



MINUTES

April 9, 2025

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

CHAIRMAN:	John Reese		
MEMBERS PRESENT:	John Reese, Doug Heaton, Matt Cox, Lara Clayson, Julie Millard, Larry Crutchfield		
MEMBERS ABSENT:	Mason Haycock		
EX-OFFICIO MEMBER:	Commissioner Gwen Brown		
STAFF PRESENT	Shannon McBride, Land Use Administrator; Wendy Allan, Assistant P&Z Administrator; Jeff Stott, Attorney		
6:00 PM	Meeting called to order	John Reese	
	Invocation	Julie Millard	
	Pledge of Allegiance	Matt Cox	

GENERAL BUSINESS

1. Swearing in of New Board Member

Swearing in of Larry Crutchfield as a new Planning Commission member.

2. Update on Commission Actions

Commissioner Gwen Brown will relay the County Commission's most recent land use actions. Commissioner Brown reported that the Ence zone change from C-1 to C-2 was approved.

3. Approval of Minutes

February 12, 2025

MOTION: Matt Cox made a motion to approve the minutes of February 12, 2025. Doug Heaton seconded the motion.

VOTE: The motion passed unanimously.

MOTION: A motion was made by Larry Crutchfield 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. Temporary Use Permit: Heritage Acres/Sanford

Parcel 8-7-8-30, 10 Campers/RVs on a 5-acre parcel; submitted by Tracy Sanford.

Tracy Sanford explained that her family bought their property in 1978 with the intent of having family reunions there and shared some history of their activity on the property. Tracy shared a letter from a neighboring property owner in favor of this temporary use permit. She asked the board members for suggestions as to how they can continue to hold their family reunions on this property.

Lara Clayson asked Tracy why they are requesting 10 trailers. Tracy stated they usually have no more than 5 but during the reunion they would like permission to have 10 RVs. She said they have never had more than 8 trailers at a time. Tracy clarified that only family is allowed to camp on the property and they do not charge any fees to use the property.

Tracy stated that they are putting gravel on the roads to cut down on dust.

Shannon showed where the property is located and explained that in a Residential zone the ordinance allows for a maximum of 2 trailers for no more than 6 months out of the year. Shannon asked the Planning Commission to review the findings and conditions of the permit. Kane County Attorney, Jeff Stott, explained that a previous temporary use permit for this property was denied. The Appeal Authority later indicated that the denial was not based on appropriate findings. Jeff stressed the need for the Planning Commission to make the findings for the permit clear in the event that the decision is appealed. Jeff stressed the importance of basing the decision on findings and not on public clamor. He noted that code allows a temporary use permit to be renewed for a maximum of 3 consecutive years.

The family stated that the property is in a trust and cannot be subdivided or sold and they do not want to be zoned commercial. Shannon stated that because the use is not allowed in the R-5 zone they cannot obtain a conditional use permit. She suggested they apply for a zone change with deed restrictions to restrict themselves to family use only.

MOTION: Matt Cox made a motion to **approve** the Temporary Use Permit for no more than (10) ten R.V.'s on parcel 8-7-8-30, submitted by Heritage Acres Family Trust, Tracy Sanford, as trustee/manager, based on the findings documented in the staff report with the changes made during this meeting. Larry Crutchfield seconded the motion.

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

The following Temporary Use Standards were added to the findings in the staff report.

2. They must follow the County Nuisance Ordinance. Parking areas will be graveled. No driveways will be blocked at any time. No parking on the roads.
5. All trash and debris will be dropped off at the dumpster.

MOTION: Matt Cox made a motion to **approve** the Temporary Use Permit for no more than (10) ten R.V.'s on parcel 8-7-8-30, submitted by Heritage Acres Family Trust, Tracy Sanford, as trustee/manager, based on the findings included in the staff report. Lara Clayton seconded the motion.

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

Chairman Reese encouraged the family to move forward with a zone change.

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

See the staff report for all findings.

**5. Zone Change/Ordinance 2025-12 and Development Agreement: Guthrie
Parcel 9-6-11-3A, Residential 1 (R-1) to Planned Unit Development Residential 1 (PUD
R-1) with Development Agreement for the Cedars at Alton PUD; submitted by Jim Guthrie.**

Steve Kamlowsky, with Brown Consulting Engineers, represented Jim Guthrie. This property is located west of the town of Alton. They would like to develop the 71 acres into residential lots and are asking for a zone change to PUD zoning to allow for $\frac{1}{2}$ acre lots. Shannon showed the proposed layout of the subdivision and indicated they have everything in order to proceed with the subdivision but need the zone change to proceed. There will be one home per lot. Jim Guthrie explained that their plan will not increase the number of lots but allow them to have smaller lots with open space.

Shannon showed the subdivision plat and explained that a PUD requires a minimum of 20% buildable open space. The development agreement and concept plan are included to help the Planning Commission see the overall vision of the PUD to help them make an informed decision.

Jeff stressed that the development agreement is a binding contract and a change to that contract would require the approval of the Planning Commission and County Commissioners.

Tom explained that access to the front lots will be off of a frontage road. Their roads will meet county standards.

In the development agreement the developer is asking for $\frac{1}{2}$ acres lots. They are also asking to submit the next phase as soon as the final plat is approved. Tom recommended that be changed to submitting the next phase **after** the final plat is approved and recorded.

Jeff suggested that the Planning Commission first review the exceptions the developer is requesting and determine whether they are acceptable before proceeding to review the rest of the development agreement. The developer is requesting the following exceptions:

- Smaller lot sizes
- Permission to proceed to the next phase before recording the final plat
- Approval to build spec homes prior to recording (Tom noted this is allowed if a bond is in place)

Additionally, in section 5.1, the phrase "all right concurrent with previous zoning" should be corrected to "current zoning."

Daniel Cole, with the health department, noted that the feasibility letter from the Health Department is just for the first phase.

Chairman Reese called the commission into public hearing.

Gwen Brown – She feels that a PUD is a way to get around the rules and she is against it.

Julianne Adams- She is a neighboring property owner. She feels that this is aggressive density in the middle of an agricultural area. She would rather not see the ½ acre lots.

Chairman Reese called the commission out of public hearing.

Jim Guthrie explained that open space is a benefit of the planned unit development. He is not adding any more lots or increasing the density by doing the PUD.

Tom added that if the zoning is changed to PUD R-1, this change should be included in the recitals section of the development agreement. He also recommended the following revisions to the respective sections below:

- **B.** Modify the language to state a *maximum* of 67 lots.
Additionally, there is a .29-acre lot shown on the plat that will need to be addressed.
- **C.** This section should be removed.
- **D.** Update to read: "An assurance bond will be provided as part of the county's approval, and the recording of the plat will allow the developer to proceed to the next phase."
- **G.** The developer may want to revise the language related to phasing.

Matt suggested the engineer, attorney and developer get together and rework the development agreement and then return. Jeff stressed that the development agreement needs to be finalized prior to approving the zone change.

There was concern over increased density in the Alton Area. The P&Z was reminded that the property is already approved for 70+ lots. The PUD will require them to have open space that a

subdivision does not require. Julie asked if there were any stipulations on short term rentals. Jeff indicated that the County could negotiate the inclusion/exclusion of short term rentals with the developer. Shannon reminded the P&Z that the state is pushing for more moderate-income housing.

John expressed concern that allowing $\frac{1}{2}$ acre lots will set a precedence for future development in the county. He is also concerned about the lack of fire coverage in the area.

Shannon stated that the Water Conservancy District is requiring them to put in a water tank to service this area.

Larry felt it would be best to see the changes made to the agreement prior to approval of a zone change.

Doug noted that the developer can proceed to build one acre lots in his current zoning. Doug would prefer this PUD because it is a better product. The PUD does not increase the density of the development. Lara is in favor of the flow and natural development that a PUD allows for rather than a straight subdivision. Commissioner Gwen Brown expressed the view that a PUD is not appropriate in a rural county.

MOTION: Matt Cox stated there was not enough information to make a decision and made a motion to **recommend denying** the zone change for parcel 9-6-11-3A from R-1 to PUD R-1 & Ordinance O-2025-12 to the County Commission based on the facts and findings as documented in the staff report. Larry Crutchfield seconded the motion.

VOTE: Matt Cox, Julie Millard, John Reese and Larry Crutchfield voted aye. Doug Heaton and Lara Clayson voted nay. Motion to **recommend denial** passed.

FINDINGS:

- Parcel 9-6-11-3A meets the 20 % open space criteria required to be zoned PUD R-1. The parcel is currently zoned R-1.
- The owners request the parcel be zoned PUD R-1 which requires a zone change.
- Surrounding parcels are zoned AG and ANNEX AG in the town of Alton with the land located on the south side of the Alton Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice, and a sign has been posted on the parcel.
- The Cedars at Alton PUD would gain access from the Alton Road.
- **9-6A-1: PURPOSE:** To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **9-20-1: PURPOSE:** A "planned unit development" means an integrated plan for development of residential, commercial, multi residential, or combinations of such uses, in which one or

more of the regulations, other than use regulations, is waived or varied to allow flexibility and initiative, when planned and developed as a unit. The overlay is to encourage the efficient use of land and resources, greater efficiency in public and utility services, preservation of open space, use of alternative transportation and innovation in the planning process for all types of development. The PUD "overlay" allows variation from standard lot configuration patterns in order to reduce disturbance of sensitive lands, promote land use compatibility and facilitate creative site planning. Ord. O-2022-51, 10-25-2022.

- **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 ensure 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, Pg. 6 Land Use Goals** Unincorporated land uses will remain at densities which can be adequately serviced and which retain the qualities of a rural, open setting with uses not typically found in a town or city. Residential Land Uses Goal #1: To provide for residential areas that support and complement the unique rural quality and character of Kane County. Objective: Minimum allowable densities in unincorporated zoning districts will be determined by the land use ordinance.
- If the zone change is approved the uses contained in the R-1 uses table will be allowed.

6. Ordinance 2025-08: KCLUO Chapter 2 Planning Commission

An ordinance revising Kane County Land Use Ordinance Chapter 2, Section 5; clarifying the cause for removal from the Planning Commission.

Wendy Allan presented the ordinance explaining that the County Commissioners requested this change in ordinance. It was stressed that the County Commissioners decide if a member needs to be removed from the board.

Chairman Reese called the commission into public hearing.

No Comments.

Chairman Reese called the commission out of public hearing.

MOTION: Lara Clayson made a motion to **recommend approval** of Ordinance 2025-08 to the County Commissioners. Matt Cox seconded the motion.

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

7. Ordinance 2025-09: KCLUO Chapter 1 & 6 Plex Housing

An ordinance revising Kane County Land Use Ordinance Chapters 1 & 6; defining Plex Housing and adding it to the Multi-Residential Zone uses table.

Wendy Allan explained that these changes stem from a building permit request for an 8-plex. Staff would like to add the definition and the use of plex housing to ordinance. The ordinance states no more than 8 units because the multi-residential zone allows a maximum of 8 units per parcel. Staff is also suggesting removing bed and breakfast and duplex from the multi-residential uses table because those uses are already allowed in the residential zones and all residential uses are allowed in the multi-residential zone.

Chairman Reese called the commission into public hearing.

No Comments.

Chairman Reese called the commission out of public hearing.

MOTION: Matt Cox made a motion to **recommend approval** of Ordinance 2025-09 to the County Commissioners. Doug Heaton seconded the motion.

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

8. Ordinance 2025-10: KCLUO Chapter 21 Amended Plat

An ordinance revising Kane County Land Use Ordinance Chapter 21 clarifying the process to amend a subdivision plat.

Tom Avant, acting as the County Engineer, explained that the state rewrote the amended plat process. He reviewed the ordinance noting that the changes align county ordinance with state code., incorporating the changes to project names. The county will require a record of survey to verify that a simple boundary adjustment complies with ordinance.

Chairman Reese called the commission into public hearing.

No Comments.

Chairman Reese called the commission out of public hearing.

MOTION: Julie Millard made a motion to **recommend approval** of Ordinance 2025-10 to the County Commissioners. Matt Cox seconded the motion.

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

9. Ordinance 2025-11: General Plan Revisions

Revising the Kane County General Plan to include a water conservation element as mandated by Utah Code 17-27a-(401-406).

Wendy Allan explained that she condensed the Water Conservancy's conservation plan and put it into Chapter 8 of the General Plan. Chapter 8 is a work in progress and staff will continue to fill in the missing information. She asked the Planning Commission to review it and give their opinion on it. Shannon explained that the state is asking for this information to help the county have the information they need to make informed decisions regarding growth.

Chairman Reese called the commission into public hearing.

No Comments.

Chairman Reese called the commission out of public hearing.

This item did not require a motion as it will be continued on during the year. Wendy asked for the Planning Commission's help in gathering information and guiding the direction of this chapter.

The Planning Commission asked for an ordinance setting a minimum lot size of 2-acres in the county.

MOTION: Doug Heaton made a motion to adjourn. Matt Cox seconded the motion.

Meeting was adjourned at 8:37 pm.



Land Use Authority Chair
John Reese



Land Use Administrator
Shannon McBride