

COMMISSION MEETING

PACKET

DATE:

April 23, 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, April 23, 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: Commission Meeting Minutes for April 9, 2024

REGULAR SESSION:

- 1. Lot Joinder: Chapman-Shannon McBride/Commissioner Heaton**
- 2. Subdivision: Duck Creek Improvement Exchange LLC-Shannon McBride/Commissioner Heaton**
- 3. Kane County Ordinance No. O-2024-11 an Ordinance Amending Title 9 Chapter 1 General Provisions Section 7 Definitions in the Kane County Land Use Ordinance-Shannon McBride/Commissioner Heaton**

4. **Bid Award for the Joe Creek Culvert Replacement/Commissioner Heaton**
5. **Bid Award for the Pavement Preservation on Navajo Lake Road, Duck Creek Village, Strawberry, and Alton/Commissioner Heaton**
6. **Discussion/Approval on Tree Maintenance/Removal/Full Commission**
7. **Discussion/Approval on Office of Tourism and Kanab Center Fee Schedule/Commissioner Heaton**
8. **Review/Approval of Revised Courthouse Lease with the State of Utah/Commissioner Kubeja**
9. **Review/Approval of Invoice/Billing State of Utah for Courthouse Entrance Security Remodel/Commissioner Kubeja**
10. **Discussion/Approval of TRT Fund Expenditures/Full Commission**
11. **County Commission Policy under the Open and Public Meetings Act Regarding Officially Convening a Meeting/Full Commission**
12. **Review of Legislative Issues/Full Commission**
13. **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

Approval of:

Commission Meeting Minutes for April 9, 2024

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
April 9, 2024
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH**

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

Also Present: Morgan Shakespear, Janette Peatross, Rhonda Gant

CALL MEETING TO ORDER: Commissioner Kubeja

WELCOME: Commissioner Kubeja

INVOCATION: Commissioner Meyeres

PLEDGE OF ALLEGIANCE: Commissioner Heaton

PUBLIC COMMENT:

No public comment.

CONSENT AGENDA:

Check Edit Report:

Motion to approve the Consent Agenda, including Kane County Resolution No. R 2024-14 as well as the Commission Meeting Minutes from March 26, 2024 made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. Public Hearing Regarding the Appointment of Cameron Westenskow and Jesse Pennepacker to the Church Wells Special Service District Administrative Control Board

Motion to go in and out of public hearing at the call of the chair made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

No public comment.

Commissioner Kubeja called us out of public hearing.

2. Kane County Resolution No. R 2024-12 a Resolution Appointing Cameron Westenskow to the Church Wells Special Service District Administrative Control Board/Commissioner Kubeja

Motion to adopt Kane County Resolution No. R 2024-12 appointing Cameron Westenskow to the Church Wells Special Service District with term ending 12/31/2025 made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

3. Kane County Resolution No. R 2024-13 a Resolution Appointing Jesse Pennepacker to the Church Wells Special Service District Administrative Control Board/Commissioner Kubeja

Motion to approve Resolution R 2024-13 made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

4. Kane County Ordinance No. O 2024-13 an Ordinance Establishing County Policy Regarding Public Acknowledgment of the Use of County Funds/Full Commission

Motion to adopt Kane County Ordinance No. O 2024-13 Establishing County Policy Regarding Public Acknowledgment of the Use of County Funds 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/Approval of TRT Fund Expenditures/Full Commission

1. \$400,000 EMS
2. \$200,000 North Event Fairground Improvements
3. \$25,000 Solid Waste Management

Motion to approve expenditures out of the TRT Fund (Fund 250) in the amounts of \$400K for EMS Mitigation, \$200K for Fairground Improvements, and \$25K for Solid Waste Mitigation made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

6. Old Elementary School Discussion/Full Commission

Commissioner Meyeres and Commissioner Kubeja met with Cary Reese, from the school district, to try and get a better feel on their intent, if we were to enter into an MOU agreement and what it may look like. One of the bigger expenditures would be watering the grass and for the last 10 years, the water has been free because they had an agreement with the city when they did the trade for the Kanab Center property. Cary was going to get Commissioner Kubeja their usage so we could figure out what it would cost to water the grass.

The Commission mentioned that they would like to get input from the community to see what would be best for the city, county, and school district. A few of the ideas they had was a dog park, community garden, or some kind of oversized pull thru parking for visitors in the area who are bringing toy haulers and ATV's because there is not a lot of places to park them. The next steps are to talk to the city and school district to see what our ideas are and what is feasible.

7. Review of Legislative Issues/Full Commission

No updates at this time.

8. Commissioner Report on Assignments/Full Commission

Commissioner Kubeja stated that the remodel has started on the Active Living Center here in Kanab.

The commissioners were also supposed to be doing a walk-thru on Building B, April 23rd, but the floors will not be done yet so they want to reschedule for around May 7th.

Commissioner Kubeja mentioned that they are trying to figure out the best way for pickleball to go forward. She talked to Jerica, with the Active Living Center, and she is willing to look at putting pickleball as an actual scheduled activity through the Active Living Center.

Commissioner Heaton said he has been talking to our HR and UCIP representative about county facility use. He thinks it is the commissions wish that we make county facilities user friendly, but the county also has to jump through hoops to get things covered. We don't have an insurance policy, we belong to an indemnity pool and so to say we have insurance for anybody that uses a facility isn't necessarily true. The county is going to start meeting, come up with some policies that are user friendly and accomplish what they need to. As this starts to unfold, he wants the public to know they are not trying to limit use on the facilities, they are just trying to figure something out that works for everybody.

Commissioner Kubeja stated that they are doing a bi-monthly newsletter, but you have to sign up to get it. Those wanting to sign up can send an email to communications@kane.utah.gov.

Commissioner Heaton gave an update on the road department saying that a couple weeks ago we authorized \$1.5M of TRT money for road projects. They have really encouraged the Road Supervisor, Bert Harris, to move forward with them and he really has. Many of these projects are going to happen in the next 3-4 months.

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

WHERE UPON MEETING WAS ADJOURNED

Patty Kubeja Chair

Chameill Lamb Clerk/Auditor

AGENDA ITEMS

ITEM # 1

Lot Joinder: Chapman

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: April 23, 2024

Dept. /Business Name: Land Use

Topic/Re: Subdivision: Lot Joinder: Chapman

Description: An application to amend a subdivision plat for a lot joinder joining lots 17, 18 19 & 20, becoming new lot 19, and vacating (9) 7.5' public utility easements, North Fork Estates #2.

Attachments: Info Packet

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.



STAFF REPORT

DATE: 3/25/24

PROJECT: A complete application for Amending a Subdivision Plat for a lot joinder, and vacating nine (9) 7.5 ft. public utility easements, on behalf of Douglas and Barbara A. Chapman, in the North Fork Estates subdivision, Unit 2, lots 17, 18, 19 & 20 becoming new amended lot 19 consisting of 2.04 acres, within the SE ¼, Section 19, T38S, R8W SLB & M. The project was submitted by Brent Carter, New Horizon Engineering, 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 and create a better building site.

FINDINGS: Amending (joining) the lots and vacating nine (9) 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 nine (9) 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 nine (9) 7.5 ft. utility easements, in the North Fork Estates subdivision, Unit 2, lots 17, 18, 19 & 20 becoming new amended lot 19 consisting of 2.04 acres, on behalf of Douglas and Barbara A. Chapman, based on the findings documented in the staff report.

THANK YOU.

ITEM # 2

Subdivision: Duck Creek Improvement Exchange LLC

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: April 23, 2024

Dept. /Business Name: Land Use

Topic/Re: Subdivision: Subdivision: Duck Creek Improvement Exchange
LLC

Description: An application for the Koti Subdivision preliminary plat creating
2 lots, parcel 8-7-6-4B, located on Meadow Ranch Drive, Duck Creek, Utah.

Attachments: Info Packet

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.

Kane County Planning & Zoning
Land Use Authority
Shannon McBride, Administrator



DRAFT STAFF REPORT

DATE: 03/28/2024

PROJECT: A complete application was submitted on behalf of Jared Plewe (Duck Creek Improvement Exchange LLC) with Brent Carter holding power of attorney for a **Preliminary** Plat for a two-lot KOTI subdivision, lots 1 & 2, zoned R-1, for parcel 8-7-6-4B, consisting of 4.25 acres. This project is located east of Stewart Duck Creek Subdivision off of Meadow Ranch Drive.

FINDINGS: The KOTI subdivision, Phase 1, application and preliminary plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607 and 608. The KOTI subdivision, preliminary plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21C and D, Subdivision Regulations. All requirements for rights-of-way and easements conform to the standards in the Kane County Land Use Ordinance requirements and the Kane County Standards Specifications and Drawing Details for Design and Construction, which requires 50 foot rights-of-way. The **private** road will be the required 50 ft. wide rights-of-way. All notices are in conformance to the standards and notice requirements of 17-27a-201 & 202. A notice for the public meeting was posted in two public places; notices were mailed out to all affected entities and posted on the Utah State and Kane County websites as a public meeting.

STAFF RECOMMENDATION: Kane County Engineer, Tom Avant, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride recommends approval.

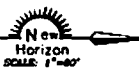
Motion: I move to recommend **approval/denial**, to the Kane County Commissioners, the Preliminary Plat for the two lot KOTI Subdivision, on behalf of Jared Plewe.

THANK YOU

KOTI SUBDIVISION PRELIMINARY PLAT

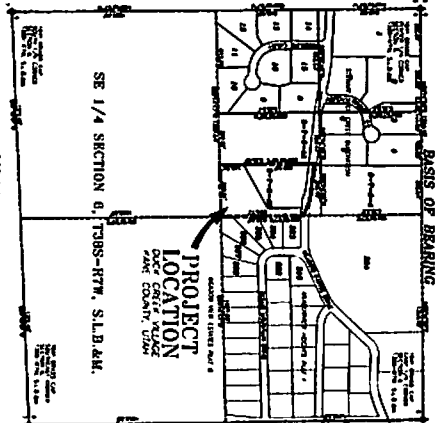
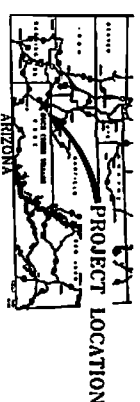
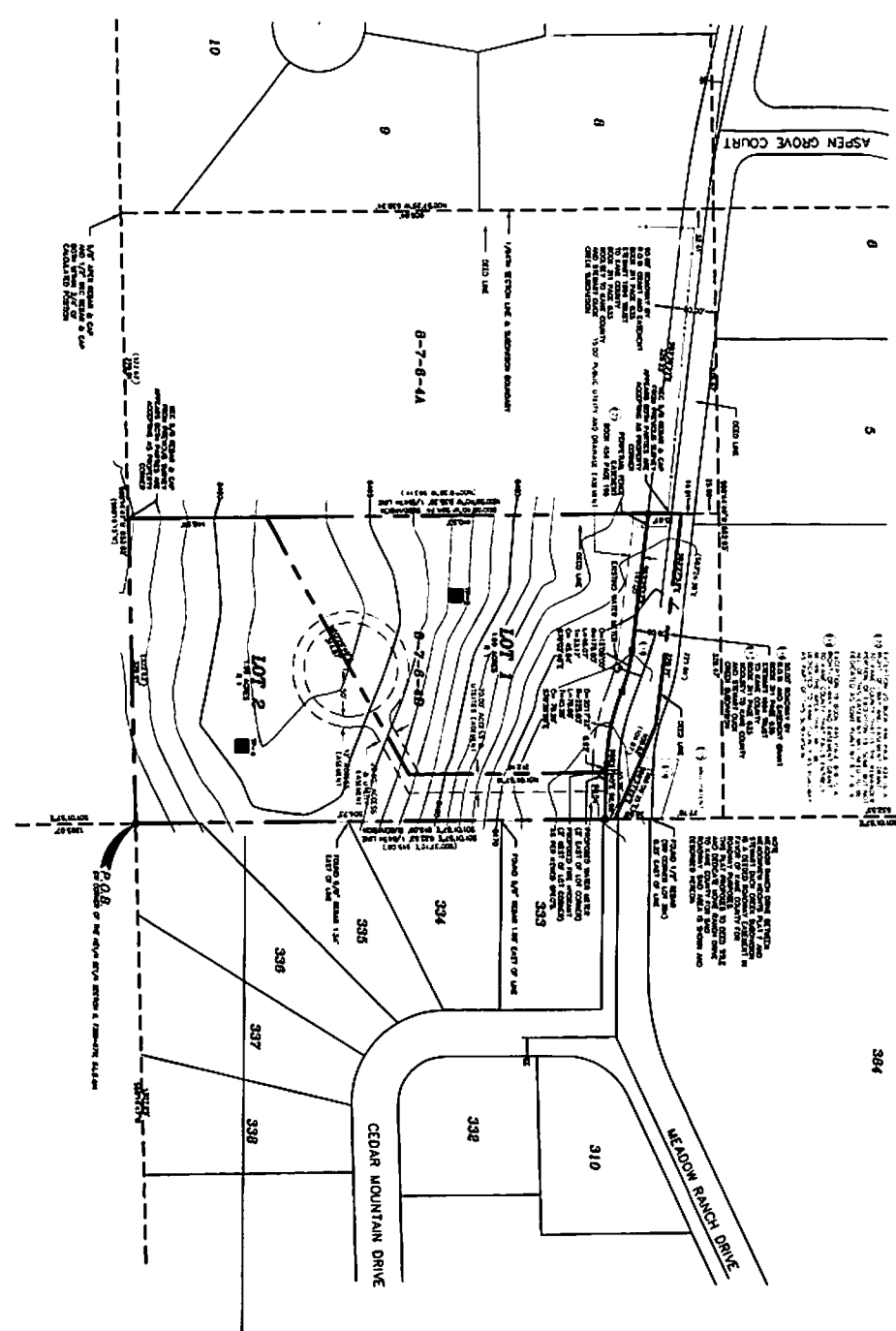
WITHIN NE 1/4 SE 1/4 OF SECTION 6, T38S-R7E S18E AM

- ### NOTES
1. THIS PLAT REPRESENTS THE ORIGINAL (1/4 CORNER) (1/4 CORNER) (1/4 CORNER) AND THE EAST 1/2 CORNER (1/4 CORNER) OF SECTION 6, T38S-R7E S18E AM, KANE COUNTY, UTAH.
 2. THE PLAT IS BASED UPON A SURVEY MADE BY JARED PLEWE, SURVEYOR, ON 10/10/2024.
 3. THE PLAT IS BASED UPON A SURVEY MADE BY JARED PLEWE, SURVEYOR, ON 10/10/2024.
 4. THE PLAT IS BASED UPON A SURVEY MADE BY JARED PLEWE, SURVEYOR, ON 10/10/2024.
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 9. THE PLAT IS BASED UPON A SURVEY MADE BY JARED PLEWE, SURVEYOR, ON 10/10/2024.
 10. THE PLAT IS BASED UPON A SURVEY MADE BY JARED PLEWE, SURVEYOR, ON 10/10/2024.



SUMMARY STATEMENT

THIS SUMMARY STATEMENT IS A SUMMARY OF THE INFORMATION CONTAINED IN THE PLAT AND IS NOT A SUBSTITUTE FOR THE PLAT. THE PLAT IS THE ONLY AUTHORITY FOR THE LOCATION AND BOUNDARIES OF THE LOTS AND INTERESTS THEREIN. THE SURVEYOR'S CERTIFICATE IS THE ONLY AUTHORITY FOR THE ACCURACY OF THE SURVEY AND THE PLAT. THE PLAT IS THE ONLY AUTHORITY FOR THE LOCATION AND BOUNDARIES OF THE LOTS AND INTERESTS THEREIN. THE SURVEYOR'S CERTIFICATE IS THE ONLY AUTHORITY FOR THE ACCURACY OF THE SURVEY AND THE PLAT.



SURVEYOR'S CERTIFICATE

I, JARED PLEWE, SURVEYOR, DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF UTAH AND THAT I HAVE PERSONALLY CONDUCTED THE SURVEY AND PREPARED THE PLAT. I HAVE BEEN AWARE OF THE CONTENTS OF THE PLAT AND KNOW THE CONTENTS TO BE TRUE AND CORRECT. I HAVE BEEN AWARE OF THE CONTENTS OF THE PLAT AND KNOW THE CONTENTS TO BE TRUE AND CORRECT.

BOUNDARY DESCRIPTION

ALL LOTS AND INTERESTS SHOWN ON THIS PLAT ARE THE RESULT OF A SURVEY MADE BY JARED PLEWE, SURVEYOR, ON 10/10/2024. THE PLAT IS THE ONLY AUTHORITY FOR THE LOCATION AND BOUNDARIES OF THE LOTS AND INTERESTS THEREIN. THE SURVEYOR'S CERTIFICATE IS THE ONLY AUTHORITY FOR THE ACCURACY OF THE SURVEY AND THE PLAT.

SURVEY NARRATIVE

THE SURVEY WAS MADE BY JARED PLEWE, SURVEYOR, ON 10/10/2024. THE SURVEY WAS MADE BY JARED PLEWE, SURVEYOR, ON 10/10/2024. THE SURVEY WAS MADE BY JARED PLEWE, SURVEYOR, ON 10/10/2024.

LEGEND

—	Utility and Standard Easement
—	Section Boundary
—	Road Right-of-Way
—	Outcrop
—	Water Right
—	Water Right
—	Water Right
—	Water Right
—	Water Right
—	Water Right
—	Water Right
—	Water Right

CALL BLUE STAKE
BEFORE YOU DIG
BY JARED PLEWE
SURVEYOR
1-800-662-4111

PREPARED FOR JARED PLEWE 221 W TABERNACLE SAINT GEORGE, UTAH 84770	PROJECT: KOTI SUBDIVISION 221 W TABERNACLE MEADOW RANCH DRIVE KANE COUNTY, UTAH		4105 N Morgan Dr Enock, Utah 84921 bcortez@nhaz2engineering.com (435) 550-4104	NO	10/10/2024	RYLSON	
				NO	10/10/2024	RYLSON	
SHEET TITLE PRELIMINARY PLAT KOTI SUBDIVISION		DATE 10/10/2024		DRAWN BY C-01		FILE NAME PL121001/Preliminary Plat DWG	

SECTION:

9-21D-1: General Requirements

9-21D-2: Required General Submission Items; Administrative

9-21D-3: Submitted Drawing Requirements

9-21D-4: Review Procedure

9-21D-5: Land Use Authority Approval

9-21D-6: Site Construction

9-21D-1: GENERAL REQUIREMENTS:

Copies of all required materials for preliminary plat review shall be submitted to the Kane County Land Use Authority Administrator by the developer/subdivider or their authorized representative a minimum of twenty one (21) days prior to the Kane County Land Use Authority's meeting date at which the preliminary plat is to be reviewed. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21D-2: REQUIRED GENERAL SUBMISSION ITEMS; ADMINISTRATIVE:

- A. One copy of application for subdivision and planned unit development.
- B. Subdivisions and planned unit development deposit. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)
- C. Agreement - subdivision and planned unit development.
- D. Statement of taxes and assessments paid.
- E. Certificate of title insurance.
- F. Articles of incorporation (LLC, partnership or corporation).
- G. Notarized affidavit that applicant is the owner or authorized by the owner to make application for the proposed land to be subdivided.
- H. Signed proposed deed restrictions. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2016-4, 10-15-2018)
- I. Development agreement draft (as applicable). (Ord. 2014-1, 1-27-2014, eff. 2-11-2014; amd. Ord. O-2016-4, 10-15-2018)
- J. Engineer's cost estimate.
- K. Soils and maps report. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2016-4, 10-15-2018)
- L. Three (3) copies of on-lot disposal report. (Ord. 2014-1, 1-27-2014, eff. 2-11-2014; amd. Ord. O-2016-4, 10-15-2018)
- M. Letters of feasibility/will serve letters (as applicable):

1. Water system (Southwest Utah Public Health Department, Utah Department of Environmental Quality or Kane County Water Conservancy District, etc.);
2. Sewage treatment from Southwest Utah Public Health Department or Utah Department of Environmental Quality;
3. Telephone;
4. Garkane Energy;
5. Solid waste disposal;
6. Access - Utah Department of Transportation and/or Kane County; (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2016-4, 10-15-2018)
7. United States Kanab Post Master for the location of mail delivery cluster boxes; (Ord. O-2018-2, 4-9-2018)
8. Other (as requested). (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2016-4, 10-15-2018; Ord. O-2018-2, 4-9-2018)

9-21D-3: SUBMITTED DRAWING REQUIREMENTS:

- A. Three (3) copies of preliminary plat map (24 inches x 36 inches).
- B. The accuracy of location of alignments, boundaries and monuments shall be keyed to USGS monuments and certified by a registered land surveyor licensed to do such work in the State of Utah. The plat map shall be done in a professional manner with all of the requirements clearly shown. Poorly drawn, illegible or incomplete plat maps are sufficient cause for rejection.
- C. The plat map shall be drawn to a scale not less than one inch equals fifty feet (1" = 50'), if feasible, and shall indicate the basis of bearings, true north point, name of subdivision, name of county, township, range, section and quarter section, block and lot number of the proposed subdivision, keyed to USGS survey monuments.
- D. Location and vicinity map (on plat).
- E. Drawing requirements:
 1. Area map showing area plus one-half (1/2) mile;
 2. Traverse map of subdivision;
 3. Lot and street layout;
 4. Dimensions of all lots;
 5. Total acreage and legal description;
 6. Lots numbered consecutively;
 7. Location and names of existing and proposed easements;

8. Existing and proposed street names;
9. Drainage direction for existing and proposed streets;
10. All fence lines;
11. Heavily wooded areas located;
12. Site to be reserved or dedicated for public use;
13. Sites listed to be used for nonsingle-family dwellings;
14. Dedicated public space;
15. Signature blocks.

F. Overall site plan requirements:

1. Future street layout for area not being subdivided (phased subdivisions and planned unit development);
2. Watercourses and proposed drainage systems;
3. 100-year flood boundaries;
4. Existing buildings, easements or utilities within two hundred feet (200');
5. Location and size of proposed utilities; (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)
6. Location and size of mail delivery collection box units or simply cluster box units. (Ord. O-2018-2, 4-9-2018)
7. Any other covenants, easements or restrictions. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2018-2, 4-9-2018)

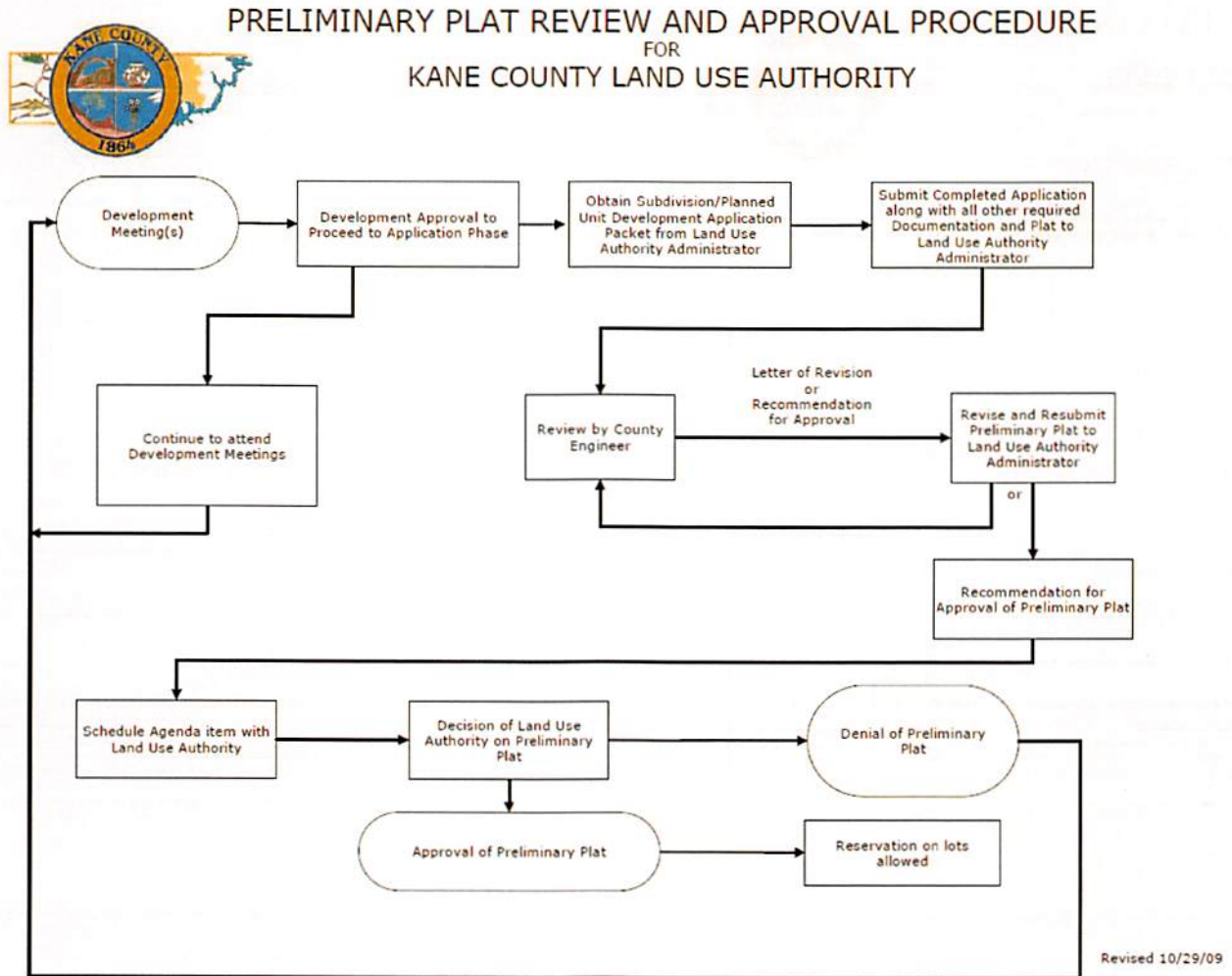
G. Summary statement (on plat):

1. Total development area;
2. Number of proposed dwelling units;
3. Total number of square feet in nonresidential floor space;
4. Total number of off street parking spaces;
5. Amount of water per lot;
6. Estimated gallons per day of sewage;
7. Survey notes of perimeter survey. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21D-4: REVIEW PROCEDURE:

When the preliminary plat and all documentation has been received, reviewed and approved by the Land Use Authority Administrator and Kane County Engineer, it shall

be placed on the Kane County Land Use Authority's agenda for review within forty five (45) days.



(Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21D-5: LAND USE AUTHORITY APPROVAL:

A. The Kane County Land Use Authority shall review all completed applications for preliminary plat approval and shall forward to the Land Use Authority only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this chapter and all other ordinances and laws of Kane County and the State of Utah; including, but not limited to, land use ordinances, general plan and transportation plan.

B. At a public meeting the Land Use Authority may recommend approval to the County Commission, with or without conditions, table until additional information has been provided or disapprove the preliminary plat. In the event that the Kane County Land Use Authority disapproves a preliminary plat, it shall state, in writing, within thirty (30) days to the developer/subdivider the reason for disapproval via certified mail, return receipt requested.

C. If recommended for approval to the County Commission, the County Commission shall review the application for approval, approval with conditions, or denial at the next regularly scheduled County Commission meeting. (Ord. O-2016-4, 10-15-2018)

9-21D-6: SITE CONSTRUCTION:

A. No infrastructure site work may be started, even with preliminary plat approval, until construction drawings are submitted and approved by the Kane County Engineer.

B. Failure to comply will be punishable as a Class B misdemeanor with a one hundred dollar (\$100.00) per day fine until situation is rectified. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

Candice Brown

From: Wendy Allan <wallan@kane.utah.gov> on behalf of Wendy Allan
Sent: Monday, April 22, 2024 9:00 AM
To: Candice Brown
Subject: Public Comment
Attachments: Image.jpeg

This is a letter for the Koti Subdivision.

Wendy Allan

Assistant Planning & Zoning Administrator
Kane County Land Use Office
76 North Main Street
Kanab, Utah 84741
435-644-4364
wallan@kane.utah.gov

From: Cinthanie Crenshaw <crenshaw@infowest.com>
Sent: Saturday, April 20, 2024 4:01 PM
To: smcbride@kane.utah.gov
Subject: Important- Lot division on Meadow Ranch Drive

To the Board,

I did not see the posted sign (attached below) until the afternoon it was removed but the lady that picked it up said that there was a final hearing on this Tuesday so I would like to make a request for reconsideration.

I am a full time resident at 610 E Meadow Ranch Drive. I have owned this property for over 20 years. I have the front of my home on Meadow Ranch Drive, the right side on Cedar Mountain drive, the rear of my lot is the drive of that lot and if you allow them to put that long drive on my right side I will literally be encompassed by road. Not one side that has some forest. That can't be okay when you move to the mountains to get away from things. I will be inundated with dust and traffic on every side. It is clear that they could reverse their plan and I would have some relief. I respectfully request that this be considered. I am willing to appear in front of the board via zoom to plead my case if that is possible. I really would appreciate some relief from this situation.

Thank you,

Cinthanie R Crenshaw

435-229-5837

crenshaw@infowest.com

610 E. Meadow Ranch Dr.

HC 82 Box 1218

Duck Creek Village, Utah

84762

ITEM # 3

Kane County Ordinance No. O-2024-11 an Ordinance
Amending Title 9 Chapter 1 General Provisions Section 7
Definitions in the Kane County Land Use Ordinance

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: April 23, 2024

Dept. /Business Name: Land Use

Topic/Re: Subdivision: Ordinance 2024-11: KCLUO Chapter 1 & 21

Description: An ordinance revising Kane County Land Use Ordinance Chapters 1 and 21, designating an Administrative Land Use Authority to become compliant with Utah code 12-27a-604.1

Attachments: Info Packet

Ordinance 2024-11

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.

KANE COUNTY ORDINANCE NO. O 2024-11

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 1 GENERAL PROVISIONS
SECTION 7 DEFINITIONS IN THE KANE COUNTY LAND USE ORDINANCE**

WHEREAS the Kane County Planning Commission recommended changes to Kane County Land Use Ordinance Chapter 1, General Provisions, Section 7, Definitions to determine the “administrative land use authority” as required by Utah State Code; 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 and §17-27a-604.1;

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 1 Sections 7 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.

9-1-7: DEFINITIONS:

//

ADMINISTRATIVE LAND USE AUTHORITY: means the land use administrator.

//

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 23rd day of April 2024.

ATTEST:

CHAMEILL LAMB
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

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

Effective 5/3/2023

17-27a-604.1 Process for subdivision review and approval.

- (1)
 - (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a county, including county staff or a county planning commission.
 - (b) "Administrative land use authority" does not include a county legislative body or a member of a county legislative body.
- (2)
 - (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
 - (b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
- (3) A county ordinance governing the subdivision of land shall:
 - (a) comply with this section and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
 - (b)
 - (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
 - (ii) if the county has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 17-27a-605, the county may designate a different and separate administrative land use authority for the approval of subdivisions under Section 17-27a-605.
- (4)
 - (a) If an applicant requests a pre-application meeting, the county shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
 - (b) At the pre-application meeting, the county staff shall provide or have available on the county website the following:
 - (i) copies of applicable land use regulations;
 - (ii) a complete list of standards required for the project;
 - (iii) preliminary and final application checklists; and
 - (iv) feedback on the concept plan.
- (5) A preliminary subdivision application shall comply with all applicable county ordinances and requirements of this section.
- (6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a county staff level.
- (7) With respect to a preliminary application to subdivide land, an administrative land use authority may:
 - (a) receive public comment; and
 - (b) hold no more than one public hearing.
- (8) If a preliminary subdivision application complies with the applicable county ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.
- (9) A county shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and county ordinances, which:
 - (a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and

- (b) may not require planning commission or county legislative body approval.
- (10) If a final subdivision application complies with the requirements of this section, the applicable county ordinances, and the preliminary subdivision approval granted under Subsection (9)(a), a county shall approve the final subdivision application.

Enacted by Chapter 501, 2023 General Session

ITEM # 4

Bid Award for the Joe Creek Culvert Replacement

ITEM # 5

**Bid Award for the Pavement Preservation on Navajo Lake
Road, Duck Creek Village, Strawberry, and Alton**

ITEM # 6

Discussion/Approval on Tree Maintenance



Garkane Energy Cooperative, Inc.
Board of Directors Policy #314

Subject: Tree Trimming Policy

Page | 1

Last Revised: 6/26/2023

Last Reviewed: 6/26/2023

Board Approval: 6/26/2023

I. OBJECTIVE

Garkane Energy Cooperative is required to maintain a safe and functional powerline grid. Garkane employees or certified contractors conduct regular vegetation management/Right of Way work. We follow industry standards and guidelines for safety, quality, and tree health.

II. POLICY

Members, property owners, and untrained contractors are not authorized to prune or cut trees and plants near Garkane power lines.

Tree maintenance practices vary based on the voltage and type of line, as well as the type of tree and its proximity to the line.

Garkane uses directional pruning (Shigo Method) where applicable to maintain tree health while establishing acceptable clearance between power lines and tree branches. Directional pruning was developed by the Tree Care Industry Association, approved by the American National Standard Institute (ANSI), adopted by the arboriculture industry as its standard, and endorsed by the Arbor Day Foundation and the International Society of Arboriculture.

Existing trees and vegetation along distribution lines can often be trimmed rather than cut down. If, however, the vegetation poses a threat to the line that cannot be resolved by trimming, or if the vegetation may interfere with the line before we return for our next period of planned maintenance, it may need to be cut down. For vegetation planted prior to May 23, 2023, Garkane will make a concerted effort to contact our members prior to pruning or cutting trees.

- Trees, shrubs, or bushes shall not be planted in the right-of-way on underground or overhead utility lines. Before digging or planting, it is the member's responsibility to call 811 to locate and avoid underground utility lines.
- If vegetation is encountered by Garkane that is growing within the right-of-way, the member assumes responsibility for removal. In the event Garkane must excavate in the easement or maintain any equipment, Garkane will not replace or be responsible for damaged or removed vegetation.
- All 120/240/480-volt triplex/quadruplex services (secondary service) must maintain a minimum clearance of 3-foot radius from all trees or branches. All open wire secondary will need a minimum clearance radius of 5 feet from all trees or branches.
- All primary wire will require a minimum clearance radius of 12 feet from all trees or branches.
- A Garkane field representative will ensure that all tree trimming is complete prior to constructing a job. No lines will be energized until clearances are met.



Garkane Energy Cooperative, Inc.
Board of Directors Policy #314

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- The member has the option of underground construction (the member will be responsible for trenching and cost) if overhead right-of-way construction is not acceptable to the member.
- In accordance with NESC code # sec 218- A- 1, Garkane or its designated contractor will remove at ground level, vegetation that is in the right-of-way including hazard trees that are leaning into the right-of-way.*

*When a member does not allow the removal of said vegetation, it will be topped or trimmed to twelve feet below or adjacent to the nearest conductor or structure. If repetitive trimming visits are required to maintain proper clearance, said cost will be charged to the member on a subsequent, itemized electric billing priced at current contractor hourly rates for labor and equipment. The member will be required to reimburse Garkane for these charges billed by the contractor. If reimbursement is not received within 90 days, the normal collection process will be administered.

As part Garkane’s Terms of service, for new overhead powerline facilities built after May 23, 2023, trees that will reach a height greater than 6 ft at maturity shall not be planted within a recorded powerline easement or right-of-way. In cases where such plantings do occur Garkane reserves the right to remove the trees entirely.

III. RESPONSIBILITY

Lineman Superintendent, COO, and CEO

_____ Board President	_____ Board Approval Date
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ITEM # 7

Discussion/Approval on Office of Tourism and Kanab
Center Fee Schedule

ITEM # 8

Review/Approval of Revised Courthouse Lease
with the State of Utah

**STATE OF UTAH
ADMINISTRATIVE OFFICE OF THE COURTS
CONTRACT NO. 16-1805
AMENDMENT NO. 2**

TO BE ATTACHED TO AND MADE A PART OF the above numbered contract by and between Kane County, a political subdivision of the state of Utah, whose principal place of business is 76 North Main St, Kanab, UT 84741; hereinafter called "LESSOR" and the STATE OF UTAH, ADMINISTRATIVE OFFICE OF THE COURTS, whose principal place of business is 450 South State Street, P.O, Box 140241, Salt Lake City, Utah 84114-0241, for and in behalf of the Sixth District Courts, hereinafter called "LESSEE."

W I T N E S S E T H

THAT WHEREAS, LESSOR and LESSEE have heretofore entered into that certain Lease Agreement (Contract No. 16-1805) for Five Thousand Seven Hundred Eighty-Five (5,785) rentable square feet of office space in the facility located at 76 North Main St., Kanab, Utah, which Lease Agreement commenced April 01, 2016, and currently expires June 30, 2028; and

WHEREAS, LESSEE and LESSOR are mutually desirous to renew the subject Lease Agreement for an additional Five (5) years renewal or extended term; and

WHEREAS, LESSEE and LESSOR mutually understand the state procurement laws and rules and agree to comply with said laws and rules during this lease term and any future renewal terms; and

NOW THEREFORE, for and in consideration of the mutual covenants, conditions, and agreements herein contained, and other good and valuable considerations, it is covenanted and agreed between the parties that the aforesaid Lease Agreement be modified and amended as follows:

PARAGRAPH 1 RENEWAL OR EXTENDED TERM

1.1 The Lease Agreement is hereby renewed and extended for an additional term which term shall commence July 1, 2028, and shall expire June 30, 2033. If option to renew is not exercised by LESSEE as provided for in Paragraph 2 of this Lease Amendment No. 2, the Lease will remain in full force and effect on a month to month basis until terminated by either party by giving One hundred and eighty (180) days advance written notice to the other party.

PARAGRAPH 2 OPTION TO RENEW

2.1 LESSOR covenants with LESSEE that LESSOR shall, at LESSEE'S option, again grant and lease to LESSEE at the expiration of the lease term, the Leased Premises pursuant to the provisions of this Lease for and during the term of five (5) years

thereafter, with a like covenant for future renewals of the Lease as is contained in this Amendment No. 1, and on the same terms and conditions, except as to the annual rentals, which rentals shall be subject to negotiations.

PARAGRAPH 3 CONSIDERATION

3.1 For the term of this amendment rentals payable by LESSEE to LESSOR shall be paid based on the following schedules:

Fiscal Year Payments	Rent	Other	Total	Monthly Payment
FY29 7/28-6/29	\$86,769.00	\$0.00	\$86,769.00	\$7,230.75
FY30 7/29-6/30	\$86,769.00	\$0.00	\$86,769.00	\$7,230.75
FY31 7/30-6/31	\$86,769.00	\$0.00	\$86,769.00	\$7,230.75
FY32 7/31-6/32	\$86,769.00	\$0.00	\$86,769.00	\$7,230.75
FY33 7/32-6/33	\$86,769.00	\$0.00	\$86,769.00	\$7,230.75
Total	\$433,845.00	\$0.00	\$433,845.00	

PARAGRAPH 4 COMPLIANCE WITH STATE PROCUREMENT CODE

Landlord agrees to comply with state procurement laws and rules during this and any future Lease Term and provide evidence of compliance if requested by Tenant.

All other covenants, terms, and conditions of the subject Lease Agreement, as amended, are not modified by this Lease Amendment No. 2 and are to remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto sign and cause this Lease Amendment No. 2 to be executed.

Landlord
Kane County

Tenant
Administrative Office of the Court

Date
Chair, County Commission

Date
Neira Siaperas
Deputy Court Administrator

Date
Chameill Lamb
Morgan County Clerk Auditor
Kane

Date
Karl Sweeney
Finance Director

Approved:

Date

Date
Keisa Williams
AOC General Counsel

ITEM # 9

Review/Approval of Invoice/Billing State of Utah for
Courthouse Entrance Security Remodel

ITEM # 10

Discussion/Approval of TRT Fund Expenditures

ITEM # 11

**County Commission Policy under the Open and
Public Meetings Act Regarding Officially Convening a
Meeting**

ITEM # 12

Review of Legislative Issues

ITEM # 13

Commissioner Report on Assignments