



MINUTES
December 11, 2024
Planning Commission/Land Use Authority
Kane County Commission Chambers
76 N. Main Street, Kanab, Utah

CHAIRMAN:	John Reese	
MEMBERS PRESENT:	John Reese, Doug Heaton, Gwen Brown, Matt Cox, Mason Haycock	
MEMBERS ABSENT:	Jeremy Chamberlain	
EX-OFFICIO MEMBER:	Commissioner Wade Heaton (absent)	
STAFF PRESENT	Shannon McBride, Land Use Administrator; Wendy Allan, Assistant P&Z Administrator	
6:00 PM	Meeting called to order Invocation Pledge of Allegiance	John Reese Matt Cox Gwen Brown

GENERAL BUSINESS

1. Update on Commission Decisions

No update given.

**2. Approval of minutes
November 13, 2024**

MOTION: Matt Cox made a motion to **approve** the minutes of November 13, 2024. Mason Haycock seconded the motion.

VOTE: The **motion passed** unanimously.

3. Approval of Meeting Schedule

Approval of the meeting schedule for 2025.

MOTION: Doug Heaton made a motion to approve the meeting schedule for 2025. Gwen Brown seconded the motion.

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

MOTION: A motion was made by Doug Heaton to go in and out of public hearing at the call of the chair. The motion was seconded by Matt Cox.

VOTE: The motion **passed unanimously**.

4. Public Hearing – Zone Change/Ordinance 2024-31: McLaws

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. Submitted by Kevin McLaws.

Kevin McLaws (via google meets) informed the Planning Commission (P&Z) that this request is in preparation for the valuation of conservation easements. He explained that this is north of Highway 9 near the new visitor's center.

Shannon stated that this request is compliant with the general plan because it abuts the highway and is near a major intersection. Most of the area there will be commercial. Shannon showed the surrounding zones. Gwen is concerned about granting such a large amount of commercial zoning in that area.

Chairman Reese called the commission into public hearing.

(No Comments)

Chairman Reese called the commission out of public hearing.

MOTION: Mason Haycock made a motion to **recommend approving** the zone change from AG to C-2 for parcels 1-9-15-1C, 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. Seconded by Doug Heaton.

VOTE: Doug Heaton, Matt Cox, Mason Haycock, and John Reese vote aye. Gwen Brown voted nay. The motion to **recommend approval passed**.

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).
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.

5. Public Hearing – Zone Change/Ordinance 2024-32: McLaws

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. Submitted by Kevin McLaws.

Shannon showed the location and surrounding zones. She has not received any opposition to this request. She recommends approval.

Kevin feels that Commercial 2 will be a better fit for what he wants to do and will keep the zoning consistent in the area. He mentioned that they were approved for 370 acres of conservation land in the Clear Creek Canyon area. His goal is to do eco-tourism with gardens, farms and a farmers market.

Chairman Reese called the commission into public hearing.

Chris Heaton- He noted that Kevin wants to do a farmers market and that requires Commercial 2 zoning.

Chairman Reese called the commission out of public hearing.

Shannon reminded the public online that this item will be on the County Commission agenda on December 17th.

Shannon reviewed the uses in the Commercial zones and noted that Commercial 1 allows for retail sales within a building and Commercial 2 allows for retail sales with outside display.

MOTION: Doug Heaton made a motion to **recommend 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. Seconded by Mason Haycock.

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

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:
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.

6. Public Meeting – Subdivision Final Plat: Roth

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. Submitted by

Britt Roth, property owner; Mike Stewart, Red Sands Geomatics; and Bart Battista, Cliffside Engineering.

Shannon explained that Mike Stewart is a surveyor on this project and Bart Battista is the engineer. Bart Battista stated that he is working to adjust the utility plan that will show the proposed power and water lines.

Shannon is recommending conditional approval.

MOTION: Gwen Brown made a motion to **recommend conditional approval** to the Kane County Commissioners, the Final Plat for the two-lot Chillville Subdivision, on behalf of Britt Roth. Seconded by Mason Haycock.

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

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.

7. Public Meeting: Amended Plat: Best Friends

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 March 22, 2022. The Recorder's office failed the initial recording and has requested adjustments to the roads to align with the 911 grid. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

Chris Heaton, Iron Rock Group, explained that this is round three on this plat. This is a cleanup project on the Best Friends plat. Some of the private loop roads have two different names on them. The recorder asked for clarification as to where one road stops and another one starts for the 911 grid. Chris and Bart Battista have worked with the Recorder's office and GIS to make sure things are good. Nothing else has changed.

Shannon is waiting for a final review from Civil Science. The engineer will make any corrections needed after that review. She recommends approval.

MOTION: Mason Haycock made a motion to **recommend approval** 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, Recorders and

engineers review and approval of the revised plat, based on the findings outlined in the staff report. Seconded by Gwen Brown.

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

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.

Chairman Reese noted that items 8 through 17 are all lot joiners. We will have one public hearing to include all lot joiners. The chairman asked the public to come to the mic and state their name and which agenda item they wish to speak to.

Chairman Reese called the commission into public hearing.

(No Comments)

Chairman Reese called the commission out of public hearing.

Shannon stated that all lot joiners have been reviewed and she recommends approval.

8. Public Hearing – Lot Line Adjustment: Faddis/Beechcraft properties LLC
An application to amend a subdivision plat for a lot line adjustment between lots 67 & 69, Ponderosa Villa, Plat C. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.

MOTION: Matt Cox made a motion to **approve** the amended subdivision plat for a Lot Line Adjustment, in the Ponderosa Villa Subdivision, Plat C, lots 67 & 69, based on the findings documented in the staff report. Seconded by Mason Haycock.

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

FINDINGS: Amending (lot line adjustment) 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. 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.

9. Public Hearing – Lot Joinder: Gibson

An application to amend a subdivision plat for a lot joinder, joining lots 180, 181 & 182, becoming new lot 180 containing 2.01 acres, Swains Creek Pines, Unit 1. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.

MOTION: Matt Cox made a motion to **approve** the amended subdivision plat for a Lot Joinder in the Swains Creek Pines, Amended, Unit 1, lots 180, 181, & 182 becoming new lot 180, based on the findings documented in the staff report. Seconded by Gwen Brown.

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

FINDINGS: Amending (joining) the above-stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. All requirements have been met. The project has been posted in two public places, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

10. Public Hearing – Lot Joinder: Gosser

An application to amend a subdivision plat for a lot joinder, joining lots 14 & 15, becoming new lot 14 containing 0.81 acres, Mirror Lake Subdivision, Plat “B” and vacating (2) 7.5’ public utility easements. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

MOTION: Matt Cox made a motion to **recommend approval** 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. Seconded by Gwen Brown.

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

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.

11. Public Hearing – Lot Joinder: Masada

An application to amend a subdivision plat for a lot joinder, joining lots 15 & 16, becoming new lot 15 containing 1.74 acres, Little Ponderosa Ranch, Block C. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

MOTION: Matt Cox made a motion to **approve** the amended subdivision plat for a Lot Joinder, on behalf of Masada Zion, LLC in the Little Ponderosa Ranch Subdivision, Block “C”,

consisting of lots 15 & 16 becoming new lot 15, based on the findings documented in the staff report. Seconded by Mason Haycock.

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

FINDINGS: Amending (joining) the above-stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. All requirements have been met. The project has been posted in two public places, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

12. Public Hearing – Lot Joinder: Morley

An application to amend a subdivision plat for a lot joinder, joining lots 39 & 40, becoming new lot 40 containing 2.84 acres, Little Ponderosa Ranch, Block H. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

MOTION: Matt Cox made a motion to **approve** the amended subdivision plat for a Lot Joinder, on behalf of Patrick & Dawn Marie Morley, in the Little Ponderosa Ranch Subdivision, Block “H” consisting of amended lots 39 & 40 becoming new lot 40, based on the findings documented in the staff report. Seconded by Doug Heaton.

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

FINDINGS: Amending (joining) the above-stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. All requirements have been met. The project has been posted in two public places, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

13. Public Hearing – Lot Joinder: Granda/Fernandez

An application to amend a subdivision plat for a lot joinder, joining lots 20 & 22, becoming new lot 20 containing 2.09 acres, Little Ponderosa Ranch, Block F. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

MOTION: Matt Cox made a motion to **approve** the amended subdivision plat for a Lot Joinder, on behalf of Mathew S. Granda and Tricia Fernandez, in the Little Ponderosa Ranch Subdivision, Block “F” consisting of amended lots 20 & 22 becoming new lot 20, based on the findings documented in the staff report. Seconded by Gwen Brown.

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

FINDINGS: Amending (joining) the above-stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. All requirements have been met. The project has been posted in two public places, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

14. Public Hearing – Lot Joinder: Capital T

An application to amend a subdivision plat for a lot joinder, joining lots 30 & 31, becoming new lot 30 containing 2.36 acres, Little Ponderosa Ranch, Block D. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

MOTION: Matt Cox made a motion to **approve** the amended subdivision plat for a Lot Joinder, on behalf of Capital T. Investments LLC, in the Little Ponderosa Ranch Subdivision, Block “D” consisting of amended lots 30 & 31 becoming new lot 30, based on the findings documented in the staff report. Seconded by Mason Haycock.

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

FINDINGS: Amending (joining) the above-stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. All requirements have been met. The project has been posted in two public places, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

15. Public Hearing – Lot Joinder: Urbank

An application to amend a subdivision plat for a lot joinder, joining lots 55 & 56, becoming new lot 55 containing 2.64 acres, Little Ponderosa Ranch, Block D. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

MOTION: Matt Cox made a motion to **approve** the amended subdivision plat for a Lot Joinder, on behalf of Randy and Sharon Urbank, in the Little Ponderosa Ranch Subdivision, Block “D”, consisting of amended lots 55 & 56 becoming new lot 55, based on the findings documented in the staff report. Seconded by Doug Heaton.

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

FINDINGS: Amending (joining) the above-stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. All requirements have been met. The project has been posted in two public places, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

16. Public Hearing – Lot Joinder: Frame

An application to amend a subdivision plat for a lot joinder, joining lots 17 & 19, becoming new lot 17 containing 1.81 acres, Ponderosa Ranch Estates, Plat A. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

MOTION: Matt Cox made a motion to **approve** the amended subdivision plat for a Lot Joinder in the Ponderosa Ranch Estates Subdivision, Plat “A”, consisting of amended lots 17 & 19 becoming new lot 17, based on the findings documented in the staff report. Seconded by Gwen Brown.

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

FINDINGS: Amending (joining) the above-stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. All requirements have been met. The project has been posted in two public places, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

17. Discussion – Lot Joinder: Kampshoff

An application to amend a subdivision plat for a lot joinder, joining lots 488 & 489, becoming new lot 488 containing 1.37 acres, Swains Creek Pines, Unit 3. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

MOTION: Matt Cox made a motion to **approve** the amended subdivision plat for a Lot Joinder in the Swains Creek Pines Subdivision, Unit 3, consisting of amended lots 488 & 489 becoming new lot 488, based on the findings documented in the staff report. Seconded by Mason Haycock.

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

FINDINGS: Amending (joining) the above-stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. All requirements have been met. The project has been posted in two public places, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

Shannon thanked Gwen Brown for her time on the Planning Commission.

Matt Cox made a motion to adjourn. Mason Haycock seconded the motion.
Meeting was adjourned at 6:33 pm.

Land Use Authority Chair
John Reese

Assistant Planning & Zoning Administrator
Wendy Allan