments: Info Packet

Ordinance 2024-09

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommended approval in a split decision of 4-3.



DRAFT STAFF REPORT

DATE: 2/16/24

PROJECT: A complete application has been submitted for the Johnson Canyon Estates, Platted Unimproved Subdivision (PLUS) Amended 2, and the Square One Rural Unimproved Subdivision to amend, extend and vacate a subdivision plat for a lot line adjustment (Ordinance 2024-09), on behalf of the Roland Bean Living Trust, The Melissa Bean Living Trust, and Lanse Chournos, adjusting the parcel lines between parcels 297-1 and 317-1; vacating .85 acre portions out of each lot and adding it back into the lots by a parcel line adjustment. Therefore, acreage is being exchanged by this lot line adjustment. The application was submitted by Iron Rock Engineering, holding power of attorney.

FINDINGS: The application for Amending, Extending and Vacating the plat of the Johnson Canyon Platted Unimproved Subdivision (PLUS) and Square One Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). Johnson Canyon Estates, PLUS and Square One RUS both comply with Kane County Land Use Ordinance, Title 9, Chapter 21, Subdivision Regulations, Article E-9. All requirements for rights-of-way and EXISTING easements conform to the standards in the Kane County Land Use Ordinance at the time of the application for the PLUS and RUS process. No easements are being vacated. All notices are in conformance with all standards and notice requirements of §17-27a-202. A notice was posted on two public notice boards at the Kane County courthouse, Utah State website and the Kane County website. A sign was placed on the property being vacated.

- (1) A land use authority shall apply the plain language of land use regulations.
- (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
- (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

STAFF RECOMMENDATION: Kane County Engineer, Kelvin Smith, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, recommends approval to the Kane County Commission.

I move to recommend approval/denial, to the County Commissioners, Ordinance 2024-09, to amend, extend and vacate amended plats for the Johnson Canyon Estates, Platted Unimproved Subdivision and the Square One Rural Unimproved Subdivision parcel/lot line adjustment, for parcels 297-1 and 317-1, based on the findings documented in the staff report.



JOHNSON CANYON ESTATES A PLATTED UNIMPROVED SUBDIVISION, AMENDED 2

LOCATED IN THE NE 1/4, NW 1/4 SECTION 11,
 TOWNSHIP 42 SOUTH, RANGE 5 WEST
 SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, Thomas W. Avanti, a Professional Land Surveyor, License No. 5561917, note this license in accordance with Title 56, Chapter 22, hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this plat. I certify that by authority of the herein owners, I have made a survey of the tract of land as shown on this Plat and have ordered two parcels, as shown, which are herein after known as

JOHNSON CANYON ESTATES A PLATTED UNIMPROVED SUBDIVISION, AMENDED 2

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

Thomas W. Avanti, P.L.S. - License # 5561917 Date _____

COMBINED PARCEL 317-1

Parcel 317-1

Plat of the southwest corner of Section 11 Township 42 South, Range 5 West, Salt Lake Base and Meridian, Shows South 89° 41' 30" East 134.86 feet, along the Section line, thence South 89° 41' 30" East 134.86 feet, to the POINT OF BEGINNING, thence South 89° 41' 30" East 134.86 feet, to the WASTERN RIGHT-OF-WAY OF JOHNSON CANYON ESTATES A PLATTED UNIMPROVED SUBDIVISION, AMENDED 2, thence South 89° 41' 30" East 134.86 feet, to the WASTERN RIGHT-OF-WAY OF JOHNSON CANYON ESTATES A PLATTED UNIMPROVED SUBDIVISION, AMENDED 2, thence South 89° 41' 30" East 134.86 feet, to the POINT OF BEGINNING, containing 33.008 acres (partial or less).

MONUMENTS

Reason for Record of Survey Plat to show the amended parcels in the above unimproved subdivision.

OWNER INFORMATION

1 GEORGE UT 84790

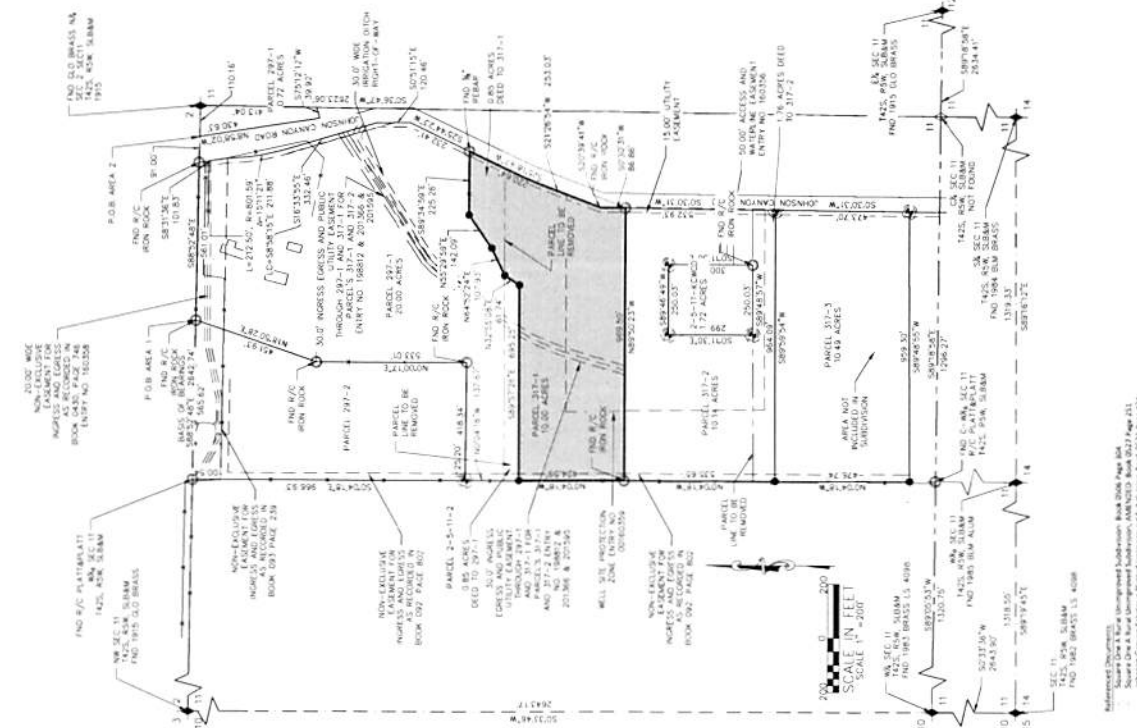
LEGEND

- SETBACK MARK WITH PLASTER CAP
 - FOUND REBAR
 - FOUND MONUMENT AS NOTED
 - FOUND SECTION CORNER AS NOTED
 - NOT FOUND SECTION CORNER
- SURVEY BOUNDARY
 - PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - SECTION LINE
 - 1/2 SECTION LINE
 - FENCE
 - EXISTING 20' WICH PRIVATE ACCESS EASEMENT
 - RECORD BOUNDARY AND DISTANCE

Reason for Record of Survey Plat to show the amended parcels in the above unimproved subdivision.

OWNER INFORMATION

1 GEORGE UT 84790



INITIAL SUBMITTAL DATE: 10/2024

REVISION DATE: _____

DESCRIPTION: _____

JOHNSON CANYON ESTATES A
 PLATTED UNIMPROVED SUBDIVISION, AMENDED 2
 KANE COUNTY, UTAH

DRAWN BY: CJM

SCALE: 1" = 200'

SHEET: 1 OF 1

STATE OF UTAH, COUNTY OF _____

DATE OF RECORDING: _____

STATE OF UTAH, COUNTY OF _____

DATE OF RECORDING: _____

RECORDING AND FILED AT THE _____

OFFICE OF THE COUNTY CLERK, KANE COUNTY, UTAH

DATE: _____

BY: _____

RECORDING AND FILED AT THE _____

OFFICE OF THE COUNTY CLERK, KANE COUNTY, UTAH

DATE: _____

BY: _____

- References to other records:
- 1. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 2. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 3. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 4. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 5. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 6. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 7. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 8. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 9. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 10. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 11. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 12. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 13. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 14. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211
 - 15. Survey of a Part of Unimproved Subdivision, AMENDED, Book 2024 Page 211

SQUARE ONE A RURAL UNIMPROVED SUBDIVISION, AMENDED 2 LOCATED IN THE NE 1/4, NW 1/4 SECTION 11, TOWNSHIP 42 SOUTH, RANGE 5 WEST SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, Thomas W. Asent, PLS - License # 5561917, hold this license in accordance with Title 55, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this Professional Survey in accordance with Section 17-21-1 and have verified all measurements and have plotted monuments as represented on this plat. I certify that by authority of the person owners, I have made a survey of the tract of land as shown on this Plat and have amended the plat, as shown, which are herein after shown as:

SQUARE ONE, A RURAL UNIMPROVED SUBDIVISION, AMENDED 2

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

Thomas W. Asent, PLS - License # 5561917 DATE

COMBINED PARCEL 297-1

Record Description:

Parcel 297-1, Square One, A Rural Unimproved Subdivision Amended 2

A portion of the NE 1/4 NW 1/4 of Section 11 Township 42 South, Range 5 West, Salt Lake Base and Meridian, more particularly described as follows:

Area 1

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 2

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 3

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 4

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 5

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 6

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 7

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 8

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 9

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 10

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 11

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 12

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 13

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 14

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 15

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 16

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 17

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 18

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 19

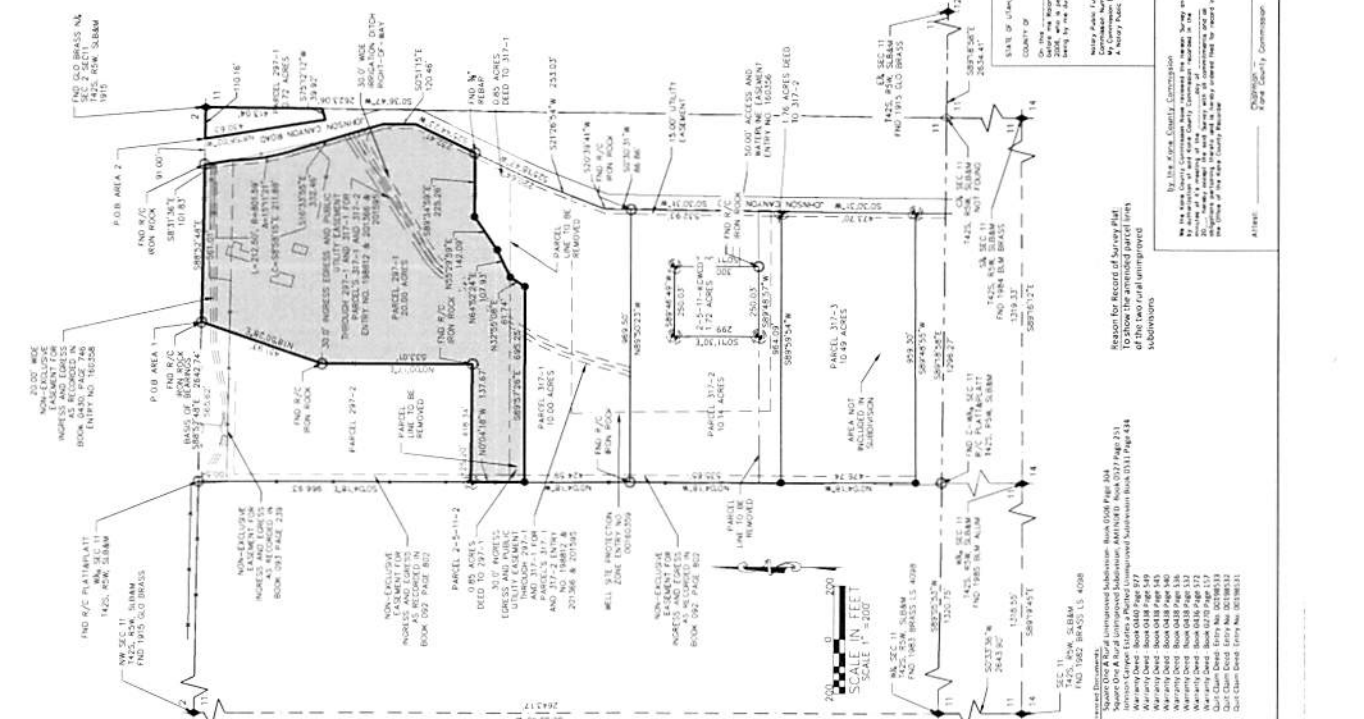
COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

Area 20

COMMENCE at the West 1/2 Corner located on the North line of said Section 11; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;

thence North 89°27'48" West 267.91 feet to the North 1/2 Corner; thence along the section line South 89°27'48" East 555.82 feet to the POINT OF BEGINNING;



Reason for Record of Survey Plat:
To show the location of the proposed subdivision and the location of the proposed well site protection zone.

Source: One Rural Unimproved Subdivision, Book 0266 Page 304
Two Rural Unimproved Subdivisions, Amended 1, Book 0227 Page 251
Two Rural Unimproved Subdivisions, Amended 2, Book 0227 Page 251

INITIAL SUBMITTAL	DATE	DESCRIPTION
	01/09/2024	

DRAWN BY: CJM
SCALE: 1" = 200'
SHEET: 1 OF 1

CERTIFICATE OF RECORDING
I, County Clerk, do hereby certify that the above plat was filed for recording in my office this _____ day of _____, 20____.

COUNTY ATTEST: DECEASED
KANE COUNTY RECORDER
DATE: _____ TIME: _____

STATE OF UTAH
COUNTY OF KANE
KANE COUNTY ATTEST: DECEASED
KANE COUNTY RECORDER

STATE OF UTAH
COUNTY OF KANE
KANE COUNTY ATTEST: DECEASED
KANE COUNTY RECORDER

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KANE COUNTY ATTEST: DECEASED
KANE COUNTY RECORDER

STATE OF UTAH
COUNTY OF KANE
KANE COUNTY ATTEST: DECEASED
KANE COUNTY RECORDER

KANE COUNTY ORDINANCE NO. O- 2024 - 09

AN ORDINANCE AMENDING, EXTENDING AND VACATING TWO PLATS FOR THE JOHNSON CANYON ESTATES PLATTED UNIMPROVED SUBDIVISION AND THE SQUARE ONE RURAL UNIMPROVED SUBDIVISION

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended amendments to exchange .85 acre portions between parcels 297-1 in the Square One Rural Unimproved Subdivision and parcel 317-1 in the Johnson Canyon Estates, Platted Unimproved Subdivision and;

WHEREAS, the application for an Amended Plat for the Johnson Canyon Estates Platted Unimproved Subdivision (PLUS) and Square One Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). Johnson Canyon Estates PLUS and Square One RUS both comply with Kane County Land Use Ordinance, Title 9, Chapter 21, Subdivision Regulations, Article E-9. All requirements for rights-of-way and existing easements conform to the standards in the Kane County Land Use Ordinance and will remain the same with this amendment.

WHEREAS, The Kane County Planning Commission, finding that there is good cause to vacate, extend and amend the plats and no utility or road easements are being vacated, recommended amending, extending and vacating the subdivision plats to the Kane County Commission, and;

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended amendments; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-102, 17-27a-201, §17-27a-202 and 605;

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:

The amending, extending, and vacating of the plat lines between parcels 297-1 in the Square One Rural Unimproved and parcel 317-1 in the Johnson Canyon Platted Unimproved Subdivision.

The legal description is attached to the plat and the portions being amended are attached to this ordinance. Both documents will be recorded with this ordinance.

End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk and shall take effect fifteen (15) days after the date signed below.

The County Clerk is directed to publish a short summary of this Ordinance with the names of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this ____ day of _____, 2024.

ATTEST:

Chameill Lamb
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Kubeja voted _____
Commissioner Meyeres voted _____
Commissioner Heaton voted _____

ITEM # 7

Lot Joinder: Guy

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: March 26, 2024

Dept. /Business Name: Land Use

Topic/Re: Lot Joinder: Guy

Description: An application to amend a subdivision plat for a lot joinder, joining lots 57 & 58, becoming new lot 57 and vacating (2) 7.5' utility easements, Strawberry Valley Estates, Unit 4.

Attachments: Info Packet

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommended approval in a split decision of 4-3.



STAFF REPORT

DATE: 2/27/24

PROJECT: A complete application for Amending a Subdivision Plat for a lot joinder, and vacating two 7.5 ft. public utility easements, on behalf of Timothy S. Guy and Jacqueline C. Guy, in the Strawberry Valley Estates, Unit 4, lots 57 & 58 becoming new amended lot 57, consisting of 1.06 acre, within the SW ¼, Section 20, T38S, R7W SLB & M. The project was submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney. All lots are zoned Residential ½, as are all surrounding lots. The zoning will remain the same.

The reason for the lot joinder request is to save on taxes.

FINDINGS: Amending (joining) the lots and vacating two 7.5-foot public utility easements for the above-stated lots conforms to the standards in Kane County Land Use Ordinance, 9-21E-9, (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The project has been posted in two public places and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. A sign was posted showing the vacating of two 7.5 foot public utility easements. The new lot will retain the Residential ½ zoning (R-1/2). Combining these lots complies with all state and local ordinances.

STAFF DETERMINATIONS: Kane County Engineer, Tom Avant, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with county and state ordinance requirements.

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners amending a subdivision plat for a lot joinder, and vacating two 7.5 ft. utility easements, in the Strawberry Valley Estates, Unit 4, lots 57 & 58 becoming new amended lot 57, on behalf of Timothy S. and Jacqueline C. Guy, based on the findings documented in the staff report.

THANK YOU.



76 North Main Street, Kanab, Utah 84741



AMENDED LOTS 57 & 58 STRAWBERRY VALLEY ESTATES UNIT 4

WITHIN SECTION 20, TOWNSHIP 38 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN



RED SANDS GEOMATICS

LAND SURVEYING, LIDAR, & GIS

PERSONALIZED PROFESSIONAL SOLUTIONS
262 E. 300 S. KANAB, UTAH REDSANDSGEOMATICS.COM

SURVEYOR'S CERTIFICATE

I, MICHAEL J. STEWART, A PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 12480028, HOLD THIS LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED THIS PLAN OF THE PROPERTY DESCRIBED HEREIN IN ACCORDANCE WITH SECTION 17-23-17 AND THE 2018 UCLB STANDARDS OF PRACTICE. I CERTIFY THAT I HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAN. I FURTHER CERTIFY THAT BY AUTHORITY OF THE HEREIN OWNERS, I HAVE MADE THIS PLAN OF "AMENDED LOTS 57 AND 58, STRAWBERRY VALLEY ESTATES UNIT 4".

MICHAEL J. STEWART UT PLS 12480028 _____ DATE _____

SURVEY NARRATIVE

THE PURPOSE OF THIS AMENDED PLAN IS TO JOIN LOTS 57 AND 58. THIS AMENDMENT WAS REQUESTED BY THE OWNERS. ALL OTHER LOTS AND DIMENSIONS REMAIN UNCHANGED. I HAVE CONDUCTED A FIELD SURVEY OF THE SHOWN PROPERTY AND HAVE DISCOVERED DIFFERENCES IN RECORDED BEARINGS AND DISTANCES WHICH ARE SHOWN FOR INFORMATIONAL AND RETAINMENT PURPOSES ONLY. DUE TO THE LEGAL AND CONVEYING CHARACTER OF A SUBDIVISION PLAN, PRIORITY IS BEING PLACED UPON THE ORIGINAL BEARINGS AND DISTANCES WHICH HAVE BEEN BOLDED ON THIS PLAN. IF THIS AMENDMENT TO ONLY CHANGE THE ABOVE MENTIONED LOTS AND TO LEAVE EVERYTHING ELSE AS IT HAS BEEN RECORDED, REPLIED UPON, AND CONVEYED IN DEEDS AND OTHER LEGAL DOCUMENTS, THIS PRESERVING THE INTEGRITY AND BONA FIDE RIGHTS OF ADJACENT OWNERS UTAH STATE CODE 17-27A(6). EASEMENTS AFFECTED BY THIS AMENDMENT ARE LOCATED HEREON. THE BASIS OF BEARINGS FOR THIS SURVEY IS PARS 21 20' W, 249.75 FEET, AS MEASURED BETWEEN THE SOUTHWEST CORNER AND THE SOUTHWEST CORNER OF AMENDED LOT 57. THE DRS COORDINATE SYSTEM USED IN FIELD MEASUREMENTS WAS THE UTAH COORDINATE SYSTEM 1983 SOUTH ZONE SCALD TO BOUND. THE SURVEYED SOUTH, EAST, AND WEST LINES OF AMENDED LOT 57 MATCH RECORDED WELL. THE LINES AND CURVE FRONTING THE STREET, ARE A FEW FEET LONGER THAN RECORDED. THIS PROPERTY LINE WAS ESTABLISHED BY SINGLE RESECTION BASED ON THE FOUND MONUMENTS SHOWN. THE NORTHEAST CORNER OF ORIGINAL LOT 58 APPEARS TO BE AN ORIGINAL 1/8" REBAR THAT WAS DAMPED BY NEW HORIZON AS SHOWN IN THE REFERENCED DOCUMENTS.

LEGAL DESCRIPTION

NOTE: THE BELOW DESCRIBED DESCRIPTION DOES NOT MATHEMATICALLY CLOSE BY 3.29' THEREFORE, TO KEEP IN HARMONY WITH THE RECORD PLAT AND OTHER RECORDS STATED IN THE INSTRUMENT, I ADD 0.10' TO THE BEINGED BEARING AND DISTANCE FOR THE BASIS OF THIS DESCRIPTION AS FOUND ON THE ORIGINAL RECORDED PLAT OF STRAWBERRY VALLEY ESTATE UNIT 4. ALL OF LOTS 57 AND 58 OF STRAWBERRY VALLEY ESTATES UNIT 4 AS RECORDED IN THE OFFICES OF THE KANE COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST LOT CORNER OF SAID LOT 57; THENCE, ALONG THE WEST LINE OF SAID LOT 57, NORTH 00° 54' 00" EAST 159.53 FEET; TO THE SOUTHWEST RIGHT-OF-WAY OF CESSNA STREET; THENCE, ALONG SAID RIGHT-OF-WAY AS FOLLOWS: NORTH 58° 50' 42" EAST 57.75 FEET; TO THE BEGINNING OF A CURVE; THENCE, ALONG THE CURVE TURNING TO THE RIGHT 50.0 FEET, WITH A CENTRAL ANGLE OF 45° 10' 13", HAVING A RADIUS OF 60.00 FEET; THENCE SOUTH 76° 14' 50" EAST 154.48 FEET; TO THE NORTHEAST CORNER OF SAID LOT 58; THENCE, ALONG THE EAST LINE OF SAID LOT 58; SOUTH 02° 54' 00" WEST 185.00 FEET; TO THE SOUTHWEST CORNER OF SAID LOT 58; THENCE, ALONG THE SOUTH LINE OF SAID LOT 58, NORTH 89° 06' 00" WEST 350.00 FEET; TO THE POINT OF BEGINNING, CONTAINING 1.06 ACRES (MORE OR LESS).

OWNER'S DEDICATION

I, THE UNDERSIGNED, ARE THE RESPECTIVE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY DEDICATE THE SAME TO CITIES, LOTS 57 AND 58 STRAWBERRY VALLEY ESTATES, UNIT 4, TO BE HEREAFTER KNOWN AS AMENDED LOTS 57 AND 58 STRAWBERRY VALLEY ESTATES, UNIT 4. THE UNDERSIGNED HAVE HEREBY DONATED ALL OF AMENDED LOTS 57 AND 58 STRAWBERRY VALLEY ESTATES, UNIT 4, AS SET FORTH HEREIN, TO TIMOTHY B. BUY AND JACQUELINE D. BUY. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITIES COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAN. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES, IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS _____ DAY OF _____, 20____.

TIMOTHY B. BUY AND JACQUELINE D. BUY
AS TO LOTS 57 AND 58

TIMOTHY B. BUY

JACQUELINE D. BUY

ACKNOWLEDGMENT

STATE OF _____, COUNTY OF _____, I, _____, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED AMENDMENT TO THE RECORD PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS _____ DAY OF _____, 20____.

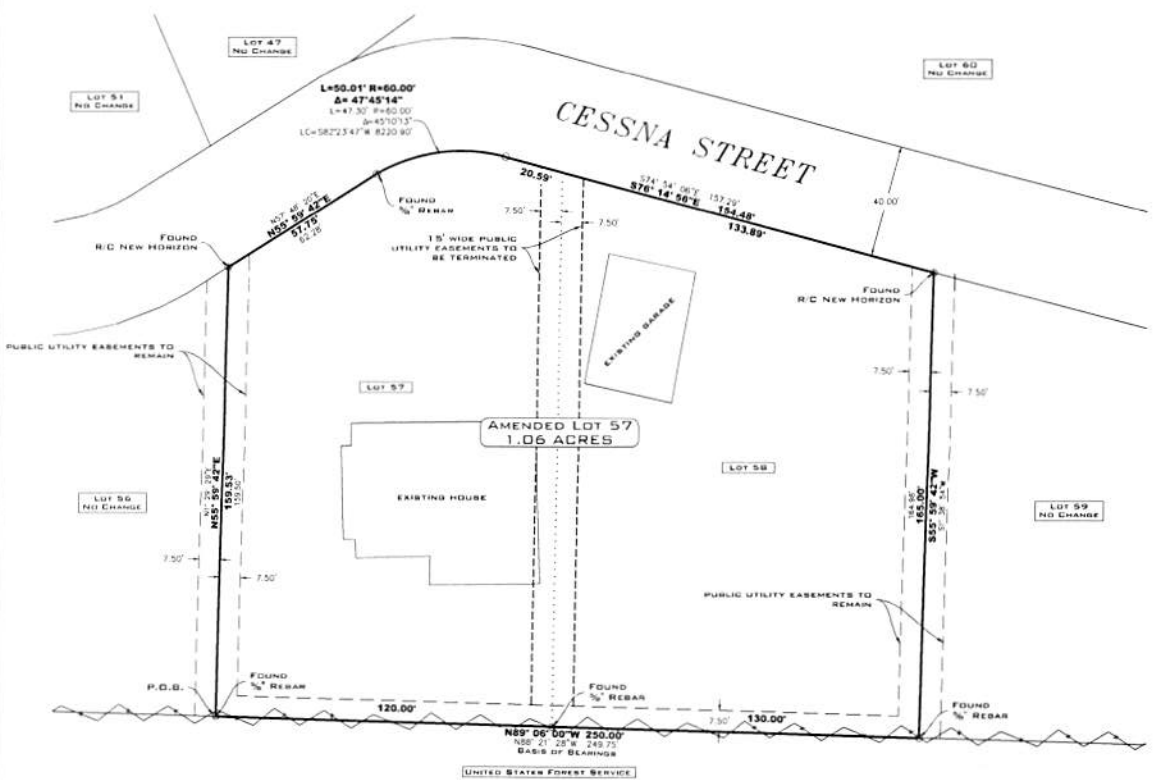
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN _____

NOTARY PUBLIC (SIGNATURE): _____
NO STAMP REQUIRED (UTAH CODE 46-1-10(5))

REV. # | DATE | DESCRIPTION

SHEET

1 OF 1



OWNERSHIP: TIMOTHY B. & JACQUELINE C. BUY
1377 ROMANEA DR, HENDERSON, NV 89052

SURVEY DATE: JUNE 23, 2023

AS PART OF THIS SURVEY, RED SANDS GEOMATICS, LLC HAS CONDUCTED FIELD SEARCHES FOR EVIDENCE AND MONUMENTATION. FOUND EVIDENCE AND MONUMENTATION IS REPRESENTED HEREON. DOCUMENTS OF RECORD REVIEWED AND CONSIDERED AS PART OF THIS SURVEY ARE NOTED BELOW. THERE MAY EXIST OTHER EVIDENCE, MONUMENTATION AND DOCUMENTS THAT COULD AFFECT THIS SURVEY. NEW EVIDENCE, MONUMENTATION, OR DOCUMENTS THAT MAY ALTER THE CONCLUSIONS OF THIS SURVEY SHOULD BE PRESENTED TO THE SURVEYOR FOR HIS REVIEW AND CONSIDERATION.

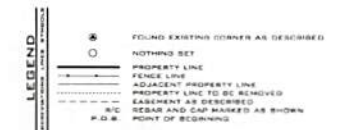
* OFFICIAL PLAT OF STRAWBERRY VALLEY ESTATES, UNIT 4 (MAP 43)
* STRAWBERRY VALLEY ESTATES UNIT 4, AMENDED LOTS 45-48 & 51-52

NOTES:

BOLDED DIMENSIONS INDICATE THE DIMENSIONS OF RECORD. NON BOLDED DIMENSIONS ARE THE SURVEYED MEASUREMENTS.

SHOWN ACREAGE IS THE SURVEYED AREA, NOT THE RECORD.

UTILITY EASEMENTS ARE 15.0' WIDE AND ARE LOCATED 7.5' ON EITHER SIDE OF ALL LOT LINES NOT ADJACENT TO ROADS.



ITEM # 8

Kane County Ordinance No. O-2024-10 an
Ordinance Amending Kane County Code Title 2
Chapter 7 Kane County Criminal Justice
Coordinating Council

KANE COUNTY ORDINANCE NO. O 2024 – 10

**AN ORDINANCE AMENDING KANE COUNTY CODE TITLE 2 CHAPTER 7
KANE COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL**

WHEREAS Kane County is dedicated to continually reviewing and making improvements to the criminal justice system within the County; and

WHEREAS in accordance with SB179 (2022), on August 23rd, 2024 under Kane County Ordinance No. O 2022-46, Kane County established the Kane County Criminal Justice Coordinating Council to foster communication and collaboration among agencies involved in the criminal justice system; to formalize the mechanisms for making improvements to the criminal justice system; and to comply with the requirement of Utah Code § 17-55-201(4) to develop and implement a strategic plan for the County’s criminal justice system; and

WHEREAS the Kane County Commission desires to make some amendments to the Kane County Criminal Justice Coordinating Council to comply with amendments set forth in State law since SB179 was passed and to add additional voting members to the Council; and

WHEREAS the statutory authority for enacting this ordinance is Utah State Code §§ 17-53-201 et. al. and 17-55-201;

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:

Section 1. Ordinance Amendment.

Kane County Code Title 2 Chapter 7 “Kane County Criminal Justice Coordinating Council” sections 3 and 4 are amended to read as follows. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

2-7-3: MEMBERSHIP:

- A. The membership of the Council is guided by Utah Code § 17-55-201 (as amended). The specific membership of the Council shall be as follows:
1. one county commissioner designated by resolution of the County Commission;
 2. the Kane County Sheriff or his or her designee;
 3. the Kanab City Chief of Police or his or her designee;
 4. the Kane County Attorney or his or her designee;
 5. the Kane County Public Defender or an approved conflict public defender as assigned by the Kane County Public Defender;
 6. a District Court Judge from the Sixth District Court as designated by the Sixth District Court;
 7. the Kane County Justice Court Judge;

8. a representative of the Division of Adult Probation and Parole within the Utah Department of Corrections as assigned by the Division of Adult Probation and Parole with a preference for an agent that has active cases within the county;
 9. a representative of Southwest Behavioral Health Center as designated by the Executive Director with a preference for a practitioner that works in Kane County;
 10. the Kane County Victim Services Victim Advocate;
 11. the Kanab City Attorney or his or her designee; and
 12. a treatment provider from the Kane County Recovery Court as designated by the Court;
- B. The Kane County Commissioner assigned to the Council, who acts as Chair of the Council, may appoint to the Council additional individuals as ex officio non-voting members of the Council to represent the sectors listed in Utah Code § 17-55-201(2)(b). The Chair may appoint as many ex-officio members as deemed appropriate. Appointment to the Council under this section is subject to confirmation by the full County Commission.
- C. Each member shall have one vote on all matters of which the Council takes action.

2-7-4: PROCEDURE:

- A. ~~The Commissioner assigned to the Council shall serve as~~ rotate the position of the Chair of the Council among the members.
- B. A majority members of the Council shall ~~constitution constitute~~ constitute a quorum and a majority vote of members present at a meeting shall constitute a binding action of the Council.
- C. The Council shall comply with the Open and Public Meetings Act.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date

This ordinance is effective fifteen (15) days after adoption, and after publication and notice are completed as set forth below.

Section 4. Publication and Notice.

This Ordinance shall be deposited in the Office of the Kane County Clerk. The Kane County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the Kane County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

//

End of Ordinance.

ADOPTED this 26th day of March 2024.

ATTEST:

CHAMEILL LAMB
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Meyeres voted _____
Commissioner Kubeja voted _____

ITEM # 9

Notice of Changes to UCIP Bylaws Coverage Addendum

Important Notice of Coverage Changes

At their meeting on February 15, 2024 the UCIP Board of Directors took action on amendments to the UCIP Bylaws Coverage Addendum to exclude PFAS related claims from all liability coverages, limit coverage provided for Contractual Liability and clarified the exclusion to plaintiff attorney's fees in state court actions. These changes were approved to be implemented 7-1-24.

PFAS Exclusion

These chemicals are considered by the insurance marketplace to be similar to asbestos as the potential number and cost of claims is so high, that the industry is not willing to provide coverage, and is implementing absolute exclusions to all liability policies. As a result, UCIP is unable to secure reinsurance coverage that provides coverage for PFAS claims, and will need to introduce the same exclusions to the UCIP Bylaws Coverage Addendum as UCIP has in its reinsurance policies.

Contractual Liability

Contractual liability has been traditionally provided by insurers to cover indemnification agreements where their insured agrees to assume the liability of another party and to have their insurance defend and pay claims filed against the other party. Contractual liability is another area that the insurance industry has been limiting coverage for. Most insurers now exclude contractual liability, and it must be endorsed back with additional premium and limitations on limits and what contracts are covered.

This practice has always been problematic for Utah political subdivisions as statute prohibits government entities from loaning or giving credit. Agreeing to pay the claims and provide defense to another person is clearly giving them credit, so agreeing to indemnify another person in a contract is a violation of state statute. Under the statute and UCIP Interlocal Agreement, UCIP can only use its funds to pay claims and provide defense to Members.

Members are often asked to indemnify another party when the other party should be indemnifying the Member. Parties requesting unreasonable requirements in indemnification and insurance sections of contracts has continued to increase to the point that UCIP's current best practice is to delete indemnification language or exchange indemnification provisions with language clarifying that a Member cannot indemnify or defend another party and will not assume any liability from another party. UCIP also recommends deleting any requirements for the Member to comply with specific insurance requirements for contractual liability and replace that section with language clarifying the Member is a political subdivision which self-insures.

The UCIP Board was faced with either implementing a charge and additional contribution for each contract a member enters into where they agree to indemnify another party or limit the contractual liability coverage to only that liability the Member would have without a contract. The Board chose the latter, recognizing that for some situations, like rodeos, concerts and other events, the county can purchase a special

events policy for that specific event to cover the indemnification and insurance requirements of vendors, performers and others. This strategy will create additional cost only for the specific situations it is needed, rather than Members paying increased contributions on an ongoing basis. Members can also consider involving a third party (promoter or sponsor) to carry insurance to cover any indemnification or insurance requirements.

UCIP staff will be providing assistance to Members to address these issues including sample contract language and notices to vendors and others to clarify why contract changes are necessary.

Attorney Fees in State Court

Utah statutes denounce the private attorney general doctrine as it violates the American rule of law and prohibits courts from awarding attorney fees under the doctrine in state court. Several legislators have tried to repeal the statute and failed, so they have begun including in bills references to the courts awarding attorneys fees in certain circumstances. UAC and the League have worked to remove the attorney fees provision in bills, but some have already been passed into law, and there are more every session. UCIP does intend to argue these fees are prohibited by law if the courts attempt to award them. UAC and the League often make the argument on these bills that there will be no insurance coverage for these fees, and that has been a successful strategy to have them removed from bills.

UCIP's current rates are based on past claims, during the years when attorney's fees in state court were not allowed. Now that attorney's fees may be allowed, the UCIP Board was faced with either increasing rates significantly to cover this new exposure or exclude the payment of attorney fees in state court. The Board chose to exclude these fees from coverage at this time, rather than pass along large rate increases to the members.

The Board is interested in Member feedback on these issues and hopes you will contact UCIP with your concerns and ideas to address these issues.

ITEM # 10

Approval of Disposal of Surplus County Property

ITEM # 11

Approval of Recommendations from the Kane
County Tourism Tax Advisory Board

ITEM # 12

TRT/250 Discussion/Decision of Funding

ITEM # 13

Discussion/Decision for Payment of Electrical
Utility Service Installation on the Kanab Center
Property

ITEM # 14

Kane County Resolution No. R-2024-11 a Resolution to
Petition the Town of Orderville to Vacate Two Platted
Streets that Cross Kane County Property

KANE COUNTY RESOLUTION NO. R 2024 - 11

**A RESOLUTION TO PETITION THE TOWN OF ORDERVILLE TO VACATE
TWO PLATTED STREETS THAT CROSS KANE COUNTY PROPERTY**

WHEREAS Kane County owns parcel O-4-3 within the Town of Orderville (the “Property”);
and

WHEREAS the Revised Plat “A” of the official Survey of Orderville Townsite (Attached as
“Exhibit A”) shows two streets dedicated to the Town of Orderville, one between blocks 33 and
34 and another between blocks 32 and 33, both of which cross the Property (“Streets”); and

WHEREAS there is not an existing road on the Streets, nor has there ever been an existing road
or constructed road on the Streets, and

WHEREAS upon information and belief, the Streets have never been used otherwise as a public
right-of-way and the Town of Orderville does not have any current or future plans to construct
and maintain a road on the Streets for public use; and

WHEREAS Kane County, if the Streets are vacated by the Town of Orderville under the petition
set forth herein, intends to use the Property, including the Streets, for public use, specifically
expanding the current county fairground facility and other related uses; and

WHEREAS Kane County believes it is in the best interest of the residents of Kane County and
residents of the Town of Orderville, for the Streets to be vacated by the Town of Orderville in
accordance with the petition set forth herein; and

WHEREAS vacating the Streets will allow additional public use and will prevent additional costs
to the Town of Orderville due to the costs of constructing and maintaining a public right-of-way
on the Streets; and

WHEREAS Kane County desires that the Town of Orderville take legal and effective action to
abandon the Streets and allow the land to vest with Kane County as part of the Property;

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

1. Kane County, the land owner of the Property, hereby petitions the Town of Orderville to
vacate and delete the Streets, the platted streets between block 33 and 34 and between
block 32 and 33 described from the Revised Plat “A” of Orderville Townsite as set forth
more fully on Exhibit A.

2. Kane County directs the Government Affairs Office to provide any additional information or take any additional action necessary to submit and process this petition with the Town of Orderville.
3. This resolution is effective immediately.

ADOPTED this 26^h day of March, 2024.

ATTEST:

Patty Kubeja, Chair
Board of Commissioners
Kane County

CHAMEILL LAMB
Kane County Clerk

Commissioner Heaton voted _____
Commissioner Meyeres voted _____
Commissioner Kubeja voted _____

Exhibit A

Revised Plat "A" of the official Survey of Orderville Townsite
Showing the Streets between blocks 33 and 34 and between blocks 32 and 33

ITEM # 15

Easement Through Middle of Hoyt Property Around
Well

ITEM # 16

Discussion/Approval of New Kane County Logo

ITEM # 17

Coral Pink Sand Dunes Road Project-Grant Discussion-
Update

ITEM # 18

Old Elementary School Discussion

ITEM # 19

Acknowledgement and Agreement with Kanab City
Resolution 3-1-24 R a Resolution Authorizing Kane
County to Use City Property North of Their Property
Located at 20 North 100 East to Install Public Parking
Stalls

RESOLUTION NO. 3-1-24 R

**A RESOLUTION AUTHORIZING KANE COUNTY TO USE CITY PROPERTY
NORTH OF THEIR PROPERTY LOCATED AT 20 NORTH 100 EAST TO INSTALL
PUBLIC PARKING STALLS**

WHEREAS, Utah Code § 10-3-717 authorizes the City Council to exercise administrative powers by resolution, including the regulation of use, leasing, and operation of municipal property;

WHEREAS, the Kanab City Council met during its regular meeting on March 12, 2024, and discussed a request by Kane County to use City-owned property;

WHEREAS, Kane County is building the Kane County Community Outreach Center at property located at 20 North 100 East;

WHEREAS, Kane County has requested authorization to install angled parking stalls on City-owned property north of the Community Outreach Center;

WHEREAS, the City of Kanab recognizes the importance of additional parking near the Community Outreach Center;

WHEREAS, the City Council has reviewed the parking concept and believes it is appropriate to use the designated City property for parking at this time; and

WHEREAS, the City Council recognizes that while the proposed City-Owned property requested to be used by the County is currently available for parking purposes, at some future date the space may be required by the City, necessitating the retraction of the City's authorization for the County to use this space for parking [e.g., if 100 North needs to be redesigned, moved, or expanded, based on future development(s); for storm water mitigation or public utility system expansion].

NOW THEREFORE, let it be resolved that the Kanab City Council authorizes Kane County to use the City-owned property adjacent to the Kane County Community Outreach Center located at 20 North 100 East to install parking stalls as shown on their conceptual plan.


The City of Kanab reserves the right to revoke this authorization with Kane County (i.e., the authorization is not in perpetuity) if the stalls are not properly maintained, if Kane County violates any terms or conditions outlined in this resolution, or if the City determines the space is needed for another public purpose, including, but not limited to a future redesign, modification, or expansion of 100 North, for storm water mitigation, or improvement, installation, or expansion of public utilities.

Kane County shall be responsible for the ongoing maintenance, repair, and upkeep of parking improvements made on the designated City property and hold the City harmless for any activities or conduct occurring in relation to the allotted parking spaces. Kane County shall submit a stormwater management plan detailing how stormwater runoff will be managed on the site prior to the City approving the final design of the parking.

This resolution shall be effective upon passage and agreement from Kane County. The provisions contained herein shall be severable; if any provision included herein or application thereof is held invalid, it shall not affect any other provision of this resolution of the application in different circumstances.

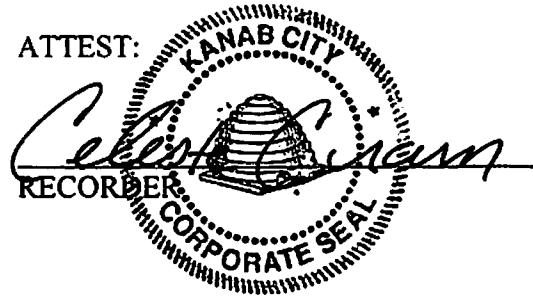
PASSED AND RESOLVED this 12th day of March, 2024.

KANAB CITY



MAYOR

ATTEST:



VOTING:

Arlon Chamberlain	Yea	<input type="checkbox"/>	Nay	<input type="checkbox"/>	PRO-TEM
Scott Colson	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	
Chris Heaton	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	
Boyd Corry	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	
Peter Banks	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	

Acknowledged and agreed to this ____ day of _____, 2024:

KANE COUNTY

AUTHORIZED REPRESENTATIVE

ITEM # 20

Review of Legislative Issues

ITEM # 21

Commissioner Report on Assignments