

**COMMISSION MEETING
PACKET**

DATE:

December 17, 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, December 17, 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.

View Online www.kane.utah.gov/publicmeetings or Dial: (US) +1 240-394-8436 – PIN: 821 151 844#

CALL MEETING TO ORDER

WELCOME

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT:

CONSENT AGENDA:

Check Edit Report:

Approval of: Commission Meeting Minutes for November 26, 2024

REGULAR SESSION

1. **Employee Extra Miler Awards/Commissioner Heaton**
2. **Recognition of Gwen Brown and Byard Kershaw for their Service on the Planning and Zoning Board/Commissioner Heaton**
3. **2025 Cooperative Agreement for Utah State University Extension Services/Commissioner Kubeja**
4. **Public Hearing Regarding Kane County Resolution No. R 2024-41 and R 2024-42 Appointing/Reappointing Members to the Kane County Planning Commission**
5. **Kane County Resolution No. R 2024-41 a Resolution Appointing Lara Clayson and Julie Millard to the Kane County Planning Commission/Commissioner Heaton**

- 6. Kane County Resolution No. R 2024-42 a Resolution Reappointing Mason Haycock to the Kane County Planning Commission/Commissioner Heaton**
- 7. 2025 Wildland Fire Participation Commitment Agreement/Commissioner Kubeja**
- 8. Kane County Resolution No. R 2024-38 a Resolution Appointing Executive Committee Members to the Southwest Regional Response and Coordinating Team/Commissioner Kubeja**
- 9. CEBA Contract Adjustments/Commissioner Meyeres**
- 10. Zone Change/Ordinance 2024-31: McLaws-Shannon McBride/Commissioner Heaton**
- 11. Zone Change/Ordinance 2024-32: McLaws-Shannon McBride/Commissioner Heaton**
- 12. Subdivision Final Plat: Roth-Shannon McBride/Commissioner Heaton**
- 13. Amended Plat: Best Friends-Shannon McBride/Commissioner Heaton**
- 14. Lot Joinder: Gosser-Shannon McBride/Commissioner Heaton**
- 15. Kane County Resolution No. R 2024-34 a Resolution Amending the Kane County Employee Handbook Regarding Ethical Behavior, Active Living Center Drivers, Partial Vacation Cash-Out Policy and Other Amendments/Full Commission**
- 16. Kane County Resolution No. R 2024-37 a Resolution Adopting a Privacy Policy Statement for Personally Identifiable Information/Full Commission**
- 17. Kane County Public Defender Contract/Commissioner Kubeja**
- 18. 2025 Commission Meeting Schedule/Full Commission**
- 19. Action on Rural County Grant Funds Recommended by the Kane County Economic Opportunity Board/Commissioner Meyeres**
 - A. Raising Kane Business Summit and Business Challenge-\$20,000**
 - B. Church Wells Project Right of Way Proposal-\$14,000**
 - C. East Zion Transportation Project Proposal-\$50,000**
 - D. Glendale Town Municipal Grant Proposal-\$20,000**
 - E. Farmers Market Proposal-\$5,000**
 - F. Small Business Grant Proposal-\$50,000**
- 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

Approval of:

Commission Meeting Minutes for November 26, 2024

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
November 26, 2024
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH**

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

Also Present: Rhonda Gant, Shannon McBride, Taylor Glover, Morgan Shakespear, Bert Harris, Megan Fox

CALL MEETING TO ORDER: Commissioner Meyeres

WELCOME: Commissioner Meyeres

INVOCATION: Tom Avant

PLEDGE OF ALLEGIANCE: Pat Guerrero

PUBLIC COMMENT:

Matt Fisher said he got the minutes from the Kane County Rec and Transportation SSD board meeting, and was surprised that Kris Ramsay and Commissioner Meyeres solicited the board for funding of an additional \$400K for the rec center project. He said that generally, overruns, change orders, and add-ons happen at the end of the project not towards the beginning. He would like some clarity and transparency on this.

CONSENT AGENDA:

Check Edit Report:

Motion to approve the Consent Agenda as proposed made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. Ratify Contractor Selection for Visitor Center Remodel/Construction/Commissioner Heaton

Commissioner Heaton said that an RFP was put out on this project and they received some proposals and bids that were opened last week with a committee that met and scored the bids.

Kris stated that Maxwell Construction had the highest score and the lowest bid. They are now just looking to ratify that decision today and award it to Maxwell Construction if the Commission approves. The bid came in at \$193,050, which is based off of a percentage of the whole.

Motion to approve the recommendation of the committee and award the contract to Maxwell Construction made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

2. Ratify Contractor Selection for the Fairgrounds Building to be Erected/Commissioner Heaton

Commissioner Heaton mentioned that the RFP they put out on this project was just to erect the building. They ended up adding on a few additional things to see what we might be able to afford. There was a contractors meeting and they still have some questions so they are not ready to make the selection yet.

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

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

3. Presentation of KCTTAB Recommendations/Commissioner Heaton

Megan Fox presented the 2025 KCTTAB TRT recommendation list to the commission stating that the top four are equal priority and then the bottom six are in order of priority.

Top priority

- EMS

- Roads
- Search and Rescue
- Mitigation-Solid Waste

Order of priority

1. Orderville Park
2. Kanab Visitor Center Digital Kiosks \$50K
3. Trails
4. Duck Creek Community center
5. Kane Plex multi-event center
6. Stellar Vista Observatory

Motion to accept the recommendations from the Tourism Tax Advisory Board made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

4. Discussion/Approval of Long Valley Sewer Improvement District Easement Request/Commissioner Heaton

Commissioner Heaton stated that the Long Valley Sewer Improvement District board has wanted to bring a line across highway 89, just north of Oderville. They want to bring it from the east side of 89 and connect it with the mainline on the west side of 89 that way they could serve more of the buildings on the east side of the highway. Their goal is to run a line north of the North Event Center and then connect in where they already have an easement coming into the fairgrounds. They are requesting an easement so that they can install the line and maintain it through the years.

Motion to approve the request by the Long Valley Sewer Improvement District for the easement at the Fairgrounds, condition upon the county attorney reviewing the conveyance document and the conveyance document having restrictions in it that would protect the county through the permitting process that will require them to get a permit each time they worked in the area and that it would have the district in charge of repairs, restoring back to the existing condition and that it would create a 10-day construction window and that they would be in charge of traffic flow and working with UDOT to re-route traffic to the south entrance made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

5. SITLA Recommendations: Glen Canyon Solar A, LLC-Shannon McBride/Commissioner Heaton

Commissioner Heaton said AES presented to them the last commission meeting. They have submitted a new conditional use permit for the solar field with the big change being the addition of batteries. The commission wanted to take some time to discuss, ask a few more questions, and solidify their recommendations so the action today would be to approve the recommendations that have been presented to them.

Shannon went over the changes that she had made to the recommendations.

Motion to approve the recommendations to SITLA Trust Lands regarding Glen Canyon Solar A, LLC as written and presented made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

6. Zone Change/Ordinance 2024-24: Midnight Properties LLC-Shannon McBride/Commissioner Heaton

Shannon stated that this was approved unanimously and that the property owners would like to do some glamping, but continue to graze the rest.

This ordinance is actually Ordinance 2024-27.

Motion to adopt Ordinance 2024-27 regarding Midnight Properties LLC for a zone change from AG to Rural 10 for parcel 1-9-12-2A, which contains 11.54 acres located on Highway 9 approximately one mile east of the Peaches Planned Unit Development made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

7. Amended Plat/Ordinance 2024-28: Jorgensen-Shannon McBride/Commissioner Heaton

Shannon said that they are taking out one of the lots from a different unit and putting it in so it is an amended plat. They are vacating (2) 6' public utility easements. Everything is in order and it was a unanimous vote to approve it.

Motion to approve Ordinance 2024-28 amending the Jorgensen plat made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

8. Road Dedication/Ordinance 2024-29: Dehban-Shannon McBride/Commissioner Heaton

Shannon stated that they are taking a portion of a prescriptive easement and dedicating it, which is a benefit to the county. The county has already been maintaining this so it is not adding additional maintenance.

Motion to accept the road dedication with Ordinance 2024-29 as written made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

9. Lot Joinder: Miller-Shannon McBride/Commissioner Heaton

Shannon stated that with this one they are asking to vacate (2) 5' public walking utility easements.

Motion to approve the lot joinder for the Miller's vacating the walking easements made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

10. Lot Joinder: Felli-Shannon McBride/Commissioner Heaton

Shannon said with this one they are asking to vacate (2) 7.5' public utility easements on the lot joinder. Everything is in order and the motion was unanimous to approve it.

Motion to accept the application to amend the subdivision plat for a lot joinder, which will join lots 113 & 114, becoming new lot 114 containing 1.43 acres and vacating 2 7.5' public utility easements, part of Zion View Mountain Estates, Unit D made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

11. Subdivision: Roth-Shannon McBride/Commissioner Heaton

Shannon stated that this is unique because it is only a 2-lot. The attorney helped them write up a Development Agreement, which is exempting them from having to have the bonding because they are just a 2-lot. Everything is in order and if it is accepted, they can go onto final plat.

Motion to approve the application for the preliminary plat for the Chillville Subdivision, creating two 5-acre lots and the Development Agreement made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

12. Lot Joinder: Mosteller-Shannon McBride/Commissioner Heaton

Shannon said this one has (10) 7.5' public utility easements that they are vacating and it is a lot joinder. Everything is in order and it was a unanimous vote to approve it.

Motion to accept the application to amend a subdivision plat for a lot joinder joining lots 74, 75, 76 & 77, becoming amended lot 74 containing 1.93 acres, and vacating (10) 7.5' public utility easements in Zion View Mountain Estates, Unit D made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

13. Review/Action on Construction Change Order for Court House Vestibule Remodel and Funding Source/Commissioner Kubeja

Commissioner Kubeja stated that back in May the state came forth and said they had some money they wanted to put toward making it a safer entrance into the courthouse. We negotiated a 60/40 split and they sent us \$100K. At that time, we had approved to spend up to \$60K, but due to some change orders, the cost is over \$160K.

Chameill mentioned that in the original approval for the funds, the commission had approved up to \$175K, but that did not include the cost for the engineering, so the total if all the bills are in came in around \$206K.

Motion to approve the additional expenses due to the change orders for the vestibule remodel at the courthouse and authorize expenditure out of the ARPA funding for the funds that cannot be paid for with the Building and Grounds made by Commissioner Kubeja and motion carried with all Commissioners present voting in favor.

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

14. Kane County Resolution No. R 2024-36 a Resolution Adopting the Kane County Privacy Compliance Plan as Required by Utah Code §63G-31-304/Full Commission

Attorney Van Dyke stated that this last year the state legislature passed a new law protecting gender based spaces. It requires counties to do a couple things. 1) Designate the use of spaces. It requires us to have a policy that requires employees to report when individuals are not compliant with our plan. 2) Talks about if we are constructing a new facility then we will plan for single occupant privacy spaces so they don't have to be gender specific but can be private and then when we are renovating we will consider that as well.

Motion to adopt Resolution R 2024-36 adopting the Kane County Privacy Compliance Plan as required by Utah Code made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

15. Action to Reschedule the 2025 Budget Hearing from December 10, 2024 to December 17, 2024/Full Commission

Commissioner Meyeres and Commissioner Kubeja will be traveling to Washington DC during this time so they thought it best to just have one budget hearing and then one county commission meeting for the month. The budget hearing will be held at 10 a.m. and then the regular commission meeting will be at 2 p.m.

Motion to reschedule the December 10th meeting to December 17th made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

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

16. Review of Legislative Issues/Full Commission

Commissioner Meyeres mentioned that there is going to be quite a bit of fixing up of Title 17 in general in Utah Code, which is the portion of Utah Code that deals with counties.

17. Commissioner Report on Assignments/Full Commission

Commissioner Kubeja mentioned that she has been to two different trainings on grants. One specific with outdoor rec. The state keeps changing it to try and make it more user friendly. She also mentioned that we did get some money for the Spotted Owl Study from the ORI grant.

Motion to go into closed session to discuss pending or reasonably imminent litigation and invite our attorney, county clerk/auditor, sheriff, road dept. supervisor, and our HR person made by Commissioner Meyeres and motion carried with all Commissioners present voting in favor.

Commissioner Meyeres called them back into open Kane County Commission meeting on November 26, 2024.

Motion to deny the Van Cott claim against damage and liability caused by the county grader made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

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

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

AGENDA ITEMS

ITEM # 1

Employee Extra Miler Awards

ITEM # 2

Recognition of Gwen Brown and Byard Kershaw for their
Service on the Planning and Zoning Board

ITEM # 3

2025 Cooperative Agreement for Utah State University
Extension Services

COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION SERVICES - Kane

This Cooperative Agreement ("**Agreement**") is dated as of the last dated signature below ("**Effective Date**") and is between Kane County ("**County**") and Utah State University ("**USU**"), via its Cooperative Extension Service, to promote and provide cooperative extension services within the County ("**Extension Services**").

Whereas, USU is the land-grant university in the state of Utah, as authorized by the federal Morrill Acts of 1862 and 1890 (7 U.S.C. §§301-308 and U.S.C. §§321-329), and

Whereas, the federal Smith-Lever Act of 1914 (7 U.S.C. §§341-349) established extension services, a collaboration of the U.S. Department of Agriculture and the land-grant universities, and

Whereas, the Utah Legislature has established an extension service at USU (U.C.A. §53B-18-201) and has enabled Utah's various counties to become a cooperative collaborator in promoting extension services, specifically:

USU "may enter into cooperative contracts with the United States Department of Agriculture, county or city officers, private or public organizations, corporations, and individuals, to share the expense of establishing and maintaining an agricultural extension service. The county legislative body of each county may provide sufficient funds to ensure that the agricultural extension service functions properly in its county" (U.C.A. §53B-18-202); and

Whereas, USU has organized its extension service as follows:

(a) Extension faculty and staff, who directly serve specific counties; (b) extension county directors, who coordinate the extension services within a specific county; (c) extension administrators, who coordinate and supervise extension services related to (i) Agriculture and Natural Resources, (ii) Home and Community, and (iii) Youth Development; (d) on-campus extension faculty, who provide extension content expertise; and (e) the USU Senior Vice President for Statewide Enterprises, who oversees and administers extension services for the state of Utah.

Whereas, the Utah Interlocal Cooperation Act as found in U.C.A. §11-13-101 *et. seq.* sets for the mechanism for entering into cooperative agreements with other governmental agencies as contemplated by U.C.A. §53B-18-202; and

Whereas, inasmuch as it is contemplated that an appropriation under the County's budget is required for each year of the Agreement (U.C.A. §11-13-202.5(1)(b)) the Legislative Body of the County has approved by Resolution this Agreement; and

Whereas, the Resolution adopting this Agreement has set forth the effective date of this Agreement consistent with the terms contained herein (U.C.A. §11-13-205.5(2)(a));

Therefore, USU and the County agree as follows:

1. Term and Termination.

a. Term. This Agreement shall be for the period beginning on the Effective Date and continue until mutually terminated in writing by the County and USU ("Term") but in no event shall exceed 50 years. USU and the County have had a long-standing relationship concerning Extension Services and anticipate that this Agreement or a version thereof shall exist so long as State and Federal government support persists.

b. Review and Amendment. At any time during the Term, USU and the County may review specific program objectives for Extension Services in the future and evaluate past accomplishments. USU and the County may periodically amend or replace this Agreement to reflect updates and changes that arise relating to Extension Services. Any such amendments must be made in writing.

c. Termination. Either party may terminate this Agreement if the other party breaches any term of this Agreement. Termination will be effective upon notice being received by the breaching party.

2. Extension Services. USU shall provide and administer Extension Services, which are directed at improving the quality of life for people in the County, enhancing economic opportunity within the County, and sustaining the natural resources of the County. Extension Services shall be designed to render effective educational service and to stay within the total dollar amount of each accepted annual operating budget. The Extension County Director ("**Director**"), with the advice and consent of USU's extension administrators, shall directly coordinate all Extension Services and manage the operating budget for Extensions Services.

3. Operating Budget.

a. Proposed Annual Budget. In the months preceding the end of each calendar year, the County and USU will work together during the County's annual budget planning period to develop a draft proposed annual operating budget of County funds dedicated to Extension Services for the upcoming year. As soon as available, but no later than January 1 of each year, the County shall provide USU with a proposed annual operating budget. Each annual operating budget proposed by the County will be in a form similar to that of the exemplary form set forth in Appendix A and shall be executed by the proper County officials, as required by the County.

b. Accepted Annual Budget. As soon as practicable, but within thirty (30) days of receiving a proposed annual operating budget, USU will either (i) accept the proposed budget by executing it or (ii) provide County with feedback and proposed changes, whereupon the parties will expeditiously cooperate to generate a mutually accepted annual operating budget. Each accepted annual operating budget executed by both parties will be incorporated by reference in its entirety and made part of this Agreement. The parties recognize that annual operating budgets may vary from year to year. The County agrees to provide USU with access to all of the funds set forth in each accepted annual operating budget. USU agrees not to exceed any given accepted annual operating budget without the prior written consent of the County.

c. Management. The Director shall manage each accepted annual operating budget in accordance with generally accepted accounting principles and consistent with the provisions of the Interlocal Cooperation Act's fiscal procedures. Flexibility between budget categories is allowed and adjustments may be made at USU's discretion within budget categories for efficient program emphasis and financial management. Reimbursement or purchasing requests for budgeted expenditures shall be submitted to the County in accordance with County procedures. Extension employees shall keep accurate and detailed records of expenses incurred.

4. Extension Services Personnel.

a. Funding of Extension Services Personnel. USU shall appoint and employ the Director, who shall be considered the joint administrator under U.C.A. §11-13-207. USU employees may be funded by USU, the County, or a combination of USU and the County, as may be mutually agreed upon in the accepted annual operating budgets.

b. Support Staff. The County agrees to provide support staff for Extension Services, which may be provided by (i) allocating funds in the accepted annual operating budget for USU to employ support staff personnel or (ii) employing support staff personnel as County Employees.

c. Applicable Policies, Procedures, and Supervision. All Extension Services personnel employed by USU shall be (i) governed by USU policies and procedures and (ii) supervised by USU and its administrators. Any Extension Services support staff employed by the County shall be (i) governed by the County Office of Personnel Management Rules and Regulations and other administrative County policies, and (ii) supervised by the County and its administrators. The Parties agree to work together to provide a positive and safe work environment for co-located USU and County employees. If a complaint arises, the parties will coordinate in investigating and addressing such a complaint in keeping with the law and each party's respective policies and procedures.

5. Facilities, Equipment, and Property.

a. Facilities and Equipment. The County shall provide adequate facilities, including office space, furnishings, and other necessary equipment, for Extension Services personnel (both USU and County employees, as applicable). The County shall provide the facilities listed in Appendix A. The County will permit USU to implement reasonable security measures for both physical and data security within the provided facilities and with respect to any County equipment (e.g. computers, etc.) and utilities (internet service) used by Extension Services personnel.

b. Property. Any furnishings, equipment, or other property purchased by the County, shall remain as the property of the County. Any equipment or other property purchased by USU, shall remain as the property of USU. Each of USU and the County will be responsible for the care, maintenance, storage, security, and insurance of its property.

c. Inventory. By March 31 of each year, each of USU and the County agree to provide the other party with a current inventory of its property used in conjunction with Extension Services.

6. No Discrimination and Compliance with the Law. USU and the County shall provide Extension Services to all segments of the County's population without discrimination based on race, color, sex, age, disability, religion, or national origin. In performing and supporting the Extension Services, each party will comply with all applicable laws.

7. Liability. USU and County are governmental entities under the "Utah Governmental Immunity Act." Consistent with the terms of that Act, USU and County agree that each party is responsible and liable for its own wrongful or negligent acts which it commits or which are committed by its agents, officials, or employees. Neither party waives or intends to waive any defenses or limits of liability otherwise available under the Utah Governmental Immunity Act.

8. Miscellaneous. In assuming and performing the obligations of this Agreement, the Parties are each acting as independent parties and neither shall be considered or represent itself as a joint venture, partner, agent, or employee of the other. This Agreement embodies the entire

understanding of the Parties and supersedes all previous communications, representations, or understandings, either oral or written, between the Parties relating to the subject matter thereof.

IN WITNESS THEREOF the parties hereto have caused this Agreement to be duly executed on their behalf by a duly authorized representative as of the Effective Date set forth above.

County: By: _____ Print Name: Title: Date: _____	Utah State University: By: _____ Kenneth White Senior Vice President for Statewide Enterprises Date: _____
By: _____ Print Name: Title: Date: _____	
By: _____ Print Name: Title: Date: _____	

Approved as to Form:

County: By: _____ Print Name: County Attorney Date: _____	Utah State University: By: _____ Print Name: Title: Date: _____
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Appendix A: 2025

I. Annual Operating Budget

ACCESS CODE (for County Use if needed)	DESCRIPTION	DOLLAR AMOUNT	REIMBURSABLE TO USU Y/N
110-4610-110-000	Staff Assistant	36,800	
110-4610-230-000	Travel	12,500	
110-4610-231-000	4-H travel	1,000	
110-4610-241-000	4-H supplies	2,000	
110-4610-610-000	Agg-Farmers	6,000	
110-4610-626-000	4-H Coordinator	83,435	
110-4610-625-000	Youth Developm	11,400	
110-4610-627-000	USU Ag Agent	44,000	
110-4610-624-000	Library funds	10,000	
110-4610-240-000	Office Supplies	2,300	
TOTAL		209,435	

II. Facilities

A. Facilities Assigned to USU

1. County Extension Office's at 180 W 300 N Kanab, Utah 84741
2. The Kane County 4-H Makerspace. 172 E 100N Kanab, Utah 84741.
3. Storage shed US-89A

By signing below, the parties hereby agree that the above operating budget and facility list is accepted and hereby incorporated into the January 1, 2024 Cooperative Agreement for Utah State University Extension Services – Kane County

County:	Utah State University:
By: _____	By: _____
Print Name: _____	Print Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

ITEM # 4

Public Hearing Regarding Kane County Resolution
No. R 2024-41 and R 2024-42
Appointing/Reappointing Members to the Kane
County Planning Commission

ITEM # 5

Kane County Resolution No. R 2024-41 a Resolution
Appointing Lara Clayson and Julie Millard to the Kane
County Planning Commission

KANE COUNTY RESOLUTION NO. R 2024-41

**A RESOLUTION APPOINTING LARA CLAYSON AND JULIE
MILLARD TO THE KANE COUNTY PLANNING COMMISSION**

WHEREAS, there are two vacancies on the Planning Commission with the term of office starting January 1, 2025; and

WHEREAS, the Kane County Board of Commissioners ("Commission") has complied with the requirements to solicit applicants to serve: and

WHEREAS, the Commission desires to appoint Lara Clayson and Julie Millard to the Kane County Planning Commission: and

WHEREAS, the authority for the resolution is found in Utah Code §§17-27a-301; and 17-53-201; and Kane County Land Use Ordinance §9-2-3;

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

1. Julie Millard is appointed to serve as Commissioner on the Kane County Planning Commission for a four-year term which begins on January 1, 2024 and will end on December 31, 2028.
2. Lara Clayson is appointed to serve as Commissioner on the Kane County Planning Commission for the remaining portion of a four-year appointment ending December 31, 2026.

ADOPTED this 17th day of December 2024.

Patty Kubeja, Chair
Board of Commissioners
Kane County

ATTEST:

CHAMEILL LAMB

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

ITEM # 6

Kane County Resolution No. R 2024-42 a Resolution
Reappointing Mason Haycock to the Kane County
Planning Commission

KANE COUNTY RESOLUTION NO. R 2024-42

**A RESOLUTION REAPPOINTING MASON HAYCOCK TO THE KANE
COUNTY PLANNING COMMISSION**

WHEREAS, the term of office for Mason Haycock serving on the Kane County Planning Commission starts January 1, 1025 and expires December 31, 2028; and

WHEREAS, the Kane County Board of Commissioners ("Commission") has complied with the requirements to solicit applicants to serve; and

WHEREAS, the Commission desires to reappoint Mason Haycock to the Kane County Planning Commission; and

WHEREAS, the authority for the resolution is found in Utah Code §§17-27a-301; and 17-53-201; and Kane County Land Use Ordinance §9-2-3;

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

1. Mason Haycock is appointed to serve as Commissioner on the Kane County Planning Commission.
2. The term is a four-year term which begins on January 1, 2024 and will end on December 31, 2028.

ADOPTED this 17th day of December 2024.

Patty Kubeja, Chair
Board of Commissioners
Kane County

ATTEST:

CHAMEILL LAMB

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

ITEM # 7

2025 Wildland Fire Participation Commitment
Agreement

Cooperative Wildfire System

Participation Commitment Statement for year 2025

for Participating Entity: Kane County

This statement provides the monetary value of the Participation Commitment the entity is required to meet to maintain active status in CWS.

Value of Participation Commitment: \$123,681

Deadline to complete and return:

January 15, 2025

INSTRUCTIONS: Outline the specific Proposed Actions that the Participating Entity plans on taking this year to address the highest wildfire risk. These actions must connect directly to the Entity's approved Community Wildfire Preparedness Plan and meet the intent of CWS. Include the Category (Mitigation, Preparedness, Prevention) and the Estimated Value that will be attributed to this year alone.

	Proposed Action	CWPP Goal	Category	Value this Year
1)	Mitigation efforts in Deer Springs	Yes	Mitigation	\$50,000.00
2)	Duck Creek Mitigation/Paul Folmer Dr	Yes	Mitigation	\$20,000.00
3)	Staff	Yes	Mitigation	\$17,000.00
4)	Staff	Yes	Preparedness	\$10,000.00
5)	Updateing CWPP	Yes	Preparedness	\$5,000.00
6)	Public information	Yes	Prevention	\$10,000.00
7)	Tools/Equipment/Communication	Yes	Prevention	\$11,681.00
8)				
9)				
10)				

Why are these actions the most impactful way to reduce wildfire risk for this PE?

Consider the highest wildfire risk areas within the boundary and the values to protect from the threat of wildfire.

Answer

Reduces vegetation along critical fire risk areas within unincorporated county, Improve communication, Upgrade equipment, provide staff needs to accomplish goals.



Utah Division of Forestry, Fire and State Lands
1594 West North Temple
P.O. Box 145703
Salt Lake City, UT 84114

Utah Division of Forestry, Fire and State Lands

Area Manager Signature

Print Name

Date

CWS Manager Signature

Print Name

Date

Participating Entity Official Representative

Signature

Print Name and Title

Date

By signing this document, the Participating Entity and FFSL agree that these proposed actions adhere to the intent of CWS to reduce the impact of catastrophic wildfire to local communities.



Utah Division of Forestry, Fire and State Lands
1594 West North Temple
P.O. Box 145703
Salt Lake City, UT 84114

**Cooperative Wildfire System
2025 Participation Commitment Calculation
for Participating Entity: Kane County**

TOTAL PARTICIPATION COMMITMENT: \$123,681

*Participation Commitment is calculated by adding the Risk Assessment by Acres to the
Historic Fire Cost Average in each jurisdiction, per R652122300 (2017).*

WILDFIRE RISK ASSESSMENT

	Medium Risk	Acres	High Risk	Acres	Cost
Municipal	\$2.00		\$3.50		\$0
County	\$0.38	118589	\$0.51	28914	\$59,810
TOTAL:					\$59,810

HISTORIC FIRE COST AVERAGE

Year	Nominal Fire Suppression Costs	Inflation Rate	Real Fire Suppression Costs
2014	\$49,033	1.32	\$64,724
2015	\$23,305	1.32	\$30,763
2016	\$90,499	1.30	\$117,649
2017	\$49,844	1.27	\$63,302
2018	\$73,029	1.24	\$90,557
2019	\$92,178	1.23	\$113,379
2020	\$17,633	1.20	\$21,159
2021	\$93,714	1.18	\$110,582
2022	\$9,505	1.10	\$10,456
2023	\$16,023	1.03	\$16,504

AVERAGE (removing the high year and low year): \$63,871

PC CALCULATION

Wildfire Risk Assessment	\$59,810
(+) Historic Fire Cost Average	\$63,871
(=) Participation Commitment	\$123,681
(+) Previous Year(s) Unmet PC	
(-) Cap Reduction	

*Instructions: shaded areas must be adjusted annually by FFSL Finance. Do not edit unshaded cells.
"Cap Reduction" must be approved by FFSL Director.*



Utah Division of Forestry, Fire and State Lands
1594 West North Temple
P.O. Box 145703
Salt Lake City, UT 84114

Totals from Columns

2014	\$49,033.00	column C	taken from previous PC Statement
2015	\$23,305.00	column D	taken from previous PC Statement
2016	\$90,499.19	column E	
2017	\$49,844.38	column F	
2018	\$73,029.47	column G	
2019	\$92,178.14	column H	
2020	\$17,632.77	column I	
2021	\$93,713.52	column J	
2022	\$9,505.09	column K	
2023	\$16,022.91	column L	

Incident Name	Incident Number	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Swains Creek	UTSWS-000220	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$309.35
McDonald	UTSWS-000629	\$0.00	\$0.00	\$0.00	\$0.00	\$896.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cave Lakes	UTSWS-000571	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,296.62	\$0.00
Glass Eye Canyon	UTSWS-000343	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,275.61
J3	UTSWS-000558	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,399.39	\$0.00	\$0.00
Bear	UTSWS-000445	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,942.70
Kitchen	UTSWS-000365	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,363.82	\$0.00	\$0.00	\$0.00	\$0.00
MM 39 Hwy 89	UTSWS-000515	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100.56	\$0.00
Table Top	UTSWS-000522	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,021.96	\$0.00	\$0.00
Corral	UTSWS-000232	\$0.00	\$0.00	\$21,787.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Air Strip	UTSWS-000462	\$0.00	\$0.00	\$2,056.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Hopp	UTSWS-000477	\$0.00	\$0.00	\$43,657.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Table	UTSWS-000511	\$0.00	\$0.00	\$12,309.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Elk Heart	UTSWS-000552	\$0.00	\$0.00	\$793.77	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Straight Canyon	UTSWS-000554	\$0.00	\$0.00	\$4,252.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Bald Knoll	UTSWS-000668	\$0.00	\$0.00	\$364.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Dixie Knoll	UTCCD-000752	\$0.00	\$0.00	\$748.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Mill Creek	UTSWS-000815	\$0.00	\$0.00	\$742.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Lydia Canyon	UTSWS-000152	\$0.00	\$0.00	\$0.00	\$7.23	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Burnt Spring	UTSWS-000400	\$0.00	\$0.00	\$0.00	\$47,536.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Long Valley	UTSWS-000522	\$0.00	\$0.00	\$0.00	\$87.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Muddy	UTSWS-000475	\$0.00	\$0.00	\$0.00	\$1,288.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Spencer Bench	UTSWS-000654	\$0.00	\$0.00	\$0.00	\$80.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Seth Canyon	UTSWS-000723	\$0.00	\$0.00	\$0.00	\$844.46	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Savage	UTCCD-000336	\$0.00	\$0.00	\$3,786.89	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Big Timber	UTSWS-000202	\$0.00	\$0.00	\$0.00	\$0.00	\$3.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Stewart	UTSWS-000382	\$0.00	\$0.00	\$0.00	\$0.00	\$3,632.02	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Burnt Flat	UTSWS-000396	\$0.00	\$0.00	\$0.00	\$0.00	\$61.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Bullet	UTSWS-000409	\$0.00	\$0.00	\$0.00	\$0.00	\$1,575.21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cat	UTSWS-000435	\$0.00	\$0.00	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Landing Strip	UTSWS-000523	\$0.00	\$0.00	\$0.00	\$0.00	\$2,206.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Clarkson	UTSWS-000529	\$0.00	\$0.00	\$0.00	\$0.00	\$2,034.06	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Birch	UTSWS-000550	\$0.00	\$0.00	\$0.00	\$0.00	\$56,241.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Big Lake	UTSWS-000594	\$0.00	\$0.00	\$0.00	\$0.00	\$39.06	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Coal	UTSWS-000601	\$0.00	\$0.00	\$0.00	\$0.00	\$829.59	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Three Lakes	UTSWS-000612	\$0.00	\$0.00	\$0.00	\$0.00	\$1,031.87	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Meadow Spring	UTSWS-000653	\$0.00	\$0.00	\$0.00	\$0.00	\$3,346.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Orderville Gulch	UTSWS-000833	\$0.00	\$0.00	\$0.00	\$0.00	\$1,032.42	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Jump Up	UTSWS-000068	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,299.59	\$0.00	\$0.00	\$0.00	\$0.00
Sink Valley	UTSWS-000073	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,710.35	\$0.00	\$0.00	\$0.00	\$0.00
Thompson	UTSWS-000083	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$181.73	\$0.00	\$0.00	\$0.00	\$0.00
Star	UTSWS-000191	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$119.52	\$0.00	\$0.00	\$0.00	\$0.00
Glen	UTSWS-000219	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,250.51	\$0.00	\$0.00	\$0.00	\$0.00
Water Tank	UTSWS-000232	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,044.54	\$0.00	\$0.00	\$0.00	\$0.00
Church Wells	UTSWS-000242	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$136.17	\$0.00	\$0.00	\$0.00	\$0.00
Sky Haven	UTSWS-000687	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,570.39	\$0.00	\$0.00	\$0.00	\$0.00
Buffalo	UTSWS-000699	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$466.01	\$0.00	\$0.00	\$0.00	\$0.00
MM60 Hwy 89	UTSWS-000253	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$48,011.69	\$0.00	\$0.00	\$0.00	\$0.00
602	UTSWS-000270	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,283.64	\$0.00	\$0.00	\$0.00
3 Mile	UTSWS-000366	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,441.36	\$0.00	\$0.00	\$0.00
Straight Canyon	UTSWS-000524	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,319.78	\$0.00	\$0.00	\$0.00
Coral Mountain	UTSWS-000667	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$581.57	\$0.00	\$0.00	\$0.00
Glass Eye	UTSWS-000811	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,063.40	\$0.00	\$0.00	\$0.00
Table	UTSWS-000971	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$598.65	\$0.00	\$0.00	\$0.00
Cottonwood Spring	UTSWS-000016	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$79.65	\$0.00	\$0.00
Duck Ridge	UTSWS-000152	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$108.87	\$0.00	\$0.00
Crocodile	UTSWS-000302	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,478.88	\$0.00	\$0.00

Cottonwood	UTCCD-000322	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$47,907.46	\$0.00	\$0.00
Paria	UTSWS-000529	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$556.49	\$0.00	\$0.00
McDonald	UTSWS-000738	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$126.63	\$0.00
Canyon way	UTSWS-000204	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,576.08
Dave	UTSWS-000302	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$122.10	\$0.00	\$0.00	\$0.00	\$0.00
Bunting Canyon	UTSWS-000155	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,919.17
Clear Creek	UTSWS-000377	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,595.72	\$0.00	\$0.00	\$0.00	\$0.00
Whispering Pines	UTSWS-000262	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,368.20	\$0.00	\$0.00	\$0.00	\$0.00
Mill Creek	UTSWS-000715	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,211.02	\$0.00	\$0.00
Mill	UTSWS-000543	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,665.68	\$0.00	\$0.00	\$0.00	\$0.00
Burnt	UTSWS-000583	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$734.12	\$0.00	\$0.00
Hancock	UTSWS-000449	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,981.28	\$0.00
Kanab Plateau	UTSWS-000787	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$828.43	\$0.00	\$0.00
Willow Canyon	UTSWS-000692	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$282.81	\$0.00	\$0.00
Kane Springs	UTSWS-000342	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,240.49	\$0.00	\$0.00	\$0.00	\$0.00
North Fork	UTSWS-000120	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$319.37	\$0.00	\$0.00
Double	UTSWS-000603	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,520.66	\$0.00	\$0.00
Trailer	UTSWS-000749	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$31.63	\$0.00	\$0.00	\$0.00	\$0.00
Table Bench	UTSWS-000705	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,264.41	\$0.00	\$0.00
Lichen	UTSWS-000948	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$344.37	\$0.00	\$0.00	\$0.00

ITEM # 8

Kane County Resolution No. R 2024-38 a
Resolution Appointing Executive Committee
Members to the Southwest Regional
Response and Coordinating Team

KANE COUNTY RESOLUTION NO. R 2024-38

**A RESOLUTION APPOINTING EXECUTIVE COMMITTEE MEMBERS
TO THE SOUTHWEST REGIONAL RESPONSE AND COORDINATING TEAM**

WHERE AS, Kane County participates in the Southwest Regional Response and Coordinating Team, and

WHERE AS, Kane County may appoint two voting members to the Executive Committee for a term of two years,

NOW THEREFORE, it is hereby resolved by the County Commissioners of Kane County, Utah, as follows:

1. Alan Alldredge is hereby appointed to fill a term of office as a member of the Executive Committee of the Southwest Regional Response Team, which will expire on December 31, 2026.
2. Brett Pierson is hereby appointed to fill a term of office as a member of the Executive Committee of the Southwest Regional Response Team, which will expire on December 31, 2026.

VOTED UPON AND PASSED BY THE KANE COUNTY COMMISSION AT A MEETING OF THE KANE COUNTY COMMISSION HELD ON THE 17th DAY OF DECEMBER 2024.

KANE COUNTY

Patty Kubeja, Chair
Kane County Commission

ATTEST:

Wade Heaton
Commissioner

Chameill Lamb
Kane County Clerk-Auditor

Celeste Meyers
Commissioner

ITEM # 9

CEBA Contract Adjustments

ITEM # 10

Zone Change/Ordinance 2024-31: McLaws

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: December 17, 2024

Dept. /Business Name: Land Use

Topic/Re: Zone Change/Ordinance 2024-31: McLaws

Description: An application for a zone change from Agricultural (AG) to Commercial 2 (C-2), on behalf of: Chamberlain Ranch Holdings LLC, parcel 1-9-15-1C containing 33.0 acres; Zion Mountain Development Inc., parcel 1-9-22-1 containing 152.28 acres; and East Zion Properties LLC, parcel 1-9-14-1A containing 104.2 acres, located near the North Fork Road roundabout on Highway 9.

Attachments: Info Packet

Ordinance 2024-31

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes:



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: November 14, 2024

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 24069: Zone Change Application, AG to C-2, Ordinance O-2024-31
Parcels 1-9-15-1C consisting of 33 acres and 1-9-22-1 consisting of 152.58 acres and 1-9-14-1A consisting of 104.2 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, a sign was posted near the parcel.*

REQUEST: On November 14, 2024, Chamberlain Ranch Holdings LLC, Zion Mountain Development Inc. and East Zion Properties LLC, Kevin Mc Laws, submitted a zone change application for parcels 1-9-15-1C, and 1-9-22-1, and 1-9-14-1A close to the North Fork roundabout off of Hwy 9, requesting to rezone from AG to C-2.

Parcel 1-9-15-1C is zoned AG.

Legal Description: BEG AT THE NE COR OF SEC 22 T41S R9W SLB&M; & RUN TH S 0°02' E 1,320.0 FT ALONG THE E LINE OF SAID SEC 22 TO THE 1/16TH SEC COR; TH N 89°58' W 734.8 FT ALONG THE 1/16TH SEC LINE; TH N 0°02' W 1,876.22 FT, M/L, TO THE S'LY R/W LINE OF UTAH STATE HWY 9; TH N 77°41'E 751.9 FT ALONG SAID R/W LINE TO THE E LINE OF SEC 15 T41S R9W SLB&M; TH S 0°02' E 716.4 FT ALONG SAID LINE TO THE PT OF BEG. CONT 33.0 ACRES M/L.
(BEING IN SEC'S 15 & 22)

Parcel 1-9-22-1 is zoned AG

Legal BEG AT A PT S 0°02' E 1,320.0 FT & N 89°58' W 734.8 FT FROM THE NE COR OF SEC 22 T41S R9W SLB&M & RUN TH N 89°58' W 4,554.3 FT; TH N 0°02' W 1,320.0 FT; TH S 89°58' E 2,642.4 FT; TH N 0°02' W 170.0 FT TO THE S LINE OF HWY U-15; TH N 89°27' E ALG THE S LINE OF HWY U-15, 153.0 FT; TH N 77°41' E ALG THE S LINE OF SAID U-15, 1,796.26 FT; TH S 0°02' E 1,875.48 FT TO THE PT OF BEG. CONT 153.10 AC, M/L
EXCEPTING ANY PORTION THEREOF LYING WITHIN THE BOUNDS OF HWY U-15.
FURTHER EXCEPTING FROM PARCELS 1 & 2, THE COAL, OIL, GAS & OTHER MINERALS UNDERLYING THE SURFACE OF SAID LAND & ALL RIGHTS & EASEMENTS IN FAVOR TO THE STATE OF SAID COAL, OIL, GAS & OTHER MINERALS.
TOG WITH UNDERGROUND WATER WELL ALL OF WUC #81-492 (A33678, 129573 CERT 8239).
IN SEC'S 15 & 22 SUBJ TO TEMPORARY CONSTRUCTION EASEMENTS (0601-11/29)
LESS: A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF PROP FOR THE

WIDENING OF THE EXISTING HWY STATE ROUTE 9 KNOWN AS PROJECT #S-0009(60)45, SITUATE IN THE SW1/4 SE1/4, OF SEC 15 T41S R9W SLB&M, IN KANE COUNTY, UT. THE BOUNDARIES OF SAID PARCEL OF LAND ARC DESC'D AS FOLLOWS: BEG AT A PT IN THE EXISTING SLY R/W LINE OF SAID STATE ROUTE 9, AT A PT 47.09 FT PERPENDICULARLY DISTANT SLY FROM THE CONTROL LINE OF SAID STATE ROUTE 9 OPPOSITE ENG STA 92+75.00 WH PT IS 1,319.06 FT S 00°13'12" E (1,320.00 FT S 00°02' E BY RECORD) ALG THE SEC LINE & 734.80 FT S 89°44'49" W (N 89°58' W BY RECORD) TO THE ELY BOUNDARY LINE OF SAID ENTIRE TRACT, & 1,888.56 FT N 00°13'12" W (1,875.48 FT N 00°02' W BY RECORD) ALG SAID ELY BOUNDARY LINE TO A PT IN SAID SLY R/W LINE OF THE EXISTING STATE ROUTE 9, & 596.46 FT S 77°41'00" W ALG SAID EXISTING SLY R/W LINE FROM THE NE COR OF SEC 22 T41S R9W SLB&M, & RUN TH S 42°08'56" W 73.90 FT TO A PT 58.00 FT PERPENDICULARLY DISTANT ELY FROM THE CONTROL LINE OF THE EXISTING NORTH FORK ROAD OPPOSITE ENG STA 302+50.00; TH S13°41'38" W 33.62 FT TO A PT 41.00 FT PERPENDICULARLY DISTANT ELY FROM THE CONTROL LINE OF SAID EXISTING NORTH FORK ROAD OPPOSITE ENG STA 302+21.00; TH S12°12'02" E 51.16 FT TO A PT 37.00 FT PERPENDICULARLY DISTANT ELY FROM THE CONTROL LINE OF SAID EXISTING NORTH FORK ROAD OPPOSITE ENG STA 301+70.00; TH S 73°18'53" W 91.00 FT TO A PT 54.00 FT PERPENDICULARLY DISTANT WLY FROM THE CONTROL LINE OF SAID EXISTING NORTH FORK ROAD OPPOSITE ENG STA 301+70.00; TH N 21°09'08" W 64.20 FT TO A PT 59.00 FT PERPENDICULARLY DISTANT WLY FROM THE CONTROL LINE OF SAID EXISTING NORTH FORK ROAD OPPOSITE ENG STA 302+34.00; TH N 45°58'52" W 65.67 FT TO A PT 60.00 FT PERPENDICULARLY DISTANT SLY FROM THE CONTROL LINE OF SAID PROJECT OPPOSITE ENG STA 90+63.00; TH S 77°52'02" W 518.01 FT TO A PT 57.70 FT PERPENDICULARLY DISTANT SLY FROM THE CONTROL LINE OF SAID PROJECT OPPOSITE ENG STA 85+45.00; TH N 31°06'52" W 12.15 FT TO A PT IN SAID EXISTING SLY R/W LINE; TH N 77°41'00" E 733.90 FT ALG SAID EXISTING SLY R/W LINE TO THE PT OF BEG AS SHOWN ON THE OFFICIAL MAP OF SAID PROJECT ON FILE IN THE OFFICE OF THE UT DEPARTMENT OF TRANSPORTATION. THE ABOVE DESC'D PART OF AN ENTIRE TRACT OF PROP CONTAINS 22,617 SQ FT OR 0.519 AC IN AREA. (NOTE: ROTATE ALL BEARINGS IN THE ABOVE DESC 00°59'41" CLOCKWISE TO OBTAIN HWY BEARINGS.) (SUBJ TO A PERPETUAL EASEMENT FOR A MULTI USE TRAIL (0601-30/38)

Parcel 1-9-14-1A is zoned AG.

Legal BEG AT THE SW COR OF SEC 14 T41S R9W SLB&M & RUN TH N 0°02' W 716.4 FT, M/L, ALONG THE SEC LINE TO THE SLY R/W LINE OF UTAH STATE HWY 9; TH N 77°47'55" E 4,052.5 FT ALONG SAID R/W LINE TO THE 1/16TH SEC LINE; TH S 0°01' E 1,574.2 FT ALONG SAID LINE TO THE S LINE OF SAID SEC 14; TH N 89°59' W 3,962.0 FT ALONG SAID LINE TO THEPTOFBEG. CONT 104.2 AC/M/L.

FACTS & FINDINGS:

- These parcels meet the minimum acreage required to be zoned C-2. The parcel is currently zoned AG.
- The developer requests C-2 zoning which requires a zone change.
- If the zone change is approved all uses contained in the C-2 uses table will be allowed.
- **9-7C-2: USE REGULATIONS:**

A. Permitted Uses: The following uses are permitted in the C-2 zone:

Any permitted use listed in the L-C and C-1 zones.
Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use.
Auditoriums, conference rooms, museums, theaters, libraries and community social centers.
Car wash (large).

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Freight or trucking yard or terminal.

Heli pad commercial.

Propane storage tanks.

Repairing, renovating, painting and cleaning of goods, merchandise and equipment.

Retail and/or wholesale sale and/or rental of goods, merchandise and equipment, which may include storage and display outside an enclosed building.

B. Conditional Uses: The following uses are subject to the conditional use approval process outlined in chapter 15 of this title.

Accessory uses and buildings, customarily incidental and subordinate to an approved conditional use.

ATV's/UTV's rentals.

Dams and Reservoirs.

Hospital.

Hotel or motel.

Motor vehicle, trailer, camper and recreational vehicle sales agency.

Recreational Vehicle Parks.

Storage units.

Solar Power panels producing over 25 KW.

Substation.

C. Any combination of the above uses which meets all other provisions of this title.

D. Other: Any use not named which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the chapter by the Kane County Planning Commission in a public hearing and approval of the County Commission. (Ord. O-2022-42, 7-26-2022)

- All surrounding parcels are zoned AG and C-2
- These parcels will gain access from Highway 9.
- All property owners within 500 ft. of this lot have been mailed a public notice and a sign has been posted near the parcel.
- **(AG) 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)
- **(C-2) 9-7C-1: PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)
- **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

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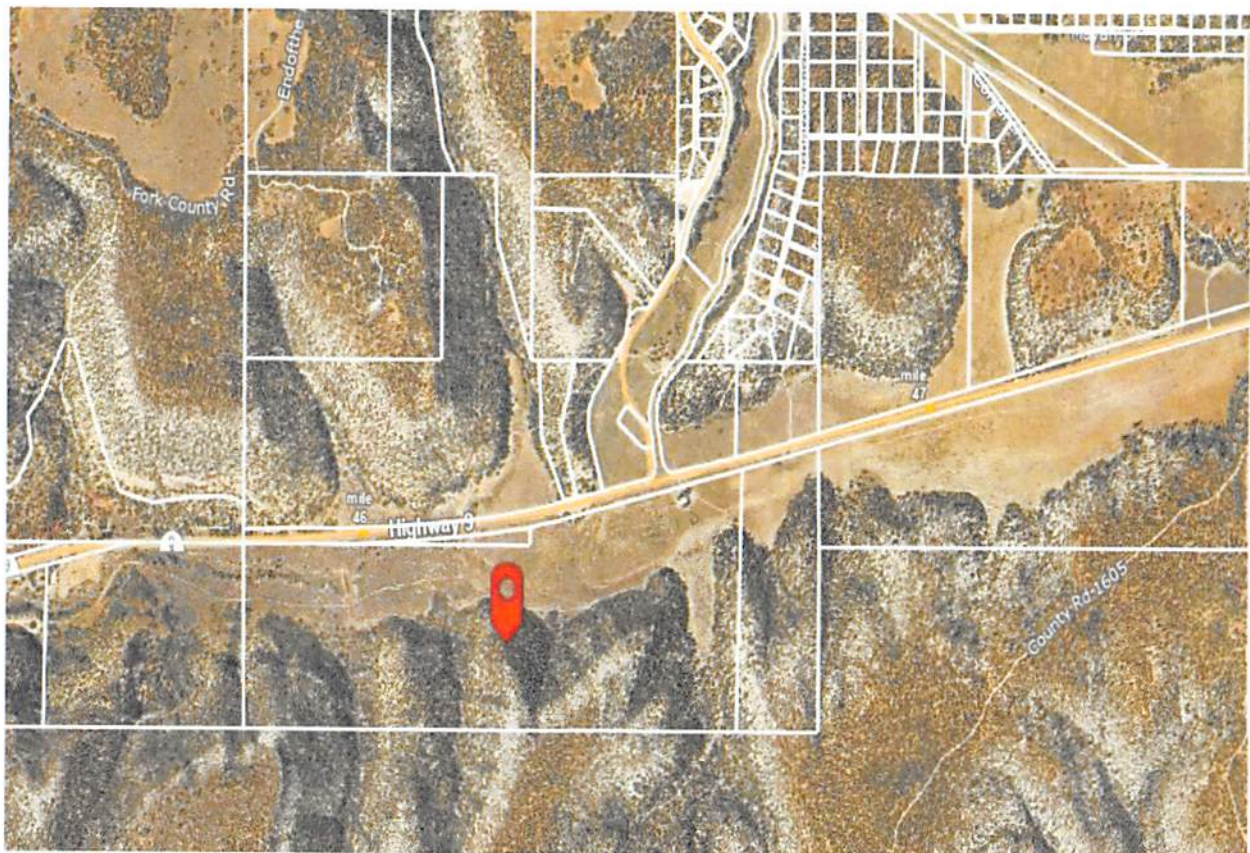
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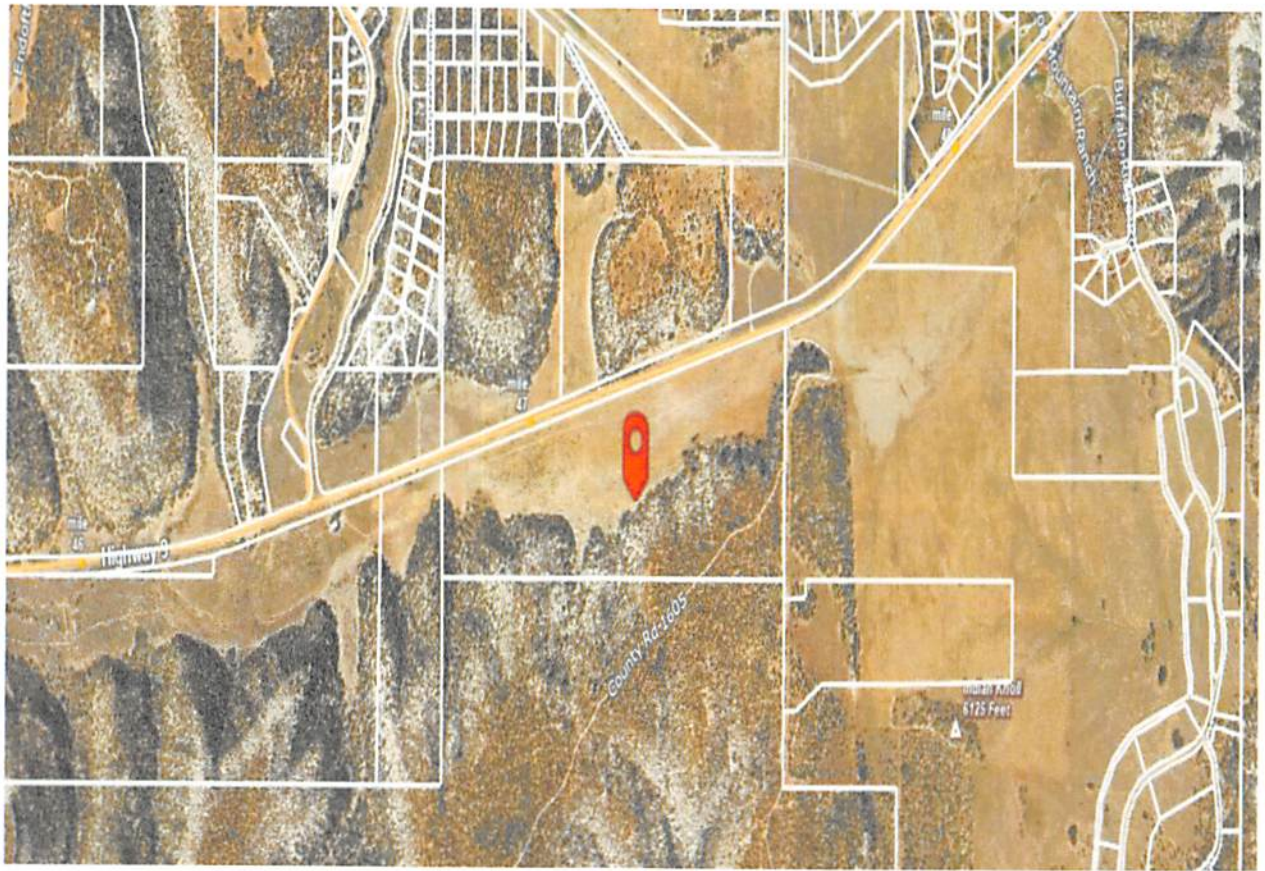
surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan.

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 C-2 can be found in the Kane County Land Use Ordinance, Chapter 7: Commercial Zones.

MOTION: I move to recommend denying/approving the zone change from AG to C-2 for parcels 1-9-15-1C, and 1-9-22-2, and 1-9-14-1A & Ordinance O-2024-31 to the County Commission based on the facts and findings as documented in the staff report.





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KANE COUNTY ORDINANCE NO. O 2024-31

**AN ORDINANCE AMENDING THE ZONING OF PARCELS 1-9-15-1C AND 1-9-22-1
AND 1-9-14-1A
FROM AGRICULTURE TO C-2**

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-7C-1: **PURPOSE:** The purpose of the Commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)

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 27-27a-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 1-9-15-1C and 1-9-22-1 and 1-9-14-1A from AG to C-2;

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

Parcel 1-9-15-1C

Legal BEG AT THE NE COR OF SEC 22 T41S R9W SLB&M; & RUN TH S 0*02' E 1,320.0 FT ALONG THE E LINE OF SAID SEC 22 TO THE 1/16TH SEC COR; TH N 89*58' W 734.8 FT ALONG THE 1/16TH SEC LINE; TH N 0*02' W 1,876.22 FT, M/L, TO THE S'LY R/W LINE OF UTAH STATE HWY 9; TH N 77*41'E 751.9 FT ALONG SAID R/W LINE TO THE E LINE OF SEC 15 T41S R9W SLB&M; TH S 0*02' E 716.4 FT ALONG SAID LINE TO THE PTOFBEG.CONT33.0ACRESM/L.
(BEING IN SEC'S 15 & 22)

Parcel 1-9-22-1

Legal BEG AT A PT S 0*02' E 1,320.0 FT & N 89*58' W 734.8 FT FROM THE NE COR OF SEC 22 T41S R9W SLB&M & RUN TH N 89*58' W 4,554.3 FT; TH N 0*02' W 1,320.0 FT; TH S 89*58' E 2,642.4 FT; TH N 0*02' W 170.0 FT TO THE S LINE OF HWY U-15; TH N 89*27' E ALG THE S LINE OF HWY U-15, 153.0 FT; TH N 77*41' E ALG THE S LINE OF SAID U-15, 1,796.26 FT; TH S 0*02' E 1,875.48FTTOTHEPTOFBEG.CONT153.10AC,M/L EXCEPTING ANY PORTION THEREOF LYING WITHIN THE BOUNDS OF HWY U-15. FURTHER EXCEPTING FROM PARCELS 1 & 2, THE COAL, OIL, GAS & OTHER MINERALS UNDERLYING THE SURFACE OF SAID LAND & ALL RIGHTS & EASEMENTS IN FAVOR TO THEESTATEOFSAIDCOAL,OIL,GAS&OTHERMINERALS. TOG WITH UNDERGROUND WATER WELL ALL OF WUC #81-492 (A33678,129573 CERT 8239).

*INSEC'S15&22*SUBJTOTEMPORARYCONSTRUCTIONEASEMENTS(0601-11/29)

LESS: A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF PROP FOR THE WIDENING OF THE EXISTING HWY STATE ROUTE 9 KNOWN AS PROJECT #S-0009(60)45, SITUATE IN THE SW1/4 SE1/4, OF SEC 15 T41S R9W SLB&M., IN KANE COUNTY, UT. THE BOUNDARIES OF SAID PARCEL OF LAND ARC DESC'D AS FOLLOWS:

BEG AT A PT IN THE EXISTING S'LY R/W LINE OF SAID STATE ROUTE 9, AT A PT 47.09 FT PERPENDICULARLY DISTANT S'LY FROM THE CONTROL LINE OF SAID STATE ROUTE 9 OPPOSITE ENG STA 92+75.00 WH PT IS 1,319.06 FT S 00°13'12" E (1,320.00 FT S 00°02' E BY RECORD) ALG THE SEC LINE & 734.80 FT S 89°44'49" W (N 89°58' W BY RECORD) TO THE E'LY BOUNDARY LINE OF SAID ENTIRE TRACT, & 1,888.56 FT N 00°13'12" W (1,875.48 FT N 00°02' W BY RECORD) ALG SAID E'LY BOUNDARY LINE TO A PT IN SAID S'LY R/W LINE OF THE EXISTING STATE ROUTE 9, & 596.46 FT S 77°41'00" W ALG SAID EXISTING S'LY R/W LINE FROM THE NE COR OF SEC 22 T41S R9W SLB&M; & RUN TH S 42°08'56" W 73.90 FT TO A PT 58.00 FT PERPENDICULARLY DISTANT E'LY FROM THE CONTROL LINE OF THE EXISTING NORTH FORK ROAD OPPOSITE ENG STA 302+50.00; TH S13°41'38" W 33.62 FT TO A PT 41.00 FT PERPENDICULARLY DISTANT E'LY FROM THE CONTROL LINE OF SAID EXISTING NORTH FORK ROAD OPPOSITE ENG STA 302+21.00; TH S12°12'02" E 51.16 FT TO A PT 37.00 FT PERPENDICULARLY DISTANT E'LY FROM THE CONTROL LINE OF SAID EXISTING NORTH FORK ROAD OPPOSITE ENG STA 301+70.00; TH S 73°18'53" W 91.00 FT TO A PT 54.00 FT PERPENDICULARLY DISTANT W'LY FROM THE CONTROL LINE OF SAID EXISTING NORTH FORK ROAD OPPOSITE ENG STA 301+70.00; TH N 21°09'08" W 64.20 FT TO A PT 59.00 FT PERPENDICULARLY DISTANT W'LY FROM THE CONTROL LINE OF SAID EXISTING NORTH FORK ROAD OPPOSITE ENG STA 302+34.00; TH N 45°58'52" W 65.67 FT TO A PT 60.00 FT PERPENDICULARLY DISTANT S'LY FROM THE CONTROL LINE OF SAID PROJECT OPPOSITE ENG STA 90+63.00; TH S 77°52'02" W 518.01 FT TO A PT 57.70 FT PERPENDICULARLY DISTANT S'LY FROM THE CONTROL LINE OF SAID PROJECT OPPOSITE ENG STA 85+45.00; TH N 31°06'52" W 12.15 FT TO A PT IN SAID EXISTING S'LY R/W LINE; TH N 77°41'00" E 733.90 FT ALG SAID EXISTING S'LY R/W LINE TO THE PT OF BEG AS SHOWN ON THE OFFICIAL MAP OF SAID PROJECT ON FILE IN THE OFFICE OF THE UT DEPARTMENT OF TRANSPORTATION. THE ABOVE DESC'D PART OF AN ENTIRE TRACT OF PROP CONTAINS 22,617 SQ FT OR 0.519 AC IN AREA. (NOTE: ROTATE ALL BEARINGS IN THE ABOVE DESC 00°59'41" CLOCKWISE TO OBTAIN HWY BEARINGS.) SUBJ TO A PERPETUAL EASEMENT FOR A MULTI USE TRAIL (0601-30/38)

Parcel 1-9-14-1A

Legal BEG AT THE SW COR OF SEC 14 T41S R9W SLB&M & RUN TH N 0°02' W 716.4 FT, M/L, ALONG THE SEC LINE TO THE S'LY R/W LINE OF UTAH STATE HWY 9; TH N 77°47'55" E 4,052.5 FT ALONG SAID R/W LINE TO THE 1/16TH SEC LINE; TH S 0°01' E 1,574.2 FT ALONG SAID LINE TO THE S LINE OF SAID SEC 14; TH N 89°59' W 3,962.0 FT ALONG SAID LINE TO THE PT OF BEG.
CONT 104.2 AC, M/L.

Is hereby rezoned from AG to C-2 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 Meyeres voted ____
Commissioner Kubeja voted ____

ITEM # 11

Zone Change/Ordinance 2024-32: McLaws

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: December 17, 2024

Dept. /Business Name: Land Use

Topic/Re: Zone Change/Ordinance 2024-32: McLaws

Description: An application for a zone change from Commercial 1 (C-1) to Commercial 2 (C-2), on behalf of Zion Mountain Land Holdings LLC, parcel 1-9-14-6 containing 5.59 acres, located near the North Fork Road roundabout on Highway 9.

Attachments: Info Packet

Ordinance 2024-32

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes:



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: November 14, 2024

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 24068: Zone Change Application, C-1 to C-2, Ordinance O-2024-32
Parcels 1-9-14-6 consisting of 51.59 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, a sign was posted near the parcel.*

REQUEST: On November 14, 2024, Zion Mountain Land Holdings LLC, Kevin Mc Laws, submitted a zone change application for parcel 1-9-14-6 close to the North Fork roundabout off of Hwy 9, requesting to rezone from C-1 to C-2.

Parcel 1-9-15-1C is zoned C-1.

Legal BEG AT THE W 1/4 COR OF SEC 14 T41S R9W SLB&M & RUN TH S 89°59' E 1,350.0 FT; TH S 1,518.10 FT, M/L, TO THE N'LY R/W LINE OF UTAH STATE HWY 9 (FORMERLY U-15); TH S 77°47'55" W 1,384.90 FT ALG SAID R/W LINE TO THE SEC LINE; TH N 1,811.30 FT, M/L, ALG SAID LINE TO THE PT OF BEG. TOG WITH AN EASEMENT OVER & ACROSS THE FOLLOWING DESC PROP FOR THE PURPOSE OF ERECTION & MAINTAINING WATER LINES, 15.0 FT WIDE INSIDE THE BOUNDARY LINE ADJACENT TO UTAH STATE HWY 9 & A 15 FT WIDE EASEMENT FROM WELLS LOCATED ON THE FOLLOWING DESC PROP EVIDENCED BY CHANGE APPLIC #33677, RUN DUE S TO INTERSECT THE EASEMENT ALG THE BOUNDARY OF UTAH STATE HWY 9; BEG AT A PT 1,320.0 FT S FROM THE E 1/4 COR OF SEC 15 T41S R9W SLB&M & RUN TH S 491.3 FT, M/L, TO THE N'LY R/W LINE OF UTAH STATE HWY 9 (FORMERLY CALLED U-15); TH S 77°47'55" W 1,807.50 FT ALG SAID R/W LINE; TH N 5°39' W 882.2 FT; HN 89°58' E 1,849.9 FT TO THE PT OF BEG.

SUBJECT TO AN EASEMENT FOR WATER & OTHER UTILITY LINES & ACCESS THERETO, 7.5 FT ON EITHER SIDE OF A CENTER LINE ALONG THE EXISTING PIPELINE RUNNING S TO A PT 7.5 FT N OF THE N'LY R/W OF UTAH STATE HWY 9; TH S 77°47'55" W TO THE E LINE OF SAID SEC 15 AT A PT 1510.6 FT S OF THE E 1/4 COR OF SAID SEC 15.

FACTS & FINDINGS:

- The parcel meets the minimum acreage required to be zoned C-2. The parcel is currently zoned C-1.
- The developer requests C-2 zoning which requires a zone change.
- If the zone change is approved all uses contained in the C-2 uses table will be allowed.
- **9-7C-2: USE REGULATIONS:**

A. Permitted Uses: The following uses are permitted in the C-2 zone:

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Any permitted use listed in the L-C and C-1 zones.

Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use.

Auditoriums, conference rooms, museums, theaters, libraries and community social centers.

Car wash (large).

Freight or trucking yard or terminal.

Heli pad commercial.

Propane storage tanks.

Repairing, renovating, painting and cleaning of goods, merchandise and equipment.

Retail and/or wholesale sale and/or rental of goods, merchandise and equipment, which may include storage and display outside an enclosed building.

B. Conditional Uses: The following uses are subject to the conditional use approval process outlined in chapter 15 of this title.

Accessory uses and buildings, customarily incidental and subordinate to an approved conditional use.

ATV's/UTV's rentals.

Dams and Reservoirs.

Hospital.

Hotel or motel.

Motor vehicle, trailer, camper and recreational vehicle sales agency.

Recreational Vehicle Parks.

Storage units.

Solar Power panels producing over 25 KW.

Substation.

C. Any combination of the above uses which meets all other provisions of this title.

D. Other: Any use not named which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the chapter by the Kane County Planning Commission in a public hearing and approval of the County Commission. (Ord. O-2022-42, 7-26-2022)

- All surrounding parcels are zoned AG, C-2 and R-1/2.
- These parcels will gain access from Highway 9.
- All property owners within 500 ft. of this lot have been mailed a public notice and a sign has been posted near the parcel.
- **(C-2) 9-7C-1: PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)
- **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

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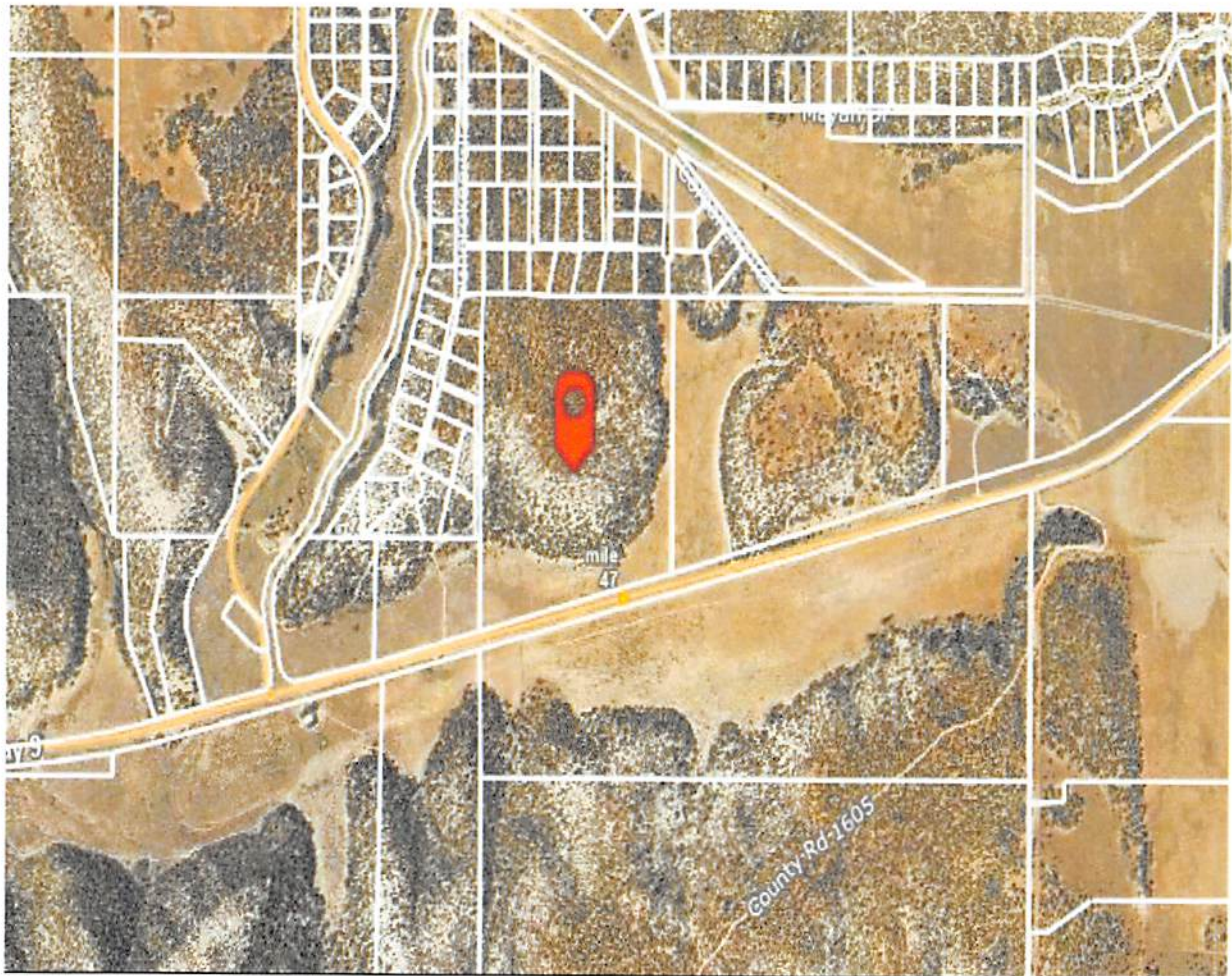
Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov

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 C-2 can be found in the Kane County Land Use Ordinance, Chapter 7: Commercial Zones.

MOTION: I move to recommend denying/approving the zone change from C-1 to C-2 for parcel 1-9-14-6 & Ordinance O-2024-32 to the County Commission based on the facts and findings as documented in the staff report.



KANE COUNTY ORDINANCE NO. O 2024-32

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 1-9-14-6
FROM COMMERCIAL 1 TO COMMERCIAL 2**

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-7C-1: **PURPOSE:** The purpose of the Commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)

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 27-27a-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 1-9-14-6 from C-1 to C-2;

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

Parcel 1-9-14-6

Legal BEG AT THE W 1/4 COR OF SEC 14 T41S R9W SLB&M & RUN TH S 89°59' E 1,350.0 FT; TH S 1,518.10 FT, M/L, TO THE N'LY R/W LINE OF UTAH STATE HWY 9 (FORMERLY U-15); TH S 77°47'55" W 1,384.90 FT ALG SAID R/W LINE TO THE SEC LINE; TH N 1,811.30 FT, M/L, ALG SAID LINE TO THE PT OF BEG. TOG WITH AN EASEMENT OVER & ACROSS THE FOLLOWING DESC PROP FOR THE PURPOSE OF ERECTION & MAINTAINING WATER LINES, 15.0 FT WIDE INSIDE THE BOUNDARY LINE ADJACENT TO UTAH STATE HWY 9 & A 15 FT WIDE EASEMENT FROM WELLS LOCATED ON THE FOLLOWING DESC PROP EVIDENCED BY CHANGE APPLIC #33677, RUN DUE S TO INTERSECT THE EASEMENT ALG THE BOUNDARY OF UTAH STATE HWY 9; BEG AT A PT 1,320.0 FT S FROM THE E 1/4 COR OF SEC 15 T41S R9W SLB&M & RUN TH S 491.3 FT, M/L, TO THE N'LY R/W LINE OF UTAH STATE HWY 9 (FORMERLY CALLED U-15); TH S 77°47'55" W 1,807.50 FT ALG SAID R/W LINE; TH N 5°39' W 882.2 FT; HN 89°58' E 1,849.9 FT TO THE PT OF BEG.

SUBJECT TO AN EASEMENT FOR WATER & OTHER UTILITY LINES & ACCESS THERETO, 7.5 FT ON EITHER SIDE OF A CENTER LINE ALONG THE EXISTING PIPELINE RUNNING S TO A PT 7.5 FT N OF THE N'LY R/W OF UTAH STATE HWY 9; TH S 77°47'55" W TO THE E LINE OF SAID SEC 15 AT A PT 1510.6 FT S OF THE E 1/4 COR OF SAID SEC 15.

Is hereby rezoned from C-1 to C-2 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:

Chameill Lamb
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

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

ITEM # 12

Subdivision Final Plat: Roth

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: December 17, 2024

Dept. /Business Name: Land Use

Topic/Re: Subdivision Final Plat: Roth

Description: An application for a subdivision final plat for the Chillville Subdivision, creating 2 lots, parcel 3-6-36-1B, located east of Kanab and west of the Dark Sky RV Park.

Attachments: Info Packet

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes:



DRAFT STAFF REPORT

DATE: 12/02/2024

PROJECT: A complete application was submitted on behalf of Quad Power, LLC, Britt Roth with Michael Stewart, Red Sands Geomatics and Bart Batista, Cliffside Engineering for a Final Plat for Chillville, a two-lot subdivision, zoned R-5, for parcel 3-6-36-1B, consisting of 10.00 acres. This project is located east of Kanab City and abuts the Dark Sky R.V. park.

FINDINGS: The Chillville Subdivision, application and final plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607 and 608. The Chillville 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** drive will be a flag lot and will be accessed off of Mountain View Drive a county road. 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; and on the Utah State and Kane County websites as a public meeting.

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

Motion: I move to recommend **conditional approval/denial**, to the Kane County Commissioners, the Final Plat for the two-lot Chillville Subdivision, on behalf of Britt Roth.

THANK YOU

SECTION:

[9-21E-1: General](#)

[9-21E-2: Phased Subdivision And Planned Unit Developments](#)

[9-21E-3: Acceptance Of Streets And Other Public Land Dedication](#)

[9-21E-4: Required General Submission Items](#)

[9-21E-5: Land Use Authority Review](#)

[9-21E-6: County Commission Review](#)

[9-21E-7: Final Plat Recording](#)

[9-21E-8: Final Plat Distribution](#)

[9-21E-9: Vacating Or Amending A Subdivision Or Planned Unit Development Plat](#)

[9-21E-10: Final Plat Approval Procedure](#)

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 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 land use authority.

C. The developer/subdivider has a maximum of two (2) years from date of recording of final plat to complete the infrastructure as described in the development agreement. If the developer/subdivider has not completed the infrastructure after two (2) years, Kane County may make claim to whichever form of surety that has been provided in order to complete the infrastructure. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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.

B. When the infrastructure is one hundred percent (100%) complete and operable and approved by the Kane County engineer within the phase in progress, the developer/subdivider may submit the next phase of the development in accordance with the provisions of this chapter. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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) copies of approved and signed final plat;
3. Four (4) copies of approved construction drawings and documents;
4. Stormwater pollution prevention plan;
5. Three (3) copies of executed development agreement;
6. One copy CC&Rs;
7. Payment and performance bond, escrow deposit or letter of credit.

B. Drawing requirements:

1. Boundary bearings and distances data outside boundary;
2. Lots numbered consecutively;
 - a. All lot zones must be marked clearly on each numbered lot;
3. Curve data: radius, angle, long chord, bearings and distance, length;
4. Excluded parcels marked as such;
5. All streets to be named;
6. Bearings and distances of all streets;
7. Parcels not included marked NAPOTS;
8. Adjacent streets shown and dimensioned;
9. Adjacent fences shown;
10. All easements to be labeled and dimensioned;
11. All land with boundaries to be accounted for;
12. All dimensions to be to 0.01' and 0'000'00;
13. Location of perc test trenches;

14. Name of subdivision;
 15. North arrow;
 16. Basis of bearing;
 17. Name and address of owners of record;
 18. Total acreage of subdivision;
 19. Total number of lots;
 20. Legal description of entire subdivision;
 21. Township, range, section and quarter section;
 22. Graphic scale;
 23. Required monuments;
 24. County Engineer's signature block;
 25. County surveyor's signature block;
 26. County Attorney's signature block;
 27. Land Use Authority's signature block;
 28. County Commission's signature block;
 29. Signature(s) of owner(s) (notarized) block;
 30. County Recorder's recording block;
 31. Lender's signature block (or "consent to plat" form);
 32. Surveyor's certificate;
 33. Culinary water authority signature block;
 34. Sanitary sewer authority signature block;
 35. Kane County GIS Administrator signature block;
 36. Kane County Addressing Administrator signature block;
 37. An electronic digital version of the subdivision plat (PDF of the final plat).
- C. Digital data submittal:
1. AutoCAD DWG file or GIS SHPE file;
 2. File to contain all parcel lines and reference monuments;
 3. Data file to be GEO referenced to Utah State plane south grid coordinate system or ground coordinate system including ground scale factor.

4. Shape files for the County GIS system North American datum (NAD) 1983 Zone 12 format. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. 2014-1, 1-27-2014, eff. 2-11-2014; Ord. O-2015-12, 7-27-2015, eff. 8-11-2015; Ord. O-2018-2, 4-9-2018; Ord. O-2016-4, 10-15-2018; Ord. 2020-22, 10-27-2020)

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:

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)

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)

B. No building permits will be issued until the infrastructure is completed unless otherwise agreed to in the development agreement and approved by the Kane County engineer in writing. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21E-8: FINAL PLAT DISTRIBUTION:

- A. Mylar: Kane County recorder.
- B. One signed copy: Land use authority administrator.
- C. One signed copy: Kane County engineer.
- D. One signed copy: Kane County building department.
- E. One signed copy: Developer/subdivider. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21E-9: VACATING OR AMENDING A SUBDIVISION OR PLANNED UNIT DEVELOPMENT PLAT:

A. General Requirements:

1. A subdivision plat or planned unit development plat may be amended or vacated by complying with the requirements of this section and Utah Code 17-27a-608 and 609.

2. A complete application shall be submitted a minimum of twenty-one (21) days prior to the Kane County Land Use Authority's meeting date at which the action is to be reviewed by the owner's) of the property or person having power of attorney to act in behalf of the owner.

3. If the application for an amended plat includes a request to further subdivide or to create any additional lots, the application may only be approved if:

a. Eighty percent (80%) of the owners, or persons having legal authority to act on behalf of the owner, for any portion of property contained in the plat consents to the proposed amendment; and

b. The land use authority, or county commission where required, makes a finding of good cause for the amendment.

B. Submission Items:

1. Application and fees;

2. Notarized affidavit that applicant is owner or authorized by the owner to make application for proposed plat amendment or abandonment;

3. Provide names and addresses of all property owners within 500 feet of the affected property;

4. Three (3) copies of plat map:

a. Amended plat map requirements (re: subsections [9-21E-4B1](#) through B32 of this article);

b. Vacated plat map requirement (re: subsections [9-21E-4B1](#) through B32 of this article).

C. Land Use Authority Review And Approval:

1. After review and approval of the abandonment or amended plat drawing and receipt of required documents by the land use authority administrator and county engineer, the Kane County land use authority will review the application at a regularly scheduled, publicly noticed public hearing within forty five (45) days unless Utah state code provides an exception to the public hearing requirement. In which case the land use authority may review the application at a regularly scheduled public meeting.

2. If the application does not propose to amend, abandon or vacate any county road or public right of way, the land use authority may give final approval so long as the

application meets the requirements of state code and any applicable county ordinance. If the application includes a proposal to amend, abandon or vacate any county road or public right of way, the Kane County land use authority will forward a written notification of its review to the Kane County commission.

D. County Commission Review And Approval:

1. If the application contains a proposal to amend, abandon or vacate any county road or public right of way, the Kane County commission shall review the abandonment or amended 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 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.

E. Final Plat Recording:

1. The owner or his agent shall record the approved vacated or amended plat within one year of approval by the Kane County commission. The Kane County land use authority administrator shall maintain custody of the amended plat mylar until all signatures have been obtained (with exception of the recorder), at which time he will notify the owner or agent that the plat is ready to be recorded.

F. Plat Distribution:

1. Mylar: Kane County recorder.
2. One signed copy: Land use authority administrator. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2022-05, 1-25-2022; Ord. O-2022-25, 5-24-2022; Ord. 2022-35, 6-14-2022)

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

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

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" at the time of acceptance.

(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", 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)

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)

AVERAGE DAILY TRAFFIC USAGE TABLE

Land Uses	Units	Daily (Weekday) Average Rate	
Land Uses	Units	Daily (Weekday) Average Rate	
Single family dwelling	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

(Ord. O-2018-2, 4-9-2018; amd. Ord. O-2019-2, 1-14-2019; Ord. O-2023-13, 11-28-2023)

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 (3.1) Design Standards (A.)(1)(iv.) prior to a building permit being issued to any parcel or development as follows:

A. The right-of-way will have to be improved to a sixty six foot (66') right-of-way with a minimum twenty eight foot (28') road section width improved area.

B. The road shall be improved with a minimum of six inches (6") of untreated base course, unless pavement design requires greater section. Submit pavement design based on road traffic loading prepared by engineer licensed in State of Utah.

C. Any building permits issued within ten (10) years of the date of completion of improvements of the right-of-way 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.

D. 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.

E. The improvements may be completed with the development construction. (Ord. O-2019-4, 3-25-2019)

ARTICLE G. DESIGN STANDARDS

SECTION:

9-21G-1: General Provisions

9-21G-2: Lots

9-21G-3: Streets

[9-21G-4: Curvature And Alignment](#)

[9-21G-5: Block And Cul-De-Sac Standards](#)

[9-21G-6: Pedestrian Crosswalks](#)

[9-21G-7: Easement Standards](#)

[9-21G-8: Exterior Perimeters](#)

[9-21G-9: Alleys](#)

[9-21G-10: Sanitary Sewage Disposal](#)

[9-21G-11: Water Supply](#)

[9-21G-12: Sanitation Collection Sites](#)

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 Standard Specifications And Drawing Details For Design And Construction". (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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 Standard Specifications And Drawing Details For Design And Construction".

C. Corner lots shall have extra width to allow for mandatory setbacks on both streets.

D. Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be shown.

E. All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.

F. Where the land in a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the Kane County recorder.

G. No single lot shall be divided by a municipal or county boundary.

H. A lot shall not be divided by a road, alley or other lot.

I. No wedge shaped lot shall be less than thirty feet (30') in width at the front property line, or the lot frontage required by the zoning ordinance, whichever is larger.

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)

9-21G-3: STREETS:

A. Minor streets shall be laid out to discourage through traffic.

B. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivision. Not more than three (3) lots shall front stub streets, except where a temporary cul-de-sac turnaround side is provided.

C. Intersections of minor streets with major streets shall be kept to the minimum.

D. No half streets are permitted.

E. Dead end streets, including stub streets, shall be permitted or required by the Kane County engineer only to provide future access to adjoining property, except for dead end street systems in cluster subdivisions, planned unit developments, condominium developments, or similar special projects.

F. Permanent cul-de-sac streets serving no more than six (6) lots, and not more than eight hundred feet (800') long, whichever is more restrictive, may be permitted and shall be provided with a right of way at the turnaround of fifty five and one-half feet (55½') radius or more, and the outside curb or pavement edge radius shall be forty eight feet (48') or more.

G. No more than four (4) streets shall enter an intersection.

H. Streets should intersect at ninety degrees (90°). All others may be designed only with approval of the Kane County engineer.

I. Two (2) subordinate streets meeting a through street from opposite sides shall meet at the same point, or their centerlines shall be offset at least two hundred feet (200').

J. Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names within the area. All street names shall be approved by the Kane County GIS Director. Permanent signs shall be installed by developer at his expense at time of installation of other off site improvements with locations approved by Kane County.

K. Where a residential subdivision abuts a major highway, frontage roads may be required. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2022-07, 2-22-2022)

9-21G-4: CURVATURE AND ALIGNMENT:

Ensure adequate sight distances. When street roadway lines deflect more than five degrees (5°), connection shall be made by horizontal curves. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-5: BLOCK AND CUL-DE-SAC STANDARDS:

Block lengths shall be one thousand feet (1,000') or less. Cul- de-sac shall be no longer than eight hundred feet (800'). (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-6: PEDESTRIAN CROSSWALKS:

Pedestrian rights of way of not less than ten feet (10') in width may be required by the Kane County engineer through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet (5') in width shall be placed within the rights of way, as required by the Kane County engineer. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-7: EASEMENT STANDARDS:

A. Utility easements shall follow front lot lines wherever possible. (See design standards drawing RD02.)

B. Where front line easements are not possible, easements shall follow rear and side lot lines and shall have a minimum total width of fifteen feet (15') apportioned equally on abutting properties.

C. All easements shall be designed so as to provide efficient installation of utilities.

D. All power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider unless the Kane County engineer determines it is not feasible to do so. This determination would be based upon application by a subdivider, supported by recommendation of the county engineer, and approved by the Kane County Land Use Authority and Kane County Commission. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-8: EXTERIOR PERIMETERS:

Based on the Utah State Open Range Policy, it is a landowner's responsibility to fence their property as to keep livestock out. If fencing, gates or cattle guards already exist that keep cattle off the highway or public lands, said fencing gates or cattle guards must remain in place. However, they may be moved to conform to new lot lines. (Ord. O-2017-4, 6-26-2017)

9-21G-9: ALLEYS:

The Kane County Engineer may approve service access to the interior of blocks in certain instances, in which case alleys must be indicated on the plan and plat. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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 Land Use Authority by the subdivider.

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 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.

D. All new subdivisions and multiple lot/unit developments within the wastewater service area of any local or special service district that provides sewer or wastewater services, shall connect to the relevant district's wastewater collection system or shall otherwise participate in the wastewater system. New subdivisions and multiple lot/unit developments shall be required to connect to the wastewater system when reasonable access is available. In general, reasonable access shall be considered as the subdivision or development parcel being located within three hundred feet (300') multiplied by the number of proposed lots or units, whichever is greater, of any of the

district's wastewater collection facilities, except by written approval of the District Board in cases of undue hardship.

E. No final plat approval for the establishment of a residential, commercial or industrial subdivision or other multiple unit/lot development in the wastewater service area shall be granted or given until such time that the relevant district has reviewed and approved all plans and specifications for the proposed wastewater system serving said subdivision or development.

F. Any person or entity desiring to obtain final plat approval for the establishment of a residential, commercial or industrial subdivision or multiple unit/lot development shall be required to submit to the relevant district the following information and documentation: 1) the name, address, email address, telephone number and fax number of the owner and developer, 2) a plat or map showing the location and layout of the proposed subdivision or development, 3) an accurate legal description of the property to be developed, 4) a description of the development activity for which approval is being sought, 5) a detailed description, including plans and specifications, of the proposed wastewater collection and disposal system for such subdivision or development, 6) an engineering report establishing that approval of the proposed wastewater system shall not adversely affect the ground or surface water quality, and 7) any other information deemed necessary or desirable by the district.

G. All wastewater system improvements proposed by subdividers and developers shall be designed and constructed in compliance with the State of Utah Department of Environmental Quality rules and the district's design and construction standards.

H. The parcel or lot owner, or developer shall bear all costs of and fees for connecting the parcel, subdivision, or development to the relevant district's wastewater system. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. 2020- 22, 10-27-2020)

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 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)

9-21G-12: SANITATION COLLECTION SITES:

The subdivider shall provide a sufficient number of sites for the collection and removal of solid waste. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

ARTICLE H. CONSTRUCTION STANDARDS

SECTION:

9-21H-1: Requirements

9-21H-1: REQUIREMENTS:

Construction standards and building codes, including the "Kane County 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)

ARTICLE I. FINANCIAL RESPONSIBILITY

SECTION:

[9-211-1](#): Guarantee; Improvement Completion Assurance

[9-211-2](#): Payment And Performance Bonds

[9-211-3](#): Escrow Deposit

[9-211-4](#): Irrevocable Letter Of Credit

[9-211-5](#): Default

[9-211-6](#): Improvement Guarantee; Warranty

[9-211-7](#): Covenant

[9-211-8](#): Acceptance And Release Of Surety

[9-211-9](#): Definitions

9-211-1: GUARANTEE; IMPROVEMENT COMPLETION ASSURANCE:

Before approval of the final plat, the developer/subdivider shall provide an improvement completion assurance, guaranteeing the installation of the required subdivision improvements, by one of the methods as described in section [9-211-2](#), [9-211-3](#) or [9-211-4](#) of this article, prior to recording a subdivision plat or beginning development activity. The guarantee method employed shall be approved by the Kane County commission in the development agreement. This requirement is applicable to individual phases of a development. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-2: PAYMENT AND PERFORMANCE BONDS:

The developer/subdivider shall furnish payment and performance bonds in an amount equal to one hundred ten percent (110%) of the engineer's estimated cost of improvements as approved by the Kane County engineer. The additional inflation percentage shall be determined in the development agreement and added to the one hundred ten percent (110%) figure. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-3: ESCROW DEPOSIT:

The developer/subdivider shall deposit in an interest bearing escrow account an amount of money equal to one hundred ten percent (110%) of the engineer's estimated cost of improvements as approved by the county engineer. The additional inflation percentage shall be determined in the development agreement and added to the one hundred ten percent (110%) figure. The escrow account shall be used solely for securing the subdivisions improvements. The escrow account holder must be approved by Kane

County prior to deposit being made. The terms of the escrow account shall only require that the county present the issuer with a signed draft and a certificate signed by an authorized representative of the county certifying to the county's right to draw funds on the account to complete the required improvements. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-4: IRREVOCABLE LETTER OF CREDIT:

The developer/subdivider shall file with Kane County an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount equal to one hundred ten percent (110%) of the engineer's estimated cost of improvements as approved by the Kane County engineer. The additional inflation percentage shall be determined in the development agreement and added to the one hundred ten percent (110%) figure. Said letter of credit shall:

- A. Be irrevocable;
- B. Be of a term sufficient to cover the completion, plus sixty (60) days, and the improvement warranty period; and
- C. Require only that the county present the issuer with a signed draft and a certificate signed by an authorized representative of the county certifying to the county's right to draw funds under the letter of credit. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-5: DEFAULT:

In the event the developer/subdivider fails to complete the required improvements as stipulated in the development agreement, within two (2) years after final plat acceptance, Kane County shall pursue action against whichever method of guarantee was provided (section [9-211-2](#), [9-211-3](#), or [9-211-4](#) of this article) to complete the improvements as described.

Kane County may assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which required development improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the tract.

Kane County may exercise any other rights available under the law, upon default. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-6: IMPROVEMENT GUARANTEE; WARRANTY:

The developer/subdivider shall guarantee that all improvements provided, installed and as stipulated in the development agreement, shall remain free of defects for a period of one year from date of acceptance by the county. This guarantee shall be in the form of an improvement warranty in the amount of ten percent (10%) of the engineer's estimated cost of improvements as approved by the Kane County engineer.

Identifying the necessity for repairs and/or maintenance of the installed work rests with the county engineer, or designee, and whose decision upon the matter shall be final and

binding upon the developer/subdivider. Should the county engineer find that repairs or maintenance is necessary, and upon written notice, the developer/subdivider shall have a maximum of thirty (30) days to affect the required repairs or maintenance work.

Should the developer/subdivider fail or refuse to affect said repairs or maintenance, the county shall have such work done at the developer/subdivider's expense. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-7: COVENANT:

The developer/subdivider shall, as part of the executed development agreement, not sell, lease or convey any of the subdivided property to anyone unless he/she/they, as a condition thereto, satisfy at least one of the foregoing requirements of section [9-211-2](#), [9-211-3](#), or [9-211-4](#) of this article. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land, binding all successors, heirs, and assigns of the property owner to secure the installation of the improvements required together with payment of all costs, including reasonable attorney fees which may be incurred by Kane County in the enforcement of any of the terms and provisions of the agreement. The development agreement shall be recorded in the Kane County recorder's office. All existing lienholders shall be required to subordinate their liens to the covenants contained in the development agreement. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-8: ACCEPTANCE AND RELEASE OF SURETY:

A. Request for conditional acceptance of the subdivision improvements and reduction in surety must be in writing from the developer/subdivider to the land use authority administrator. When installation of the subdivision improvements are seventy five percent (75%) complete, fifty percent (50%) of the estimated cost of the improvements will be released after inspection and written verification by the county engineer. After final completion of all work, an additional fifty percent (50%) of the estimated cost will be released after inspection and written verification by the county engineer. This leaves ten percent (10%) of the estimated cost to be held as the improvement warranty for the improvement warranty period, being one year from final completion and acceptance of the improvements, or a lengthier improvement warranty period as may be permitted, pursuant to this section, or Utah Code Annotated section 17-27a-604.5, as amended. The schedule for release of surety may be modified by the specific development agreement.

In many cases, the improvement warranty will be on the same document as the improvement completion assurance/performance bond. However, the county may require a separate document containing the improvement warranty.

B. Final inspection by the Kane County engineer shall be made one year after all improvement work has been completed. Any and all defects must be repaired and maintenance must be completed prior to final approval.

C. Upon written approval by the Kane County engineer, the land use administrator shall, in writing, accept all improvements and release remaining improvement warranty. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-9: DEFINITIONS:

The following definitions apply to this article:

IMPROVEMENT COMPLETION ASSURANCE: A surety bond, letter of credit, cash, or other security required by Kane County to guaranty the proper completion of landscaping or infrastructure that the land use authority has required as a condition precedent to:

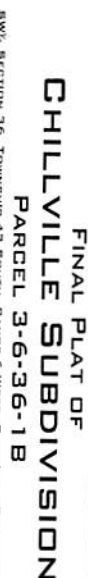
- A. Recording a subdivision plat; or
- B. Beginning development activity.

IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the accepted landscaping or infrastructure:

- A. Complies with Kane County's written standards for design, materials, and workmanship; and
- B. Will not fail in material respect, as a result of poor workmanship or materials, within the improvement warranty period.

IMPROVEMENT WARRANTY PERIOD: A period:

- A. No later than one year after Kane County's acceptance of required infrastructure, unless the county:
 - 1. Determines for good cause that the one year period is inadequate to protect the public health, safety, and welfare; and
 - 2. Has substantial evidence, on record:
 - a. Of prior poor performance by the applicant; or
 - b. That the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)



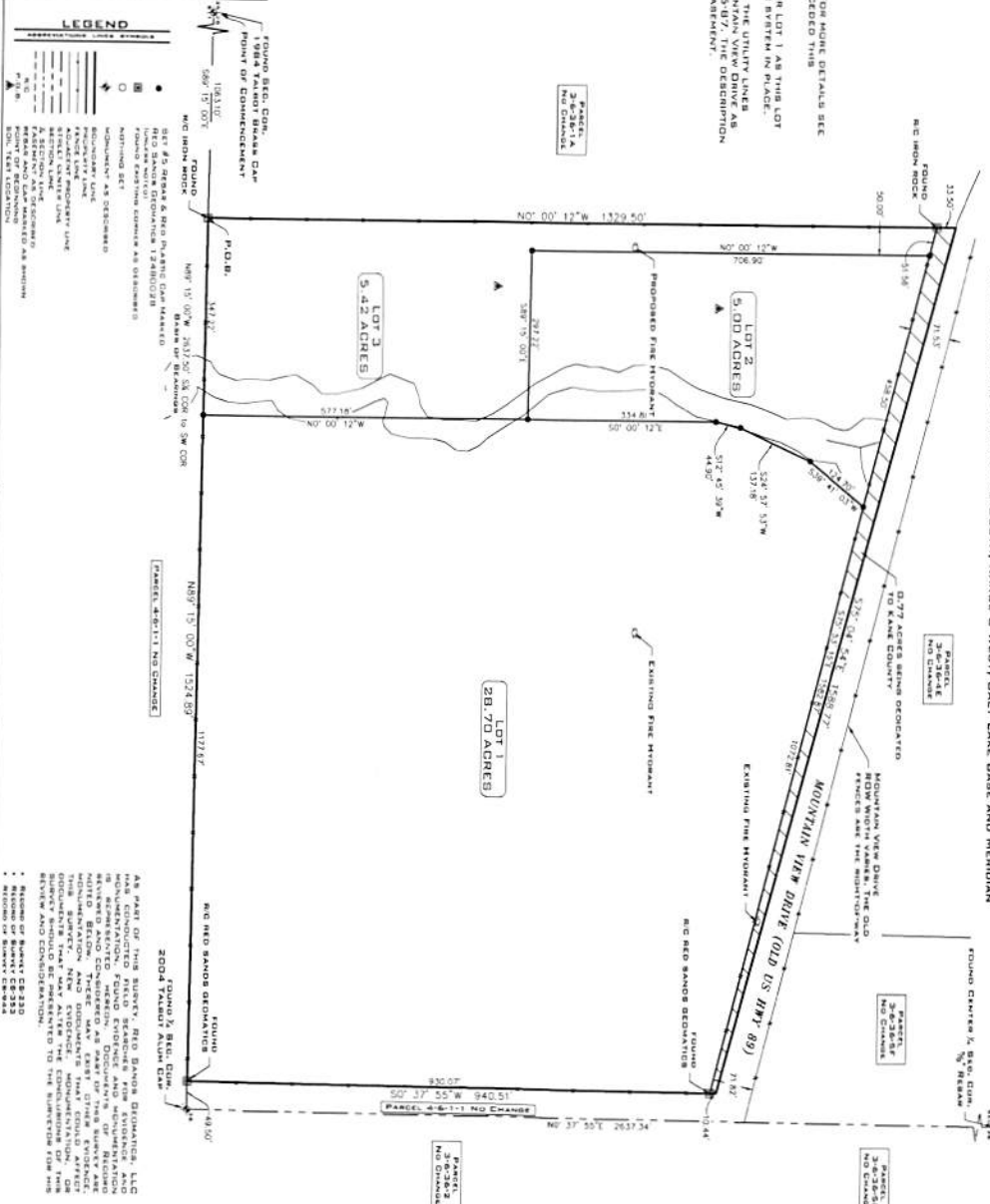
FINAL PLAT OF
CHILLVILLE SUBDIVISION
PARCEL 3-6-36-1B

SW¼ SECTION 36, TOWNSHIP 43 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN

ALL DIMENSIONS MATCH RECORD. FOR MORE DETAILS SEE THE RECORD OF SURVEY THAT PRECEDED THIS SUBDIVISION FILED AS:

NO SOILS TEST WAS PERFORMED FOR LOT 1 AS THIS LOT ALREADY HAS AN APPROVED SEPTIC SYSTEM IN PLACE.

AN EXISTING EASEMENT EXISTS FOR THE UTILITY LINES FOUND ALONG BOTH SIDES OF MOUNTAINVIEW AS RECORDED IN BOOK D-5, PAGE 86-87. THE DESCRIPTION OF THE EASEMENT IS A BLANKET EASEMENT.

[illegible][illegible][illegible][illegible]

A NECESSARY PUBLICITY ELEMENT REQUIRED TO: _____
 NOTIFY PUBLIC OF (POTENTIAL) _____
 NO PUBLIC REQUESTS (W/IN CODE 46-11-616)
 REQUESTS BY DATE _____
 BUYER DATE: SEP 20, 2024
 SHEET 1 OF 1

ITEM # 13

Amended Plat: Best Friends

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: December 17, 2024

Dept. /Business Name: Land Use

Topic/Re: Amended Plat: Best Friends

Description: An updated plat submitted to correct technical issues in the Best Friends Animal Society Planned Unit Development Amended and Extended plat that was previously approved on Mar 22, 2022. The Recorder's office failed that intimal recording and has requested adjustments to the roads to align with the 911 grid.

Attachments: Info Packet

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes:



DRAFT STAFF REPORT

DATE: November 26, 2024

PROJECT:

An updated plat has been submitted to address technical corrections to the **Best Friends Animal Society Planned Unit Development (PUD) Amended and Extended Plat**, which was previously approved on **March 22, 2022**. At that time, a complete application to amend and extend the PUD plat, on behalf of Best Friends Animal Society, was submitted for a property encompassing **2,208.44 acres** within **Sections 17, 19, 20, 21, 28, 29, 30, and 32, T42S and T44S, R6 SLB & M**. The project was submitted by Iron Rock Engineering Group, acting under power of attorney.

This third amended plat aims to address discrepancies in the previous PUD plat, including revisions to lots, roads, and road names. The Recorder's Office failed the initial recording due to errors in road names and 911 grid addressing. These corrections ensure the proper alignment of road names and addresses.

FINDINGS:

The amended and extended PUD/subdivision plat conforms to the requirements set forth in the **Kane County Land Use Ordinance** (Sections 9-21D-2 and 9-21D-3) and **Utah Code** (Sections §17-27a-201, §17-27a-202, §17-27a-206, §17-27a-208, §17-27a-608, and §17-27a-609).

All application requirements have been met, and the project has been posted in two public places and on the Kane County and State websites, in accordance with legal posting requirements.

The purpose of a Planned Unit Development, as outlined in **Section 9-20-1** of the Kane County Land Use Ordinance, is to encourage efficient use of land and resources, preserve open space, promote alternative transportation, and support innovative planning. The PUD overlay allows for variations in lot configurations to minimize disturbance of sensitive lands, enhance land use compatibility, and encourage creative site planning.

STAFF DETERMINATIONS:

- **Travis Sanders**, Kane County Alternate Engineer (Civil Science), recommends conditional approval of the project.

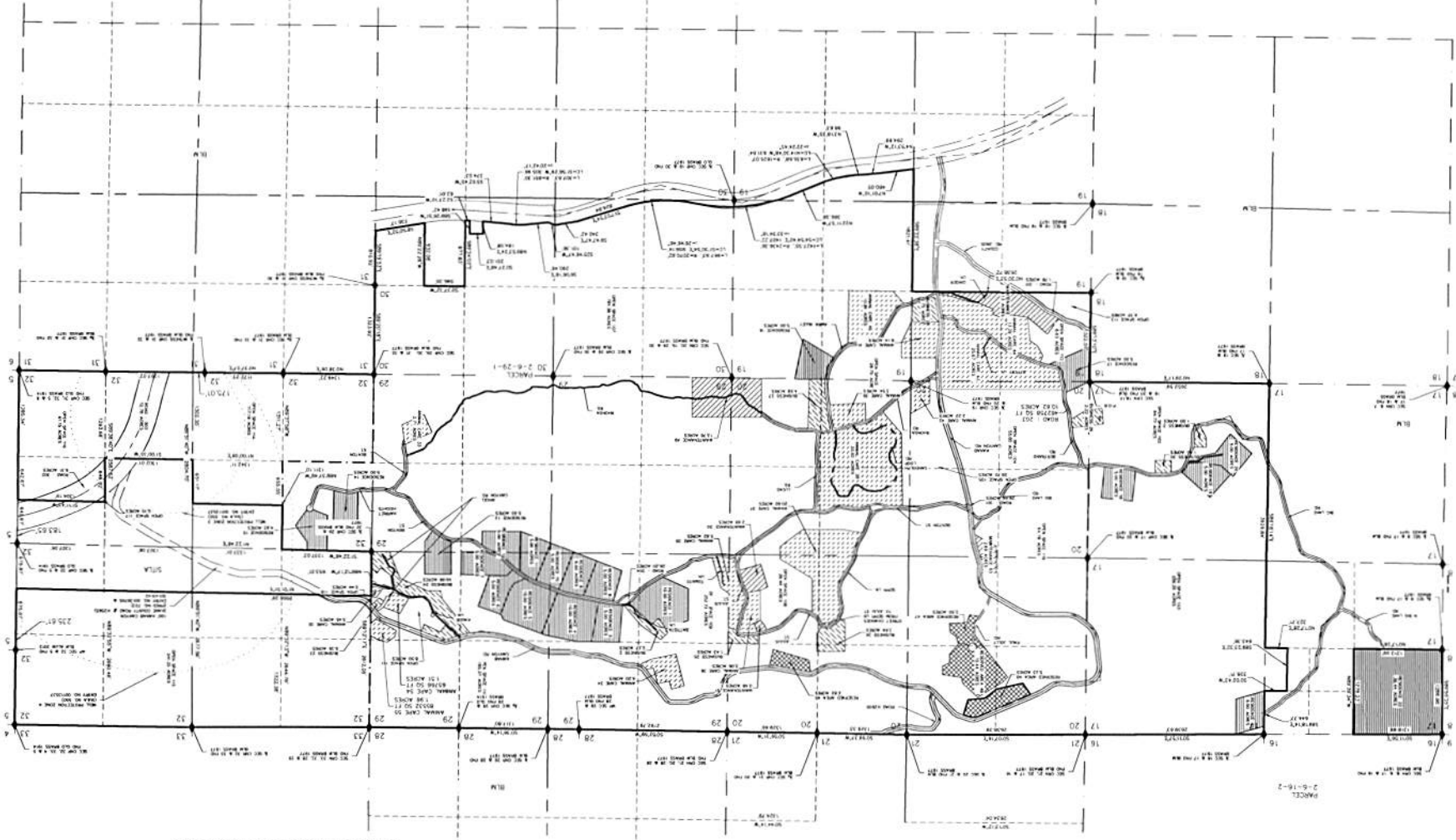
- **Taylor Glover, GIS and Isis Smith Records Office** have reviewed the plats and recommend conditional approval.
 - **Shannon McBride, Kane County Land Use Administrator**, has reviewed the application and supporting documents and recommends approval.
 - The project complies with all applicable county and state ordinance requirements.
-

MOTION:

I move to recommend **approval/denial** of the **Best Friends Animal Society Planned Unit Development Amended and Extended Plat**, containing **2,208.44 acres**, to the **County Commissioners**. Approval is contingent upon the GIS and Records and engineers review and approval of the revised plat, based on the findings outlined in the staff report.

THANK YOU.

BEST FRIENDS ANIMAL SOCIETY PUD AMENDED AND EXTENDED, CORRECTIVE ROADS PLAT **KANE COUNTY, UTAH** LOCATED IN SECTION 17, 19, 20, 29, 30 & 32 TOWNSHIP 42 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN



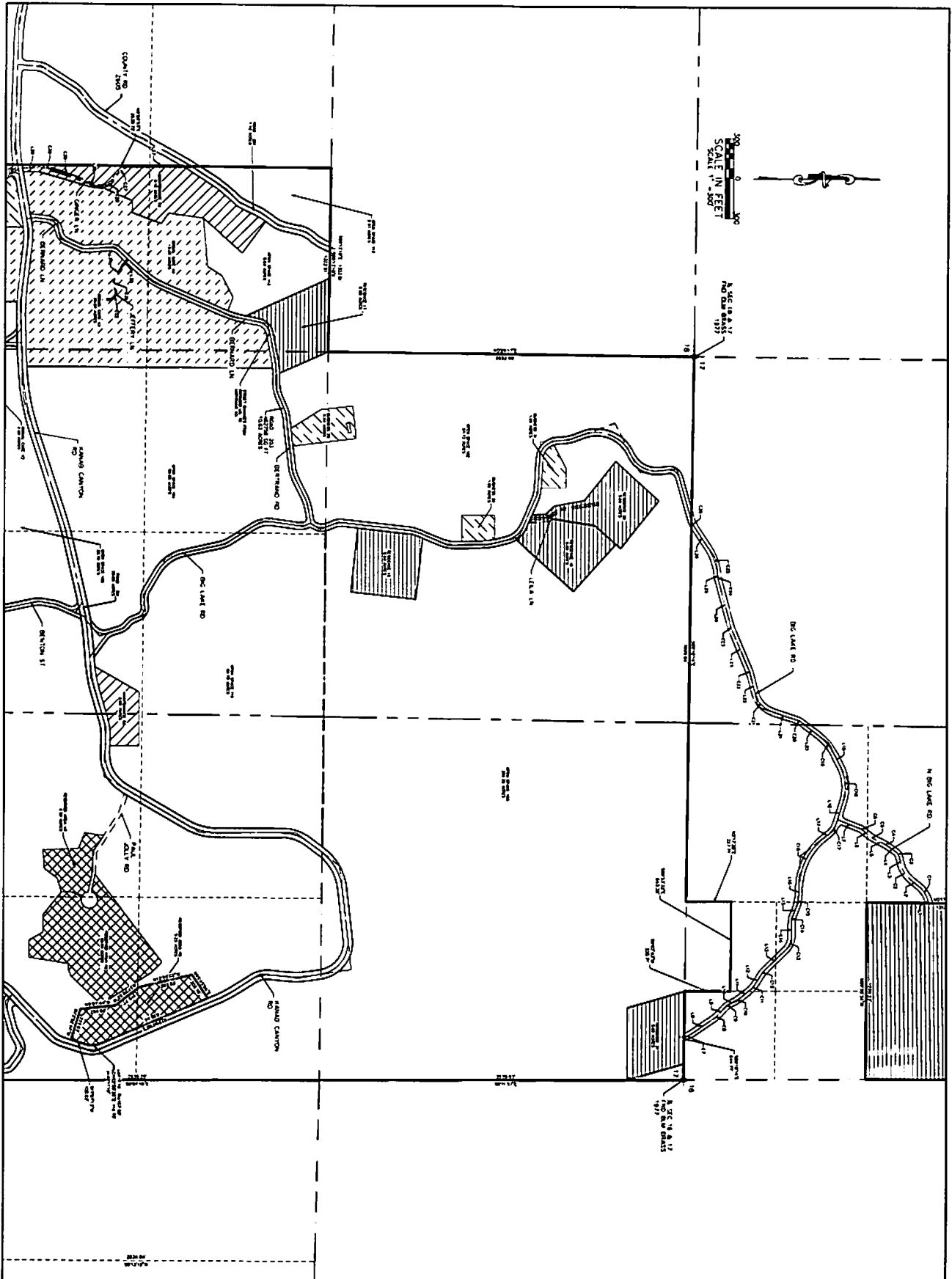
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**BEST FRIENDS ANIMAL SOCIETY PUD
AMENDED AND EXTENDED
CORRECTIVE ROADS PLAT
KANE COUNTY, UT**

**IRON ROCK
ENGINEERING**
 FOUNDATIONS & DESIGN
 Building on Solid
 Foundations
 4600 E. 300 SOUTH
 KANAB, UTAH 84741
 435-644-2031
 www.ironrockeng.com

REVISION	DATE	DESCRIPTION

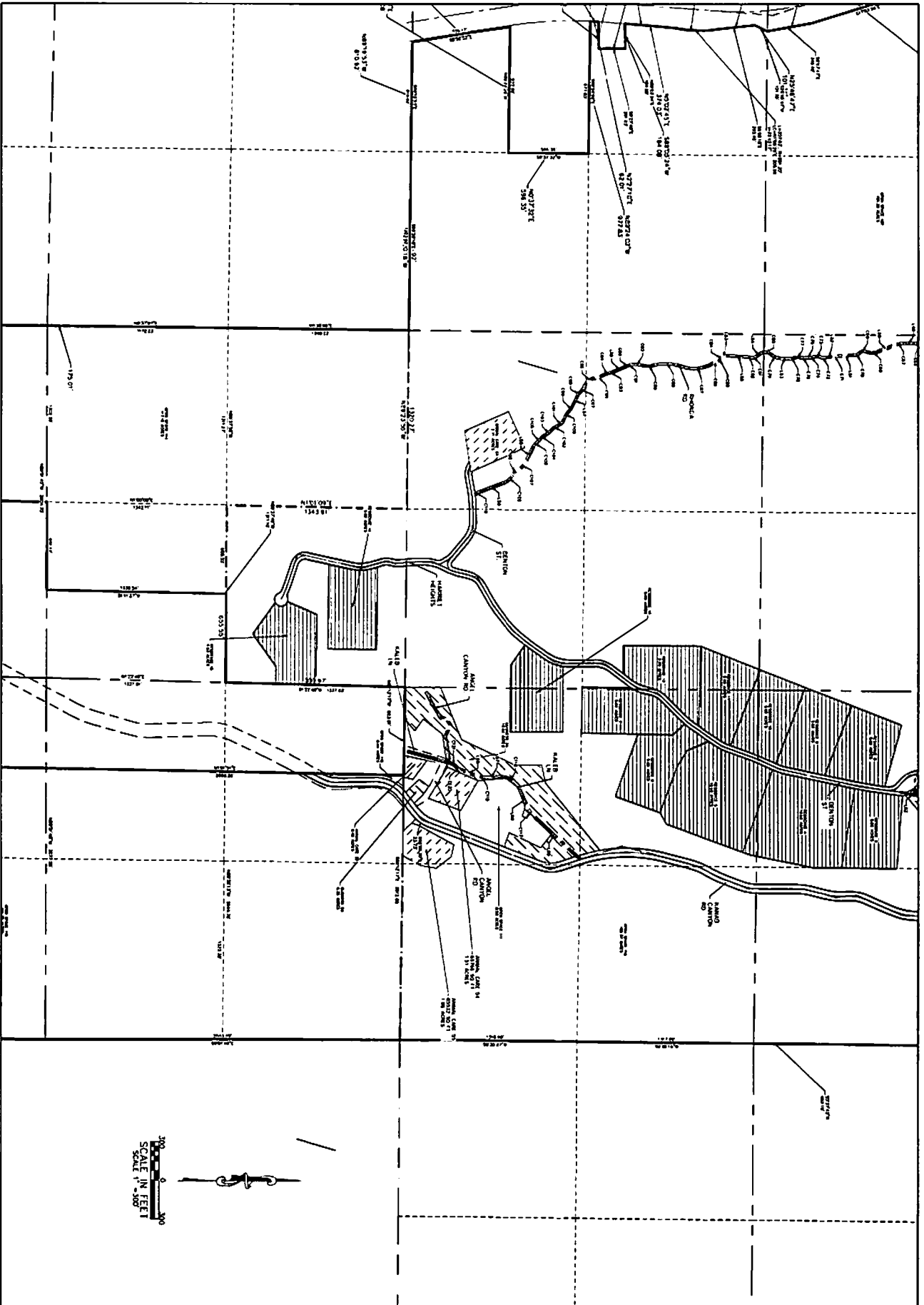
DATE: 11/17/2024
 DRAWN BY: CM
 SCALE: 1" = 700'
 SHEET: 2 OF 6



3 OF 6	DATE: 11/11/2024	BEST FRIENDS ANIMAL SOCIETY PUD AMENDED AND EXTENDED CORRECTIVE ROADS PLAT KANE COUNTY, UT	R IRON ROCK ENGINEERING INCORPORATED <i>Building on Solid Foundations</i> 480 E. 300 SOUTH MANASSA, UT 84041 435-644-2031 www.ironrockeng.com
	REVISIONS:		
Revision table content			

DRAWN BY: CM
 SCALE: 1" = 200'
 SHEET:

3 OF 6



5 OF 6	DRAWN BY: CM SCALE: 1" = 300' SHEET	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>REV#</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	REV#	DATE	DESCRIPTION													DATE: 11/11/2024	BEST FRIENDS ANIMAL SOCIETY PUD AMENDED AND EXTENDED CORRECTIVE ROADS PLAT KANE COUNTY, UT	IRON ROCK ENGINEERING CONSULTING & DESIGN 400 E. 300 SOUTH KANAB, UTAH 84741 435-644-2031 www.ironrockeng.com
	REV#	DATE	DESCRIPTION																	

ITEM # 14

Lot Joinder: Gosser

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: December 17, 2024

Dept. /Business Name: Land Use

Topic/Re: Lot Joinder: Gosser

Description: An application to amend the subdivision plat for Mirror Lake Subdivision, Plat "B", joining lots 14 & 15, becoming new lot 14 containing 0.81 acres, and vacating (2) 7.5' public utility easements.

Attachments: Info Packet

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes:



STAFF REPORT

DATE: 11/14/24

PROJECT: A complete application for Amending and Vacating a Subdivision Plat for a lot joinder, combining lots 14 & 15 and vacating two (2) 7.5 ft. public utility easements, in the Mirror Lake Subdivision Plat "B", becoming new amended lot 14 consisting of .81 acres, within the SE¼, Section 5, T38S, R7W SLB & M on behalf of Terry D. Gosser, as Trustee of the Terry D. Gosser Living Trust Dated February 23, 2024. The project was submitted by Tom Avant, Iron Rock Group, 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 fees.

FINDINGS: Amending (joining) lots 14 & 15 and vacating two (2) 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 (2) 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 alternate engineer, Travis Sanders, 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, combining lots 14 & 15 becoming new lot 14 and vacating two (2) 7.5 ft. public utility easements, in the Mirror Lake Subdivision Plat "B" based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT
LOTS 14 & 15
MIRROR LAKE SUBDIVISION PLAT "B"

Building on Solid Foundations
460 E. 300 SOUTH
KAYAK, UTAH 84741
435-644-2031
WWW.FORTDODGE.COM

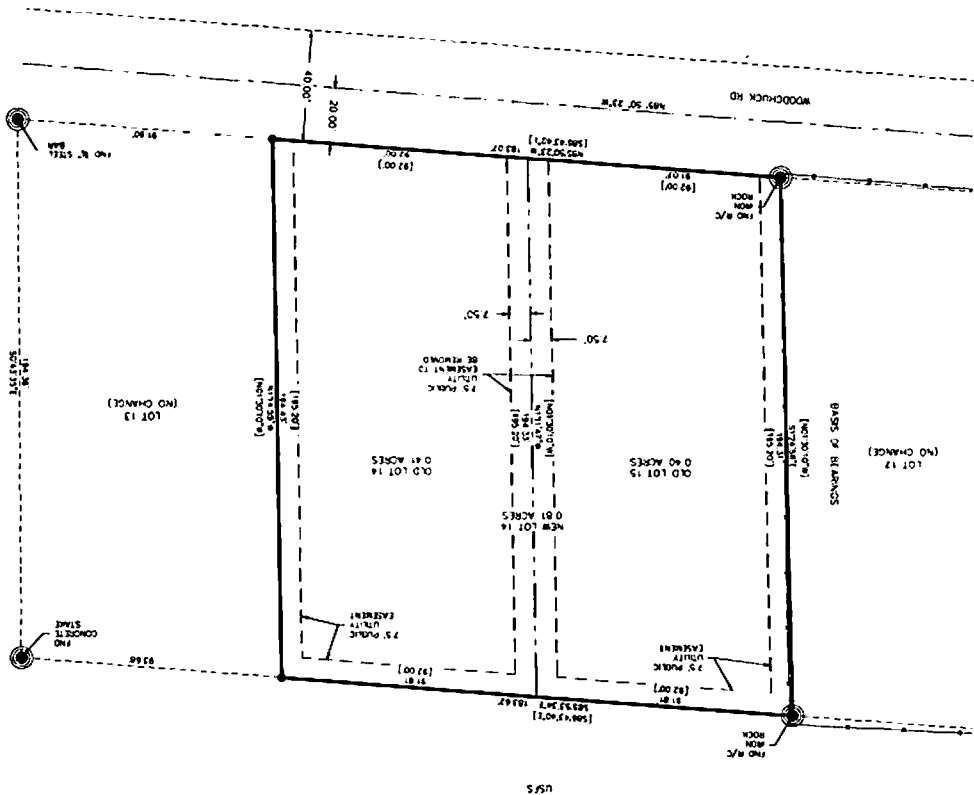
**GROSSER
AMENDED PLAT
LOTS 14 & 15 MIRROR LAKE SUBDIVISION PLAT "B"
KANE COUNTY, UT**

DATE: 11-04-2024
DESCRIPTION:

REVISED DATE:	
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SCALE 1" = 20'
ORIGIN BY CM

1 OF 1

[illegible][illegible]

SECRET

CORRECTIONAL INSTITUTION

[illegible][illegible]

On _____ day of _____, 19____, I, _____, of _____ County, California, do hereby certify that _____ is/are the _____ of _____, _____, California, and that _____ is/are the _____ of _____, _____, California.

_____ day of _____, 20__

SERIALIZED AT THE REQUEST OF:
 TERRY D GARDNER, AS TRUSTEE OF THE TERRY D
 GARDNER LIVING TRUST DATED FEBRUARY 23, 2024
 436 S 1200 E
 SALT LAKE CITY, UT 84102
 RETURNED TO SENDER
 * Please Place Return Address Above

[illegible]

SCALE IN FEET
SCALE 1" = 20'



ITEM # 15

Kane County Resolution No. R 2024-34 a Resolution
Amending the Kane County Employee Handbook
Regarding Ethical Behavior, Active Living Center Drivers,
Partial Vacation Cash-Out Policy and Other Amendments

KANE COUNTY RESOLUTION NO. R 2024 - 34

A RESOLUTION AMENDING THE KANE COUNTY EMPLOYEE HANDBOOK REGARDING ETHICAL BEHAVIOR, ACTIVE LIVING CENTER DRIVERS, THE PARTIAL VACATION CASH-OUT POLICY, AND OTHER AMENDMENTS

WHEREAS the County Commission desires to foster an efficient and effective work environment where county employees clearly know what is expected of them and supervisors know what to expect of their employees; and

WHEREAS the County Commission desires to amend county personnel policies as set forth here including i) adding a requirement that all county personnel are required annually to sign a statement of ethical behavior, ii) adding a requirement that employees of the Active Living Center need to obtain a medical card for driving with passengers annually, and iii) implementing a vacation cash-out policy; and

WHEREAS the statutory authority for this action is in Utah Code §§ 17-53-201 et. seq., and 17-53-301 et. seq.;

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

Section 1. The Kane County Employee Handbook is amended as set forth below. Additions are indicated by an underline and deletions are indicated by a strikethrough.

302 VACATION BENEFITS COMPENSATION

//

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work. A partial cash out of accrued vacation time during employment is available only as set forth in section 408.

//

303 HOLIDAYS

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*Kane County Elected Officials and Department Heads may elect to transfer a Holiday from either Columbus Day or Veterans' Day to the day after Thanksgiving. Additionally, any office may elect to close the office on the day after Thanksgiving and require employees to use vacation hours. In either event, the Elected Official or Department Head will inform the Human Resource Director and all employees affected by the decision ~~at least sixty days~~ in advance.

//

408 PARTIAL CASH OUT OF ACCRUED VACATION LEAVE

Employees who have accrued a substantial amount of vacation hours may request a partial cash-out of accrued vacation hours, subject to available funding and the discretion of the Human Resources (HR) Director as set forth herein.

A. Eligibility

- i. Employees with a minimum of two years of service with Kane County are eligible to apply for a partial cash-out of accrued vacation hours.
- ii. Employees must have a minimum balance of 120 hours of accrued vacation hours, sick leave, or a combination.
- iii. Employees may not request a partial cash-out that would result in an accrued amount of a vacation hours that is less than eighty hours total.
- iv. Employees may not request a partial cash-out more than once annually.

B. Application Process

- i. Employees seeking a partial cash-out of vacation hours must submit a written application to the HR Director, using the form provided by the HR Director.
- ii. Applications will be reviewed semiannually, with deadlines for submission established by the HR Director in the months of March and September.
- iii. Applications will be evaluated based on criteria established by the HR Director.
- iv. Applications may be approved, denied, or approved in part and denied in part.

C. Criteria for Approval

- i. The HR Director will establish objective criteria to prioritize requests based on the following considerations:
 - Total available funds and aggregate request for cash-out from all applications
 - Amount of accrued vacation hours
 - Financial need, if applicable and appropriate to disclose
 - Length of service with the county
 - Previous cash-outs, if applicable
 - Pending or previous disciplinary action, or abuse of vacation leave policy
- ii. The criteria will be subject to periodic review and adjustment by the HR Director to ensure equitable application and responsiveness to departmental county needs.

D. Funding Availability

- i. Vacation hour cash-out requests are subject to the availability of allocated funds by the Kane County Commission.
- ii. The HR Director will confirm the availability of funds prior to opening an application period.

E. Approval and Payment

- i. Approved cash-out requests will be paid as a one-time payment through the payroll system at the current hourly rate of the employee.

- ii. Cash-out payments will be subject to normal payroll tax deductions and withholdings.
- iii. The cash-out of vacation hours will reduce the employee's accrued balance accordingly.

F. Discretion of the HR Director

The HR Director reserves the right to approve or deny any application for cash-out based on the established criteria, funding limitations, and organizational priorities. All decisions are final and non-appealable.

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516 MEDICAL CARD REQUIREMENT FOR ACTIVE LIVING CENTER DRIVERS

This policy is to ensure the safety and well-being of passengers of vehicles driven by Kane County Active Living Center employees by requiring drivers to possess a valid medical card, verifying their physical and mental fitness to operate a vehicle.

This policy applies to all drivers who transport passengers as a part of their job duties for Kane County Active Living Centers.

Requirements:

- A. Medical Card Required: All drivers carrying passengers must obtain a valid medical card from a licensed healthcare provider chosen by Kane County. The exam will be paid for by Kane County.
- B. Medical Card Certification. The medical card must:
 - i. Certify the driver's physical and mental fitness to operate a motor vehicle.
 - ii. Indicate any restrictions or limitations on the driver's ability to drive.
 - iii. Be current and up-to-date.
- C. Non Certification: If any driver is not certified or is otherwise determined to be not mentally or physically fit to drive a vehicle with passengers, the driver will be immediately removed from this job duty.

Medical Card Renewal: Drivers must renew their medical cards annually or upon request of a supervisor if there is good cause for the driver to be reevaluated to assess continued fitness to drive.

Card Presentation: Drivers must keep a valid medical card on file with the Kane County Active Living Centers Director.

Failure to comply with this policy will result in immediate suspension from being able to drive passengers for the Active Living Center and may also result in discipline up to and including termination.

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710 STATEMENT OF ETHICAL BEHAVIOR

Kane County is committed to providing the services of a local government in manner that is open, transparent, and with a high level of ethical behavior. To that extent, on an annual basis, each employee and elected official is required to review and sign the Kane County Statement of Ethical Behavior, which is attached as Form C. Any employee who fails to submit a signed statement annually may be subject to disciplinary action, up to and including termination of employment.

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Form C Statement of Ethical Behavior

KANE COUNTY **STATEMENT OF ETHICAL BEHAVIOR**

As an employee of Kane County, I acknowledge and commit to upholding the highest standards of ethical behavior in government service. I understand that my conduct directly impacts public trust in our government, and I affirm my dedication to serving the citizens of Kane County with integrity, honesty, and transparency. By signing this document, I agree to abide by the following ethical standards:

1. **Act in the Public Interest.** I will prioritize the public interest above personal interests in all decisions, actions, and interactions.
2. **Avoid Self-Dealing.** I will not use my position for personal gain or for the advantage of friends, family, or associates.
3. **Anti-Nepotism Compliance.** I will not engage in nepotism or favoritism in hiring, promotion, or supervision, adhering to Kane County's anti-nepotism policies.
4. **Impartiality and Fairness.** I will exercise impartiality in all my duties, avoiding bias, favoritism, and any actions that compromise fairness.
5. **Personal Gain Prohibition.** I will not seek, accept, or retain any benefit that may compromise my ability to perform my duties objectively and responsibly.
6. **Comply with Personal Use Policy.** I will adhere to Kane County's Personal Use Policy, ensuring that county property and resources are used only for approved lawful purposes.
7. **Protection of Public Resources.** I will safeguard public resources, using county property, funds, and information solely as authorized, actively preventing misuse, waste, and fraud.
8. **Financial Integrity.** I will comply with Kane County and Utah State law regarding the management of county funds, including proper financial controls and accountability.
9. **Transparency and Openness.** I will strive for transparency and openness, making appropriate disclosures and providing accurate information to the public in accordance with all relevant laws.
10. **Legal Compliance.** I will comply with all applicable local, state, and federal laws, regulations, and ethical standards that are more specific and relevant to my role.
11. **Report Corruption or Misconduct.** I will promptly disclose any corruption, fraud, waste, or abuse of authority, understanding that failure to report may result in disciplinary action.

12. Support Ethical Culture. I will foster and support a culture of ethical conduct within Kane County, encouraging my colleagues to uphold these same standards.

By signing below, I affirm my commitment to these ethical standards and my understanding of their importance in serving Kane County.

Signed: _____

Name: _____

Date: _____

//

Section 2. This Resolution and the policies set forth herein are effective immediately. Employees of the Kane County Active Living Center must comply with Section 516 by December 1, 2024.

Section 3. As with other portions of the Handbook, these amendments shall represent countywide policy regarding county employees and Elected Officials. Additionally, where applicable the handbook shall also apply to county volunteers and paid contractors who interact with the County.

Section 4. The Human Resources Director is authorized to amend the Handbook as set forth in this Resolution and shall distribute the amendments to county personnel accordingly.

-- End of Resolution --

ADOPTED this 12th day of November, 2024.

ATTEST:

Patty Kubeja, Chair
Board of Commissioners
Kane County

CHAMEILL LAMB
Kane County Clerk

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

ITEM # 16

Kane County Resolution No. R 2024-37 a Resolution
Adopting a Privacy Policy Statement for Personally
Identifiable Information

KANE COUNTY RESOLUTION NO. R 2024 – 37

**A RESOLUTION ADOPTING A PRIVACY POLICY STATEMENT FOR
PERSONALLY IDENTIFYABLE INFORMATION**

WHEREAS Kane County interacts with individuals for varied business transactions on a regular basis; and

WHEREAS Kane County may, from time-to-time, obtain personally identifiable information (hereinafter referred to as “KII” from the individuals it transacts business and services with; and

WHEREAS the State of Utah, via the Office of the State Auditor, has provided for the compliance of the protection of KII collected via the Kane County website pursuant to Utah Code Section 63D-1-103; and

WHEREAS the Kane County Commission has determined that it is in the best interest of all individuals that Kane County transacts business with to protect the privacy and KII of those individuals;

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

Section 1. Adoption. The Privacy Policy Statement, attached herewith at Exhibit 1, and by this reference is made a part hereof, is adopted.

Section 2. Severable. Any portion of this policy found in valid may be severed from the remaining portion of the policy, the remaining portion shall remain in full force and effect.

Section 3. Repealer. Any policy or other document or action in conflict with this resolution is repealed.

Section 4. Effective Date. This policy shall become effective upon its passage and the date entered below.

ADOPTED this 17th day of December, 2024.

ATTEST:

CHAMEILL LAMB
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted
Commissioner Meyeres voted
Commissioner Kubeja voted

Privacy Policy Statement

In Short: Kane County cares about your privacy. We only collect information about you that we need to provide you with the services you have requested. We safeguard your data and do not monetize it or improperly share it.

In Detail: This Privacy Policy Statement (the “Statement”) is provided by Kane County in compliance with Utah Code Section 63D-1-103. We are committed to protection your privacy. This Statement explains how we handle your information when you visit this website. We want you to understand how your data may be collected, used, and secured.

Who We Are and How to Reach Us:

The operator of this local government website is the Kane County Information Technology Services department. Kane County ITS can be reached at the following:

Phone: 435-644-4911
Email: website@kane.utah.gov

Our administrative body is the Kane County Commission. They can be reached at the following:

Wade Heaton, Commissioner	435-644-4903	wheaton@kane.utah.gov
Patty Kubeja, Commissioner	435-644-4902	pkubeja@kane.utah.gov
Celeste Meyeres, Commissioner	435-644-4904	cmeyeres@kane.utah.gov

What Information We Collect:

The information we gather is either information that you voluntarily supply (for example, your name and address) when you register or initiate transactions, or information gathered on usage patterns and preferences as visitors navigate the web site, use our services such as e-mail, or read our e-mail newsletters.

Cookies:

To help make our web site more responsive to the needs of our visitors, we use a standard feature of browser software, called a “cookie”, to assign each visitor a unique, random number that resides on your computer. The cookie does not identify the visitor, just the computer that a visitor uses to access our site. Unless you voluntarily identify yourself, we won't know who you are, even if we assign a cookie to your computer, as the only personal information a cookie can contain is information you supply. A cookie cannot read unrelated data off your computer. We

use cookies to help us deliver a better, more personalized service. For example, we use cookies to track the pages and services on our web site visited by our users. We can build a better web site if we know which pages and features our users are visiting and how often.

Browser Level Information and IP Addresses:

Our web server automatically collects limited information about your computer configuration when you visit our web site, including the type of browser you use, the operating system you are running, the resolution of your computer monitor, the web site that referred you, and your IP address. Your IP address is a number that is used by computers connected to the Internet to identify your computer so that data such as the web pages you want to view can be transmitted to you. We use IP address information for systems administration and trouble-shooting purposes.

Other Disclosures:

We may occasionally release information about our visitors when release is appropriate to comply with law, to protect the rights, property or safety of visitors to our sites, the public, our customers, or our government and its employees, agents, partners and affiliates.

Please keep in mind that our communities are public spaces, so don't post anything that you don't want the world to see. Credit card numbers, product keys, and other confidential information, including anything covered under a non-disclosure agreement (NDA), should not be posted to any blogs, discussions, or other public areas.

Access and Corrections:

In the event you have a need to correct any information on file with Kane County (for example, your property tax billing address), notify Kane County in writing and identify the specific correction requested.

Keeping Your Information Secure:

Your data and safety are a priority. Kane County has taken adequate measures to protect it. We do not store personally identifiable information in such a manner that it can be accessed without authorization.

Note on Records Classification:

Personally identifiable information is not a classification of records under Utah Code Section 63G, Chapter 2, Governmental Records Access and Management Act. Access to records is governed by Utah Code 63G, Chapter 2, Government Records Access Management Act.

Review of This Notice:

We want you to feel comfortable using our services, knowing that your privacy is respected and

protected. We welcome your feedback on this notice, which is reviewed annually. For more information, please contact Kane County. This policy was adopted per the attached resolution on December 10, 2024, by the Kane County Commission.

Other Considerations:

1. This notice is in regards to Kane County, 76 North Main Street, Kanab, UT 84741.
2. The effective date of this policy is December 10, 2024.
3. Personally Identifiable Information is defined by the Department of Labor as: Any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individual in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race birth date, geographic indicator, and other descriptors). Additionally, information permitting the physical or online contracting of a specific individual is the same as personally identifiable information. This information can be maintained in either paper, electronic or other media.
4. The purpose of this policy/notice is to ensure the safeguarding of information by Kane County and communicate that policy in compliance with Utah Code Section 63D-2-103.
5. There are lawful reasons to collect personally identifiable information. Kane County does not monetize or sell any information of any type.
6. Any personally identifiable information in the possession of Kane County is maintained in compliance with Utah Law records retention schedules and is further protected from access (manually or electronically).
7. Inasmuch as personally identifiable information is not a records classification for purposes of GRAMA, Kane County treats such information as protected records unless otherwise directed by the State Records Committee of a court of law.
8. For more information on privacy rights visit the Privacy Rights Clearinghouse at <https://privacyrights.org>
9. Complaints regarding personally identifiable information at Kane County may be directed to the Kane County Clerk-Auditor, at clerk@kane.utha.gov or one of the County Commission members listed above.

ITEM # 17

Kane County Public Defender Contract

ITEM # 18

2025 Commission Meeting Schedule

PUBLIC NOTICE

COMMISSION MEETING SCHEDULE

The Kane County Board of Commissioners will meet at 10:00 A.M. in regular session for the 2025 year on the following dates:

January	6, 14, 28	July	8, 22	2026 Budget Hearing Dec. 9, 2025
February	11, 25	August	12, 26	
March	11, 25	September	16, 30	
April	8, 22	October	14, 28	Board of Equalization Sept. 25, 2025
May	13, 27	November	11, 25	
June	10, 24	December	9, 16	

In addition to these meetings there may be WORK MEETINGS and SPECIAL MEETINGS called to accommodate the needs of the public and county operations. All items to be on the Agenda MUST be approved through a Commissioner and all documentation submitted to the Clerk's Office by 5:00 PM the Wednesday prior to the meeting.

INTERAGENCY MEETINGS

The Commission will hold Interagency Meetings on the 2nd regular meeting of the month in January, April, July, and October.

MUNICIPAL BUILDING AUTHORITY (MBA)

The Municipal Building Authority of Kane County, Utah will hold regular meetings during the 2025 Calendar year from time to time as the Board of Trustees shall deem necessary. The Board may also hold meetings in conjunction with the regularly scheduled Commission Meetings.

REDEVELOPMENT AGENCY (RDA)

The Kane County Redevelopment Agency, will hold regular meetings during the 2025 Calendar year from time to time as the Board of Trustees shall deem necessary. The Board may also hold meetings in conjunction with the regularly scheduled Commission Meetings.

All meetings of the above entities are open to the public unless closed pursuant to Sec 52-4-4 and 52-4-5 of the Utah Code Annotated 1953, as amended.

A written Agenda of each meeting, will be posted at the County Courthouse located at 76 North Main, Kanab, Utah no later than 24 hours preceding such meeting Agenda's may also be accessed at the Utah State Public Notices

Website at <http://www.utah.gov/pmn/index.html>

PUBLISHED in the Southern Utah News December 26, 2024 and January 2, 2025
Chameill Lamb, Kane County Clerk/Auditor

ITEM # 19

Action on Rural County Grant Funds Recommended by
the Kane County Economic Opportunity Board

- A. Raising Kane Business Summit and Business Challenge-\$20,000
- B. Church Wells Project Right of Way Proposal-\$14,000
- C. East Zion Transportation Project Proposal-\$50,000
- D. Glendale Town Municipal Grant Proposal-\$20,000
- E. Farmers Market Proposal-\$5,000
- F. Small Business Grant Proposal-\$50,000

Grant Proposal to Kane County Economic Opportunity Board

Project Title: Raising Kane Business Summit & Entrepreneur Business Challenge Support

Funding Request: \$20,000

Submitted By: Center for Education, Business, and the Arts

Date: 11/27/24

Summary

This proposal requests \$20,000 from the Kane County Economic Opportunity Board to support the 2025 Raising Kane Business Summit and the Entrepreneur Business Challenge. These initiatives aim to foster business growth, innovation, and entrepreneurship support in Kane County, by providing networking opportunities, educational resources, and funding support to local entrepreneurs and businesses. This investment will stimulate economic development by encouraging business expansion, job creation, and regional collaboration.

Project Objectives

1. Raising Kane Business Summit

- **Purpose:** Kane County's premier business event designed to bring together business leaders, entrepreneurs, elected officials, government resources, and industry experts to discuss strategies for business growth, innovation, and economic development in Kane County.
- **Components:** Keynote speakers, panel discussions, workshops, and networking sessions focusing on topics such as economic development, business development, leadership inspiration, technology, and regional collaboration.

2. Entrepreneur Business Challenge

- **Purpose:** A competition encouraging local entrepreneurs to pitch their fledgling businesses for a chance to win funding and mentorship support.
- **Components:** Workshops to refine business plans, pitch coaching, and a final event at Raising Kane, where participants present their ideas to a panel of judges.
- **Outcome:** Winning businesses will receive seed funding to expand their ventures, creating jobs and driving local economic growth.

Project Impact

Economic Development

- **Job Creation:** Encouraging business growth generates jobs in various sectors in Kane County including technology, tourism, retail, and services.
- **Business Growth:** The summit provides local businesses with tools and strategies to expand their operations, enhancing their competitiveness.
- **Entrepreneurial Ecosystem:** By supporting local entrepreneurs, the events foster a culture of innovation and collaboration, attracting future investments to Kane County.

Community Benefits

- **Increased Business Knowledge:** Education equips participants with essential business skills, improving the overall competency of the local workforce.
- **Networking Opportunities:** The summit connects entrepreneurs, business leaders, investors, and government officials, promoting collaboration and resource sharing.

Conclusion

The *Raising Kane Business Summit* and *Entrepreneur Business Challenge* represents a strategic investment in Kane County's economic future. By supporting these initiatives, the Kane County Economic Opportunity Board will help strengthen the local business community, encourage innovation, and drive long-term economic growth. We respectfully request \$20,000 to make these transformative events a reality.

Thank you for your consideration.

Contact Information:

Kelly Stowell
Executive Director
Center for Education, Business, and the Arts

Presentation to the Kane County Economic Development Board

Subject: Acquisition of Road and Right of Way for the Town of Churchwells, Utah

Introduction Good afternoon, fellow board members. I am here representing the town of Churchwells, Utah, with a proposal to acquire an existing road and right of way from the School Trust Lands Administration (SITLA). This road was initially plotted and recorded with Kane County many years ago but has never been officially part of the town or county records as a public road. Unfortunately, an error in the original plot map placed the road about 75 feet off its intended alignment. While the map was corrected in 1992, we have exhausted all avenues to secure the right of way for access and utility easements.

Background on Land Ownership SITLA acquired this land as part of a land swap with the Bureau of Land Management (BLM) when the Grand Staircase-Escalante Monument was created. This swap included the road and affected residential lots. SITLA has been supportive and even covered the engineering costs to survey the road and lot boundaries, but due to legal limitations, they cannot simply transfer the land to us. Instead, they have generously offered to sell the road and right of way to us for \$14,000, a price reduced to the lowest feasible amount.

Economic Impact on Churchwells The economic benefit of this acquisition would be substantial:

- **Commercial Access:** A local horseback riding company, the sole concessionaire for Amangiri resort, owns commercial property in the area but lacks direct access due to the road issue.
- **Residential Access:** Around 70 residential lots are affected, with some entirely cut off from reliable access.
- **Water Infrastructure:** With an ARPA grant received two years ago, we designed an extension of the water system to serve these lots. Acquiring this road is critical for looping the water system, a design necessity for efficient service and expansion.
- **Business Interest:** A national gas station chain and several real estate inquiries show strong interest in developing the area commercially and residentially. Expanding our water infrastructure could meet this demand and generate impact fees, providing the funds needed for a quality water system buildout.

Current Businesses and Prospective Growth

- The local horseback riding business serves Amangiri resort, a premier destination in the area.
- A tour company based in Churchwells generates over a million dollars annually.
- Other businesses include a local waste-hauling company and several Airbnb properties.

This infrastructure improvement would enable these businesses to operate more effectively and create opportunities for further commercial and residential growth in the area.

Request for Funding Support Given the clear local economic benefits, I am requesting the board's assistance in funding this project through available grant programs. This road acquisition is essential to supporting current and future businesses and establishing a sustainable infrastructure for our growing community.

Thank you for considering our project.

Kevin Barnes/ Church Wells Special Service District

East Zion Transportation Grant Proposal

Submitted to: Kane County Economic Opportunity Board

Project Title: East Zion Regional Shuttle Service Development

Amount Requested: \$50,000

Submitted by: Kane County

Date: 11/27/24

I. Project Overview

Project Purpose:

This proposal seeks \$50,000 in funding from the Kane County Economic Opportunity Board for transportation needs to alleviate growing transportation challenges, enhance visitor experience, and support the local economy.

Project Need:

Zion National Park is a primary economic driver for Kane County, attracting millions of visitors annually contributing to local businesses, where significant tax revenue is generated. Year over visitation increases has created substantial transportation challenges, including congestion, limited parking, and environmental stress. The pending 2026 closure of the Zion-Mount Carmel Tunnel to large vehicles also presents a significant challenge to regional transportation.

The further development of a visitor transportation system connecting the new East Zion Discovery Center, Zion National Park, and other regional destinations is needed. The requested \$50,000 from the Kane County Economic Opportunity Board will be used to match Federal funds and cover infrastructure and operational costs, ensuring seamless visitor access and support for the local economy.

II. Project Background and Context

Zion National Park's Economic Impact on Kane County:

- **Visitor Statistics:** Zion National Park draws over 5 million visitors annually, and we want more of them to travel through Kane County, contributing significantly to local businesses in lodging, dining, retail, and outdoor services.
- **Economic Contributions:** According to recent studies, visitors to Zion contribute an estimated \$200 million annually to Kane County's economy, supporting many businesses and jobs.
- **Growth Trends:** Visitor numbers have steadily increased over the past decade, highlighting the need for sustainable transportation solutions to support continued growth without compromising the park experience or local infrastructure.

Transportation Challenges:

- **Congestion:** High traffic volume leads to frequent congestion on access roads and parking areas, particularly during peak seasons.
- **Limited Parking:** Existing parking facilities at key locations, especially in Zion National Park, are frequently overwhelmed, leading to visitor dissatisfaction and increased roadside hazards.

- The closure of the Zion-Mount Carmel Tunnel to large vehicles will disrupt access for tour buses, RVs, and other oversized vehicles, potentially decreasing visitor flow and affecting the local economy.
- A well-integrated transportation system is essential to mitigate this disruption, ensuring visitor access while maintaining the park's environmental integrity and traffic flow.

Project Partners:

- **Utah Department of Transportation (UDOT):** Conducting a comprehensive transportation study over the past six months, laying the groundwork future development.
- **Federal Funds:** Federal transportation grants are being pursued and local matching funds are needed.
- **Kane County Tourism Office:** Providing promotional support to ensure widespread adoption of the shuttle service.

V. Economic Impact

The transportation system is expected to:

- **Reduce Congestion:** Alleviating traffic will improve access to regional destinations, enhancing visitor satisfaction and safety.
- **Increase Visitor Spending:** By improving access and reducing transportation stress, visitors are likely to spend more time and money in Kane County, benefiting local businesses.
- **Create Jobs:** The service will generate new jobs, including shuttle drivers, maintenance staff, and administrative roles.

VI. Conclusion and Request

The development of an East Zion Transportation System is a critical step in addressing transportation challenges while sustaining the economic vitality of Kane County. By investing \$50,000 in matching funds, the Kane County Economic Opportunity Board will play a pivotal role in launching this vital initiative, ensuring continued growth and prosperity for our community.

Consideration for this proposal is greatly appreciated and am looking forward to partnering with the board to make this vision a reality.

Submitted by:

Kane County

From: Kanab Create (DBA Ron's Fresh Baked) in cooperation with Kanab Honey and West Winds Ranch)

235 W 100 S

Kanab, Utah 84741

To: Kane County Economic Opportunity Advisory Board

Date: 11/26/24

Funding Request

We are seeking \$5000 in the first quarter of 2025 to assist with marketing outdoor markets in Kanab, Duck Creek, and Long Valley.

History:

Outdoor markets have played a significant role in showcasing locally produced and sourced goods to locals and visitors alike. Successful outdoor markets provide an economic value to local farmers, artisans and vendors. Additionally, visitors gain a rich experience when attending local outdoor markets. Local vendors spend time with buyers promoting not only their products, but promoting the community as well.

Current situation:

Wednesday Market in Kanab – This market is located in an area adjacent to Kane County Tourism Center and operates from 5 pm to 8 pm from April to the last week of October.

In 2025, the Wednesday Outdoor Market will be seeking a new location as the Kane County Visitor Center will be undergoing a substantial renovation and expansion.

Friday Market in Kanab – An annual market located in front of Iron Horse Restaurant operating from 9 am to noon.

Duck Creek Market - New in 2024, this market extends from Memorial Day through Labor Day and operates every Saturday from 10 am – 2 pm.

Long Valley Market – There is no weekly market at this time.

Analysis:

With the exception of the Duck Creek market, vendor attendance has been stagnate or declining due to the lack of community and visitor awareness. A few individual vendors engage in social media marketing, but most vendors do not have the bandwidth to both produce and market.

Although there are many quality vendors in Kane County, Alan Seilhammer with Kanab Honey, David Jones with West Winds Ranch and Ron Thomas with Ron's Fresh Baked have consistently participated in the two Kanab markets as well as the new outdoor market in Duck Creek. It is this coalition that proposes managing this funding request. We are equally committed to strengthening our outdoor market programs in Kane County.

Anticipated expenditures if funding is approved:

A-frame sign and insert - \$250

Two double sided flags – \$250

Flyers and rack cards – \$700

Boosted social media posts – \$750

Newspaper print ads - \$800

Additional print materials as needed - \$250

Vendors and Artisans with a stake a vibrant outdoor market system (partial list):

Bountiful Beautiful Life

Desert Healing Vitamins

Kanab Create

Kanab Honey

Clucking it Up Farmstead

Flor Betancourt Quilts

Meg's Twisted Stitches

Mehana' Shop

Mountain Arts & Crafts

Nat's Knots

Ron's Fresh Baked

Starlight Frequency

West Winds Ranch

Outdoor market program marketing for 2025

Flags \$200

Print advertising

Flyers \$200

Newspaper \$600

A-frame sign - \$200

Inserts \$100

Rack cards 750 for \$160

Business cards for each market - \$100 times four markets

Newspaper advertising -

Proposal to CEO Board from Pat Guerrero to use Rural County Grant funds for small business grants.

I recently met with the Cedar City & Iron County economic development team about their use of Rural County Grant funds to make small business grants. The first two years they gave out \$60,000 in grants. The program has been so successful that they're now increasing this to \$75,000 for their third year. And I have since learned of other counties in Utah that use their Rural County Grant funds for small business grants.

By supporting small business grants, our Kane County Economic Opportunity Board can play a pivotal role in fostering a thriving, resilient economy that benefits the entire community. Direct business grants are a positive use of Rural County Grant funds for a variety of reasons, such as job creation, economic diversification, innovation & entrepreneurship, community development, increased local spending, and tax revenue generation.

The Cedar City team has put in place a systematic, consistent, fair selection/award process. They're not picking winners and losers, rather the businesses filter themselves through objective business criteria. The team publishes clear eligibility criteria and a standardized application process. They use an objective evaluation rubric and a diverse selection committee.

More details about their process that I learned in my meeting with them:

They start with a Pre-application, a high level Google form to make sure the business is established, what they do, what project they want funded, etc. These are reviewed/vetted by CEO board, and reps from two other partners: WBCUT and Business & Innovation Center. First year they had 25 total applicants. Last year, they had 47 pre-applications with \$1.4 million requested. That was narrowed down to 22, then narrowed again to 10. Those ten had interviews/presentations with CEO board. At that point CEO Board can choose to fund all or some, in part or in full with what they're asking. The CEO Board has to decide. This year they decided to fund 5 with the \$60k.

They tended to look at fairly established businesses, some that just needed a little help to move forward. Money must be spent by a certain date. Set a maximum that any one business will receive. Some wanted the full \$60k. The [Grants page on their website](#) lists examples of preferred grant projects and also what projects would be ineligible. [This Facebook video](#) was made to promote one grant recipient, Cedar Sports, and promote the grant program itself. The CEO Board used some of their Rural County Grant money to produce the video.

Matching funds are required. Could be out of pocket match, or another grant. Match has to directly contribute to the project itself. David said that someone wanted to use his current staff & labor costs as match, but wasn't allowed to do it that way.

What does their business plan look like? What does their budget look like? Some applicants needed more mentorship before they got funded. Those could be pulled aside for more training. For those that aren't selected, this could be an opportunity to offer coaching resources, like SBDC or WBCUT, to help with business plan, budget, other needs, etc. Once they get funding, they can't apply again for three years.

Half the grant amount is paid up front. The business needs to complete the project then submit receipts to get reimbursed for the other half of the grant. If they can show they're fully matched, they're sent an award letter and a contract spelling out the payment and reimbursement terms, e.g. \$20,000 project = \$10k grant, \$10k match, then \$5k of the grant paid up front and then remaining \$5k of grant paid upon project completion/submission of receipts to be reimbursed.

There needs to be clear communication on expectations up front. Their timeline is opening pre-application in December. Full application in January. February interviews, to award in Feb/March and give them until July to complete project and submit receipts for reimbursement. They're thinking six months is best – it's tough to complete a project in 2-3 months. They're trying to start earlier to award 1st of February, so the business has 4 months to do the project.

They promote this through Facebook posts, emails, SBDC, WBCUT, Chamber, they all help to market the business grant program.

ITEM # 20

Review on Legislative Issues

ITEM # 21

Commissioner Report on Assignments