MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
Kane County Commission Chambers
76 N. Main Street, Kanab, UT
June 12, 2024

ACTING CHAIRMAN:	Gwen Brown
MEMBERS PRESENT:	Byard Kershaw, Gwen Brown, Matt Cox, Mason Haycock
MEMBERS ABSENT:	Doug Heaton, Jeremy Chamberlain, John Reese
EX-OFFICIO MEMBER:	Commissioner Wade Heaton – via phone
STAFF PRESENT	Shannon McBride, Land Use Administrator; Wendy Allan, Assistant P&Z Administrator;

6:00 PM	Meeting called to order	John Reese
	Invocation	Mason Haycock
	Pledge of Allegiance	Byard Kershaw

GENERAL BUSINESS

1. Update on Commission Decisions
Commissioner Wade Heaton reported (via phone) that the Roth zone change from Commercial to Residential was approved. The Carter zone change near Tod's Junction and Long Valley Estates was approved. The Pope zone change in Little Ponderosa was approved and the Conrad zone change from R-1/2 to R-1 was approved. The Ordinance regarding fire suppression systems for lodges was also approved.

(Matt Cox joined the meeting via phone.)

2. Approval of minutes
May 8, 2024

MOTION: Byard Kershaw made a motion to **approve** the minutes of May 8, 2024. Mason Haycock seconded the motion.

VOTE: The **motion passed** unanimously.

3. Public Meeting – Temporary Use Permit: Owens

An application for a temporary use permit for a family RV/camping site on parcel 8-6-2-1F containing 60 acres, zoned Rural 40 (RU-40) located west of Highway 89 across from the Long Valley Estates Subdivision. Submitted by Raymond Owens

Shannon explained that the property is zoned RU-40. It is 60 acres located off of Highway 89 north of Tod's Junction. This is a temporary use permit for family and friends to bring their RVs. He does not want to put in an RV park.

Shannon recommends approval.

Mason asked if the difference between this request and Heritage Acres (last month) was the size of the lot. Shannon clarified that the difference between this request and the Heritage Acres request is that this property owner got a zone change for RU-40 which allows for an RV park.

MOTION: Mason Haycock made a motion to **approve** the temporary use permit for more than two camping sites for a family RV/camping site on parcel 8-6-2-1F containing 60 acres, zoned Rural 40 (RU-40), based on the findings documented in the staff report. Seconded by Byard Kershaw.

VOTE: The vote was **unanimous to approve.**

FACTS & FINDINGS: Kane County Land Use Ordinance 9-15B-1: PURPOSE: The purpose of this article is to provide for a temporary use permit and standards for the permitting process for nonpermanent uses in order to protect the health, safety and general welfare of the public and surrounding zones and to avoid uses which will be detrimental to adjacent properties. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013) (See staff report for additional findings.)

4. Public Hearing – Lot Joinder: Renfrow
An application to amend a subdivision plat for a lot joinder on behalf of Alfred and Julie Renfrow, joining lots 15 & 16 becoming new lot 16, containing 0.89 acres, in the Ponderosa Villa Plat "C" Subdivision. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Brent Carter explained that they are joining two lots together. There are no easements involved.

Shannon stated that everything is in order and she recommends approval.

MOTION: A motion was made by Byard Kershaw to **go in and out of public hearing** at the call of the chair. The motion was seconded by Mason Haycock.

VOTE: The **motion passed** unanimously.

Acting Chair Gwen Brown called the commission into public hearing.

(No Comments)

Acting Chair Brown called the commission out of public hearing.

MOTION: Byard Kershaw made a motion to **approve** the amended subdivision plat for a lot joinder, on behalf of Alfred and Julie Renfrow in the Ponderosa Villa, Plat "C", Subdivision, consisting of lots 15 & 16 becoming new lot 16, based on the findings documented in the staff report. Mason Haycock seconded the motion.

VOTE: The vote was **unanimous to approve.**

FINDINGS: Amending (joining) the above-stated lots conforms to the standards in the 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. 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. The new lot will retain the R-1/2 zone.

5. Public Meeting – Subdivision Final Plat: Carter
An application for a final plat for the Koti Subdivision, creating 2 lots, parcel 8-7-6-4B, consisting of 4.25 acres, located east of the Stewart Duck Creek Subdivision on Meadow Ranch Drive. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Brent Carter explained that this parcel fronts on Meadow Ranch Drive with subdivisions to the east and west of it. They want to split this parcel into two lots.

Shannon made it clear that they are asking for the road easement to be made public. She stressed that the County Commission will need to make a motion to accept the dedication of that easement as a public right- of-way. Brent clarified that his client only owns a portion of the easement and are dedicating only their portion of the right-of-way to the county. It was clarified that this is an existing road.

Shannon stated that everything is in order. She did not require a letter of credit because the subdivision is so small. Brent noted that the infrastructure was already in place prior to the split.

MOTION: Mason Haycock made a motion to **recommend approval,** to the Kane County Commissioner, the final plat for the two-lot Koti subdivision, on behalf of Jared Plewe. Byard Kershaw seconded the motion.

VOTE: The vote was **unanimous to recommend approval**.

FINDINGS: The Koti subdivision, application and final plat comply with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607and 608. The KOTI subdivision, final plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21E-I, 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.

(Matt Cox joined the meeting in person.)

6. Public Hearing – Ordinance 2024-14: KCLUO Chapter 21
An ordinance revising Kane County Land Use Ordinance Chapter 21 Subdivisions to become complaint with Utah code 12-27a-604.1 and changing the name of the Kane County Standard Specifications and Drawing Details for Design and Construction.

Shannon reminded the Planning Commission (P&Z) that they reviewed and approved the changes to the preliminary plat portion of the ordinance last month. She informed the public that the County is required to become compliant with changes to state code by December 2024. Those changes made it so that the legislative body can no longer be a part of reviewing and approving subdivisions. Once approved, subdivisions will go through the Land Use Office and be reviewed and approved by the Land Use Administrator.

Shannon stressed that it is essential that the Planning Commission and County Commissioners make sure the ordinance reads as they want it to because it will be the ordinance she follows as she approves new subdivisions. She reminded the P&Z that county ordinance can be more restrictive than state code but not less restrictive.

Shannon began reviewing the recommended changes with the P&Z noting that the developers of the newer subdivisions in the county have requested an exemption to the requirement to do phases of at least 25%. They want to do smaller phases to test the market. She asked the Planning Commission to take a look at that requirement.

Gwen feels that there needs to be some kind of requirement. Shannon reminded the P&Z that a developer can always ask for an exemption to the ordinance through a development agreement. Gwen asked if there was a limit on the size of a subdivision. Shannon explained the zoning and the amount of acreage involved determines the size and density of the subdivisions. Shannon reminded the P&Z that if a developer requests a change to the 25% requirement it must be put in a development agreement and approved by the County Commissioners.

Acting Chair Gwen Brown called the commission into public hearing.

Brent Carter – He is a developer and he feels that the 25% requirement is too much. He feels it would be better to not have a minimum requirement.

Acting Chair Brown called the commission out of public hearing.

Byard asked about an assurance bond. Shannon explained how a subdivision bond/letter of credit works with the county holding 10% of the bond for a year after the completion of the subdivision to address any issues that may develop during that time. It was clarified that the 25% pertains to lots and infrastructure, not houses.

MOTION: Matt Cox made a **motion to strike out** 9-21E-2, the 25% requirement. Mason Haycock seconded the motion.
VOTE: The vote was **unanimous** to remove the 25% requirement.

MOTION: Matt Cox made a **motion to approve** the changes in 9-21E-4 through 9-21E-7. Byard Kershaw seconded.
VOTE: The vote was **unanimous.**

MOTION: Byard Kershaw made a **motion to remove** the final plat flow chart. Matt Cox seconded the motion.
VOTE: The vote was **unanimous.**

MOTION: Matt Cox made a **motion to approve** 9-21F-1 conditional on Rob's approval. Seconded by Mason Haycock.
VOTE: The vote was **unanimous.**

Brent Carter stated that most subdivisions have a dedicated road to access the lots. He believes that every subdivision will still have to go through the Planning Commission. Shannon explained that just the right-of-way will need to go to the Planning Commission, not the lots.

MOTION: Mason Haycock made a **motion to accept** changes to 9-21-F-2. Seconded by Matt Cox.
VOTE: The vote was **unanimous.**

Acting Chair Gwen Brown called the commission into public hearing.

Brent Carter – He asked if there was a way for Shannon to get approval from the board or is there a public hearing requirement for dedicating a public road.

Shannon responded that the decision to accept a public road should not be delegated to one individual.

Acting Chair Brown called the commission out of public hearing.

MOTION: Matt Cox made a **motion to get clarification** from the County Attorney on 9-21F-3. Mason Haycock seconded the motion.
VOTE: The vote was **unanimous.**

Shannon asked them to have the County Attorney review 9-21F-4 and 9-21F-5.

Acting Chair Gwen Brown called the commission into public hearing.

NO COMMENTS

Acting Chair Brown called the commission out of public hearing.

MOTION: Byard Kershaw made a **motion to accept** 9-21F-4 & 5 as written with the approval of the County Attorney. Seconded by Mason Haycock.
VOTE: The vote was **unanimous.**

MOTION: Mason Haycock made a **motion to accept** the changes beginning in 9-21F-7 through 9-21H-1 as submitted by Land Use Administrator. Seconded by Matt Cox.
VOTE: The vote was **unanimous.**

MOTION: Matt Cox **made a motion to recommend** sending all the changes in Chapter 21 (attachment #1) to the County Commission after the approval of the County Attorney. Byard Kershaw seconded the motion.

VOTE: The vote was **unanimous.**

Matt Cox made a motion to adjourn. Byard Kershaw seconded the motion.
Meeting was adjourned at 7:17 pm.

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Land Use Authority Vice Chair
Gwen Brown

Assistant Planning & Zoning Administrator

9-21E-1: GENERAL:

A. A final plat may be submitted once all provisions of article D, "Preliminary Plat", of this chapter have been met. The final plat of the subdivision or planned unit development may encompass all or part (see phased development) of the preliminary plat. The final plat shall be presented to the Kane County administrative land use authority for review within one year after preliminary plat approval, otherwise, preliminary plat approval shall be withdrawn and reapplication will be required.

B. The submitted final plat shall conform in all major respects to the preliminary plat as previously approved and/or modified by the Kane County administrative land use authority.

9-21E-2: PHASED SUBDIVISION AND PLANNED UNIT DEVELOPMENTS:

A. The final platting of subdivisions and planned unit developments can be done in phases. Each phase shall consist of a minimum of ~~twenty five percent (25%)~~ of the total number of lots in the subdivision or ~~twenty five percent (25%)~~ of the area of a planned unit development.

9-21E-3: ACCEPTANCE OF STREETS AND OTHER PUBLIC LAND DEDICATION:

Acceptance of dedication of proposed public lands or street right of way in an approved plat can be made only by the Kane County commissioners. Plat approval will be deemed as acceptance of dedication unless streets and other public spaces are shown as "not intended for dedication". (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21E-4: REQUIRED GENERAL SUBMISSION ITEMS:

A. Administrative:

1. Mylar copy of approved final plat (for signatures);

2. ~~Four (4)~~ One copy of approved and signed final plat;

3. ~~Four (4)~~ One copy of approved construction drawings and documents;

27. Administrative Land Use Authority's signature block;

~~28. County Commission's signature block;~~

~~***9-21E-5: LAND USE AUTHORITY REVIEW:***~~

~~A. After review and approval of the final plat drawing and receipt of required documents by the Administrator and County Engineer, the Kane County land use authority will review the final plat, at a regularly scheduled, publicly noticed public meeting. If approved, the land use authority shall recommend approval of the final plat to the Kane County commissioners to be reviewed at the next available work meeting, and then for final approval at the next regularly scheduled commission meeting. (Ord. O-2015-12, 7-27-2015, eff. 8-11-2015)~~

~~***9-21E-6: COUNTY COMMISSION REVIEW:***~~

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~~The Kane County commission shall review the final plat within thirty (30) days of notification of review by the Kane County land use authority at a regularly scheduled public meeting. If the Kane County commission determines that the final plat drawing and documentation meets with the Kane County land use ordinance, subdivision ordinance and "Kane County Standard Specifications And Drawing Details For Design And Construction", they may grant approval. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)~~

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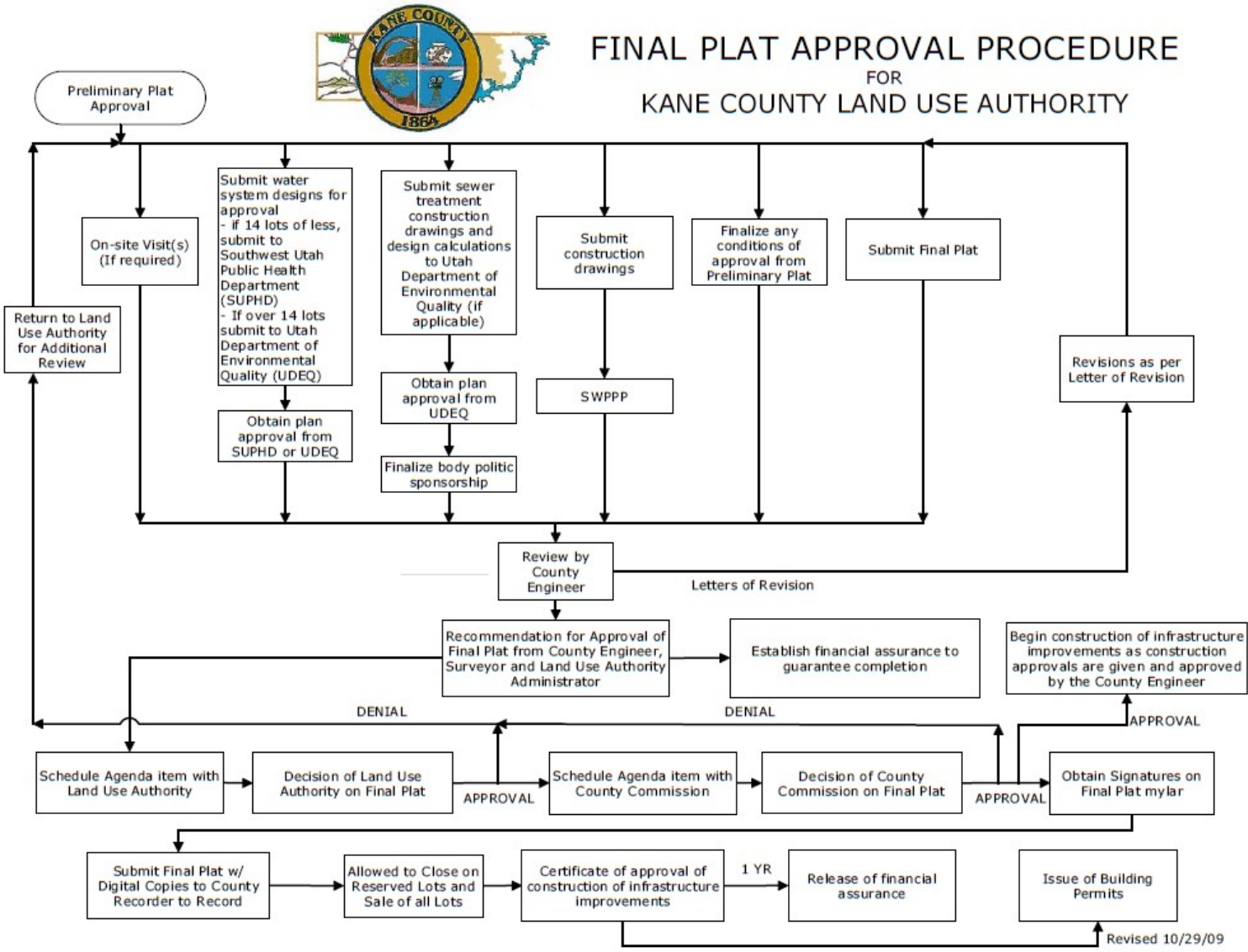
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9-21E-7: FINAL PLAT RECORDING:

A. The developer/subdivider or his agent shall record the approved final plat within one year of approval ~~by the Kane County commission~~. The Kane County land use authority administrator shall maintain custody of the final plat mylar until all signatures have been obtained (with exception of the recorder), at which time he/she will notify the developer/subdivider that the plat is ready to be recorded. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2015-12, 7-27-2015, eff. 8-11-2015)

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9-21E-10: FINAL PLAT APPROVAL PROCEDURE: DELETE



ARTICLE F. DEDICATION AND ACCEPTANCE OF STREETS AND PUBLIC IMPROVEMENTS

SECTION:

9-21F-1: Dedication Of Improvements And County Ownership Of Subdivision Roads

9-21F-2: Timeliness For Acting On Acceptance

9-21F-3: Dedication Of Nonsubdivision Rights-Of-Way And Roadways

9-21F-4: Required Right-Of-Way And Roadway Widths

9-21F-5: Roadways Dividing A Parcel

9-21F-6: Right-Of-Way And Roadway Improvements

9-21F-7: Right-Of-Way Improvements For Commercial Developments

9-21F-1: DEDICATION OF IMPROVEMENTS AND COUNTY OWNERSHIP OF SUBDIVISION ROADS:

A. Subdividers are put on notice that the majority of roads (if not all) internal to a subdivision are typically to remain private. At the time the final plat is approved, the subdivider may dedicate the roads, easements and other public improvements to Kane County and the Kane County Commission will determine which improvements to preliminarily accept. All subdivision roads must adhere to county standards, including a minimum 28 foot width comprised of 24 feet of travel lanes (two twelve foot travel lanes) with two foot shoulders on each side of the travel lanes.

B. In determining which roads to preliminarily accept, the Kane County Commission may look at the following factors:

1. If the road could eventually be a Collector or Arterial Road;

2. How the road fits into the overall transportation system of the County;

3. Whether the road is internal to the subdivision, meaning that it only allows access to residents within the subdivision;

4. Whether the road has historically been open to the public, or allows access to public areas;

5. The overall traffic expected by both residents, visitors, and those just passing through.

C. The subdivider shall notify the County in writing once all improvements are completed, at which time the Kane County Engineer will perform a final improvement inspection. Any dedicated improvements shall be deemed an offer by the subdivider which shall be irrevocable until one year after all of the improvements are completed. After one year, a final inspection will take place before officially accepting any preliminarily accepted improvements, and before releasing any bonds from any improvements. The County Commission may, at its option, accept the offer of dedication only if it finds that the subdivider has constructed, installed and maintained the public improvements required by this chapter and that the improvements comply with the minimum standards and requirements of this chapter and the "Kane County ~~Standard Specifications and Drawing Details for Design and Construction~~ Construction Design Standards" at the time of acceptance.

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(Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2022-15, 3-22-2022)

9-21F-2: TIMELINESS FOR ACTING ON ACCEPTANCE:

Unless the Kane County Land Use Authority Administrator extends the time for making a decision as to whether or not Kane County will accept dedicated public improvements, the dedication may be acted upon within one year following the completion of the public improvements in accordance with the "Kane ~~County Standard Specifications and Drawing Details for Design and Construction~~ Construction and Design Standards", but in no event shall such approval occur without the approval of the Kane County Engineer. In the event the Kane County Engineer does not approve the dedicated public improvements, the subdivider shall be so advised in writing and of the reason for the nonapproval. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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9-21F-3: DEDICATION OF NONSUBDIVISION RIGHTS-OF-WAY AND ROADWAYS:

The Kane County Commission, on recommendation from the Kane County Land Use Authority, may accept Master Transportation Plans for areas in Kane County. Once a Master Transportation Plan is in place for an area the property owner(s) within the Master Transportation Plan area may dedicate the planned road(s) to Kane County. Kane County Land Use Authority and Kane County Commission may accept the dedicated roads by the recording of a road dedication plat. (Ord. O-2019-2, 1-14-2019)

9-21F-4: REQUIRED RIGHT-OF-WAY AND ROADWAY WIDTHS:

Rights-of-way/roadways that are dedicated will be dedicated to the required width of the Master Transportation Plan. If the right-of-way/roadway is planned to be centered on the boundary line between two (2) properties, both property owners will be required to dedicate their respective half of the right-of- way/roadway for the right-of-way/roadway to be accepted. If both of the property owners do not agree to the dedication, one of the property owners may dedicate the right-of-way/roadway wholly on their property. The rights-of-way/roadway will be required to be dedicated to provide continuity with adjacent dedicated rights- of-way/roadway.

Notwithstanding this provision, or any other provisions to the contrary in this title, upon application for subdivision or any plat amendment, the County may accept dedication, or may require dedication, of any existing road that is currently listed as a Class B or D road on the official records of the County Road or GIS Department, regardless of the condition or width of the road. (Ord. O-2019-2, 1-14-2019)

9-21F-5: ROADWAYS DIVIDING A PARCEL:

When an action initiated by the County for a dedicated roadway which roadway is deeded and accepted by the County, extends through a parcel, dividing said parcel into two (2) or more portions, the owner of the parcel may apply for a division of the parcel, without having to comply with the requirements of this chapter; and if the resulting divided parcel is smaller than required by this title, the parcel shall remain in that zone as a smaller non-conforming parcel. (Ord. O-2018-1, 1-12-2018)

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)

9-21F-7: RIGHT-OF-WAY IMPROVEMENTS FOR COMMERCIAL DEVELOPMENTS:

A commercial development right-of-way will be required to be improved to the Kane County ~~Standards Specifications and Drawing Details for Design and Construction~~ Construction Design Standards (A.)(1)(iv.) prior to a building permit being issued to any parcel or development as follows:

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9-21G-1: GENERAL PROVISIONS:

All subdivisions must comply with the following standards:

A. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.

B. Land subject to hazardous conditions such as, but not limited to, slides, mudflows, rockfalls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, abandoned landfills, and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

C. The "Kane County Construction Design Standards ~~Standard Specifications And Drawing Details For Design And Construction~~". (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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9-21G-2: LOTS:

A. All lots shown on the subdivision plan shall conform to the minimum requirements of the Kane County zoning ordinance for the zone in which the subdivision is located, and to the minimum requirements of the engineer and the Southwest Utah health department for sewage disposal. The minimum width for any building lot shall be as required by the Kane County land use ordinance.

B. All lots shall abut a dedicated or private street. Streets shall be at least twenty eight foot (28') travel width. In the event a lot abuts a public right of way created by use, the subdivider shall improve the right of way to the standards required by this chapter and the "Kane County Construction Design Standards ~~Standard Specifications And Drawing Details For Design And Construction".~~

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J. All residential lots in subdivisions shall front on a public street or on a private street or court approved by the Kane County ~~land use authority~~ and the Kane County commission, except as may be approved for planned unit developments or other special dwellings. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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9-21G-10: SANITARY SEWAGE DISPOSAL:

A. Except as otherwise provided below, the subdivider shall provide, or have provided, an approved piped sanitary sewage system to the property line of every lot in the subdivision. The sewage system shall meet the minimum standards and requirements of the State Department of Environmental Quality. Certification of compliance shall be provided to the Kane County Administrative Land Use Authority by the subdivider.

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B. All subdivisions, and all phases of subdivisions, proposing on site wastewater disposal systems, which did not acquire on site wastewater disposal feasibility approval before December 9, 1997, shall comply with the Southwest Utah Public Health Department's wastewater ordinance effective that date or as further modified, and shall comply with the regulations of the local or special service district that serves the area that are in effect at the time. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than a distance of three hundred feet (300') multiplied by the number of proposed lots within the subdivision, from the boundary of the subdivision.

C. Where the Kane County General Plan or other plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Kane County Administrative Land Use Authority may require the installation and capping of sanitary sewer mains and house connections by the subdivider. Whenever individual on-lot sanitary sewage disposal systems are proposed, they shall be installed at the time the principal building is constructed, and no building permit shall be issued until such installation is completed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

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9-21G-11: WATER SUPPLY:

All culinary water systems and plans, whether public or private, shall conform to County ordinances, including, but not limited to, this chapter and the "Kane County Construction Design Standards ~~Standard Specifications and Drawing Details for Design and Construction~~", and shall be approved by the appropriate State and Local authorities. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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9-21H-1: REQUIREMENTS:

Construction standards and building codes, including the "Kane County Construction and Design and Standards ~~Standard Specifications And Drawing Details For Design And Construction~~" adopted by Kane County, shall be followed by the subdivider, developer and contractor. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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