



July 13, 2022
Kane County Planning Commission
Land Use Authority
Board Room, Kanab Center
20 N. 100 E., Kanab, Utah

To listen to this meeting live call 435-676-9000, participant code 168030.

Agenda

6:00 PM Call to Order
 Invocation
 Pledge of Allegiance

1. Update on Commission Decisions

Commissioner Heaton will relay the County Commission's decisions on last month's projects.

ADMINISTRATIVE ITEMS

2. Approval of minutes

June 8, 2022 meeting

3. Conditional Use Permit: Barnes

An application for a conditional use permit for an RV Park with a maximum of 4 sites, lot 120-6, Church Wells. Submitted by Dennis Barnes.

Public Hearing

4. Lot Joinder: Keefe

An application for a lot joinder; joining lots 11 & 12, Bryce Woodland Estates, Unit 6-F, becoming new lot 12, containing 0.92 acres. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

5. Subdivision Preliminary Plat: Lone Spur Estates

An application for a preliminary plat for the Lone Spur Estates Subdivision, Phase 1, parcel 3-5-34-6, creating 20 lots, located east of 8 Mile Gap Road, south of Highway 89. Submitted by Tom Avant, Iron Rock Group.

LEGISLATIVE ITEMS

Public Hearing

6. Zone Change/Ordinance 2022-38: Houston

An application for a zone change from Agricultural (AG) to Commercial 2 (C-2) for parcel 3-5-34-4, containing 13.91 acres, located near the Canyon Country Subdivision, east of Kanab. Submitted by Tyler & Kamie Houston.

Public Hearing

7. Zone Change/ Ordinance 2022-36: AMP ZBJ Enterprises Inc

An application for a zone change from Agricultural (AG) to Commercial 2 (C-2) for parcel 1-8-15-1, containing 33.69 acres, located off of Highway 9 on Mineral Springs Road. Submitted by Luke Godfrey.

Public Hearing

8. Zone Change/Ordinance 2022-37: AMP ZBJ Enterprises Inc

An application for a zone change from Agricultural (AG) to Residential 2 (R-2) for parcel 1-8-15-1, containing 486.32 acres, located off of Highway 9 on Mineral Springs Road. Submitted by Luke Godfrey.

Public Hearing

9. Ordinance 2022-39: KCLUO Chapter 13 Parking and Loading Space

An ordinance revising Chapter 13 to update the language from motor hotel parking to RV parking.

Public Hearing

10. Ordinance 2022-41: KCLUO Chapter 20 Planned Unit Development

An ordinance revising KCLUO Chapter 20 to revise and expand the Planned Unit Development ordinance.

Public Hearing

10. Ordinance 2022-40: KCLUO Chapter 4 Zones

An ordinance revising KCLUO Chapter 4; establishing Planned Unit Development Zoning and adding the Light Commercial Zone.

Public Hearing

11. Ordinance 2022-42: KCLUO Chapter 1-7 Definitions and Chapter 7 Commercial Zones

An ordinance revising Chapter 1; adding a definition for retail business and Chapter 7: adding a light commercial zone and changing the structure of the Commercial zone ordinance.

Public Hearing

12. Ordinance 2022-43: KCLUO Chapter 21 Rural Unimproved Subdivision

An ordinance revising Chapter 21 to adjust the minimum acreage requirement in a Rural Unimproved Subdivision.

****Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate.**

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

Planning Commission Meetings Statutory Authority, Rules & Procedures can be found online at kane.utah.gov; Departments; Planning Commission; General; Land Use Ordinance 9-2-1 through 10.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Shannon McBride at (435) 644-4966 or Wendy Allan at (435) 644-4364.



DRAFT STAFF REPORT

DATE: 7/8/2022

PROJECT: A complete application was submitted by Dennis Barnes for a Conditional Use Permit application for (4) R.V. pads, located on lot 120-6, zoned C-2, on 1.25 acres in West Acres Subdivision.

FINDINGS: The above application complies with the Kane County Land Use Ordinance, 9-15A-1-6: Conditional Uses and Kane County Land Use Ordinance 9-7B-5: Commercial Zones C-2 Uses Table which allows for more than two Recreational Vehicles through a conditional use permit. The CUP has the conditions to mitigate safety issues. This R.V. Park has access off of Front Avenue. The 1.25 acre lot is surrounded on each side by lots zones C-1.

Kane County Land Use Ordinance, (KCLUO)

9-7B-1: PURPOSE:

The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-7B-2: DEVELOPMENT RESTRICTIONS IN A COMMERCIAL ZONE:

A. Setbacks: No commercial building shall be located closer than fifty feet (50') to any Residential Zone boundary or to any street line which continues into a Residential Zone, and no such building shall encroach on any easement. Any commercial lots abutting commercial lots shall have a front setback of no less than twenty five feet (25'), a side setback of no less than five feet (5') and a rear setback of no less than twenty feet (20'). (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

B. Residential And Agricultural Uses: All uses listed in the residential and agricultural uses table are allowed in the C-2 Zone with their appropriate designation of permitted or conditional unless otherwise changed in the commercial uses table. (Ord. O-2019-2, 1-14-2019)

C. Vehicle Access Requirements: Adequate ingress and egress must be in place for all developments in Kane County. Commercial businesses such as, service stations, roadside stands, public parking lots and other businesses requiring motor vehicle access shall meet the requirements as prescribed in the Utah State Department of Transportation's manual entitled "Regulations for the Control and Protection of State Highway Rights-of-Way" where such access is on a Utah Department of Transportation right-of-way.

D. Vehicle Access Improvements: All improvements for commercial motor vehicle access will be at the developer's expense. Kane County does not improve roads, easements or right-of-ways for development projects. (Ord. O-2019-4, 3-25-2019)

9-7B-3: MAXIMUM BUILDING HEIGHTS:

C-2 Zones: Four (4) stories and/or a maximum building height of forty feet (40') allowed with no limit on height for roof line and architectural features. (Ord. O-2019-2, 1-14-2019)

Kane County Land Use Ordinance: 9-15A-2-F-1-3:

F: Findings: In approving a conditional use permit, the Land Use Authority shall find:

1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community;
2. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity;
3. That the proposed use is in harmony with the intent of the general plan and the zone in which it is located. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

All notices are in conformance with all standards and notice requirements of §17-27a-201-205. The agenda was noticed in two different public places and posted on the Kane County and Utah State websites.

This CUP complies with Utah State Code section unannotated § 17-27a-506, Conditional Uses.

- (1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
- (2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The conditions as stated in the CUP application will be enforced by the Land Use Authority, (LUA) Administrator and the Building Department staff throughout the building process. After the development is finalized the LUA Administrator will enforce the CUP conditions.

This conditional use permit may be revoked in whole or in part or may be modified based on any failure to observe any of the conditions outlined herein or those enforceable in law or in equity.

9-15A-2-E, 1-28: The Land Use Authority shall approve a conditional use permit if conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any conditional use permit, the Land Use Authority may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include the following:

1. Assurance that the use will not be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity;

FINDINGS: The use for R.V. Parks is in compliance with allowed commercial uses.

MITIGATIONS: All CUP requirements will mitigate health, safety, comfort, order and welfare for those in the vicinity and staying at the R.V. Park.

2. Assurance the use will:

a. Comply with the intent, spirit and regulations of this title and Kane County General Plan;

FINDINGS: The R.V. Park will comply with the Commercial 1 (C-1) regulations, Chapter 15 Conditional Uses and Chapter 18 Recreational Vehicle Parks.

MITIGATIONS: All Conditions will be in place before the final inspection permit will be issued. Electrical pedestal permits will be issued through the Kane County Building Department.

b. Make the use harmonious with other neighboring uses in that zone; a fence border will need to be installed.

3. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

FINDINGS: Adequate parking is shown on the site plan.

MITIGATION: Parking and fire hydrant locations are shown on the site plan and are adequate for the 4 space R.V. Park.

9-18-2: RECREATIONAL VEHICLE PARK, CAMPGROUND, AND GLAMP-GROUND APPROVAL:

A recreational vehicle park, campground, and glamp-ground may not be constructed unless first approved by the Land Use Authority, after review of plans, for said park, campground, and glamp-ground, which satisfy the Land Use Authority the proposed development will: (Ord. O-2018-6, 7-9-2018)

A. Be in keeping with the general character of the zone where it is proposed to be located. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

B. If attached to a mobile home park, the recreational vehicle, camping, and glamping area shall be at least one acre above the minimum area requirement for a mobile home park.

C. Meet all requirements of the State of Utah Code of camp, trailer court, hotel, motel and resort sanitation regulations which are intended to apply to trailer court and tent camps, including glamp-grounds as defined in such code. (Ord. O-2018-6, 7-9-2018)

9-18-3: RECREATIONAL VEHICLE PARK, CAMPGROUND, AND GLAMP-GROUND APPLICATION:

A. An overall plan for development of a recreational vehicle park, campground, and glamp-ground shall be submitted to the Land Use Authority Administrator for review. The plan shall be drawn to a scale not smaller than one inch to fifty feet (1" = 50'). At least eight (8) copies of the plan shall be submitted. The plan shall show: (Ord. O-2018-6, 7-9-2018)

1. The topography of the site, when required by the Kane County Engineer, represented by contours shown at no greater than two foot (2') intervals;

2. A grading and drainage plan detailing geologic and flood hazards shall be submitted to the Land Use Authority Administrator with the application; (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
3. The proposed street and trailer, vehicle, or site space pad layout;
4. Any proposed reservations for parks, sites, playgrounds and open spaces, and tabulations showing the percent of area to be devoted to parks, sites, playgrounds and open space, the number of trailer spaces or site locations and total area to be developed; (Ord. O-2018-6, 7-9-2018)
5. Any proposed location, number and design of parking spaces;
6. Detailed landscaping and utility plan, including location of sewer, water, electricity, gas lines and fire hydrants. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-13-6: COMMERCIAL PARKING REQUIREMENTS/USES TABLE:

Hotels, motels, motor hotels	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner
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FINDINGS: The site map is in compliance with the above requirements for buildings, parking, traffic, noise, etc.

MITIGATIONS: All above requirements will be addressed in the site plan and reviewed by the Kane County Engineer and Land Use Authority Administrator for compliance.

4. Evidence that all required public facilities have adequate capacity to serve the proposed conditional use;

FINDINGS: All feasibility letters will need to be submitted before any construction can begin.

MITIGATION: All feasibility letters.

5. Limiting the hours, days, place and/or manner of operation;

FINDINGS: Hours of operation will be set.

MITIGATIONS: Encourage customers to stick with daylight hours.

6. Requiring size or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, glare, erosion, odor and/or dust;

FINDINGS: The design will be reviewed by the Kane County Engineer.

MITIGATIONS: Gravel will be required for drive way to mitigate dust concerns.

7. Requiring larger setback areas, lot area, and/or lot depth or width;

FINDINGS: The setbacks are in compliance with the commercial zone setbacks.

MITIGATION: A. Setbacks: Minimum yard setback requirements shall be established in permitted use, conditional use or planned unit development approval; except no commercial building shall be located closer than fifty feet (50') to any Residential Zone boundary, or to any street line which continues into a Residential Zone, and no such building shall encroach on any easement. Any commercial lots abutting commercial lots shall have a front setback of no less than twenty five feet (25'), a side setback of no less than five feet (5') and a rear setback of no less than twenty feet (20'). (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

8. Limiting the building height size or lot coverage, and/or location on the site;

FINDINGS: All buildings and lot coverage are in compliance.

MITIGATIONS: 9-7A-3: MAXIMUM BUILDING HEIGHTS: C-1 Zones: Four (4) stories and/or a maximum building height of forty feet (40') allowed with no limit on height for roof line and architectural features. (Ord. O-2019-2, 1-14-2019)

9. Designating the size, number, location and/or design of vehicle access points or parking areas;

FINDINGS: The vehicle design for access and egress and parking area are in compliance with KCLUO Chapter 13 requirements and Chapter 15 requirements.

MITIGATIONS: All access designs and parking areas will be inspected for compliance before the final inspection is approved.

9-7A-2: DEVELOPMENT RESTRICTIONS IN A COMMERCIAL ZONE:

A. Setbacks: Minimum yard setback requirements shall be established in permitted use, conditional use or planned unit development approval; except no commercial building shall be located closer than fifty feet (50') to any Residential Zone boundary, or to any street line which continues into a Residential Zone, and no such building shall encroach on any easement. Any commercial lots abutting commercial lots shall have a front setback of no less than twenty five feet (25'), a side setback of no less than five feet (5') and a rear setback of no less than twenty feet (20'). (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

C. Vehicle Access Requirements: Adequate ingress and egress must be in place for all developments in Kane County. Commercial businesses such as, service stations, roadside stands, public parking lots and other businesses requiring motor vehicle access shall meet the requirements as prescribed in the Utah State Department of Transportation's manual entitled "Regulations for the Control and Protection of State Highway Rights-of-Way" where such access is on a Utah Department of Transportation right-of- way.

D. Vehicle Access Improvements: All improvements for commercial motor vehicle access will be at the developer's expense. Kane County does not improve roads, easements or right-of- ways for development projects. (Ord. O-2019-4, 3-25-2019)

10. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:

N/A

- a. An essential link exists between a legitimate governmental interest and each exaction; and
- b. Each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;

N/A

11. Requiring landscaping, screening, drainage, water quality facilities and/or improvements of parking and loading areas;

FINDINGS: Drainage plans will be reviewed by the Kane County Engineer.,

MITIGATIONS: Drainage, water quality facilities and parking areas will all be inspected for compliance to KCLUO Chapters 13 and 15.

12. Limiting the number, size, location, height and/or lighting of signs;

MITIGATIONS: All signs will be in Compliance with Chapter 16, Sign Regulations.

13. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

FINDINGS: All lighting will be down hooded for dark sky compliance.

MITIGATIONS: Sign permit required through the building department. The building inspectors will inspect all lighting.

14. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

N/A

15. Requiring and designating the size, height, location and/or materials for fences;

FINDINGS: Fences under 7 feet tall do not require a permit.

MITIGATIONS: A fence shall be placed around the back property corridor where the R.V. pads are placed.

16. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands;

FINDINGS: All landscape is going to try and be retained for natural look. The lot does not contain any historic, cultural resources.

17. Requiring the protection and preservation of groundwater recharge areas;

FINDINGS: A septic permit will be issued through the health department.

18. Limiting noise generation;

FINDINGS: Hours of operation will be listed in advertising.

MITIGATIONS: Encourage daylight business.

19. Minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;

FINDINGS: N/A

20. Requiring turn lane improvements at street intersections when:

- a. An unsafe condition would be created by the development without the improvements; or
- b. The projected increase in traffic generated by the new or expanded use will lower the level of service;

The amount of R.V. pads does not require turn lanes.

21. Providing for emergency access;

FINDINGS: Access is sufficient.

22. Requiring pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;

N/A

23. Requiring approval of septic and of water systems;

FINDINGS: Septic approval has been permitted.

24. Requiring buildings to be built to specific requirements; (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

FINDINGS: All buildings will require building permits. Electrical pedestals will be permitted and inspected by the KC building department.

MITIGATIONS: The building inspector will inspect and sign off on all building permits.

MITIGATIONS: All the above conditions will be mitigated before final approval and inspections will be signed off

25. Recreation vehicle parks: a) business license required; b) Transient Room Taxes required; c) the use must be consistent with the environmental, commercial, and economical land use purposes stated in the General Plan, as amended; d) an official site plan that clearly demonstrates that the park will not cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar unreasonable risks; the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets shall be reviewed; e) RV parks and campgrounds/glamping sites must have State and/or County approved access off a State highway, County B or D road, BLM road or, if off a private road, roads will meet Wild Land Interface Urban Code standards and will require a road maintenance agreement between property owners and easement holders memorializing the mutual understanding that an increased use to the road will result and that proof of easements to property would be required; f) Health Department permit required if over forty (40) RV sites; the Department of Environmental Quality permit is also required for water and waste; g) must comply with Building Department and building permit regulations; h) on-site manager for RV parks and campgrounds; unless the campground is considered a primitive campground; i) requirements for the management and maintenance of facilities is adequate; j) the use shall not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal; k) feasibility letters required for services extended to the RV parks and campgrounds to mitigate traffic safety conditions as to not adversely affect the use and surrounding areas; l) emergency access is adequate; m) a plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses is adequate; n) exterior lighting is adequate and does not unduly disturb the surrounding areas; o) exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-502; (Ord. O-2017-16, 1-8-2018)

As part of approving a conditional use permit, Kane County may require that a Traffic Impact Study (TIS) be completed for any development projects where it is deemed necessary. The traffic study shall, at a minimum, incorporate traffic engineering principles and standards as presented in national practices. Additional requirements and investigation may be imposed upon the applicant as necessary. The County shall determine the need and requirements for a traffic impact study. The requirements of the TIS may be expanded, reduced, or altered by the County based on the proposed project being analyzed. (Ord. O-2017-16, 1-8-2018)

N/A

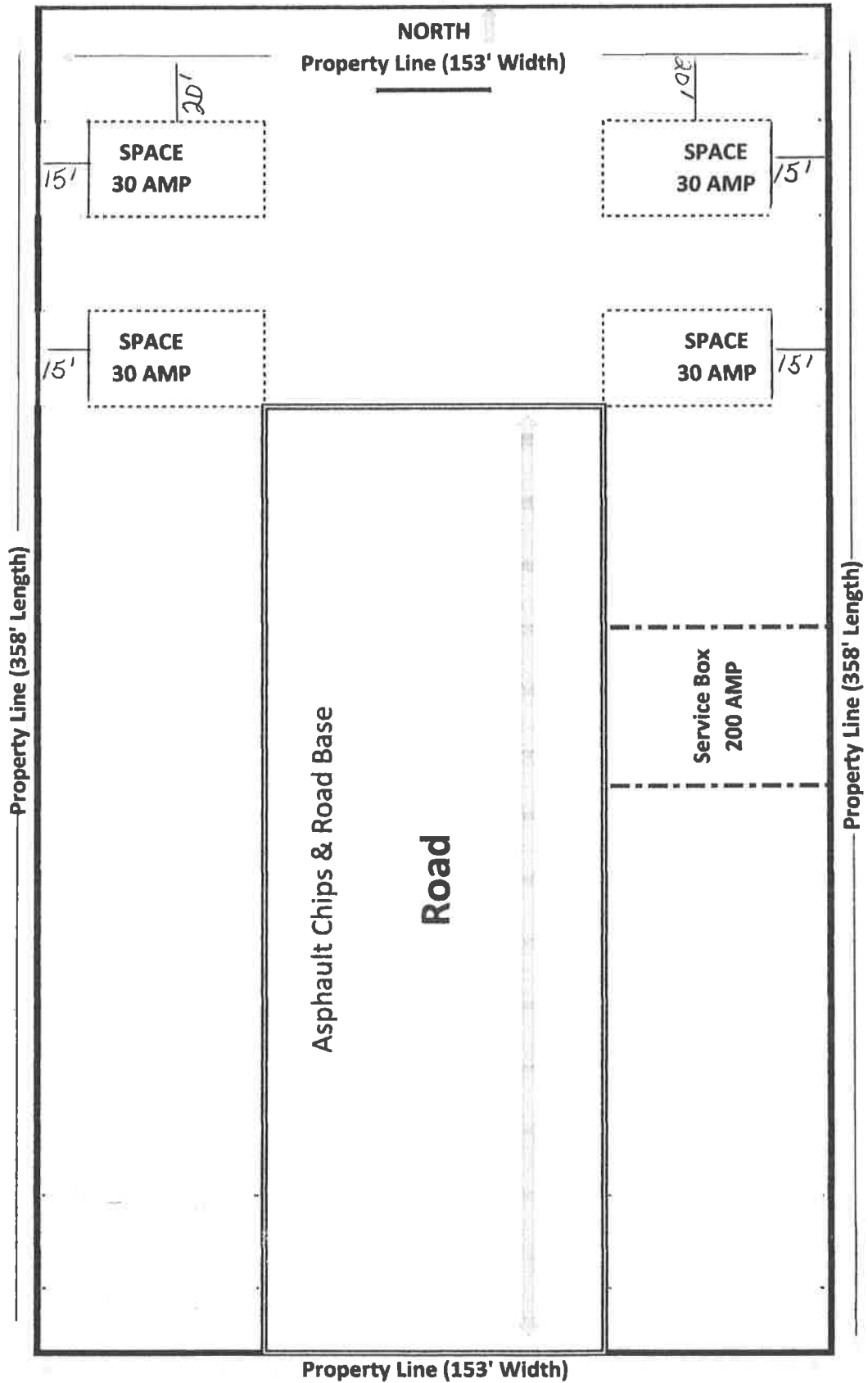
STAFF RECOMMENDATIONS: Kane County Land Use Administrator, Shannon McBride and Civil Science Engineering, Kelvin Smith, recommends conditional approval of the conditional use permit application, submitted by Dennis Barnes, on lot 120-6, zoned C-2 on 1.08 acres. **This does NOT need to be recommended to the County Commissioners.**

I move to **approve/deny** the Conditional Use Permit application, submitted by Dennis Barnes, for a 4-pad R.V. park located on plot 120-6. *If denied, the reasons for denial would need to be health, safety and welfare; in other words, what conditions could not be mitigated).*

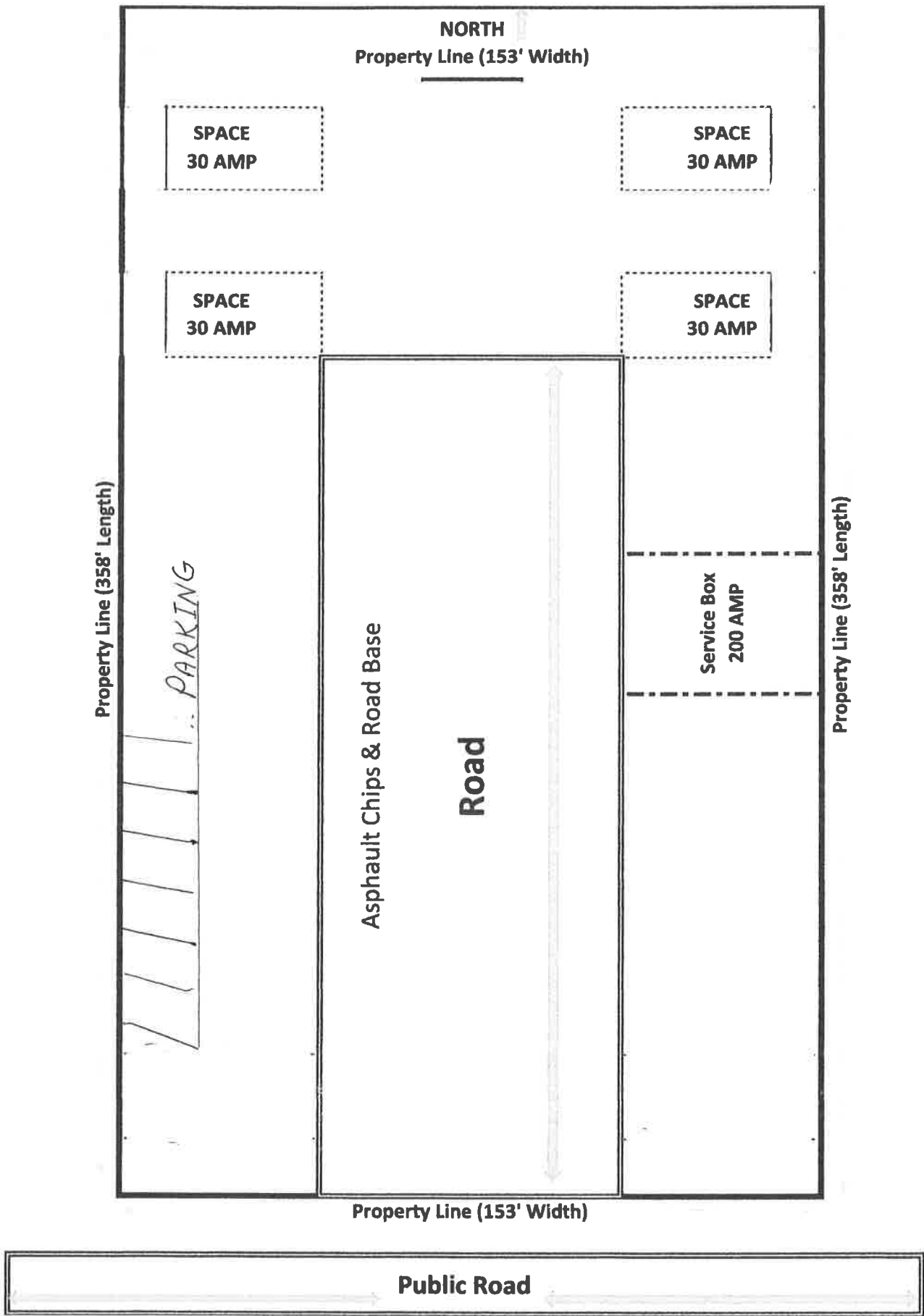




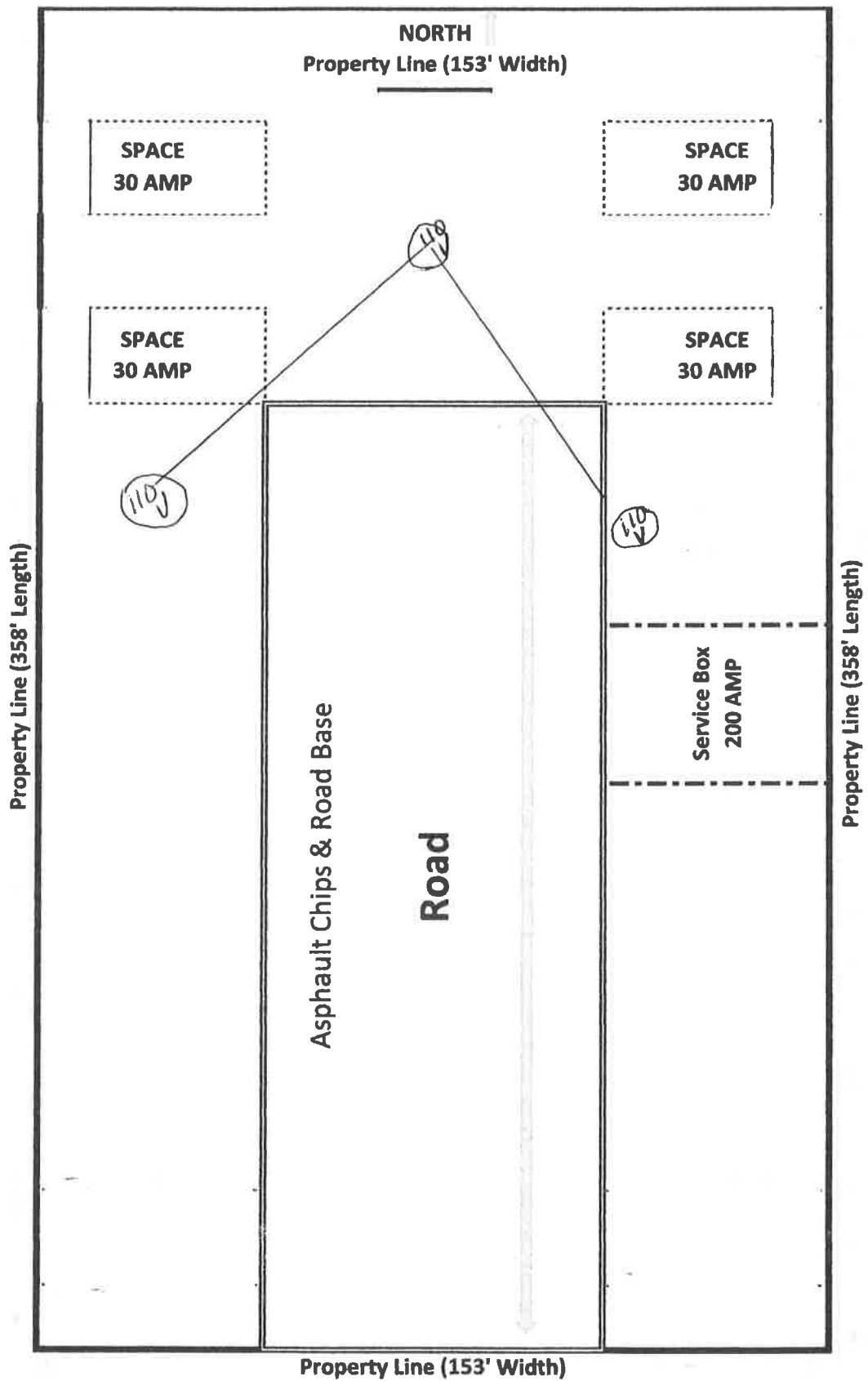
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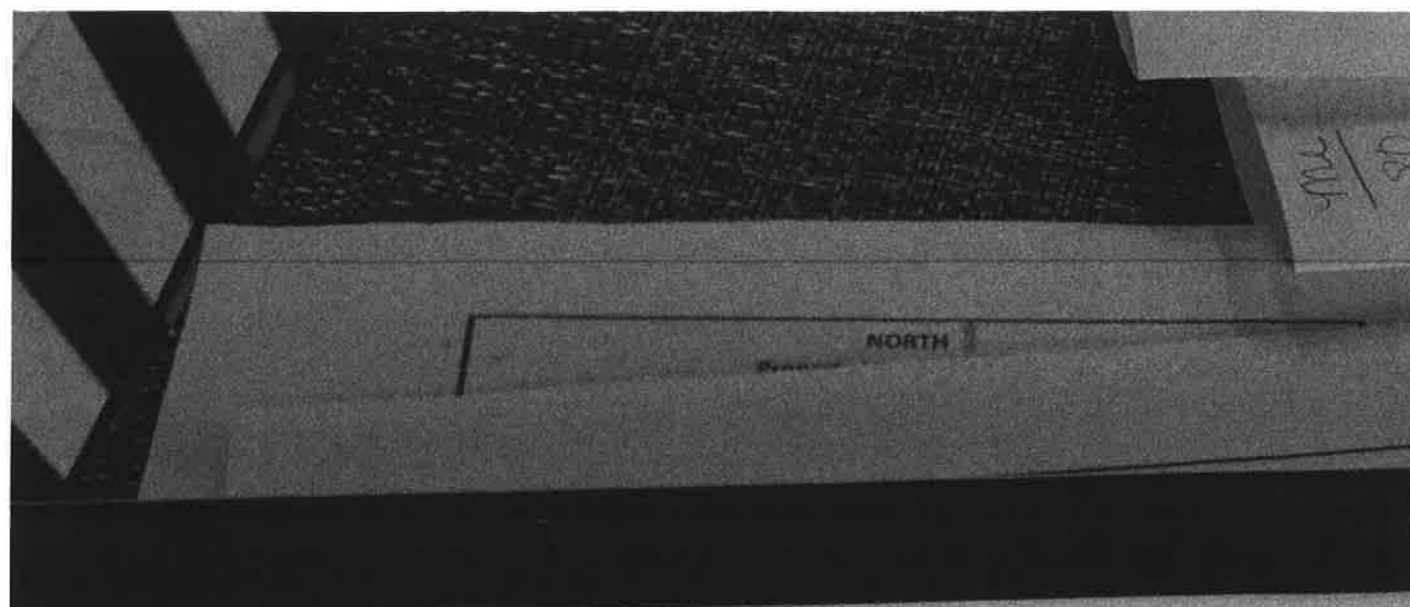


PARKING



LIGHTING





8:14 PM
amazon.com

Home Improvement · Lighting & Ceiling Fans · Commercial Lighting · Street & Area Lighting



LED Parking Lot Lights 320W,
DLC/UL 44800LM 5000K LED
Shoebox Street Pole
Lights[1000W HID/HPS
Replacement] Outdoor IP65
Waterproof 110V 120V
Commercial Area Road Lighting
Slip Fitter

\$20
& FR
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Touch the image to zoom in



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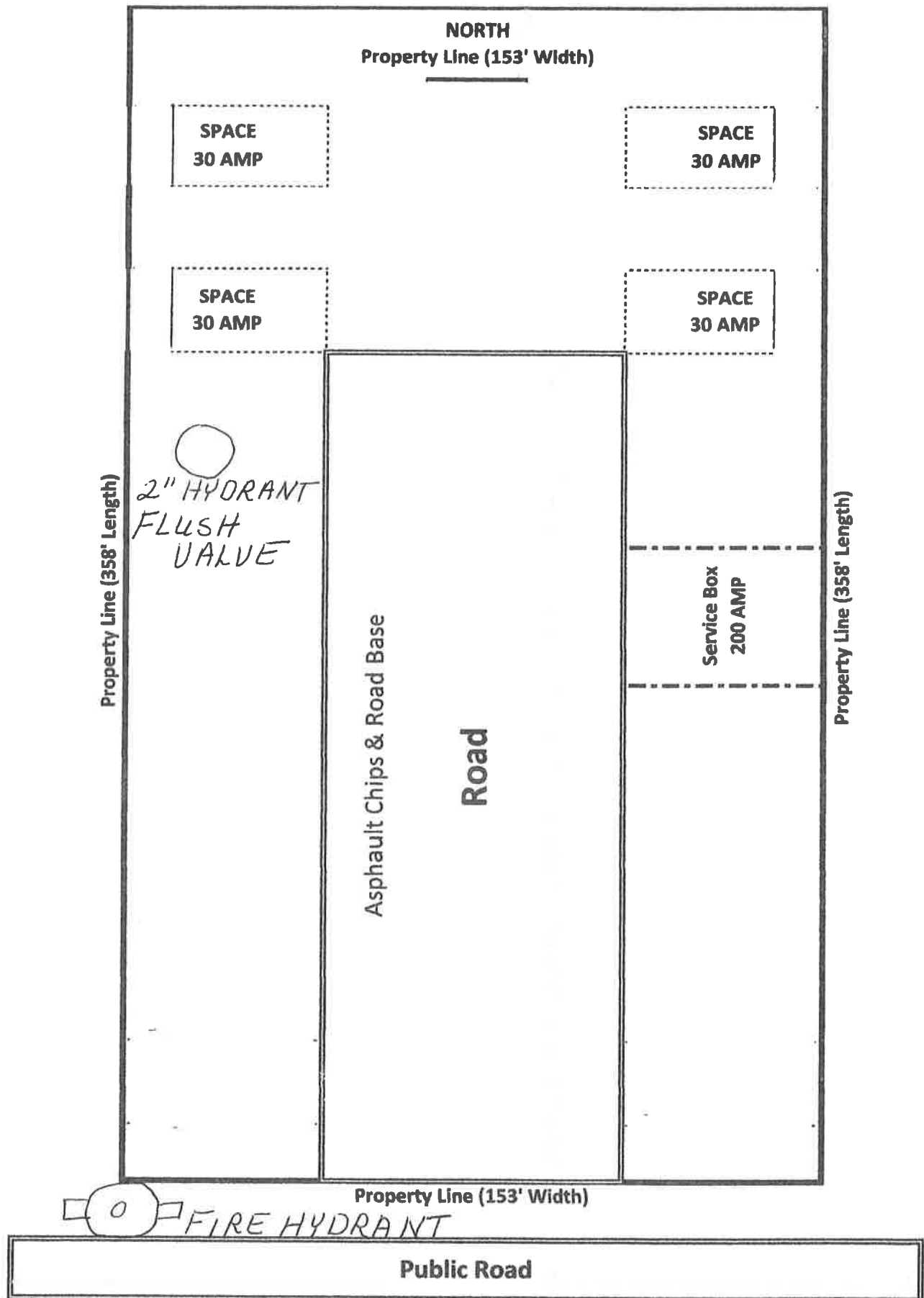
Get \$50 off instantly: Pay \$159.59 upon approval for the Amazon Rewards Visa Card.

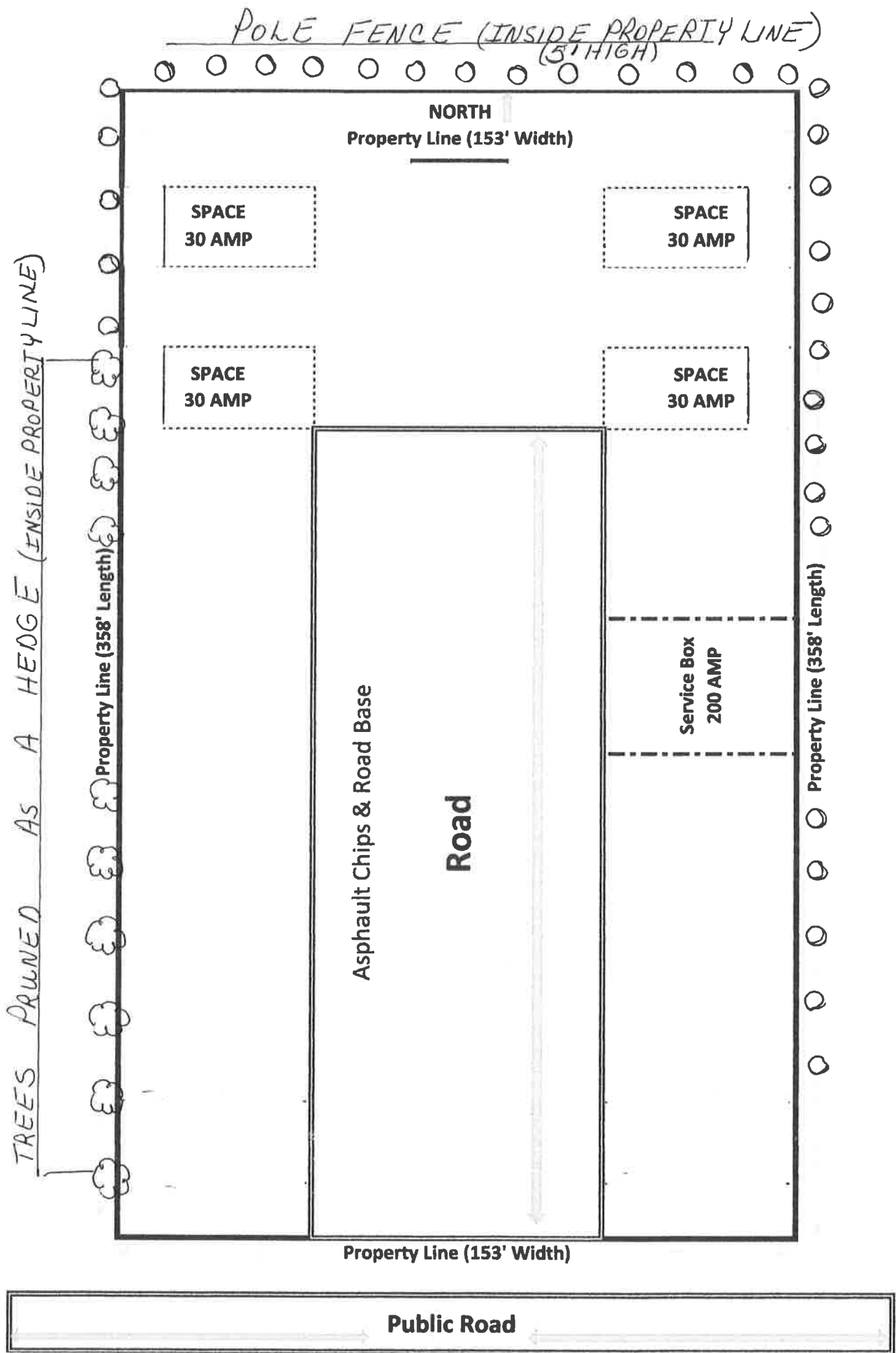
Size: 320W-110V

150W-110V

150W-110V-with Photocell

FIRE HYDRANT







STAFF REPORT

DATE: 7/01/2022

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Brett R. and Laura M. Keefe, as managers of the Hidden Lighthouse, LLC., in the Bryce Woodland Estates, Unit 6-F, Amended plat, consisting of lots 11 & 12, becoming new lot 12, containing .92 acres within the S ¼, Section 4, T38S, R5W SLB & M. The project was submitted by Brent Carter, New Horizon Engineering (holding power of attorney). These lots are zoned Residential 1/2 (R-1/2), as are most surrounding lots in the area. The zoning will remain the same.

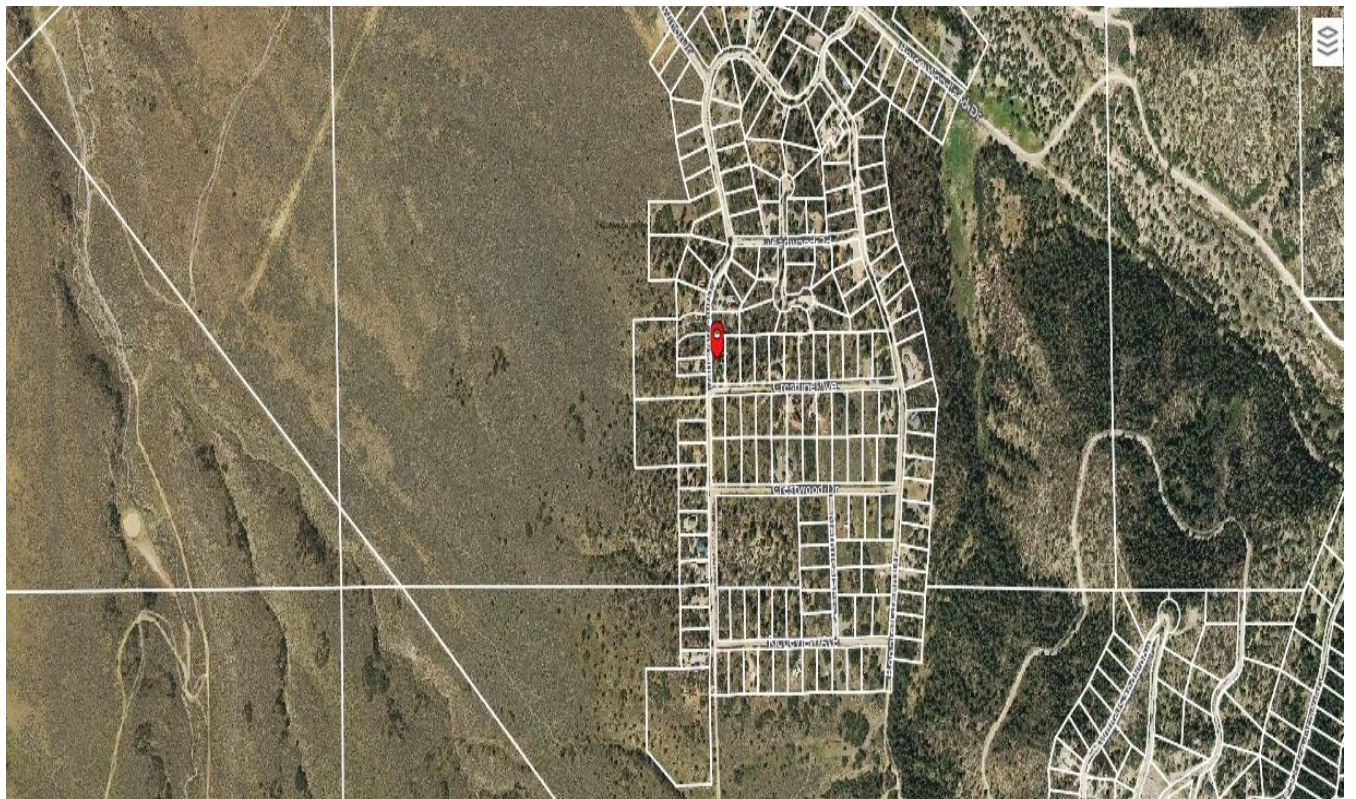
The reason for the lot joinder is to save on taxes.

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.

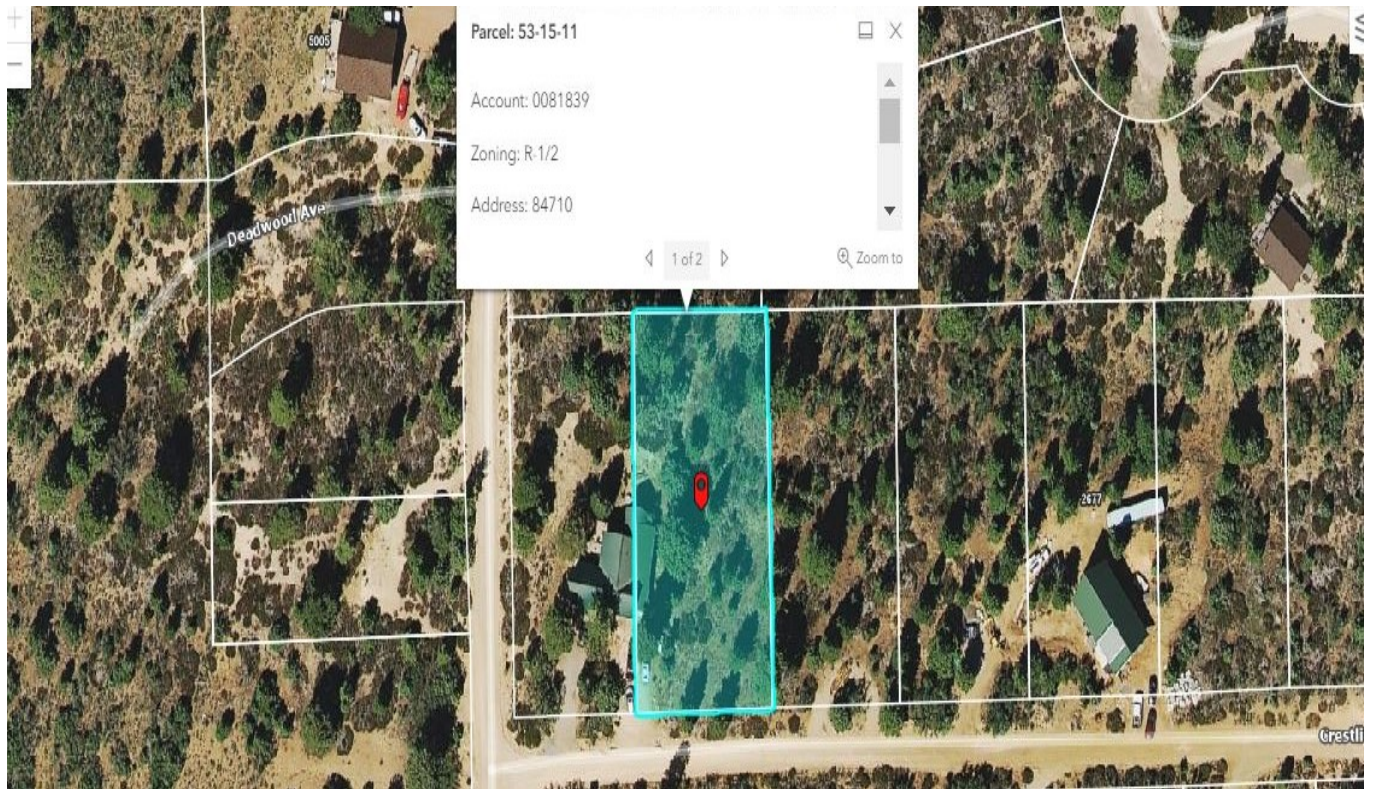
STAFF DETERMINATIONS: Kane County alternate Engineer, Civil Science, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with County and State ordinance requirements.

MOTION: I move to **approve/deny** the amended subdivision plat for a Lot Joinder, on behalf of Brett R and Laura M. Keefe, as managers of the Hidden Lighthouse, LLC, in the Bryce Woodland Estates, Unit 6-F, Amended plat, consisting of lots 11 & 12, becoming new lot 12 based on the findings documented in the staff report.

THANK YOU.



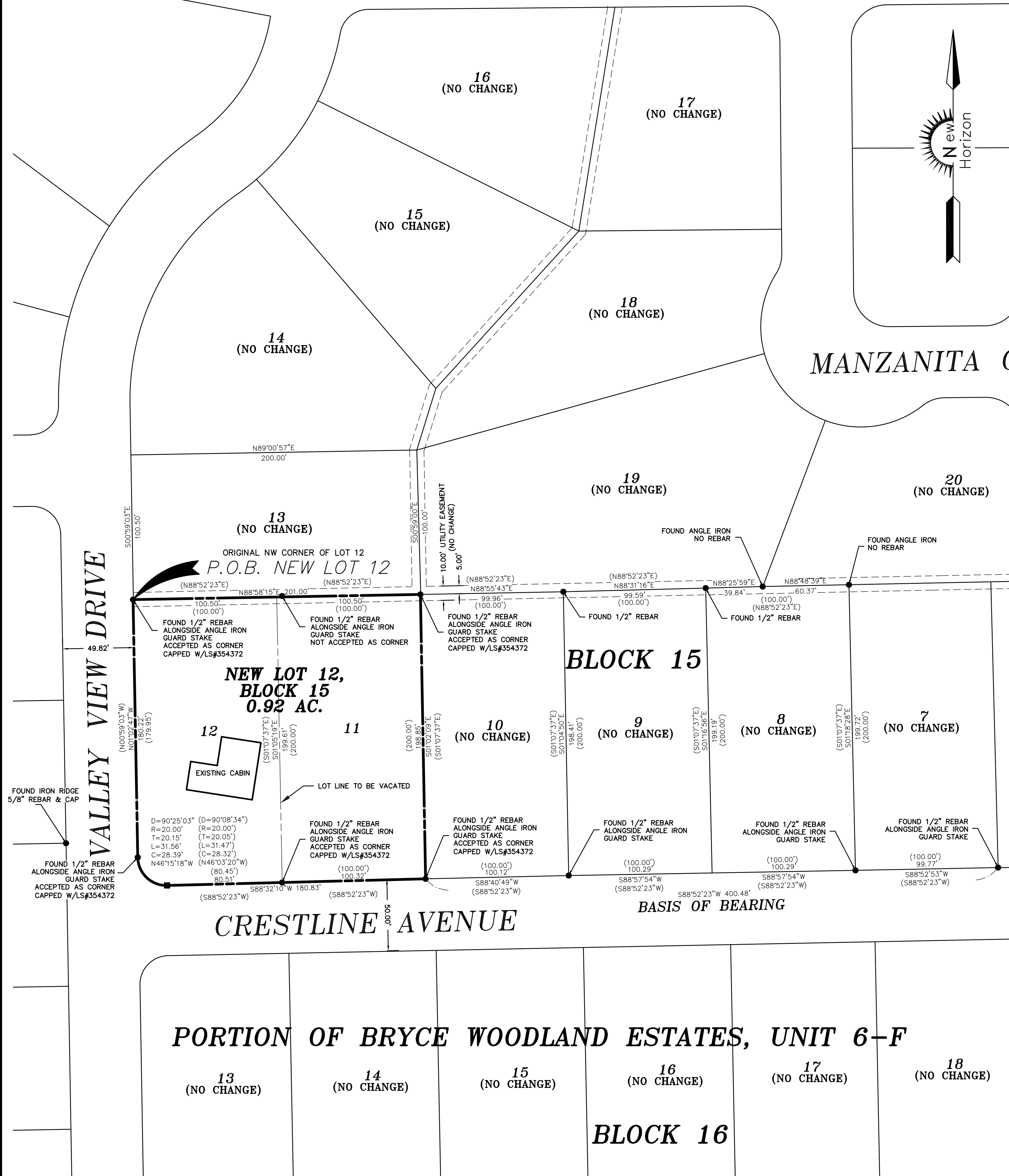
76 North Main Street, Kanab, Utah 84741



76 North Main Street, Kanab, Utah 84741

AMENDED PLAT OF LOTS 11 & 12, BLOCK 15, BRYCE WOODLAND ESTATES, UNIT 6-F

WITHIN THE SOUTH 1/4 SECTION 4, T38S-R5W, S.L.B.&M.



LAND USE AUTHORITY APPROVAL

ON THIS THE _____ DAY OF _____, 20____, THE LAND USE AUTHORITY OF KANE COUNTY, UTAH, HAVING REVIEWED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE LAND USE ORDINANCES, DO HEREBY APPROVE AND ORDER IT TO BE RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER.

LAND USE AUTHORITY CHAIRMAN - KANE COUNTY

COUNTY SURVEYOR CERTIFICATE

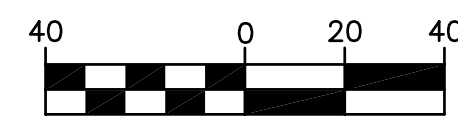
I, _____, the Kane County Surveyor, do hereby certify that this office has examined the above subdivision amendment plat, and have determined that it is correct and in accordance with information on file in this office and recommend it for approval this _____ day of _____, 20____.

KANE COUNTY SURVEYOR

LEGEND

- SECTION CORNER
- FOUND 5/8" REBAR & CAP L.S.# 4093
- SET REBAR & PLASTIC CAP L.S. NO. 354372
- RECORD DIMENSION
- EASEMENT
- BOUNDARY
- SUBDIVISION LOT LINE
- LINE TO BE VACATED

GRAPHIC SCALE



(IN FEET)
11" X 17" PRINTS 1"=80'
24" X 36" PRINTS 1"=40'

OWNERS INFORMATION

BRETT R. KEEFE AND LAURA M. KEEFE AS MANAGERS OF THE HIDDEN LIGHTHOUSE, LLC
1015 WEST SAPPHIRE DRIVE
SAINT GEORGE, UTAH 84770

GENERAL NOTES

- 1-THERE ARE NO FENCES ON THE SUBJECT LOTS.
- 2-THIS PROPERTY IS CONNECTED TO THE BRYCE WOODLAND ESTATES WATER SYSTEM.

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE ABANDONING OF LOT 11, BLOCK 15, ADDING THAT AREA TO LOT 12, BLOCK 15, AS PER THIS PLAT.
IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR BRETT R. KEEFE
AS MANAGERS OF THE HIDDEN LIGHTHOUSE, LLC

DATE

NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR LAURA M. KEEFE
AS MANAGERS OF THE HIDDEN LIGHTHOUSE, LLC

DATE

ACKNOWLEDGEMENT

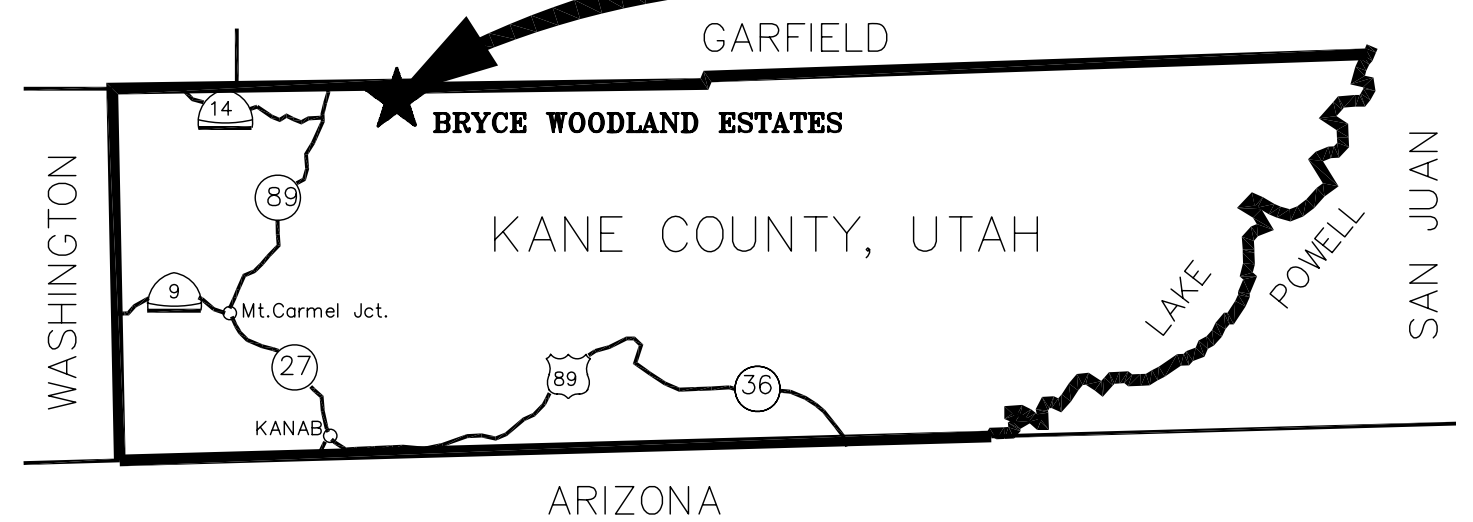
STATE OF _____ }
COUNTY OF _____ }

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR BRETT R. KEEFE AND LAURA M. KEEFE AS MANAGING MEMBERS OF THE HIDDEN LIGHTHOUSE, LLC, THE SIGNER(S) OF THE OWNERS DEDICATION WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY.

NOTARY PUBLIC

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

PROJECT LOCATION



SURVEYOR'S CERTIFICATE

I, Newell Brent Carter, Do hereby certify that I am a registered land surveyor, and that I hold Certificate No. 354372. As prescribed under the laws of the state of Utah, I further certify that I have made this plat of "AMENDED PLAT OF LOTS 11 & 12, BLOCK 15, BRYCE WOODLAND ESTATES, UNIT 6-F", Located in Kane County, Utah. As shown hereon and described as follows:

LEGAL DESCRIPTION OF THAT PORTION OF BLOCK 15, BRYCE WOODLAND ESTATES, UNIT 6-F, EFFECTED BY THIS AMENDMENT:
LOTS 11 & 12, BLOCK 15, BRYCE WOODLAND ESTATES, UNIT 6-F, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ORIGINAL NW CORNER LOT 12, BLOCK 15, BRYCE WOODLAND ESTATES, UNIT 6-F; RUNNING THENCE N88°58'15"E 201.00 FEET TO THE ORIGINAL NE CORNER OF LOT 11; THENCE S01°02'09"E 198.85 FEET TO THE ORIGINAL SE CORNER OF LOT 11; THENCE S88°32'10"W 180.83 FEET TO THE ORIGINAL PC OF LOT 12; SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT, CURVE DATA: DELTA: 90°25'03", RADIUS=20.00', CHORD= N46°15'18"W 28.39', THENCE ALONG THE ARC OF SAID CURVE 31.56 FEET TO THE PT; THENCE N01°02'47"W 180.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.92 ACRES.

NEWELL BRENT CARTER

DATE

COUNTY ATTORNEY CERTIFICATE

I, _____, Attorney for Kane County, do hereby certify that I have examined the above subdivision amendment plat and said plat meets the requirements of Kane County and is hereby recommended for approval this _____ day of _____, 20____.

KANE COUNTY ATTORNEY

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF BRETT R. KEEFE AND LAURA M. KEEFE AS MANAGERS OF THE HIDDEN LIGHTHOUSE, LLC TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, TO SATISFY THE REQUIREMENTS OF A LOT JOINER WITHIN A PLATTED SUBDIVISION AND TO PROVIDE A RECORD OF SAID SURVEY. THE BASIS OF BEARING IS S88°52'23"W 400.48' BETWEEN THE SE CORNER LOT 7 (FOUND 1/2" REBAR AND ANGLE IRON GUARD STAKE) AND THE SE CORNER OF LOT 11 (FOUND 1/2" REBAR AND ANGLE IRON GUARD STAKE), BLOCK 15, BRYCE WOODLAND ESTATES, UNIT 6-F. AS PER THE OFFICIAL PLAT THEREOF.

CERTIFICATE OF RECORDING

I, _____, COUNTY RECORDER OF KANE COUNTY, UTAH DO HEREBY CERTIFY THAT THE ABOVE SUBDIVISION AMENDMENT PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS THE ____ DAY OF _____, 20____.

BOOK _____ PAGE _____ FEE _____

KANE COUNTY RECORDER

ENTRY NO.: _____ DATE _____ TIME _____

RECORDED AT THE REQUEST OF: _____

KANE COUNTY

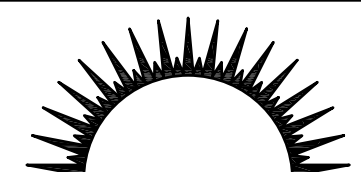
AMENDED PLAT OF LOTS 11 & 12, BLOCK 15,
BRYCE WOODLAND ESTATES, UNIT 6-F

PREPARED FOR: BRETT R. KEEFE AND LAURA M. KEEFE
AS MANAGERS OF THE HIDDEN LIGHTHOUSE, LLC

LOCATION: SOUTH 1/4 SECTION 4, T38S-R5W, S.L.B.&M.
BRYCE WOODLAND ESTATES, UNIT 6-F

DATE: 6/6/2022

REVISION#0:



NEW HORIZON

Engineering & Surveying LLC

4103 N. Morgan Drive
Enoch UT, 84721

(435) 559.4104
bcarter@mail2engineer.com



DRAFT STAFF REPORT

DATE: 07/05/2022

PROJECT: A complete application for the Preliminary Plat for The Lone Spur Subdivision, Phase 1, lots 1-20, zoned R-1, for a portion of parcel 3-5-34-6, consisting of 32.03 acres. This project is located east of the substation and 8-Mile Gap Road, south of Highway 89.

FINDINGS: The Lone Spur Subdivision, Phase 1, application and preliminary plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607 and 608. The Lone Spur Subdivision, Phase 1, preliminary plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21C and D, Subdivision Regulations. All requirements for rights-of-way and easements conform to the standards in the Kane County Land Use Ordinance requirements and the Kane County Standards Specifications and Drawing Details for Design and Construction, which requires 66 foot rights-of-way. The private roads will be the required 50 ft. wide rights-of-way. All notices are in conformance to the standards and notice requirements of 17-27a-201 & 202. A notice for the public meeting was posted in two public places; notices were mailed out to all affected entities and posted on the Utah State and Kane County websites as a public meeting.

The purpose of the subdivision regulations as found in:

9-21A-1: PURPOSE:

- A. To promote the health, safety and general welfare of the residents of Kane County.
- B. To promote the efficient and orderly growth of Kane County.
- C. To provide policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of buildings, and improvements within Kane County including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights of way, dedication of land and streets, the granting of easements or rights of way, and to establish fees and other charges for the authorizing of a subdivision. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

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:

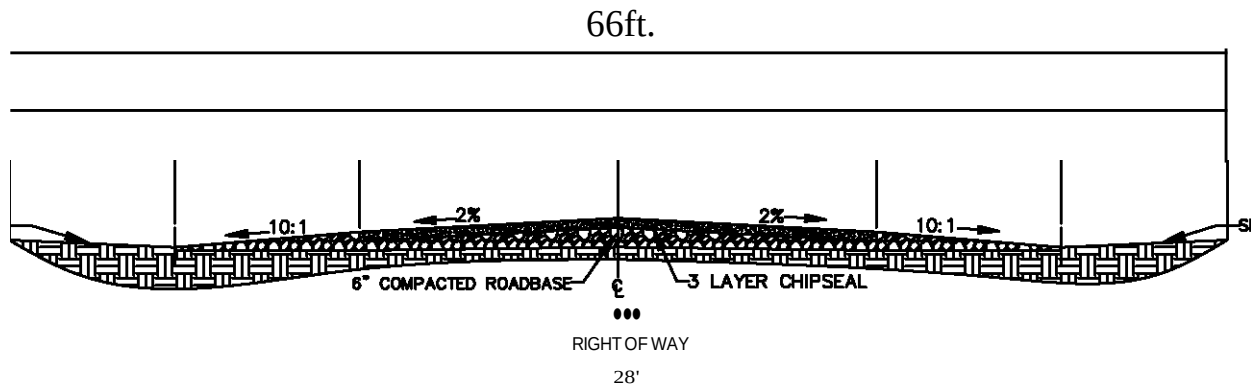
Unless the Kane County Land Use Authority Administrator extends the time for making a decision as to whether or not Kane County will accept dedicated public improvements, the dedication may be acted upon within one year following the completion of the public improvements in accordance with the "Kane 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)

STAFF RECOMMENDATION: Kane County alternate engineer, Kelvin Smith, Civil Science Engineering, recommends CONDITIONAL approval of this project. Kane County Land Use Administrator, Shannon McBride recommends approval. The postmaster feasibility letter needs to be obtained.

MOTION: I move to recommend approval/denial, to the Kane County Commissioners the Preliminary Plat, with conditions that Boulder Bluff Blvd. will continue east and be dedicated to the County as part of the US-89 East Corridor Access Management Plan with a guard rail installed, for the Lone Spur Subdivision, Phase 1, lots 1-20, on behalf of ABD Holdings 2, LLC.

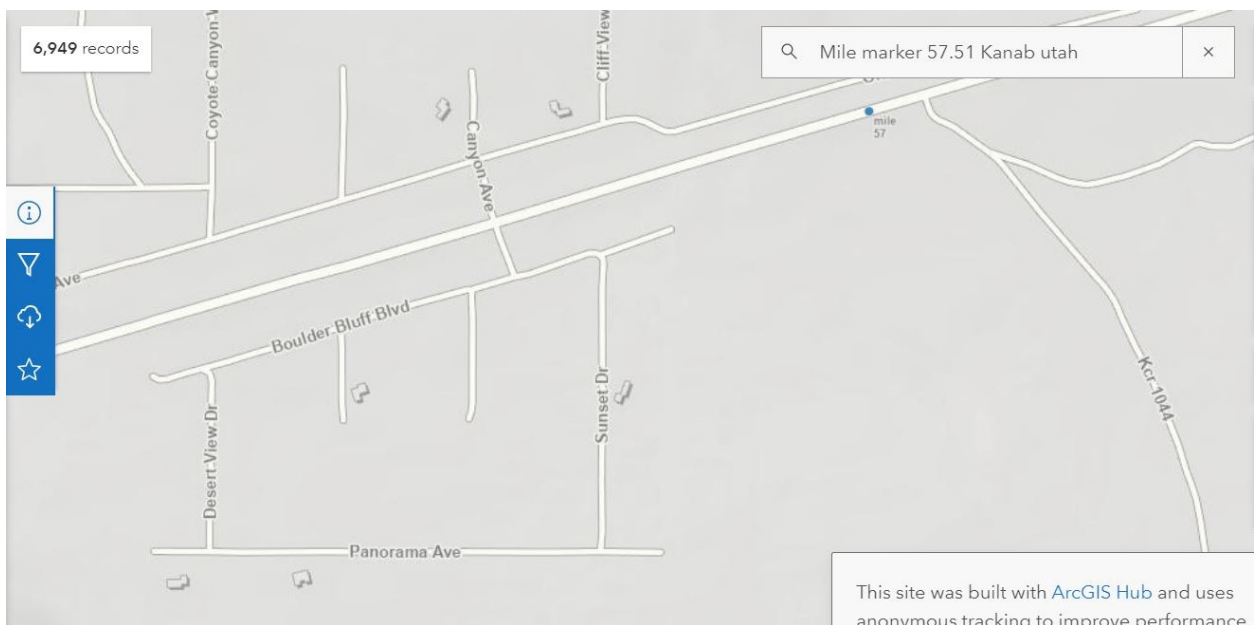
THANK YOU

Road Sections Standard Drawings: Sheet RD-02B



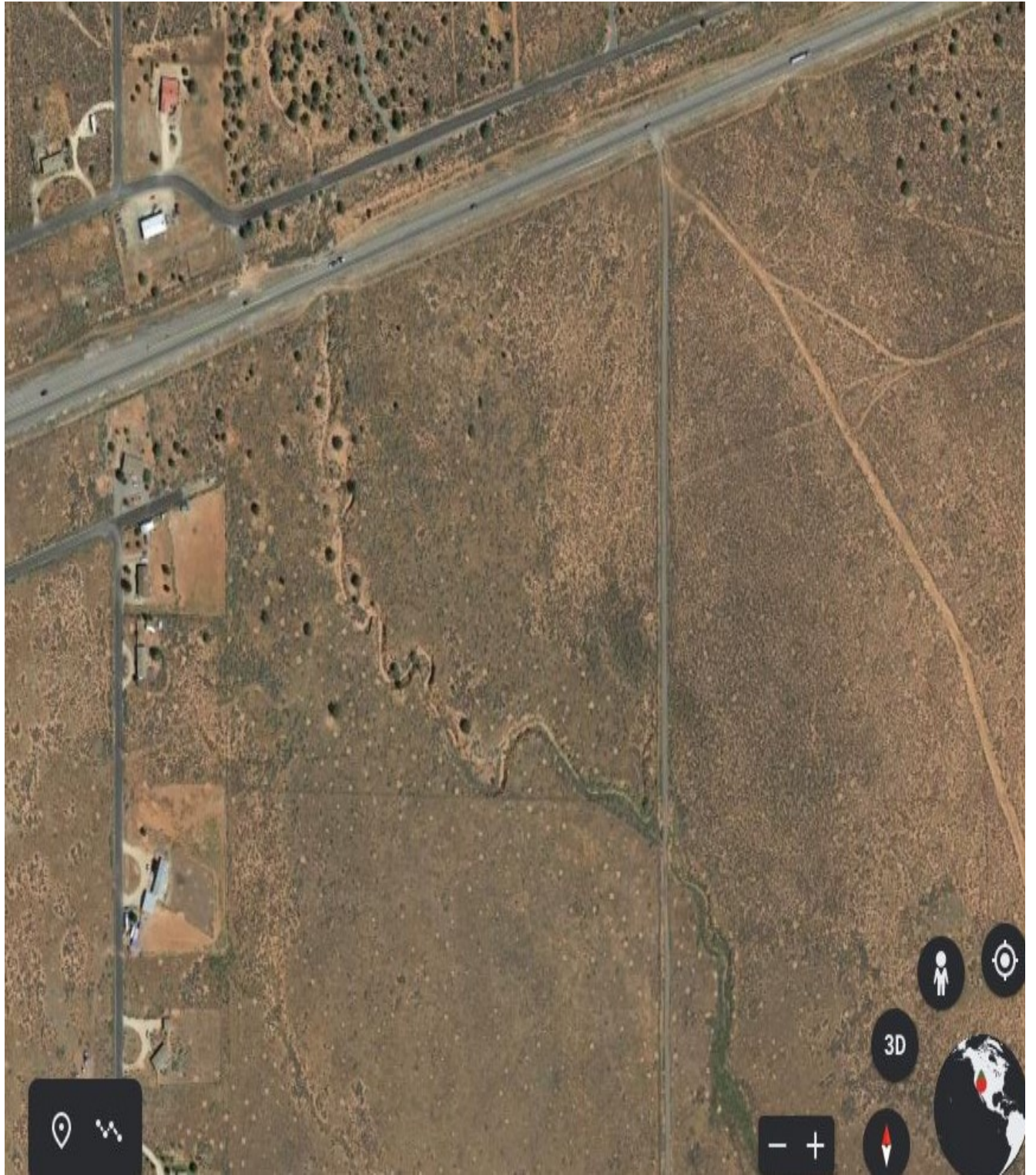
OPE VARIES

PUBLIC ROAD SECTION W/O CURB & GUTTER

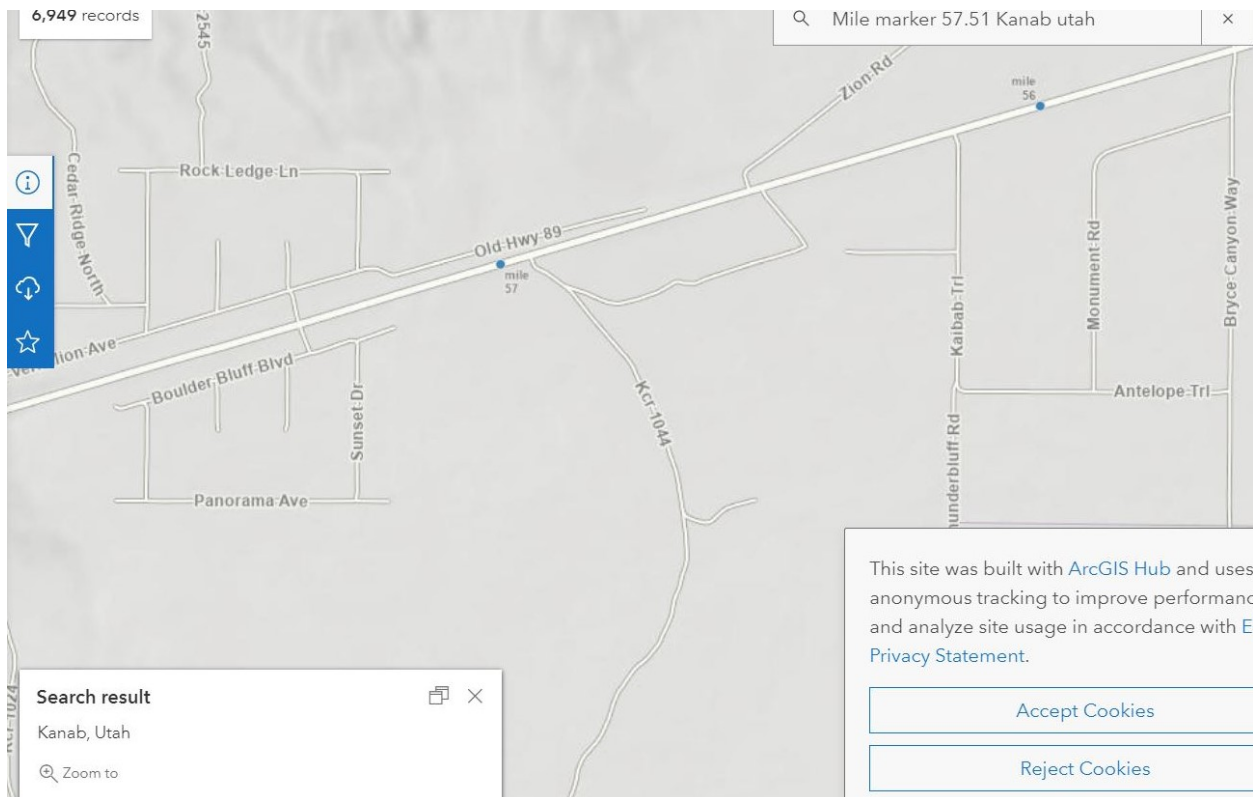




76 North Main Street Kanab, Utah 84741 435-644-4966 www.kane.utah.gov



76 North Main Street Kanab, Utah 84741 435-644-4966 www.kane.utah.gov



SECTION:

9-21D-1: General Requirements

76 North Main Street Kanab, Utah 84741 435-644-4966 www.kane.utah.gov

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

9-21D-3: Submitted Drawing Requirements

9-21D-4: Review Procedure

9-21D-5: Land Use Authority Approval

9-21D-6: Site Construction

9-21D-1: GENERAL REQUIREMENTS:

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

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

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

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

9-21D-3: SUBMITTED DRAWING REQUIREMENTS:

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

10. All fence lines;
11. Heavily wooded areas located;
12. Site to be reserved or dedicated for public use;
13. Sites listed to be used for nonsingle-family dwellings;
14. Dedicated public space;
15. Signature blocks.

F. Overall site plan requirements:

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

G. Summary statement (on plat):

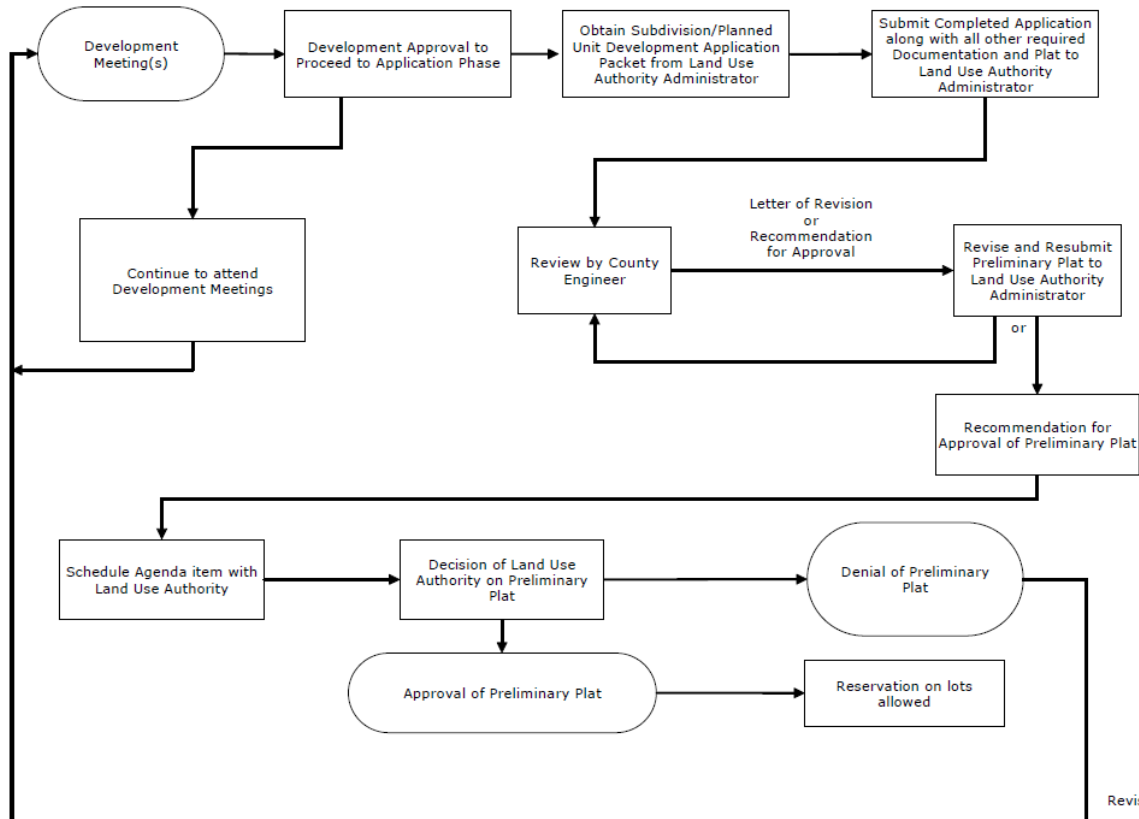
1. Total development area;
2. Number of proposed dwelling units;
3. Total number of square feet in nonresidential floor space;
4. Total number of off street parking spaces;
5. Amount of water per lot;
6. Estimated gallons per day of sewage;
7. Survey notes of perimeter survey. (Ord. 2013-10, 11-4-2013,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

9-21D-4: REVIEW PROCEDURE:

When the preliminary plat and all documentation has been received, reviewed and approved by the Land Use Authority Administrator and Kane County Engineer, it shall be placed on the Kane County Land Use Authority's agenda for review within forty five (45) days.



PRELIMINARY PLAT REVIEW AND APPROVAL PROCEDURE FOR KANE COUNTY LAND USE AUTHORITY



Revised 10/29/09

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

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

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

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

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

9-21D-6: SITE CONSTRUCTION:

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

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

LONE SPUR ESTATES PHASE 1

KANE COUNTY, UTAH

LOCATED IN THE NW 1/4 SW 1/4 OF SECTION 34,
TOWNSHIP 43 SOUTH, RANGE 5 WEST, SALT LAKE BASE

SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, License No. 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the Property described hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this plat. I certify that by authority of the hereon owners, I have made a survey of the tract of land as shown on this Plat and have subdivided the a portion of the same tract into 20 lots as well as Public Utility and Ingress & Egress Easements, as shown, which are herein after known as

"LONE SPUR ESTATE PHASE 1"

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

Thomas W. Avant, PLS # 5561917

Date:

NARRATIVE

The purpose of this survey was to retrace and subdivide on the ground the lines as shown on this Subdivision Plat at the request of the client. The purpose of the survey is to delineate the boundaries and to divide the Parcel into 20 Lots. All corners are set and found as shown.

The basis of bearing for this survey is the Utah State Plane coordinate system South Zone, as measured between the SW and SOUTH 1/4 Corners of Section 34 with a basis of S89°43'38" W and a distance of 2648.65', as shown on this Plat.

CURRENT ZONING: R-1

LEGAL DESCRIPTION

Record Description:

BEGINNING at the Southeast Corner of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section 34, Township 43 South, Range 5 West, Salt Lake Base and Meridian, and running; thence West 1,320.0 feet, more or less, along the 1/16th Section line to the West line of said Section 34; thence North 87°3'08" East 861.61 feet, to the southeasterly right-of-way of U.S. Highway 89; thence, along said right-of-way, North 74°17'09" East 1,374.58 feet, more or less, along said right-of-way line to the East line of said NW1/4SW1/4; thence South 1,255.0 feet, more or less, along said line to the point of beginning.

As-Surveyed Description:

BEGINNING at the Southwest 1/16 Corner of Section 34, Township 43 South, Range 5 West, Salt Lake Base and Meridian, and running; thence, along the South 1/16 Line, North 89°40'56" West 1325.51 feet, to the South 1/16 Corner on the West Line of said section; thence, along said line, North 00°30'08" East 861.61 feet, to the southeasterly right-of-way of U.S. Highway 89; thence, along said right-of-way, North 74°17'09" East 1,374.58 feet, to the West 1/16 Line; thence, along said line, South 00°33'12" West 1243.17 feet, to the POINT OF BEGINNING; containing 32.03 acres (more or less).

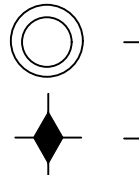
NOTE:

- Type of development: Single-Family Residential
- 10 foot public utility and drainage easement along all street frontages.
- 5 foot public utility and drainage easement along all side and back lot lines.
- Water to be supplied by Kane County Water Conservancy District, water lines will be maintained by said company.
- Sewer will be handled by septic systems (per lot).
- Power supplied by Garkane Energy.
- All utilities and utility mains will be placed in the roadway or public utility easements.
- A rebar and plastic cap marked Iron Rock UT PLS 5561917 will be set at each lot corner unless otherwise shown

NOTE:

By purchasing a lot or unit designated on this plat, the purchaser, for themselves and their heirs, representatives, successors, assigns, invitees and guests, voluntarily assumes the risk of, and releases and agrees to hold the developer, and the Kane County, Utah harmless from, any and all damages, claims and liabilities which may arise from, or which are in any way related to, floods, rock falls, landslides, surface and subsurface soil conditions, and defects or failures of constructed walls, building lots, and building pads.

LEGEND



FOUND MONUMENT AS NOTED

FOUND SECTION CORNER AS NOTED

PROPERTY LINE

ADJACENT PROPERTY LINE

SURVEY BOUNDARY

EASEMENT

DRY WASH BOUNDARY

SECTION LINE

1/2 SECTION LINE

FUTURE LOT LINE

ROAD CENTER LINE

FENCE

RECORD BEARING AND DISTANCE

PERC TEST LOCATION

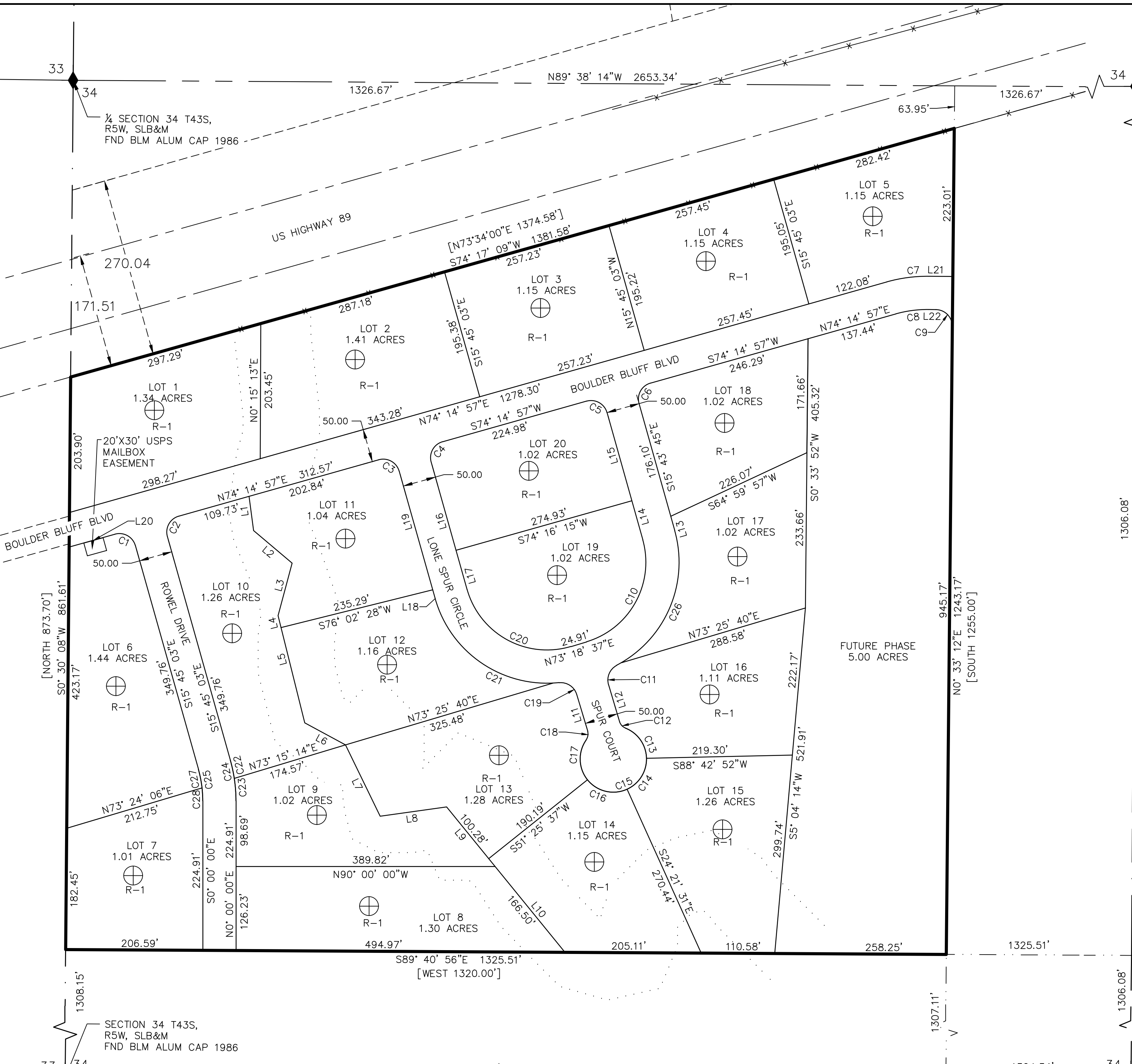
S89°43'32"E

2648.57'

SECTION 34 T43S,

R5W, SLB&M

FND BLM ALUM CAP 1986



Curve Table				
Curve #	Length	Radius	Delta	Chord Direction
C1	39.27	25.00	90°00'00"	S60° 45' 03"E
C2	39.27	25.00	90°00'00"	S29° 14' 57"W
C3	39.27	25.00	90°00'00"	N80° 45' 03"W
C4	39.27	25.00	90°00'00"	S29° 14' 57"W
C5	39.28	25.00	90°01'18"	N60° 44' 24"W
C6	39.26	25.00	89°58'42"	S29° 15' 36"W
C7	64.07	225.00	16°18'57"	N82° 24' 26"E
C8	49.83	175.00	16°18'57"	N82° 24' 26"E
C9	39.26	25.00	89°59'18"	S44° 26' 27"E
C10	194.25	125.00	89°02'22"	N28° 47' 26"E
C11	34.49	25.00	79°03'23"	S22° 52' 43"W
C12	13.62	15.00	52°01'12"	S42° 39' 34"E
C13	58.80	50.00	67°23'03"	N34° 58' 39"W
C14	58.40	50.00	66°55'37"	N32° 10' 41"E

Curve Table				
Curve #	Length	Radius	Delta	Chord Direction
C15	247.87	50.00	284°02'25"	S73° 21' 02"W
C16	66.14	50.00	75°47'08"	S76° 27' 57"E
C17	64.53	50.00	73°56'37"	S1° 36' 04"E
C18	13.62	15.00	52°01'12"	N9° 21' 38"E
C19	34.60	25.00	79°18'12"	N56° 18' 04"W
C20	198.40	125.00	90°56'20"	S61° 13' 13"E
C21	244.98	175.00	80°12'08"	N55° 51' 07"W
C22	27.69	225.00	7°03'05"	S12° 13' 30"E
C23	34.16	225.00	8°41'58"	S4° 20' 59"E
C24	61.85	225.00	15°45'03"	S7° 52' 31"E
C25	48.11	175.00	15°45'03"	S7° 52' 31"E
C26	238.65	175.00	78°08'10"	S23° 20' 20"W
C27	28.48	175.00	9°19'23"	S11° 05' 21"E
C28	19.63	175.00	6°25'39"	S3° 12' 50"E

S89°43'38"E 2648.65'

BASIS OF BEARING

Parcel Line Table		
Line #	Length	Direction
L1	51.95'	N7° 30' 14"W
L2	75.93'	N49° 49' 33"W
L3	81.85'	N15° 00' 30"E
L4	18.47'	N13° 58' 36"W
L5	166.23'	N13° 58' 36"W
L6	69.72'	N61° 36' 18"W
L7	119.37'	N25° 59' 25"W
L8	100.89'	S82° 03' 14"W
L9	115.64'	N39° 09' 27"W
L10	181.86'	S39° 09' 27"E
L11	57.72'	N16° 38' 58"W

Parcel Line Table		
Line #	Length	Direction
L12	57.90'	S16° 38' 58"E
L13	22.72'	S15° 43' 45"E
L14	61.05'	S15° 43' 45"E
L15	137.73'	N15° 43' 45"W
L16	137.63'	N15° 45' 03"W
L17	61.52'	S15° 45' 03"E
L18	13.68'	S15° 45' 03"E
L19	185.47'	N15° 45' 03"W
L20	71.60'	N74° 14' 57"E
L21	35.98'	S89° 26' 06"E
L22	10.99'	S89° 26' 06"E



100 0 100
SCALE IN FEET
SCALE 1" = 100'

ACKNOWLEDGMENT

STATE OF UTAH,)
COUNTY OF) ss.
On this _____ day of _____, 20____,

personally appeared before me R MICHAEL DOWNWARD, Managing Member, of ABD HOLDINGS 2, L.L.C., a Utah Limited Liability Company, and that said instrument was signed by them in behalf of said limited liability company by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and said THOMAS AVANT, acknowledged to me that said limited liability company executed the same.

NOTARY PUBLIC

OWNER'S DEDICATION

Know all men by these presents that the undersigned THOMAS AVANT, Managing Member; R. MICHAEL DOWNWARD, Managing Member and JOSHUA D. BEAZER, Managing Member, of ABD HOLDINGS 2, L.L.C., a Utah Limited Liability Company, are the owners of the above described tract of land, and hereby cause the same to be subdivided into 20 lots and remaining parcel and Public Utility Easements to be hereafter known as "LONE SPUR ESTATES PHASE 1", the undersigned owners also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat. The same to be used for the installation maintenance and operation of utility lines and facilities.

IN WITNESS WHEREOF, I have set my hand this the _____ day of _____, 20____.

ABD HOLDINGS 2, L.L.C., a Utah
Limited Liability Company
By: THOMAS AVANT
Managing Member

ABD HOLDINGS 2, L.L.C., a Utah
Limited Liability Company
By: R MICHAEL DOWNWARD
Managing Member

ABD HOLDINGS 2, L.L.C., a Utah
Limited Liability Company
By: JOSHUA D BEAZER
Managing Member

COUNTY APPROVALS

KANE COUNTY GIS ADMINISTRATOR

KANE COUNTY FIRE OFFICIAL

KANE COUNTY ADDRESSING ADMINISTRATOR

KANE COUNTY HEALTH DEPARTMENT

COUNTY ENGINEER

I, _____, Kane County Engineer, do hereby certify that this office has examined the above Plat and have determined that it is correct and in accordance with information on file in this office and recommend it for approval this _____ day of _____, 20____.

KANE COUNTY ENGINEER

COUNTY SURVEYOR CERTIFICATE

I, _____, Kane County Surveyor, do hereby certify that this office has examined the above Plat and have determined that it is correct and in accordance with information on file in this office and recommend it for approval this _____ day of _____, 20____.

KANE COUNTY SURVEYOR

APPROVAL OF THE LAND USE AUTHORITY

On this _____ day of _____, 20____, the Land Use Authority of Kane County, Utah, having reviewed the above Plat and having found that it complies with the requirements of the Kane County's Land Use Ordinance, and by authorization of said commission hereby recommend approval of said plat for acceptance by Kane County, Utah.

CHAIRMAN Land Use Authority

APPROVAL AND ACCEPTANCE

by the Kane County Commission

We the Kane County Commission have reviewed the hereon Plat and by authorization of said Commission recorded in the minutes of it's meeting of the _____ day of _____, 20____.

_____ do hereby accept the said plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder.

Attest: _____

Kane County Clerk

Chairman -

Kane County Commission

COUNTY ATTORNEY CERTIFICATE

I, _____, Attorney for Kane County, do hereby certify that I have examined the above Plat and said plat meets the requirements of Kane County and is hereby recommended for approval this _____ day of _____, 20____.

KANE COUNTY ATTORNEY

CERTIFICATE OF RECORDING

I, _____, Recorder of Kane County, do hereby certify that above Plat was filed for recording in my office this _____ day of _____, 20____.

KANE COUNTY RECORDER

ENTRY NO.

DATE

TIME

BOOK

PAGE

FEE

DRAWN BY: CH

SCALE: 1" = 100'

SHEET:

1 OF 1

LONE SPUR ESTATES PHASE 1

SUBDIVISION

PARCEL 3-5-34-6

KANE COUNTY, UTAH

DATE: 6/16/2022

DESCRIPTION:

INITIAL SUBMITAL

DATE:

REV#



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: June 13, 2022

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 22072: Zone Change Application, AG to C-2, Ordinance O-2022-38
Parcel 3-5-34-4 consisting of a total of 13.91 acres

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area. A public notice was posted in two public locations, on the state and county web sites. A sign was posted near the parcel.*

REQUEST: On June 01, 2022, Tyler & Kamie Houston, submitted a zone change application, for parcel 3-5-34-4, located east of Kanab, south of Highway 89. They are requesting to rezone from Agriculture (AG) to Commercial 2 (C-2).

Legal Description: BEG AT THE SE COR OF THE SW/4NE/4 OF SEC 34 T43S R5W SLB&M & RUN TH W ALG THE 1/4 SEC LINE 2,028.13 FT, M/L, TO THE SE'LY R/W LINE OF US HWY 89; TH N 73°34' E ALG THE S'LY R/W LINE OF SAID US HWY 89 A DISTANCE OF 2,112.0 FT, M/L, TO A PT N OF THE PT OF BEG; TH S ALG THE 1/16 SEC LINE 589.23 FT, M/L, TO THE PT OF BEG. CONT 13.71 AC, M/L.

FACTS & FINDINGS:

- Parcel 3-5-34-4 meets the requirements to be zoned C-2. The parcel is currently zoned AG.
- The applicant requests the parcel be zoned C-2 which requires a zone change.
- If the zone change is approved all uses contained in the C-2 uses table will be allowed.

Uses	C-1	C-2
Accessory uses and buildings customarily incidental to conditional uses	C	C
Accessory uses and buildings customarily incidental to permitted uses	P	P
Airstrip, private	C	C
Animal shelter, commercial	C	C
Appliance sales and service	P	P
Archery shop/range, conducted in enclosed buildings	P	P
Art needlework shop; art shop; art supply	P	P
Athletic club	P	P
Auto parts sales (indoor)	P	P

Automatic car wash	C	P
Automobile fuel filling station	C	P
Automobile or recreation vehicle, ATVs, or side by side sales, lease, rental, service, new or used	C	P
Automobile or recreation vehicle sales	C	P
Awning sales/repair	P	P
Baby formula service; baby diaper service; sitter agency	P	P
Bakery, retail sales	P	P
Bank	P	P
Barbershop	P	P
Bath and massage (not part of medical or health spa)	C	C
Beauty shop	P	P
Beauty shop for pets, dog grooming	P	P
Bed and breakfast	P	P
Beer outlet, Class A, Class B	P	P
Bicycle shop	P	P
Billiards or pool hall	C	P
Bowling alley; commercial skating	C	P
Boxing arena	C	P
Building material sales	C	P
Bus terminal	C	C
Cafe, cafeteria, catering establishment, restaurant (not a drive- through)	P	P
Campground/glamp-ground	C	C
Candy, confectionery, nut shop	P	P
Carbonated and purified water sales	P	P
Carpet and/or rug cleaning	P	P
Cemeteries	C	C
China and/or silver shop	P	P
Churches	P	P
Clothes cleaning, dyeing, pressing, dry cleaners	P	P
Clothing store	P	P
Coal/fuel sales office	C	P
Construction equipment and supply trailer	P	P
Construction field office, temporary	C	C
Construction of buildings to be sold and moved off the premises	-	C
Contractors' equipment storage yard	C	P
Convenience store with gasoline sales	C	P
Copy store, blueprinting, photostatting, duplicating	P	P
Costume rental	C	P

Dams and reservoirs	-	C
Dance hall; dancing	C	P
Delicatessen	P	P
Department store	P	P
Dramatics school	P	P
Drapery-curtain store	P	P
Dressmaking	P	P
Drive-ins; refreshment stand, eating and/or drinking place (nonalcoholic)	P	P
Drive-it-yourself agency, car, equipment rental	C	P
Drugstore	P	P
Dry goods store	C	P
Egg candling, sales or processing	C	P
Electrical appliances and fixtures, electronic instruments sales, repair and/or service	P	P
Employment agency or employment office	P	P
Express office	P	P
Fix-it shop, repair shop, for household items	P	P
Flea market, or swap meet	C	C
Flooring, carpet, repair and sales	P	P
Florist shop	P	P
Fountain equipment supply, restaurant supply	C	P
Freight or trucking yard or terminal	-	C
Frozen food locker	C	P
Frozen food locker incidental to a main grocery store or food business	P	P
Fruit, fruit juice store; fruit and/or vegetable stand, or store; natural foods/health store	P	P
Fur sales, storage; repair	P	P
Furniture sales and/or repair	P	P
Garage; public	C	P
Gift shop; hobby	P	P
Golf courses	C	P
Greenhouse, nursery; plant materials; soil and lawn service	P	P
Grocery stores	P	P
Guest homes	P	P
Gunsmith	P	P
Hardware store, including the sale of lumber	P	P
Health food store	P	P
Heating, ventilating, air conditioning; (HVAC) equipment sales/repair	C	P
Helipad, private	C	C
Hospital supplies	C	C

Hotel, motel, inn	C	P
Household cleaning/repair, house equipment displays	P	P
Ice cream shop; ice sales	P	P
Ice manufacture, storage, and wholesale ice sales	P	P
Ice vendor units and/or reach-in ice merchandise units, electric icemakers; ice storage, not more than 5 tons' capacity	P	P
Indoor storage facility for boats, automobiles and RVs: minimum 1 acre lot, paved ingress and egress required	C	P
Insulation sales, wholesale	C	P
Interior decorating store	P	P
Jewelry store	P	P
Kennel	C	C
Laundry, automatic self-help - laundry agency	P	P
Liquor and beer sales; places for the drinking of liquor or beer	C	C
Lithographing, including engraving, photoengraving	P	P
Lodges	P	P
Lumberyard	P	P
Manufactured home sales and storage	C	P
Material sales yard, outside, with sale of rock, sand, gravel, and the like as an incidental part of the main business but excluding concrete mixing	C	C
Meat processing plant	C	C
Medical/chiropractic/dental clinic	P	P
Medical/dental laboratories	C	P
Military surplus store	C	P
Miniature golf course	C	P
Monument sales, retail	P	P
Mortuary	P	P
Motorboat and wave runner sales	C	P
Music store	P	P
Newsstand; magazine shop; bookstore	P	P
Nightclub/social club	C	C
Novelty shop, variety store (non-sexually oriented business)	P	P
Nurses' agency	P	P
Office, business or professional	P	P
Office supply; office machines sales, repair	C	P
Oil burner shop	C	P
Optometrist; oculist	P	P
Ornamental iron, sales only	P	P

Outdoor storage facility for boats, automobiles and RVs: minimum 1 acre lot, paved ingress and egress required, privacy fencing required	C	P
Package handling/shipping	C	P
Painter/paint store	P	P
Parking lot incidental to a use conducted on the premises	P	P
Parking lot not incidental to a use conducted on the premises	C	C
Parks and other recreational areas	C	P
Pawnshop	C	P
Pest extermination operation	C	C
Pet shop/enclosed building	C	P
Photographer or photography shop, sales and service	P	P
Plumbing shop/retail	P	P
Popcorn and/or nut shop	P	P
Printing and small paper reproduction service	P	P
Printing, including engraving, photoengraving	C	P
Private club	C	C
Private school	C	C
Propane storage tanks for distribution (commercial)	C	C
Public buildings	C	C
Public, quasi-public, and private service utility lines, pipelines, power lines, roads and etc.	P	P
Radio and television sales and repair	P	P
Radio and television station	C	C
Radio/television wireless transmitting towers	C	C
Real estate agency	P	P
Reception center and/or wedding chapel	C	P
Recreational center, recreational camp, facilities or area that is private and/or commercial	C	C
Recreational vehicle park	C	C
Recreational vehicles, rentals, leases, sales and service, outdoor and indoor	C	P
Rental shops such as equipment, household appliances, etc.	C	P
Retail shops	C	P
Rock/souvenir shops	P	P
Roofing sales	P	P
Secondhand shop, antiques, conducted within a building or enclosure	P	P
Seed/feed store	C	P
Sewing machine shop	P	P
Shoe shop; shoeshine; shoe repair	P	P
Sign painting shop	C	P
Solar power panels producing over 25 kW	C	C

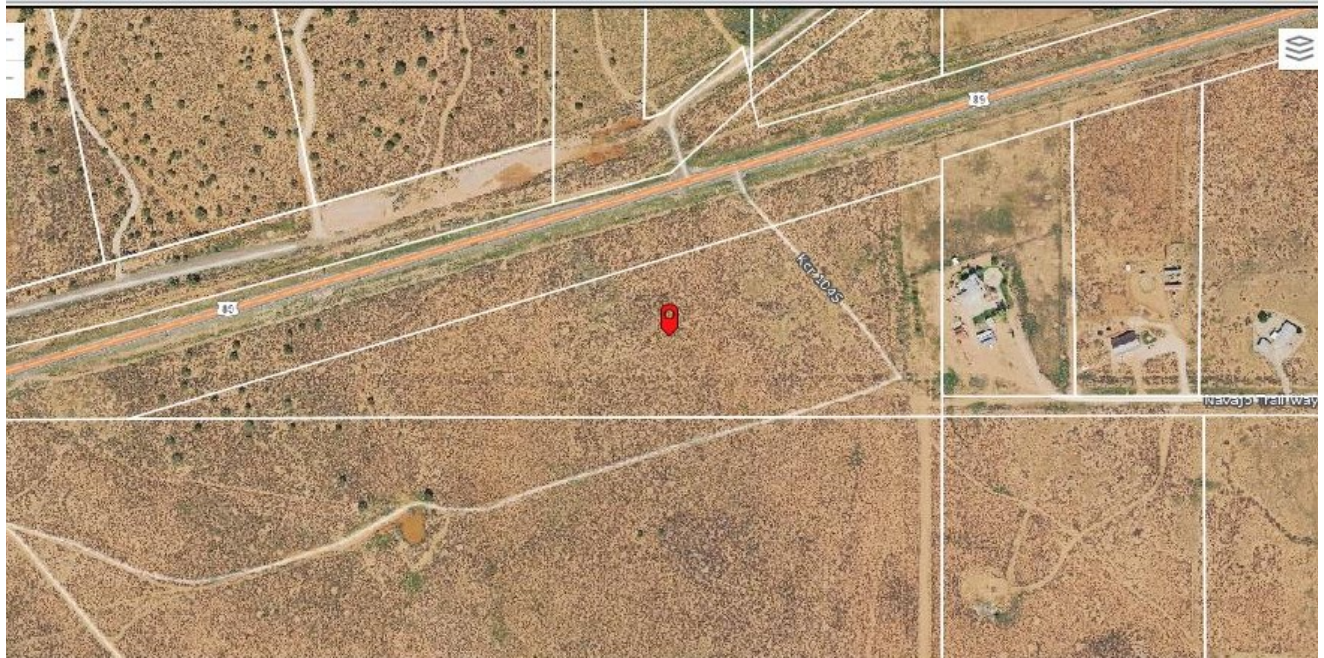
Solar power panels producing 25 kW or under	P	P
State liquor store	C	C
Stationery and greeting card sales	P	P
Storage unit sales office - not located on site of storage units	P	P
Storage units:		I
Hazardous materials	-	I
Self-storage or services storage, attended with sales office, nonhazardous materials	C	C
Unattended self-storage, no sales office, nonhazardous materials	C	C
Substation	C	C
Swimming pool, not accessory use	C	C
Tailor shop	P	P
Taxi stand	P	P
Taxidermist	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	P	P
Terminal, parking and maintenance facilities	C	C
Theater, indoor	P	P
Theater, outdoor, providing:	C	C
A solid fence or masonry wall with a minimum height of 6 feet shall be constructed on all sides;		
Driveways and parking areas shall be provided with properly maintained dustless surfaces;		
Automobile off street storage areas for automobiles awaiting entrance to theater shall have capacity of at least 15 percent of the number of auto parking spaces provided inside the theater;		
Minimum area for single screen theater shall be 10 acres and the minimum area for a 2 screen theater shall be 12 acres		
Tire shop, sales and repair	P	P
Tobacco shop	-	I
Tourist and tour guide companies or services	P	P
Towel and linen supply store	P	P
Transfer company	C	C
Travel bureau	P	P
Truck and heavy equipment, repair facility, truck stop, and truck wash	-	C
Used car lot	C	P
Variety store, notions	P	P
Veterinary	C	P
Veterinary providing operations are completely enclosed within an air conditioned and soundproof building	P	P
Wallpaper store	C	P
Warehouse	C	C

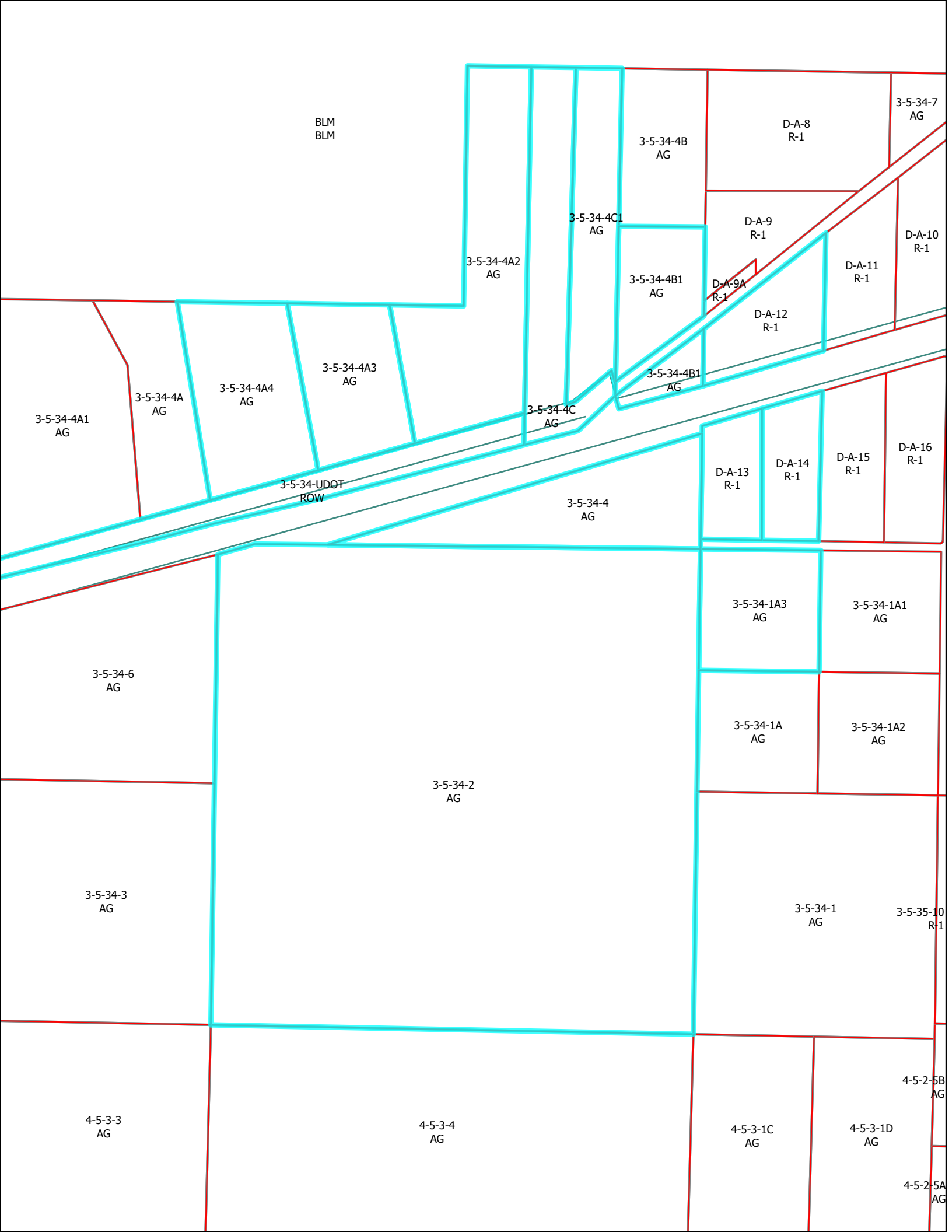
- Surrounding parcels are zoned AG.
- **Kane County Land Use Ordinance 9-1-2:** It is Kane County policy to refuse to participate in spot infrastructure improvements which benefit only a localized area yet burden the taxpayers at large.
- The parcel would gain access from Highway 89 and Navajo Trail.
- All property owners within 500 ft. of this parcel have been mailed a public notice, and a sign has been posted near the parcel. Notices are posted on the state and county websites.
- **KCLUO 9-7B-1: PURPOSE:** The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **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:** (P. 7) 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.
- **It would be beneficial to the County to have the property owner agree to deed off a portion of the land to help expand the East Corridor Transportation plan for a highway frontage plan.** (p. 11) A frontage road system will be developed on both sides of US-89 for the entire length of the corridor. The purpose of the frontage road system is to improve access to private property while maintaining efficient flow of traffic on US-89. Properly spaced frontage road connections will be developed at the major intersections as the primary access to the highway. These major intersection locations will be improved with turn lanes and roadway improvements to increase safety and traffic flow. This frontage road concept will require the closure/relocation of existing access connections along the highway. These accesses will be relocated to the frontage roads which eventually connect back to the highway at the proposed major intersection locations.

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 surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan. This zone change request maintains the purpose of the General Plan for commercial land use.

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 for parcel 3-5-34-4, AG to C-2 & Ordinance O-2022-38 to the County Commission based on the facts and findings as documented in the staff report.





KANE COUNTY ORDINANCE NO. O 2022-38

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 3-5-34-4 FROM
AGRICULTURE 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 **9-7B-1: PURPOSE:** The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

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 17-27a-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 1-8-15-1, from Agriculture (AG) to Commercial 2 (C-2);

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

Parcel 3-5-34-4

LEGAL DESCRIPTION:

Acres 13.71 more or less

Legal BEG AT THE SE COR OF THE SW/4NE/4 OF SEC 34 T43S R5W SLB&M & RUN TH W ALG THE 1/4 SEC LINE 2,028.13 FT, M/L, TO THE SE'LY R/W LINE OF US HWY 89; TH N 73*34' E ALG THE S'LY R/W LINE OF SAID US HWY 89 A DISTANCE OF 2,112.0 FT, M/L, TO A PT N OF THE PT OF BEG; TH S ALG THE 1/16 SEC LINE 589.23 FT, M/L, TO THE PT OF BEG. CONT 13.71 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 _____, 2022.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Andy Gant, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Gant voted _____
Commissioner Chamberlain voted _____



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

DRAFT Staff Report

DATE: June 13, 2022

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 22073: Zone Change Application, AG to C-2, Ordinance O-2022-36
Parcel 1-8-15-1 consisting of a total of 33.69 acres

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area. A public notice was posted in two public locations, on the state and county web sites. A sign was posted near the parcel.*

REQUEST: On June 08, 2022, AMP ZBJ Enterprises Inc., submitted a zone change application, for a portion of parcel 1-8-15-1, located north of Highway 9, East Zion off of the Mineral Springs Road they are requesting to rezone from Agriculture (AG) to Commercial 2 (C-2).

LEGAL DESCRIPTION: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 41 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N 0°42'41" E 1,319.06 FEET ALONG THE WEST LINE OF SAID SECTION 15, TO THE SOUTH 1/16TH CORNER; THENCE S 89°18'16" E 938.01 FEET ALONG THE SOUTH 1/16TH LINE OF SAID SECTION 15, TO THE POINT OF A 425.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 68°41'11" E; THENCE ALONG THE ARC OF SAID CURVE 204.73 FEET THROUGH A CENTRAL ANGLE OF 27°36'03"; THENCE S 6°17'13" E 221.45 FEET, TO THE POINT OF A 375.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 155.55 FEET THROUGH A CENTRAL ANGLE OF 23°45'59", TO THE POINT OF A 271.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 245.99 FEET THROUGH A CENTRAL ANGLE OF 52°00'27"; THENCE S 34°31'41" E 428.06 FEET, TO THE POINT OF A 500.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 40.02 FEET THROUGH A CENTRAL ANGLE OF 4°35'09"; THENCE N 56°14'44" E 112.83 FEET, TO THE POINT OF A 348.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 374.91 FEET THROUGH A CENTRAL ANGLE OF 61°43'35", TO THE POINT OF A 43,128.42 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 331.95 FEET; THENCE S 0°41'45" W 61.41 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 15; THENCE N 89°18'15" W 1,979.75 FEET ALONG SAID LINE, TO THE POINT OF BEGINNING.

FACTS & FINDINGS:

- Parcel 1-8-15-1 meets the requirements to be zoned C-2. The parcel is currently zoned AG.

- The applicant requests a portion of parcel be zoned C-2 which requires a zone change.
- If the zone change is approved all uses contained in the C-2 uses table will be allowed.

Uses	C-1	C-2
Accessory uses and buildings customarily incidental to conditional uses	C	C
Accessory uses and buildings customarily incidental to permitted uses	P	P
Airstrip, private	C	C
Animal shelter, commercial	C	C
Appliance sales and service	P	P
Archery shop/range, conducted in enclosed buildings	P	P
Art needlework shop; art shop; art supply	P	P
Athletic club	P	P
Auto parts sales (indoor)	P	P
Automatic car wash	C	P
Automobile fuel filling station	C	P
Automobile or recreation vehicle, ATVs, or side by side sales, lease, rental, service, new or used	C	P
Automobile or recreation vehicle sales	C	P
Awning sales/repair	P	P
Baby formula service; baby diaper service; sitter agency	P	P
Bakery, retail sales	P	P
Bank	P	P
Barbershop	P	P
Bath and massage (not part of medical or health spa)	C	C
Beauty shop	P	P
Beauty shop for pets, dog grooming	P	P
Bed and breakfast	P	P
Beer outlet, Class A, Class B	P	P
Bicycle shop	P	P
Billiards or pool hall	C	P
Bowling alley; commercial skating	C	P
Boxing arena	C	P
Building material sales	C	P
Bus terminal	C	C
Cafe, cafeteria, catering establishment, restaurant (not a drive- through)	P	P
Campground/glamp-ground	C	C
Candy, confectionery, nut shop	P	P
Carbonated and purified water sales	P	P
Carpet and/or rug cleaning	P	P

Cemeteries	C	C
China and/or silver shop	P	P
Churches	P	P
Clothes cleaning, dyeing, pressing, dry cleaners	P	P
Clothing store	P	P
Coal/fuel sales office	C	P
Construction equipment and supply trailer	P	P
Construction field office, temporary	C	C
Construction of buildings to be sold and moved off the premises	-	C
Contractors' equipment storage yard	C	P
Convenience store with gasoline sales	C	P
Copy store, blueprinting, photostatting, duplicating	P	P
Costume rental	C	P
Dams and reservoirs	-	C
Dance hall; dancing	C	P
Delicatessen	P	P
Department store	P	P
Dramatics school	P	P
Drapery-curtain store	P	P
Dressmaking	P	P
Drive-ins; refreshment stand, eating and/or drinking place (nonalcoholic)	P	P
Drive-it-yourself agency, car, equipment rental	C	P
Drugstore	P	P
Dry goods store	C	P
Egg candling, sales or processing	C	P
Electrical appliances and fixtures, electronic instruments sales, repair and/or service	P	P
Employment agency or employment office	P	P
Express office	P	P
Fix-it shop, repair shop, for household items	P	P
Flea market, or swap meet	C	C
Flooring, carpet, repair and sales	P	P
Florist shop	P	P
Fountain equipment supply, restaurant supply	C	P
Freight or trucking yard or terminal	-	C
Frozen food locker	C	P
Frozen food locker incidental to a main grocery store or food business	P	P
Fruit, fruit juice store; fruit and/or vegetable stand, or store; natural foods/health store	P	P
Fur sales, storage; repair	P	P

Furniture sales and/or repair	P	P
Garage; public	C	P
Gift shop; hobby	P	P
Golf courses	C	P
Greenhouse, nursery; plant materials; soil and lawn service	P	P
Grocery stores	P	P
Guest homes	P	P
Gunsmith	P	P
Hardware store, including the sale of lumber	P	P
Health food store	P	P
Heating, ventilating, air conditioning; (HVAC) equipment sales/repair	C	P
Helipad, private	C	C
Hospital supplies	C	C
Hotel, motel, inn	C	P
Household cleaning/repair, house equipment displays	P	P
Ice cream shop; ice sales	P	P
Ice manufacture, storage, and wholesale ice sales	P	P
Ice vendor units and/or reach-in ice merchandise units, electric icemakers; ice storage, not more than 5 tons' capacity	P	P
Indoor storage facility for boats, automobiles and RVs: minimum 1 acre lot, paved ingress and egress required	C	P
Insulation sales, wholesale	C	P
Interior decorating store	P	P
Jewelry store	P	P
Kennel	C	C
Laundry, automatic self-help - laundry agency	P	P
Liquor and beer sales; places for the drinking of liquor or beer	C	C
Lithographing, including engraving, photoengraving	P	P
Lodges	P	P
Lumberyard	P	P
Manufactured home sales and storage	C	P
Material sales yard, outside, with sale of rock, sand, gravel, and the like as an incidental part of the main business but excluding concrete mixing	C	C
Meat processing plant	C	C
Medical/chiropractic/dental clinic	P	P
Medical/dental laboratories	C	P
Military surplus store	C	P
Miniature golf course	C	P

Monument sales, retail	P	P
Mortuary	P	P
Motorboat and wave runner sales	C	P
Music store	P	P
Newsstand; magazine shop; bookstore	P	P
Nightclub/social club	C	C
Novelty shop, variety store (non-sexually oriented business)	P	P
Nurses' agency	P	P
Office, business or professional	P	P
Office supply; office machines sales, repair	C	P
Oil burner shop	C	P
Optometrist; oculist	P	P
Ornamental iron, sales only	P	P
Outdoor storage facility for boats, automobiles and RVs: minimum 1 acre lot, paved ingress and egress required, privacy fencing required	C	P
Package handling/shipping	C	P
Painter/paint store	P	P
Parking lot incidental to a use conducted on the premises	P	P
Parking lot not incidental to a use conducted on the premises	C	C
Parks and other recreational areas	C	P
Pawnshop	C	P
Pest extermination operation	C	C
Pet shop/enclosed building	C	P
Photographer or photography shop, sales and service	P	P
Plumbing shop/retail	P	P
Popcorn and/or nut shop	P	P
Printing and small paper reproduction service	P	P
Printing, including engraving, photoengraving	C	P
Private club	C	C
Private school	C	C
Propane storage tanks for distribution (commercial)	C	C
Public buildings	C	C
Public, quasi-public, and private service utility lines, pipelines, power lines, roads and etc.	P	P
Radio and television sales and repair	P	P
Radio and television station	C	C
Radio/television wireless transmitting towers	C	C
Real estate agency	P	P
Reception center and/or wedding chapel	C	P

Recreational center, recreational camp, facilities or area that is private and/or commercial	C	C
Recreational vehicle park	C	C
Recreational vehicles, rentals, leases, sales and service, outdoor and indoor	C	P
Rental shops such as equipment, household appliances, etc.	C	P
Retail shops	C	P
Rock/souvenir shops	P	P
Roofing sales	P	P
Secondhand shop, antiques, conducted within a building or enclosure	P	P
Seed/feed store	C	P
Sewing machine shop	P	P
Shoe shop; shoeshine; shoe repair	P	P
Sign painting shop	C	P
Solar power panels producing over 25 kW	C	C
Solar power panels producing 25 kW or under	P	P
State liquor store	C	C
Stationery and greeting card sales	P	P
Storage unit sales office - not located on site of storage units	P	P
Storage units:		I
Hazardous materials	-	-
Self-storage or services storage, attended with sales office, nonhazardous materials	C	C
Unattended self-storage, no sales office, nonhazardous materials	C	C
Substation	C	C
Swimming pool, not accessory use	C	C
Tailor shop	P	P
Taxi stand	P	P
Taxidermist	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	P	P
Terminal, parking and maintenance facilities	C	C
Theater, indoor	P	P
Theater, outdoor, providing:	C	C
A solid fence or masonry wall with a minimum height of 6 feet shall be constructed on all sides;		
Driveways and parking areas shall be provided with properly maintained dustless surfaces;		
Automobile off street storage areas for automobiles awaiting entrance to theater shall have capacity of at least 15 percent of the number of auto parking spaces provided inside the theater;		
Minimum area for single screen theater shall be 10 acres and the minimum area for a 2 screen theater shall be 12 acres		
Tire shop, sales and repair	P	P

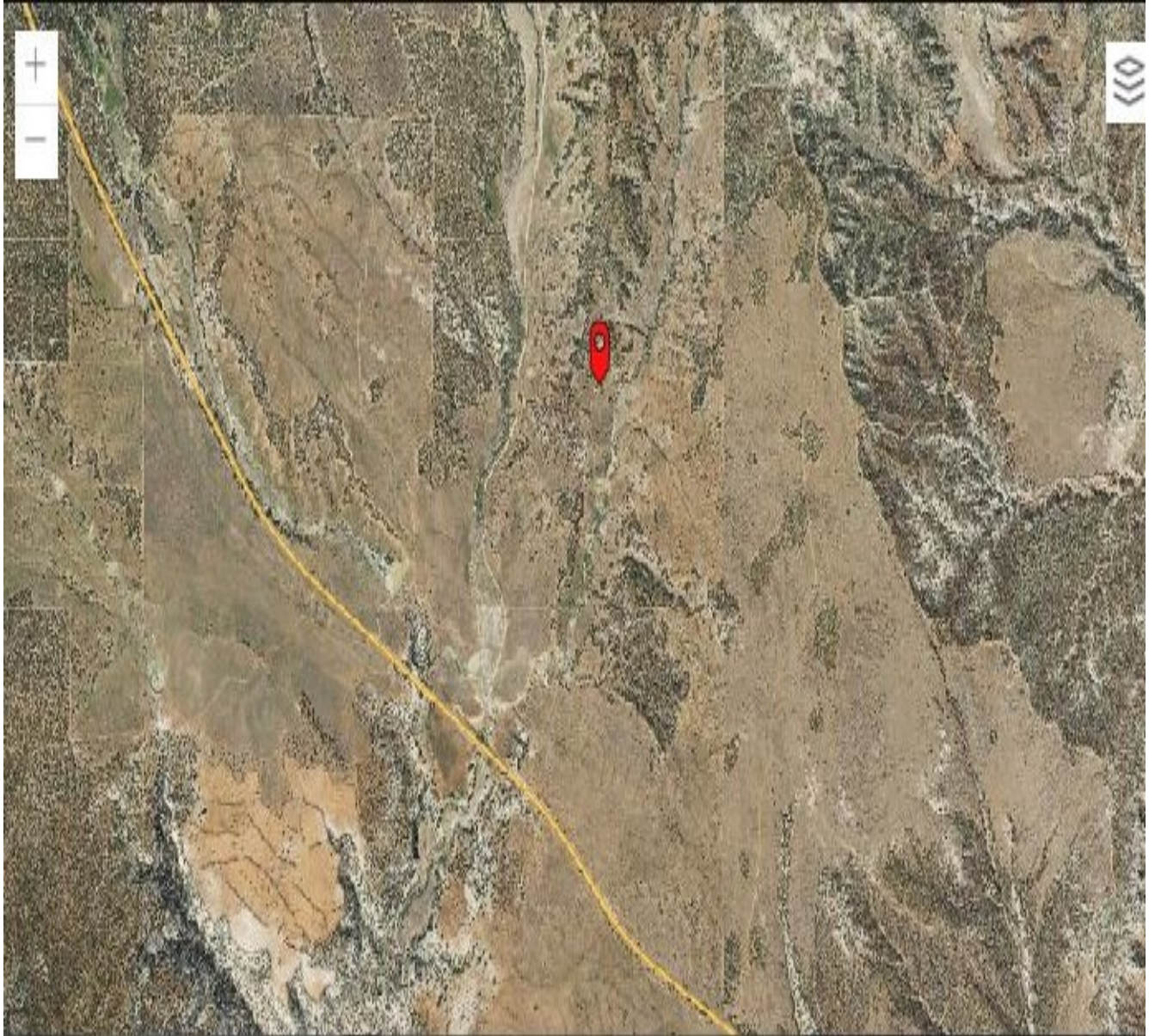
Tobacco shop	-	I
Tourist and tour guide companies or services	P	P
Towel and linen supply store	P	P
Transfer company	C	C
Travel bureau	P	P
Truck and heavy equipment, repair facility, truck stop, and truck wash	-	C
Used car lot	C	P
Variety store, notions	P	P
Veterinary	C	P
Veterinary providing operations are completely enclosed within an air conditioned and soundproof building	P	P
Wallpaper store	C	P
Warehouse	C	C
Wholesale business	C	P

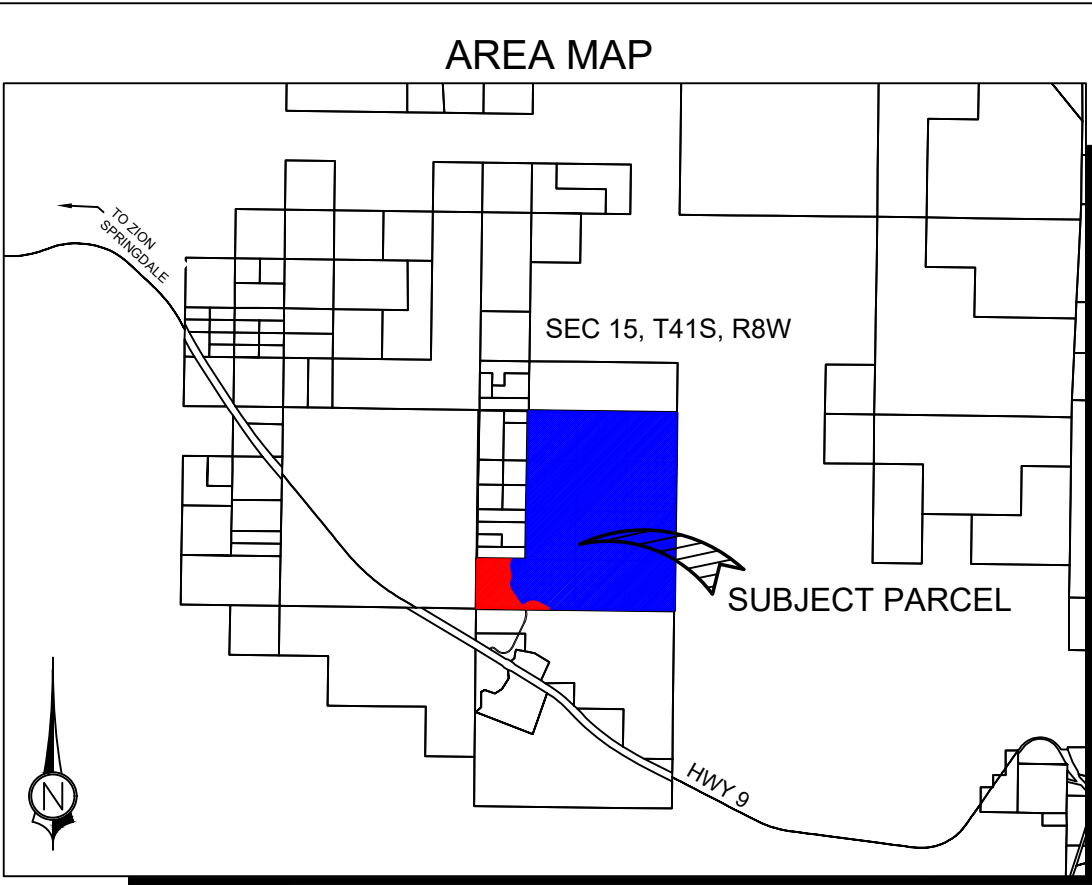
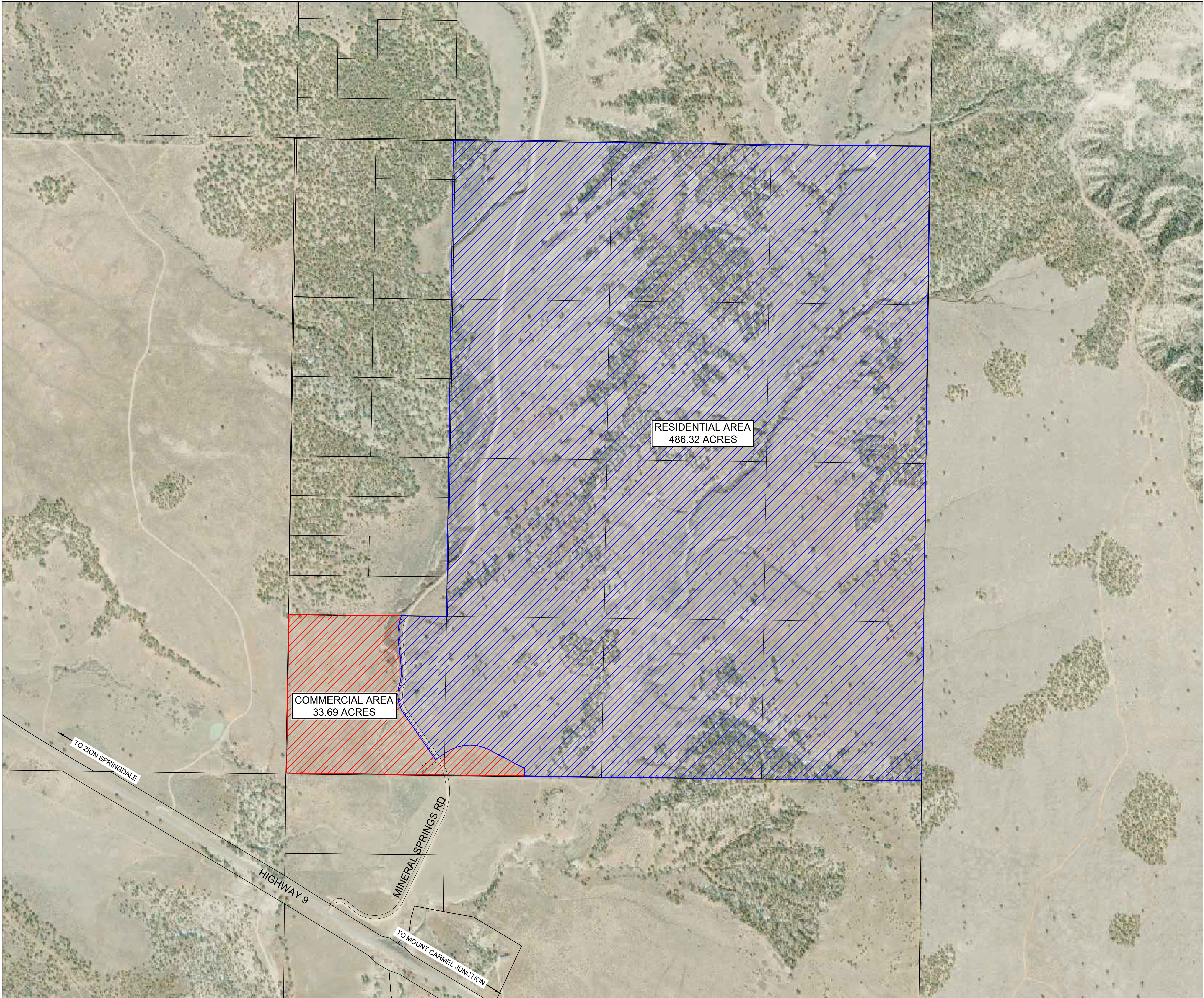
- Surrounding parcels are zoned AG and BLM.
- **Kane County Land Use Ordinance 9-1-2:** It is Kane County policy to refuse to participate in spot infrastructure improvements which benefit only a localized area yet burden the taxpayers at large.
- The parcel would gain access from Highway 9.
- All property owners within 500 ft. of this parcel have been mailed a public notice, and a sign has been posted near the parcel. Notices are posted on the state and county websites.
- **KCLUO 9-7B-1: PURPOSE:** The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **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:** (P. 7) 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.
- Mineral Springs is a County Road.

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 surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan. This zone change request maintains the purpose of the General Plan for commercial land use.

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 for a portion of parcel 1-8-15-1, AG to C-2 & Ordinance O-2022-36 to the County Commission based on the facts and findings as documented in the staff report.





LEGAL DESCRIPTIONS

AREA 1 (COMMERCIAL):

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 41 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N 0°42'41" E 1,319.06 FEET ALONG THE WEST LINE OF SAID SECTION 15, TO THE SOUTH 1/16TH CORNER; THENCE S 89°18'16" E 938.01 FEET ALONG THE SOUTH 1/16TH LINE OF SAID SECTION 15, TO THE POINT OF A 425.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 68°41'11" E, THENCE ALONG THE ARC OF SAID CURVE 204.73 FEET THROUGH A CENTRAL ANGLE OF 27°38'03"; THENCE S 6°17'13" E 221.45 FEET, TO THE POINT OF A 375.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 155.55 FEET THROUGH A CENTRAL ANGLE OF 23°45'59", TO THE POINT OF A 271.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 245.99 FEET THROUGH A CENTRAL ANGLE OF 52°00'27"; THENCE S 34°31'41" E 428.06 FEET, TO THE POINT OF A 500.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 40.02 FEET THROUGH A CENTRAL ANGLE OF 4°35'09"; THENCE N 56°14'44" E 112.83 FEET, TO THE POINT OF A 348.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 374.91 FEET THROUGH A CENTRAL ANGLE OF 61°43'35", TO THE POINT OF A 43,128.42 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 331.95 FEET; THENCE S 0°41'45" W 61.41 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 15; THENCE N 89°18'15" W 1,979.75 FEET ALONG SAID LINE, TO THE POINT OF BEGINNING.

CONTAINS 33.69 ACRES MORE OR LESS

AREA 2 (RESIDENTIAL):

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 15, TOWNSHIP 41 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N 89°18'15" W 637.54 FEET ALONG THE SOUTH LINE OF SAID SECTION 15; THENCE N 0°41'45" E 61.41 FEET, TO A POINT ON A 43,128.42 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS N 27°31'52" E; THENCE ALONG THE ARC OF SAID CURVE 331.95 FEET, TO THE POINT OF A 348.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 374.91 FEET THROUGH A CENTRAL ANGLE OF 61°43'35"; THENCE S 56°14'44" W 112.83 FEET, TO A POINT ON A 500.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 60°03'28" W; THENCE ALONG THE ARC OF SAID CURVE 40.02 FEET THROUGH A CENTRAL ANGLE OF 4°35'09"; THENCE N 34°31'41" W 428.06 FEET, TO THE POINT OF A 271.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 245.99 FEET THROUGH A CENTRAL ANGLE OF 52°00'27", TO THE POINT OF A 375.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 155.55 FEET THROUGH A CENTRAL ANGLE OF 23°45'59"; THENCE N 6°17'13" W 221.45 FEET, TO THE POINT OF A 425.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 204.73 FEET THROUGH A CENTRAL ANGLE OF 27°38'03", TO A POINT ON THE SOUTH 1/16TH LINE OF SAID SECTION 15; THENCE S 89°18'16" E 373.51 FEET ALONG SAID LINE TO THE SOUTHWEST 1/16TH CORNER OF SAID SECTION 15; THENCE N 0°50'12" E 1,319.07 FEET ALONG THE WEST 1/16TH LINE OF SAID SECTION 15, TO THE CENTER WEST 1/16TH CORNER; THENCE N 0°50'39" E 2637.58 FEET ALONG THE WEST 1/16TH LINE OF SAID SECTION 15, TO THE WEST 1/16TH CORNER; THENCE S 89°18'52" E 1319.82 FEET ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTH 1/4 CORNER OF SAID SECTION 15; THENCE S 89°17'56" E 2640.00 FEET ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTHEAST CORNER OF SAID SECTION 15; THENCE S 0°40'53" W 2637.53 FEET ALONG THE EAST LINE OF SAID SECTION 15, TO THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE S 0°46'05" W 2636.95 FEET ALONG THE EAST LINE OF SAID SECTION 15, TO THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE N 89°19'50" W 2661.82 FEET ALONG THE SOUTH LINE OF SAID SECTION 15, TO THE POINT OF BEGINNING.

CONTAINS 486.32 ACRES MORE OR LESS

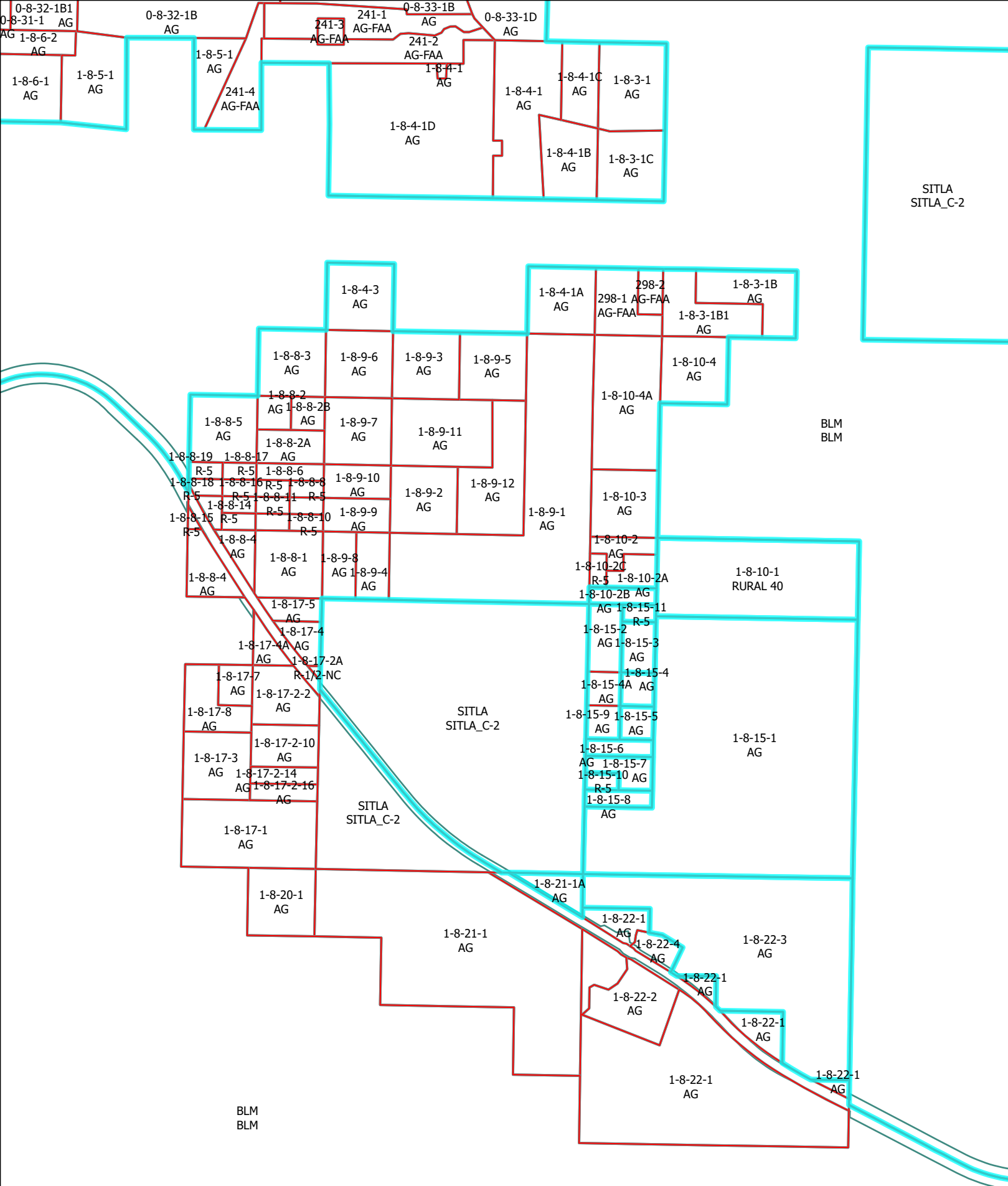
1453 S. DIXIE DRIVE, SUITE 150
ST. GEORGE, UT 84770
435.986.0100



ZONE CHANGE EXHIBIT
MINERAL SPRINGS
LOCATED IN KANE COUNTY, UTAH

PROJ. #:	FF21194.00
DRAWN BY:	BLW
DATED:	5/04/2022
CHECKED BY:	
SCALE OF SHEET	
HOR SCALE:	NTS

SHEET	1
OF	1



KANE COUNTY ORDINANCE NO. O 2022-36

**AN ORDINANCE AMENDING THE ZONING OF A PORTION OF PARCEL 1-8-15-1
FROM
AGRICULTURE 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 **9-7B-1: PURPOSE:** The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

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 17-27a-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 a portion of parcel 1-8-15-1, from Agriculture (AG) to Commercial 2 (C-2);

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

Parcel 1-8-15-1

LEGAL DESCRIPTION:

Acres 33.69 more or less

Situs Address Mineral Springs

Legal (COMMERCIAL):

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 41 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N 0°42'41" E 1,319.06 FEET ALONG THE WEST LINE OF SAID SECTION 15, TO THE SOUTH 1/16TH CORNER; THENCE S 89°18'16" E 938.01 FEET ALONG THE SOUTH 1/16TH LINE OF SAID SECTION 15, TO THE POINT OF A 425.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 68°41'11" E; THENCE ALONG THE ARC OF SAID CURVE 204.73 FEET THROUGH A CENTRAL ANGLE OF 27°36'03"; THENCE S 6°17'13" E 221.45 FEET, TO THE POINT OF A 375.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 155.55 FEET THROUGH A CENTRAL ANGLE OF 23°45'59", TO THE POINT OF A 271.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 245.99 FEET THROUGH A CENTRAL ANGLE OF 52°00'27"; THENCE S 34°31'41" E 428.06 FEET, TO THE POINT OF A 500.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 40.02 FEET THROUGH A CENTRAL ANGLE OF 4°35'09"; THENCE N 56°14'44" E 112.83 FEET, TO THE POINT OF A 348.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF

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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 _____, 2022.

ATTEST:

Andy Gant, Chair
Board of Commissioners
Kane County

KARLA JOHNSON
Kane County Clerk

Commissioner Heaton voted _____
Commissioner Gant voted _____
Commissioner Chamberlain voted _____



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: June 13, 2022

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 22074: Zone Change Application, AG to R-2, Ordinance O-2022-37
Parcel 1-8-15-1 consisting of a total of 486.32 acres

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area. A public notice was posted in two public locations, on the state and county web sites. A sign was posted near the parcel.*

REQUEST: On June 08, 2022, AMP ZBJ Enterprises Inc., submitted a zone change application, for parcel 1-8-15-1, consisting of 486.32 acres, located north of Highway 9, East Zion off of the Mineral Springs Road they are requesting to rezone from Agriculture (AG) to Residential 2 (R-2).

LEGAL DESCRIPTION: AREA 2 (RESIDENTIAL):

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 15, TOWNSHIP 41 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N 89°18'15" W 637.54 FEET ALONG THE SOUTH LINE OF SAID SECTION 15; THENCE N 0°41'45" E 61.41 FEET, TO A POINT ON A 43,128.42 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS N 27°31'52" E; THENCE ALONG THE ARC OF SAID CURVE 331.95 FEET, TO THE POINT OF A 348.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 374.91 FEET THROUGH A CENTRAL ANGLE OF 61°43'35"; THENCE S 56°14'44" W 112.83 FEET, TO A POINT ON A 500.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 60°03'28" W; THENCE ALONG THE ARC OF SAID CURVE 40.02 FEET THROUGH A CENTRAL ANGLE OF 4°35'09"; THENCE N 34°31'41" W 428.06 FEET, TO THE POINT OF A 271.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 245.99 FEET THROUGH A CENTRAL ANGLE OF 52°00'27", TO THE POINT OF A 375.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 155.55 FEET THROUGH A CENTRAL ANGLE OF 23°45'59"; THENCE N 6°17'13" W 221.45 FEET, TO THE POINT OF A 425.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 204.73 FEET THROUGH A CENTRAL ANGLE OF 27°36'03", TO A POINT ON THE SOUTH 1/16TH LINE OF SAID SECTION 15; THENCE S 89°18'16" E 373.51 FEET ALONG SAID LINE TO THE SOUTHWEST 1/16TH CORNER OF SAID SECTION 15; THENCE N 0°50'12" E 1,319.07 FEET ALONG THE WEST 1/16TH LINE OF SAID SECTION 15, TO THE CENTER WEST 1/16TH CORNER; THENCE N 0°50'39" E 2637.58 FEET ALONG THE WEST 1/16TH LINE OF SAID SECTION 15, TO THE WEST 1/16TH CORNER; THENCE S 89°18'52" E 1319.82 FEET ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTH 1/4 CORNER OF SAID SECTION 15; THENCE S 89°17'56" E 2640.00 FEET ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTHEAST CORNER OF SAID SECTION 15; THENCE S 0°40'53" W 2637.53 FEET ALONG THE EAST LINE OF SAID SECTION 15, TO THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE S 0°46'05" W

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CONTAINS 486.32 ACRES

FACTS & FINDINGS:

- Parcel 1-8-15-1 meets the requirements to be zoned R-2. The parcel is currently zoned AG.
- The applicant requests a portion of the parcel be zoned R-2 which requires a zone change.
- If the zone change is approved all uses contained in the R-2 uses table will be allowed.

9-6A-6: USES TABLE:

Use	R- 1/2	R- 1	R- 2	R- 5
Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P
Accredited private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C
Animal shelter, commercial	-	-	C	C
Animal shelter, private	P	P	P	P
Apartments	-	-	-	-
Assisted living buildings	C	P	P	P
Barndominium	-	P	P	P
Bed and breakfast	-	-	C	C
Building with a height greater than 35 feet	C	C	C	C
Campground/glamp-ground	-	-	-	-
Cemetery	C	C	C	C
Child daycare or nursery	C	C	C	C
Church	C	C	C	C
Commercial construction, storage yard	-	-	-	C
Condos	-	-	-	-
Construction equipment and supply trailer, temporary	C	C	C	C
Construction field office, temporary	C	C	C	C
Duplex (one per lot or parcel)	-	C	P	P
Electrical power substation or overhead lines with base structure greater than 70 feet in height	C	C	C	C
Group home ¹	P	P	P	P
Guest home	-	P	P	P
Home occupation	P	P	P	P
Kennel and/or catteries (private)	P	P	P	P

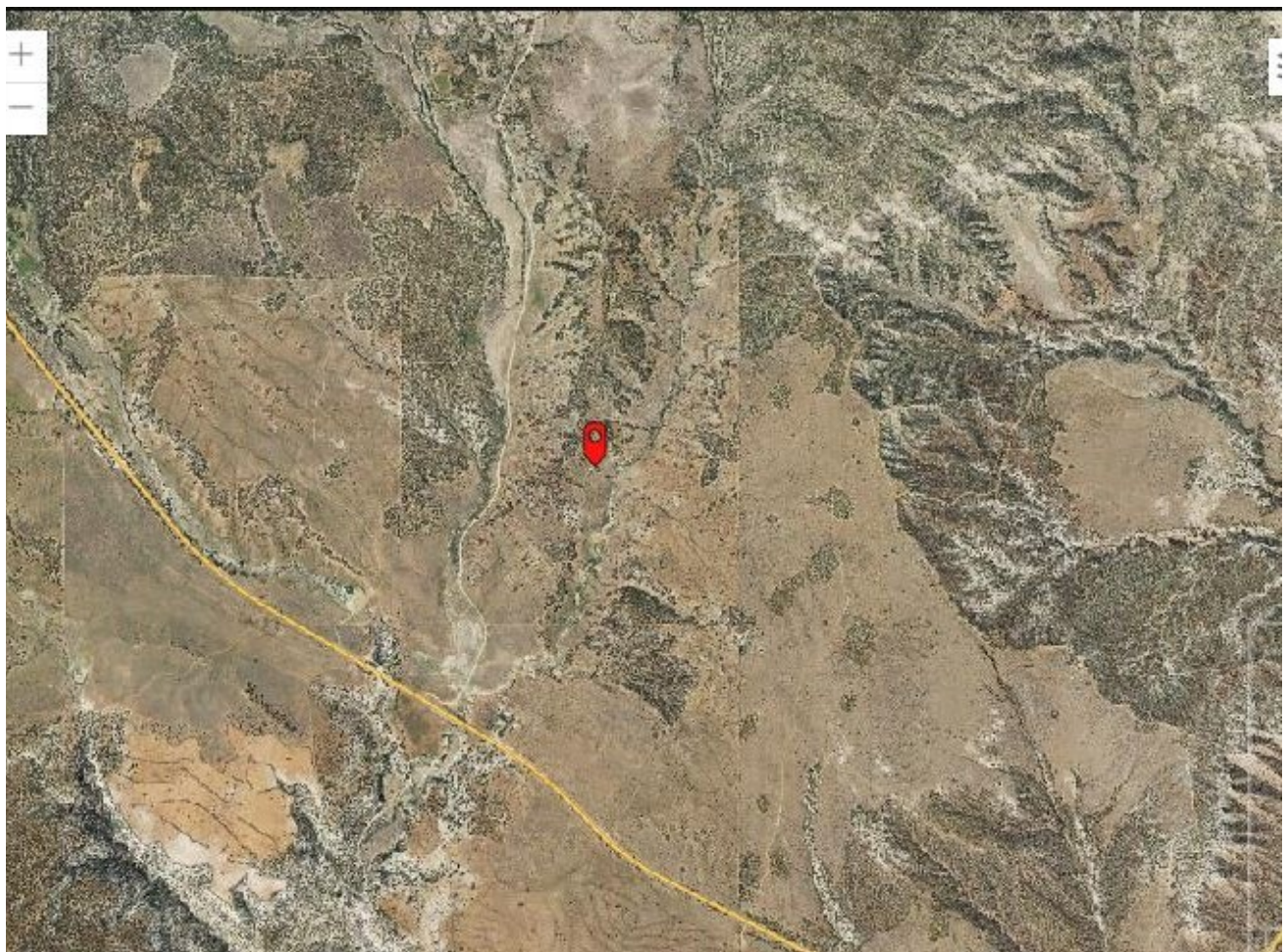
Livestock	P	P	P	P
Lodges, residential	-	-	-	C
Park models	-	-	-	-
Personal agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening, personal	P	P	P	P
Planned unit developments	C	C	C	C
Private road	P	P	P	P
Public parks and playground	P	P	P	P
Public, quasi-public, and private service utility lines, pipelines, power lines overhead lines with base structure over 70 feet	P	P	P	P
Recreational vehicle park	-	-	-	-
Residential facilities	P	P	P	P
Residential facilities for persons with disabilities ¹	P	P	P	P
Residential facilities for the elderly ¹	P	P	P	P
Single family dwelling (1 per lot or parcel)	P	P	P	P
Solar panels attached to a residential home producing less than 25 kW of energy	P	P	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work	P	P	P	P
Townhomes	-	C	P	P
Vacation rental and/or short term rental (one per lot or parcel)	P	P	P	P
Vacation rental and/or short term rental (two per lot or parcel)	-	-	C	C

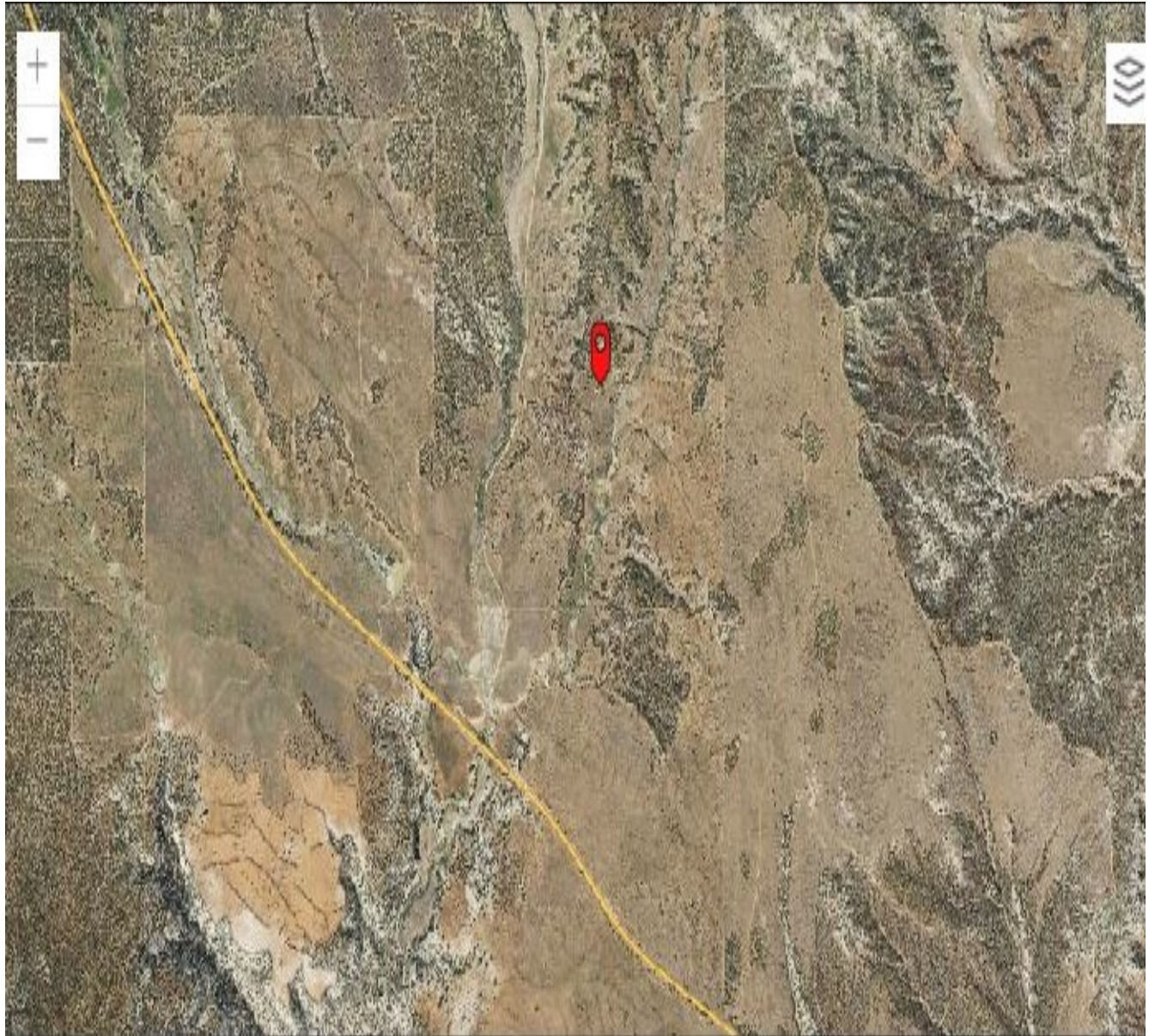
- Surrounding parcels are zoned AG and BLM.
- **Kane County Land Use Ordinance 9-1-2:** It is Kane County policy to refuse to participate in spot infrastructure improvements which benefit only a localized area yet burden the taxpayers at large.
- The parcel would gain access from Highway 9.
- All property owners within 500 ft. of this parcel have been mailed a public notice, and a sign has been posted near the parcel. Notices are posted on the state and county websites.
- **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)
- **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.
- Mineral Springs is a County Road.

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 surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan. This zone change request maintains the purpose of the General Plan for commercial land use.

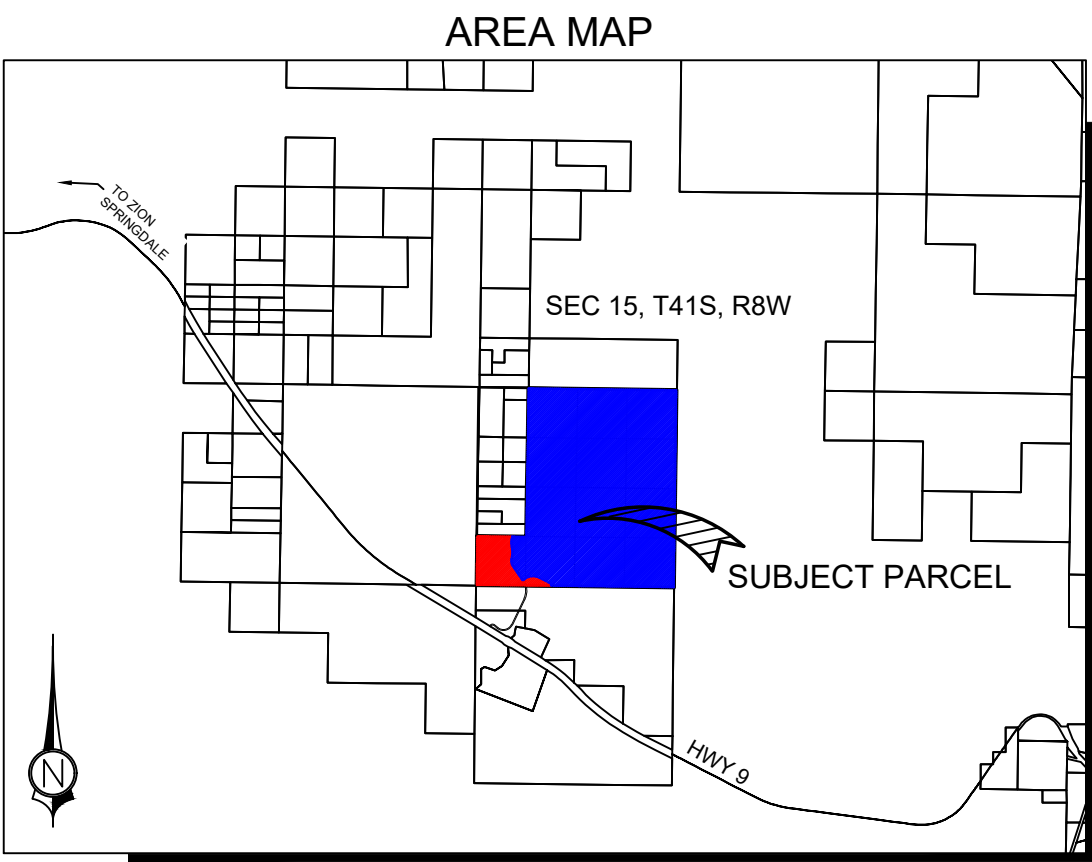
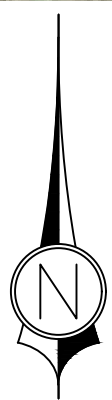
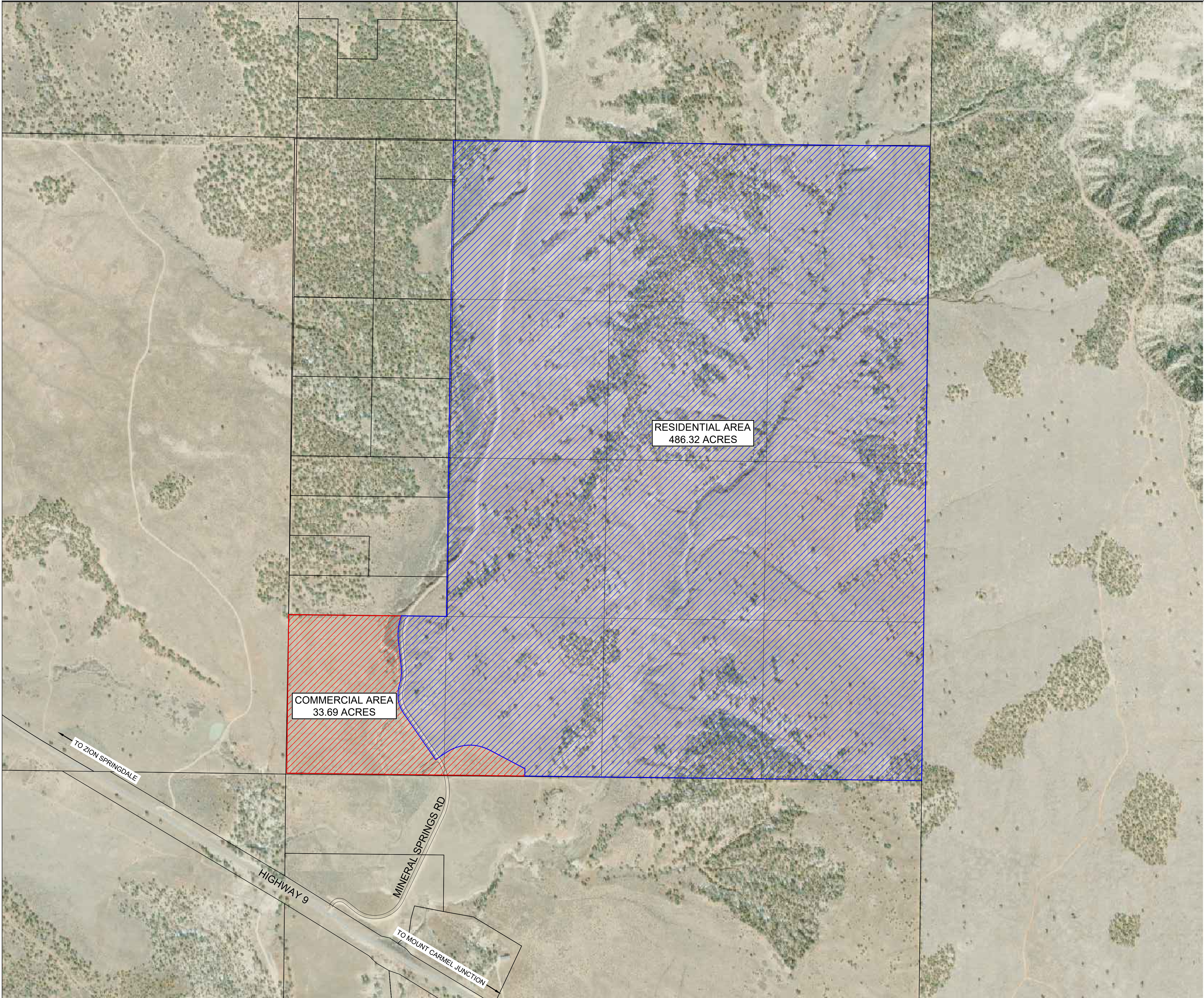
If the zone change amendment is adopted, the regulations of the new zone of R-2 can be found in the Kane County Land Use Ordinance, Chapter 6: Residential Zones

MOTION: I move to recommend denying/approving the zone change for parcel 1-8-15-1, AG to R-2 & Ordinance O-2022-37 to the County Commission based on the facts and findings as documented in the staff report.





76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4966 | www.kane.utah.gov
Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov



LEGAL DESCRIPTIONS

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BEGINNING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 41 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N 0°42'41" E 1,319.06 FEET ALONG THE WEST LINE OF SAID SECTION 15, TO THE SOUTH 1/16TH CORNER; THENCE S 89°18'16" E 938.01 FEET ALONG THE SOUTH 1/16TH LINE OF SAID SECTION 15, TO THE POINT OF A 425.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 68°41'11" E, THENCE ALONG THE ARC OF SAID CURVE 204.73 FEET THROUGH A CENTRAL ANGLE OF 27°38'03"; THENCE S 6°17'13" E 221.45 FEET, TO THE POINT OF A 375.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 155.55 FEET THROUGH A CENTRAL ANGLE OF 23°45'59", TO THE POINT OF A 271.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 245.99 FEET THROUGH A CENTRAL ANGLE OF 52°00'27"; THENCE S 34°31'41" E 428.06 FEET, TO THE POINT OF A 500.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 40.02 FEET THROUGH A CENTRAL ANGLE OF 4°35'09"; THENCE N 56°14'44" E 112.83 FEET, TO THE POINT OF A 348.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 374.91 FEET THROUGH A CENTRAL ANGLE OF 61°43'35", TO THE POINT OF A 43,128.42 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 331.95 FEET; THENCE S 0°41'45" W 61.41 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 15; THENCE N 89°18'15" W 1,979.75 FEET ALONG SAID LINE, TO THE POINT OF BEGINNING.

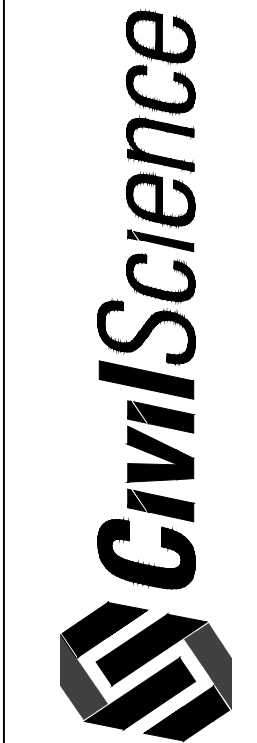
CONTAINS 33.69 ACRES MORE OR LESS

AREA 2 (RESIDENTIAL):

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 15, TOWNSHIP 41 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N 89°18'15" W 637.54 FEET ALONG THE SOUTH LINE OF SAID SECTION 15; THENCE N 0°41'45" E 61.41 FEET, TO A POINT ON A 43,128.42 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS N 27°31'52" E; THENCE ALONG THE ARC OF SAID CURVE 331.95 FEET, TO THE POINT OF A 348.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 374.91 FEET THROUGH A CENTRAL ANGLE OF 61°43'35"; THENCE S 56°14'44" W 112.83 FEET, TO A POINT ON A 500.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 60°03'28" W; THENCE ALONG THE ARC OF SAID CURVE 40.02 FEET THROUGH A CENTRAL ANGLE OF 4°35'09"; THENCE N 34°31'41" W 428.06 FEET, TO THE POINT OF A 271.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 245.99 FEET THROUGH A CENTRAL ANGLE OF 52°00'27", TO THE POINT OF A 375.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 155.55 FEET THROUGH A CENTRAL ANGLE OF 23°45'59"; THENCE N 6°17'13" W 221.45 FEET, TO THE POINT OF A 425.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 204.73 FEET THROUGH A CENTRAL ANGLE OF 27°38'03", TO A POINT ON THE SOUTH 1/16TH LINE OF SAID SECTION 15; THENCE S 89°18'16" E 373.51 FEET ALONG SAID LINE TO THE SOUTHWEST 1/16TH CORNER OF SAID SECTION 15; THENCE N 0°50'12" E 1,319.07 FEET ALONG THE WEST 1/16TH LINE OF SAID SECTION 15, TO THE CENTER WEST 1/16TH CORNER; THENCE N 0°50'39" E 2637.58 FEET ALONG THE WEST 1/16TH LINE OF SAID SECTION 15, TO THE WEST 1/16TH CORNER; THENCE S 89°18'52" E 1319.82 FEET ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTH 1/4 CORNER OF SAID SECTION 15; THENCE S 89°17'56" E 2640.00 FEET ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTHEAST CORNER OF SAID SECTION 15; THENCE S 0°40'53" W 2637.53 FEET ALONG THE EAST LINE OF SAID SECTION 15, TO THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE S 0°46'05" W 2636.95 FEET ALONG THE EAST LINE OF SAID SECTION 15, TO THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE N 89°19'50" W 2661.82 FEET ALONG THE SOUTH LINE OF SAID SECTION 15, TO THE POINT OF BEGINNING.

CONTAINS 486.32 ACRES MORE OR LESS

1453 S. DIXIE DRIVE, SUITE 150
ST. GEORGE, UT 84770
435.986.0100

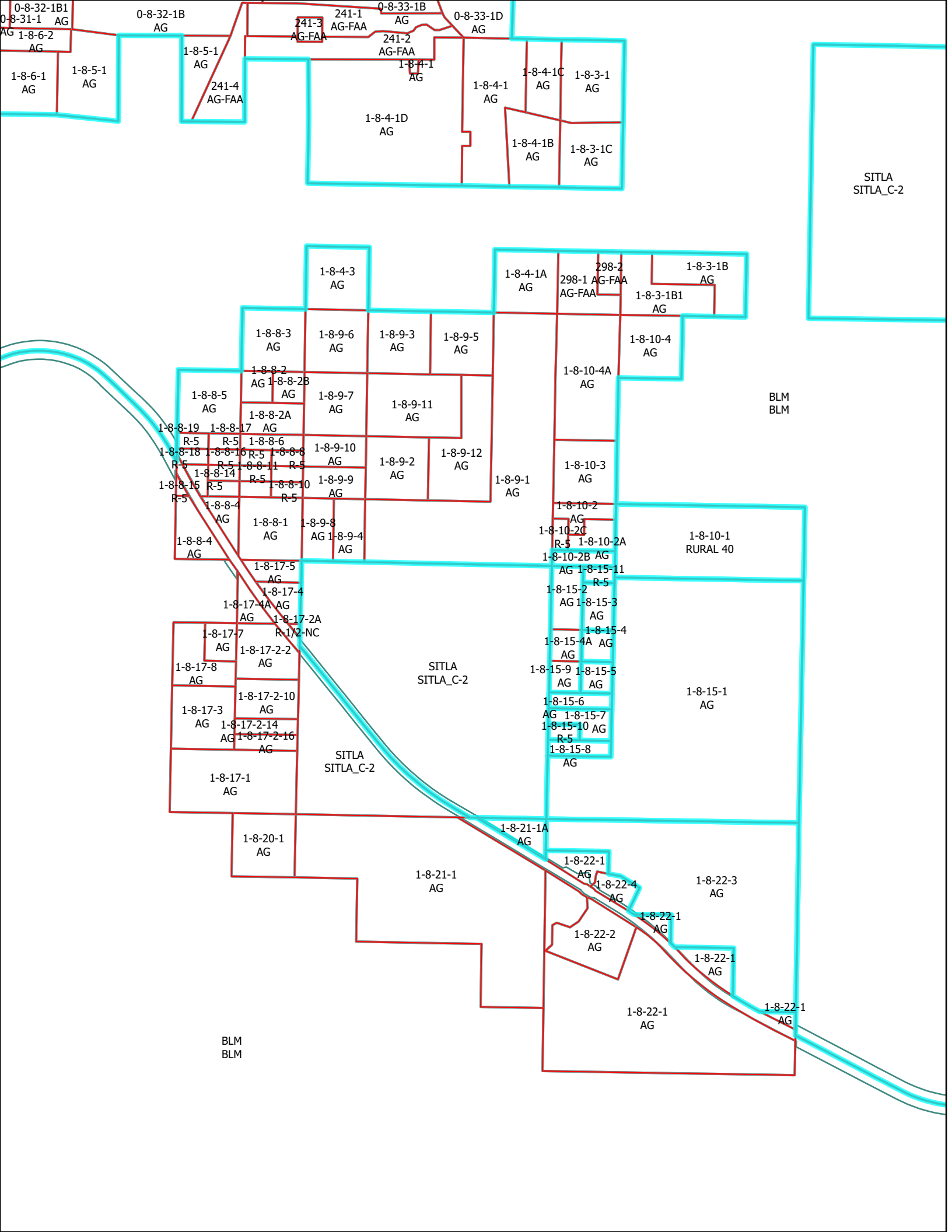


ZONE CHANGE EXHIBIT
MINERAL SPRINGS
LOCATED IN KANE COUNTY, UTAH

PROJ. #: FF21194.00
DRAWN BY: BLW
DATED: 5/04/2022
CHECKED BY:
SCALE OF SHEET
HOR SCALE: NTS

SHEET	1
OF	1

ZONE CHANGE EXHIBIT
MINERAL SPRINGS



KANE COUNTY ORDINANCE NO. O 2022-37

**AN ORDINANCE AMENDING THE ZONING OF A PORTION OF PARCEL 1-8-15-1
FROM
AGRICULTURE TO RESIDENTIAL 2**

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance **9-7B-1: PURPOSE:** The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

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 17-27a-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 a portion of parcel 1-8-15-1, from Agriculture (AG) to Residential 2 (R-2);

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

Parcel 1-8-15-1

LEGAL DESCRIPTION:

Acres 486.32 acres more or less

Situs Address Mineral Springs

AREA 2 (RESIDENTIAL):

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 15, TOWNSHIP 41 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N 89°18'15" W 637.54 FEET ALONG THE SOUTH LINE OF SAID SECTION 15; THENCE N 0°41'45" E 61.41 FEET, TO A POINT ON A 43,128.42 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS N 27°31'52" E; THENCE ALONG THE ARC OF SAID CURVE 331.95 FEET, TO THE POINT OF A 348.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 374.91 FEET THROUGH A CENTRAL ANGLE OF 61°43'35"; THENCE S 56°14'44" W 112.83 FEET, TO A POINT ON A 500.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 60°03'28" W; THENCE ALONG THE ARC OF SAID CURVE 40.02 FEET THROUGH A CENTRAL ANGLE OF 4°35'09"; THENCE N 34°31'41" W 428.06 FEET, TO THE POINT OF A 271.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 245.99 FEET THROUGH A CENTRAL ANGLE OF 52°00'27", TO THE POINT OF A 375.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 155.55 FEET THROUGH A CENTRAL ANGLE OF 23°45'59"; THENCE N 6°17'13" W 221.45 FEET, TO THE POINT OF A 425.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 204.73 FEET THROUGH A CENTRAL ANGLE OF

27°36'03", TO A POINT ON THE SOUTH 1/16TH LINE OF SAID SECTION 15; THENCE S 89°18'16" E 373.51 FEET ALONG SAID LINE TO THE SOUTHWEST 1/16TH CORNER OF SAID SECTION 15; THENCE N 0°50'12" E 1,319.07 FEET ALONG THE WEST 1/16TH LINE OF SAID SECTION 15, TO THE CENTER WEST 1/16TH CORNER; THENCE N 0°50'39" E 2637.58 FEET ALONG THE WEST 1/16TH LINE OF SAID SECTION 15, TO THE WEST 1/16TH CORNER; THENCE S 89°18'52" E 1319.82 FEET ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTH 1/4 CORNER OF SAID SECTION 15; THENCE S 89°17'56" E 2640.00 FEET ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTHEAST CORNER OF SAID SECTION 15; THENCE S 0°40'53" W 2637.53 FEET ALONG THE EAST LINE OF SAID SECTION 15, TO THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE S 0°46'05" W 636.95 FEET ALONG THE EAST LINE OF SAID SECTION 15, TO THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE N 89°19'50" W 2661.82 FEET ALONG THE SOUTH LINE OF SAID SECTION 15, TO THE POINT OF BEGINNING.

Is hereby rezoned from AG to R-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 _____, 2022.

ATTEST:

Andy Gant, Chair
Board of Commissioners
Kane County

KARLA JOHNSON
Kane County Clerk

Commissioner Heaton voted _____
Commissioner Gant voted _____
Commissioner Chamberlain voted _____

KANE COUNTY ORDINANCE NO. O 2022 - 39

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 13 OF THE KANE COUNTY
LAND USE ORDINANCE**

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to specific sections of Chapter 13 of the Kane County Land Use Ordinance; and

WHEREAS, the purpose of amending this chapter is as follows: Chapter 13 Parking and Loading Space, is amended to delete motor hotel parking and insert R.V. parking; and

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval amendments to section 9-13-6, Uses Table, of Chapter 13; and

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended amendments; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-102, 501, and §17-53-201;

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

Chapter 13 of the Kane County Land Use Ordinance is amended as set forth below. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

//

9-13-6: COMMERCIAL PARKING REQUIREMENTS/USES TABLE:

The number of parking spaces required for all nonresidential developments shall be as follows:

USES TABLE

	Parking Spaces Required
	Parking Spaces Required
Hotels, motels, ~~motor hotels~~	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner
<u>R.V. Parks</u>	<u>1 space for each R.V. pad</u>

//

End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below.

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 _____, 2022.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Andy Gant, Chair
Board of Commissioners
Kane County

Commissioner Gant voted _____
Commissioner Chamberlain voted _____
Commissioner Heaton voted _____

MOTION: I move to recommend denial/approval of Ordinance O-2022-34, amending Chapter 13, Parking and Loading Space, to the County Commission.

KANE COUNTY ORDINANCE NO. O 2022 - 41

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 20 OF THE KANE COUNTY
LAND USE ORDINANCE**

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to Chapter 20 of the Kane County Land Use Ordinance; and

WHEREAS, the purpose of amending this chapter is as follows: Replacing the entire chapter as set forth below; and

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval amendments to Chapter 20 Planned Unit Development, and

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended amendments; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-102, 501, and §17-53-201;

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

Chapter 20 of the Kane County Land Use Ordinance is amended as set forth below. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

(DELETE THE ENTIRE EXISTING CHAPTER 20 AND REPLACE IT WITH THE ENTIRE CHAPTER LISTED BELOW.)

//

CHAPTER 20
PLANNED UNIT DEVELOPMENT

PLEASE NOTE: AS OF FEBRUARY 22, 2022 KANE COUNTY WILL NO LONGER
ACCEPT NEW LOTS DESIGNATED WITH THE R-1½ ZONE. THE R-1½ ZONE
REGULATIONS WILL REMAIN IN VARIOUS PARTS OF THIS CHAPTER FOR
ADMINISTRATIVE PURPOSES ONLY.

SECTION:

9-20-1: Purpose

9-20-2: Planned Unit Development Process

- 9-20-3: General Requirements
- 9-20-4: Conceptual Development Plan
- 9-20-5: Review By Land Use Authority
- 9-20-6: Scope Of Land Use Authority Action
- 9-20-7: Construction Limitations
- 9-20-8: Residential –Single Lot Development Standards
- 9-20-9: Multiple- Residential Development Standards
- 9-20-10: Review By Land Use Authority
- 9-20-11: Scope Of Land Use Authority Action
- 9-20-12: Construction Limitations

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, which are 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. 2013-5, 8-12-2013, eff. 8-27-2013)

Intent: The overlay zone is to provide flexibility in site design in order to:

- A. Encourage imaginative design and the creation of permanent open space.
- B. Encourage affordable housing to be integrated in new developments.
- C. Encourage the conservation of natural site features, wildlife habitat, and sensitive lands.
- D. Combine and coordinate architectural styles, building forms, and structural/visual relationship within an environment that allows mixing of residential types and other land uses in an innovative and functionally efficient manner.
- E. Encourage land development that, to the greatest extent possible, preserves open space areas and respects natural topographic and geologic conditions.
- F. Encourage the development of street, pedestrian and bicycle paths that contribute to a system of fully connected routes, local trails.
- G. Promote a more efficient utilization of land than what might be obtained through other development procedures (clustering).
- H. Facilitate the economical and adequate provision of public services.
- I. Provide for adequate on and off street parking.
- J. Provide unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.
- K. Ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction.

9-20-2: PLANNED UNIT DEVELOPMENT PROCESS:

Planned unit developments may be approved by the Kane County Land Use Authority in PUD overlay zones. An application for a PUD overlay zone change to develop property under the provisions of this article shall be filed for a zone change on the standard PUD zone change form provided by the County. The zones are Planned Unit Development Residential, (PUD-R), Planned Unit Development Commercial, (PUD-C) or Planned Unit Development Multi-Residential, (PUD-MR). The overall density shall coincide with the density of the existing zone. At the time of the zone change application a conceptual development site plan shall be submitted with the zone change request. Compliance with the regulations of this title in no way excuses the developer from the applicable requirements of the subdivision ordinance or the Kane County Standard Specifications and Drawing Details for Design and Construction; except as modifications thereof are specifically authorized in the approval of the application for the planned unit development. No exceptions shall be approved that are less restrictive than applicable State and local ordinances or regulations. An applicant shall secure and follow the provisions outlined in the Land Use Authority's procedures for a planned unit development.

All PUD applications shall go through a planning staff review prior to the review of the conceptual development plan by the Planning Commission. The applicant shall pre-file the proposed request with the planning staff for review. The planning staff shall contact the Kane County land use development committee or other agencies for review purposes. Staff shall hold such meetings with the applicant as are deemed necessary for proper review.

9-20-3: REZONE APPROVAL PROCESS:

A. Application for a PUD Zone Change: Any person desiring to develop property under the provisions of this article shall first file an application for a PUD overlay zone change on the standard form provided by the County.

B. Conceptual Development Plan: The zone change application shall include a conceptual development plan, and supporting materials which describe the proposed land uses, density and the proposal's relationship to the County's general plan, as well as all requirements herein [9-20-4](#).

C. Public Hearing By Planning Commission, With Review And Recommendation: The Planning Commission will schedule a public hearing to consider the proposed zone change and shall review the conceptual development plan, supporting materials and staff comments for compliance with applicable general plan policies. The Planning Commission shall also make recommendations concerning the PUD zone change request which will be forwarded to the Commissioners.

D. Public Hearing By Commissioner's: The County Commissioners will receive the recommendations of the Planning Commission and schedule a public hearing for official

action on the zone change request. Published notice must be given as set forth in this title prior to the hearing. (Utah State Code 17-27a-503)

E. Decision Of County Commission: The Commission may approve, modify or deny the zone change request.

F. Overlay Designation: The Planned Unit Development Overlay designation shall be shown on the Official Zoning Map in parentheses as a suffix to the zone designation with which it is combined. For example, if the Planned Unit Development Overlay is being combined with the Residential R-1, R-2 or R-5 zone, it would be designated on the Official Zoning Map as "PUD R-1, PUD R-2 or PUD R-5". For commercial or multi-residential it will be "PUD L-C, PUD C-1, PUD C-2".

G. The assigned PUD zone will allow the permitted uses allowed in the Residential, Multi- Residential and Commercial zones for the Planned Unit Development Overlay with the appropriate permitted or conditional uses set forth therein. Any conditional use shall be subject to the issuance of a conditional use permit as set forth in this Title.

H. Multiple Family Dwellings: Multiple Family dwellings will need the PUD MR zoning, as defined in this Ordinance, and shall be a permitted use in a Planned Unit Development Overlay provided that the Multiple Family Dwellings be located within the interior of the development and not around the perimeter. The overall density in a particular planned unit development project shall not exceed the density permitted by the underlying zone in which the project is situated.

I. Accessory Uses: Accessory uses located in a common main building may be permitted. Accessory uses may include recreational facilities and structures, day care centers, personal services, and RV parking.

J. Commercial Uses: Any commercial use shown in Chapter 7 of this Title may be permitted within a planned unit development provided such use is: 1. Specifically authorized as part of a conceptual development plan approved pursuant to the provisions of this Chapter; 2. Designed as an integral element of the planned unit development, including building and landscaping design which is consistent with design elements of the development.

K. Application for the development shall be filed by the sole owner or jointly filed by all owners of the property.

L. Variations from Development Standards of an underlying zone in this title may be approved as part of a Conceptual Development Plan and Preliminary Plat for the Planned Unit Development Overlay pursuant to the provisions of this chapter. A variation from the setback requirements set forth in zones may be approved if the County Commission, after receiving a recommendation from the Planning Commission, finds such variation meets the approval criteria set forth. Any such variation shall be explicitly noted in the Development Agreement. Variations from the development

standards set forth in this Chapter are intended to be rare and shall be approved by at least four (4) shall bear the burden of persuasion with regard to any request for a variation. Such burden shall include, but not be limited to, demonstrating that: A proposed project which includes a variation is the result of a substantial amount of advance planning; Any adverse conditions which may result from the variation will be mitigated; and the variation will result in a substantial benefit not only to persons who will live or work within the project, but also to the County and its residents generally.

M. Development Agreement: A Development Agreement shall be prepared and approved in conjunction with approval of the Planned Unit Development Overlay and Conceptual Development Plan with the Preliminary Plat. The purpose of the Development Agreement is to describe how the developer and the County will address items not expressly addressed in this code.

N. Approval Criteria: The Planned Unit Development Overlay may only be approved if the Commission, after receiving a recommendation from the Planning Commission, finds that the proposed Planned Unit Development Overlay: 1. Does not conflict with any applicable policy of the Kane County General Plan; 2. Meets the spirit and intent, as set forth in this Chapter; 3. Will allow integrated planning and design of the property; 4. Meets the use limitations and other requirements of the zone with which the Planned Unit Development Overlay is combined, except as otherwise allowed by this Chapter; 5. The capability to start construction within one (1) year of final plan approval.

O. Imposition of Conditions: In order to make findings necessary to approve a Planned Unit Development Overlay, conditions of approval may be imposed on a conceptual development site plan to assure the planned unit development will: 1. Accomplish the purpose of this Chapter; 2. Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and 3. Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this Chapter.

9-20-4: CONCEPTUAL DEVELOPMENT PLAN:

A. All requests shall be accompanied by a colored conceptual development plan and written text for the entire property proposed to be developed.

B. Conceptual Development Plan, to include the following information:

1. Show general location of proposed land uses, including residential areas, commercial, mixed use, and open space.

2. Include proposed locations for civic spaces such as churches, schools, fire stations, etc.

3. Show adjoining properties and uses.

4. Include tables showing the number of acres in the proposed development and a land use summary.

5. Show general locations of proposed interior collector and/or major arterial streets, and points of connection to existing roads and how the proposed project roads will integrate with County Ordinances.

6. Show typical proposed lot configuration, building clusters, setbacks, road rights-of-way, and road cross-sections.

7. Include a phased development plan if applicable.

8. Development Agreement.

9. Parcel Map(s), from the County Recorder's office showing the subject property and all property located within the minimum radius defined by ordinance.

10. Traffic Impact Analysis, as determined by the County Engineer or UDOT.

9-20-5: CONCEPTUAL DEVELOPMENT PLAN REQUIREMENTS CHECKLIST:

A. Dwelling unit and land use density. The density in terms of dwelling units per gross acre of land shall be indicated;

B. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses. Where feasible, lowest height and least density of buildings and uses shall be arranged around the boundaries of the development;

C. Width, yard, height, and overall density and coverage regulations shall be in accordance with the underlying zone;

D. Promote a clustering development pattern in the interest of preserving rural character.

E. Twenty percent (20%) of the developable land within the PUD shall be preserved as open space for the benefit of residents of the development and the community.

F. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:

1. Dedication of the land as public park or parkway system in perpetuity; or

2. Granting to the County Commission a permanent, open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in recreational uses, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws which are satisfactory to the commission.

G. Complying with the provisions of the condominium ownership act [1](#), Utah State Code 57-8, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

H. Landscaping, fencing and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the land use authority for approval, together with other required plans for the development.

I. The size, location, design and nature of signs, if any, and the intensity and direction of area floodlighting shall be detailed in the application.

J. Topography at contour intervals of two feet (2') shall be submitted unless waived by the planning staff.

K. Geotechnical Report: A geotechnical report identifying any possible flood, slope, faulting, soils or other related hazards on the site shall be submitted with the application.

L. Utilities Underground: All utilities shall be underground unless otherwise approved by the Planning Commission. Transformer equipment shall be screened from the streets and from adjacent properties. Contact local utility companies to determine service requirements to the proposed project. Show existing utility easements, proposed major utility easement corridors, points of service to major land use areas, and points to outside service connections.

M. Refuse Storage Areas: Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets, freeways and adjacent properties. Storage or refuse areas shall not be located within required building setbacks nor within utility easements.

N. Lighting Plan: The plans submitted shall include a general lighting plan indicating location of lights to be installed on site in compliance with [9-10-14](#) of this title.

O. Turning Spaces: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, fire-fighting equipment, etc., at the end of private drives and dead end streets.

P. Traffic Conditions: The effect of the development on traffic conditions on abutting streets shall be shown.

Q. Layout: The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways and walkways.

R. Off Street Parking: The arrangement and adequacy of off street parking facilities.

S. Improvements: Location, grades, widths, and type of all improvements proposed for all streets.

T. Grading and Drainage: Show proposed general grading patterns, and existing and proposed general drainage corridors. A Grading Permit is required.

U. Line Locations: A plan showing the location of all water, sewer and drainage lines in and through the project.

V. Deed Restrictions/ Covenants (CC&Rs): Copies of any deed restrictions, restrictive covenants, bylaws, architectural controls or other requirements that may be appurtenant to the proposed development.

9-20-6: PRELIMINARY PLAT SUBMITTAL ITEMS:

Preliminary plat shall be submitted with the Planned Unit Development application. See 9-21D-1 for all preliminary plat requirements and submission items.

9-20-7: PLAN CHANGE MODIFICATIONS:

Changes Or Modifications: Any changes or modifications to the approved plan for development during the period of construction shall first be re-submitted to the planning staff for approval and if deemed significant and at the discretion of the staff, returned to the Planning Commission for their review and recommendations and to the County Commissioners for a public hearing to amend the zone.

9-20-8: RESIDENTIAL - SINGLE LOT DEVELOPMENT STANDARDS:

A. Building Coverage: The land coverage by all buildings shall not exceed fifty percent (50%) of the net lot or parcel acreage.

B. Density: The density of a PUD residential - single lot development shall conform to the density limitations and may not go below the density of ½ acre lots.

C. Setbacks: The setbacks for all Planned Unit Developments - Residential will be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the Commission:

1. Front Yard: Front yard setbacks shall be a minimum of twenty feet (25'). The street side of corner lots, shall be the same as the front yard setback.

2. Building, Parking Required: The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.

3. Side Setbacks: Side yard setbacks on interior lot lines shall be a minimum of five feet (5') on one side and ten feet (10') on the opposite side for all dwellings, with a minimum of fifteen feet (15') between homes. Side yard setbacks on exterior lot lines (boundary lines) shall be a minimum of ten feet (10').

4. Rear Setbacks: Rear yard setbacks shall be a minimum of ten feet (10').

D. Parking Requirements: The parking requirements of chapter 13 of this title shall apply.

E. Height Restrictions: No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as part of the zone change approval.

F. Landscape Requirement: Floodways and slopes that exceed a specific percentage and/or have unsuitable soil conditions for hillside development, as identified in 9-21J-3 (A), are not considered developable. Any land within a subdivision having a slope greater than ten percent (10%) shall be deemed to be land having a "steep slope". Developer shall not be permitted to grade, excavate, fill or otherwise modify said land if slope is between ten (10) and forty percent (40%) without first submitting a geological report for review and staff approval. In no case may a structure be erected on land with a slope of forty percent (40%) or greater. The applicant of the requested PUD Zone shall show what areas are to be landscaped and what areas are to be left in a natural state. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.

G. Time Limitations: Building permits for construction within Planned Unit Development Residential - Single Lot Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development - single lots. If eighteen (18) months elapse without the issuance of building permits for the construction of the approved plans within the Planned Unit Development Zone, all conceptual and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the eighteen (18) month time limit. In the case that an approved development plan does expire, the zoning of the property shall remain planned unit development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the Commission.

9-20-9: RESIDENTIAL - MULTIPLE FAMILY DEVELOPMENT STANDARDS:

A. Building Coverage: The land coverage by all buildings shall not exceed thirty percent (30%) of the net lot or parcel acreage.

B. Minimum Lot Size: The minimum lot size in multi-residential subdivisions with private individual building pads and associated common area is twenty thousand (20,000) square feet; provided, that at least twenty percent (20%) of the total project is developed and maintained as common open landscape or recreation area.

C. Density: The density of a planned unit development multi-residential shall conform to the density limitations of the general plan, except that the County upon recommendation of the Planning Commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed development is considered an infill development where the surrounding land is already developed; and
2. The proposed dwellings are platted for individual ownership of the dwelling units; and
3. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the Planning Commission. To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:
 - a. Landscaping Along Periphery Of Development: If a common area landscaped strip between twenty feet (20') and twenty five feet (25') is created along the periphery of the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and surrounds at least sixty seven percent (67%) of the development, an increase of one dwelling unit per acre shall be added to the minimum density for the development.
 - b. Landscaped Open Spaces: For every ten percent (10%) of landscaped open space incorporated into the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and not receiving density increases through other provisions of this section, may receive an increase of one dwelling unit per acre which shall be added to the minimum density for the development.
 - c. Increased Recreational Facilities: Additional designated recreational amenities, above the requirements as already set forth for planned unit development, may receive an increase in density, as approved by the Planning Commission and County Commissioners on a case by case basis.

D. Setbacks: The setbacks for all planned unit developments - multi-residential will be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the County Commission:

1. Front Yard: Front yard setbacks shall be a minimum of twenty five feet (25'). The street side of corner lots, shall be the same as the front yard setback.

2. Building, Parking Required: The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.
3. Side And Rear Setbacks: Side and rear setbacks on interior lot lines shall be a minimum of ten feet (10') for all dwellings.
4. Group Dwellings: In group dwellings, no two (2) buildings may be located closer together than ten feet (10') for one- story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for approved three-story (or more) buildings.
5. Two-Story Buildings: For two-story (or more) buildings, the side and rear setbacks shall be at least twenty five feet (25') along the boundary of a Single-Family Zone, and twenty feet (20') along the boundary of other zones.

E. Parking Requirements: The parking requirements of chapter 13 of this title shall apply.

F. Signs And Advertising: The requirements of chapter 16 of this title shall apply, except that in large residential planned unit developments (those containing more than 200 dwelling units), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions contained in chapter 16 of this title.

G. Height Restrictions: No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as part of the zone change approval.

H. Size Requirement: Each Planned Unit Development Zone shall contain a minimum of twenty thousand (20,000) square feet and four (4) dwelling units.

I. Landscape Requirement: All planned unit developments shall have a minimum of fifty percent (50%) of the developable site area developed and maintained as landscaped or open green space. Floodways and slopes that exceed a specific percentage and/or have unsuitable soil conditions for hillside development, as identified in 9-21J-3 (A), are not considered developable. The applicant of the requested PUD Zone shall show what areas are to be landscaped and what areas are to be left in a natural state. The Planning Commission shall determine if the proposed landscaped areas and the areas proposed to be left in a natural state will satisfy the fifty percent (50%) landscape or open green space requirement. In any event, all landscaped and open green space areas shall be kept in a weed free condition. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.

J. Time Limitations: Building permits for construction within Planned Unit Development Residential - Multiple Family Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development - multiple family. If eighteen (18) months elapse without the issuance of building permits for the construction of the approved plans within the Planned Unit Development Zone, all conceptual and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the eighteen (18) month time limit. The County Commission may approve a six (6) month extension on an approved development plan. In the case that a second six (6) month extension is needed, the applicant shall request a second extension on the approved development plan prior to the expiration of the first six (6) month extension time limit. The County Commission will approve or deny the requested second extension on the development plan. In the case that an approved development plan does expire, the zoning of the property shall remain planned unit development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the County Commission.

K. Recreation Or Playground Areas: In developments with five (5) or more units, there shall be provided usable recreation or playground areas with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. No side measurement of each usable recreation or playground area shall be less than twenty feet (20') in width/length. At least fifty percent (50%) of the usable area shall be in the form of open playground and green space.

9-20-10: REVIEW BY LAND USE AUTHORITY:

In order that it may approve a planned unit development, the land use authority shall have authority to require the following conditions be met by the applicant:

A. All submittal items for a Planned Unit Development are submitted at the time of the Planned Unit Development Application as required per Chapter 20 and Chapter 21.

B. That the proponents of the planned unit development have demonstrated to the satisfaction of the land use authority that they are financially able to carry out the proposed project, as regulated in [9-21-I](#).

C. That the proponents intend to start construction within twelve months of the approval of the project, and intend to complete the construction, or approved phase thereof, within two (2) years from the date construction begins. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-20-11: SCOPE OF LAND USE AUTHORITY ACTION:

In carrying out the intent of this chapter the land use authority shall consider the following principles:

A. A certified surveyor or engineer licensed in the state shall be used to survey all properties for the planned unit development.

B. The land use authority may approve or disapprove an application for a planned unit development. In an approval, the land use authority may attach such conditions as it may deem necessary to secure compliance with this section. The denial of an application for a planned unit development by the land use authority may be appealed to the appeal authority. Appeal must be filed within thirty (30) days of receipt of written reason for denial. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

C. Filing Of Plan And Materials: The conceptual development plan and supplementary text materials, after adoption, shall be filed in the offices of the County Recorder, and all development within the zone shall comply therewith, unless the development plan and supplementary materials are amended as prescribed herein.

D. Final Subdivision Plat: A final subdivision plat as described in the Subdivision Ordinance in effect at the time of application shall be submitted for a recommendation of approval or disapproval to the Planning Commission, who shall forward their recommendation to the County Commission for final plat approval as outlined elsewhere in this title.

9-20-12: CONSTRUCTION LIMITATIONS:

A. Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the land use authority and in conformity with any conditions attached by the county commission to its approval.

B. Amendments to approved plans and specifications for a planned unit development shall be obtained only by following procedures for a planned unit development.

C. No permit shall be issued for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

//

End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below.

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 _____, 2022.

ATTEST:

KARLA JOHNSON

Kane County Clerk

Andy Gant, Chair
Board of Commissioners
Kane County

Commissioner Gant voted _____
Commissioner Chamberlain voted _____

Commissioner Heaton voted _____

MOTION: I move to recommend denial/approval of Ordinance O-2022-41, replacing current Chapter 20 Planned Unit Development, to the County Commission.

KANE COUNTY ORDINANCE NO. O 2022 - 40

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 4 OF THE KANE COUNTY LAND
USE ORDINANCE**

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to specific sections of Chapter 4 of the Kane County Land Use Ordinance; and

WHEREAS, the purpose of amending this chapter is as follows: Chapter 4 Zones, is amended to add Commercial 3 and PUD Residential 1, PUD Residential 2, PUD Residential 5, PUD Light Commercial, C-1, C-2 and C-3 and Multi-Residential and PUD Multi-Residential; and

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval amendments to section 9-4-1, Establishment of zones, of Chapter 4; and

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended amendments; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-102, 501, and §17-53-201;

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

Chapter 4 of the Kane County Land Use Ordinance is amended as set forth below. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

//

9-4-1: ESTABLISHMENT OF ZONES:

(Please note: As of February 22, 2022 Kane County will no longer accept new lots designated with the R-½ Zone. The R-½ remains in this chapter for administrative purposes only.)

For the purpose of this title, the following zones are created as necessary to regulate the development of ~~the~~ land in Kane County, Utah:

Agricultural zone	AG
Rural zones	RU-10, RU-40
Residential zones	R-½, R-1, R-2, R-5

<u>PUD Residential-1, PUD Residential- 2, PUD Residential 5 zones</u>	<u>PUD R-1, PUD R-2, PUD R-5</u>
Commercial zones	Light Commercial, C-1, C-2, <u>C-3</u>
<u>Planned Unit Development Commercial 1, Planned Unit Development Commercial 2, Planned Unit Development Commercial 3 Zones</u>	<u>PUD-C-1, PUD-C-2, PUD C-3</u>
Manufacturing zone	M
<u>Multi-Residential zone</u>	<u>MR</u>
<u>Planned Unit Development Multi-Residential zone</u>	<u>PUD-MR</u>
Community zone	CZ
Industrial zone	I (reserved)
Escalante region multiple use/multiple functions grazing zone	

//

End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below.

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 _____, 2022.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Andy Gant, Chair
Board of Commissioners
Kane County

Commissioner Gant voted _____
Commissioner Chamberlain voted _____
Commissioner Heaton voted _____

MOTION: I move to recommend denial/approval of Ordinance O-2022-40, amending Chapter 4, Zones, to the County Commission.

KANE COUNTY ORDINANCE NO. O 2022 - 42

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 1 GENERAL PROVISIONS AND
CHAPTER 7 COMMERCIAL ZONES OF THE KANE COUNTY LAND USE
ORDINANCE**

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to Chapter 1 General Provisions, Definitions and replacing all of Chapter 7 Commercial Zones in the Kane County Land Use Ordinance; and

WHEREAS, the purpose of amending the following chapters is as follows: Chapter 1 changing the glamping definition, adding glamping unit, changing the campground definition and adding a definition for retail. Chapter 7 Commercial Zones, is amended to replace the entire Chapter 7 with Light Commercial Zone, Commercial 1 and Commercial 2 and eliminate the uses tables; and

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended approval of Chapter 1 and Chapter 7; and

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended amendments; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-102, 501, and §17-53-201;

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

Chapter 1 and Chapter 7 of the Kane County Land Use Ordinance are amended as set forth below. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

//

9-1-7: Definitions:

CAMPGROUND: A parcel ~~designated commercial or agricultural~~ with improvements for the occupancy by semi-permanent in temporary structures ~~providing overnight sleeping accommodations, such as tents, yurts, etc., on a temporary basis~~; which includes, day use areas, recreation camps, modern camps, semi-developed campgrounds, primitive, and semi-primitive campgrounds as defined in Utah Administrative Code R393-300. Exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-502.

9-1-7: GLAMPING: ~~Shall be defined in Kane County as~~ Upscale camping in a semi-permanent structure placed on a permanent/semi-permanent foundation providing overnight sleeping accommodations with amenities and comforts not normally included in a campground, such as: beds, electricity, and access to indoor plumbing.

(Add) Glamping Unit. A canvas or membrane-covered frame structure designed to be used or occupied for commercial, transient or recreational purposes. Glamping Unit structure's include, but are not limited to: tents, yurts, teepees, covered wagons.

(Add) Retail: The activity of selling products and services to the public.

(Delete the existing chapter 7 Articles A and B and replace with the following Articles listed below. Renumber SITLA ARTICLE C to SITLA ARTICLE D)

//

CHAPTER 7

Light Commercial (L-C) ZONE

ARTICLE A. LIGHT COMMERCIAL (L-C) ZONE

SECTION:

9-7A-1: Purpose

9-7A-2: Use Regulations

9-7A-3: Site Design Regulations

9-7A-4: Height Regulations

9-7A-5: Area, Width And Yard Regulations

9-7A-6: Modifying Regulations

9-7A-7: Landscaping And Fencing Regulations

9-7A-1: PURPOSE:

The purpose of the light commercial zone is to provide appropriate locations for the development and operation of administrative and professional offices, publicly owned and operated community facilities and related uses. This zone is intended to serve as a buffer between residential and more intensive commercial uses with low to no impact on residential and agricultural zones.

9-7A-2: USE REGULATIONS:

Development of any parcel of land for any of the uses listed in this section, exceeding five thousand (5,000) square feet of total building floor area will require a different zone designation.

A. Permitted Uses: The following uses are permitted in the L-C zone:
Accessory uses and buildings, customarily incidental and subordinate to an approved permitted/conditional use.

Administrative, executive, professional, medical and research offices.

Banking and other financial institutions.

Churches, temples and other places used exclusively for worship.

Mobile food vendor.

Parking lots for approved principal uses.

Public buildings and offices.

Public park, playground or recreation facilities.

Public utility service and maintenance facilities.

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.

Cemetery.

C. Any uses not set forth in this section are not allowed.

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. 2013-5, 8-12-2013, eff. 8-27-2013)

9-7A-3: SITE DESIGN REGULATIONS:

All site design elements for the above listed conditional uses are subject to review by the planning commission, who shall apply the standards and provisions found in chapter 15 of this title.

9-7A-4: HEIGHT REGULATIONS:

No building or structure shall be erected to a height greater than thirty-five feet (35'), unless otherwise approved through a conditional use permit.

9-7-5: AREA, WIDTH AND YARD REGULATIONS:

<u>Set Backs in Feet</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>L-C</u>	<u>30</u>	<u>10</u>	<u>10</u>

9-7A-6: MODIFYING REGULATIONS:

A. Side Yards: Buildings shall have a minimum side yard of ten feet (10') and the total of the two (2) side yards shall be twenty feet (20').

B. Rear Yards: Accessory buildings located at least ten feet (10') behind the main building may have a rear yard of three feet (3'); provided, that on corner lots rearing the side yard of another lot, the minimum rear yard for all buildings shall be ten feet (10').

9-7A-7: LANDSCAPING AND FENCING REGULATIONS:

A. Landscaping: At least five percent (5%) of the private lot area shall be improved and maintained with landscaping. At least half of that landscaped area shall be in the form of live trees, shrubs or ground cover. A minimum ten foot (10') wide landscaped strip within the private lot area shall be installed and maintained along all street frontages. With the exception of the pedestrian and vehicular access portions of buildings, landscaping shall be installed and maintained along all building walls that face street frontages and parking lots.

B. Fencing: Except in the front yard setback area, a six foot (6') high solid decorative fence or wall shall be installed and maintained along the boundary line of any agricultural or residential zone. Chain link fencing with slats is not considered a solid fence or wall for the purposes set forth in this chapter. (Ord. 2004-19, 6-9-2004)

ARTICLE B. COMMERCIAL (C-1) ZONE

SECTION:

9-7B-1: Purpose

9-7B-2: Use Regulations

9-7B-3: Site Design Regulations

9-7B-4: Height Regulations

9-7B-5: Area, Width And Yard Regulations

9-7B-6: Modifying Regulations

9-7B-7: Fencing Regulations

9-7B-1: PURPOSE:

The purpose of the commercial 1 (C-1) zone is to protect areas located in or near residential zones to meet the day to day needs of area residences. Development standards are intended to protect adjacent residential zones, promote orderly development and avoid the creation of traffic volumes which cannot be accommodated by the existing transportation network.

9-7B-2: USE REGULATIONS:

Development of any parcel of land for any of the uses listed in this section exceeding fifteen thousand (15,000) square feet of total building floor area are not permitted in this zone.

A. Permitted Uses: The following uses are permitted in the C-1 zone:

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

Any permitted uses listed in the light commercial (L-C) zone.

Restaurants.

Retail sale and/or rental of goods, merchandise and equipment conducted wholly within an enclosed building.

Tour Companies without ATV/UHV rentals.

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.

Automobile car wash, not to exceed four (4) bays.

Automobile sales

Automobile fuel stations.

Cell towers.

Child daycare or preschool center which meets all state and local regulations.

Commercial recreation and entertainment facilities, not to include sexually oriented businesses.

Heli pad private.

Private business and technical schools.

Reception center and/or wedding chapel.

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. 2013-5, 8-12-2013, eff. 8-27-2013)

9-7B-3: SITE DESIGN REGULATIONS:

All site design elements for the above listed conditional uses are subject to review by the planning commission, who shall apply the standards and provisions found in chapter 15 of this title.

A. Objectionable Factors: All uses shall be free from objectionable odor, noise, dust, smoke, vibration or other such factors; and

B. Advertising Signs: All advertising signs shall comply with the provisions of chapter 16 of this title.

9-7B-4: HEIGHT REGULATIONS:

No building or structure shall be erected to a height greater than thirty-five feet (35'), unless otherwise approved through a conditional use permit.

9-7B-5: AREA, WIDTH AND YARD REGULATIONS:

<u>Set Backs in Feet</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>C-1</u>	<u>25</u>	<u>5</u>	<u>20</u>

A. Setbacks: Minimum yard setback requirements shall be established in permitted use, conditional use or planned unit development approval; except no commercial building shall be located closer than fifty feet (50') to any Agriculture and Residential Zone boundary, or to any street line which continues into a Residential Zone, and no such building shall encroach on any easement. Any commercial lots abutting commercial lots shall have a front setback of no less than twenty five feet (25'), a side setback of no less than five feet (5') and a rear setback of no less than twenty feet (20'). (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-B-6: MODIFYING REGULATIONS:

- A. Side Yards: A fifty foot (50') side yard shall be required where a side yard abuts an agricultural or residential zone. Side yards abutting a street require a twenty five foot (25') side yard.
- B. Rear Yards: A ten foot (10') rear yard will be required where a rear yard abuts a residential or agricultural zone.

9-B-7: FENCING REGULATIONS:

- A. Fencing: Except in the front yard setback area, a six foot (6') high solid decorative fence or wall shall be installed and maintained along the boundary line of any agricultural or residential zone. Chain link fencing with slats is not considered a solid fence or wall for the purposes set forth in this article. (Ord. 2004-19, 6-9-2004)

ARTICLE C. COMMERCIAL (C-2) ZONE

SECTION:

9-7C-1: Purpose

9-7C-2: Use Regulations

9-7C-3: Site Design Regulations

9-7C-4: Height Regulations

9-7C-5: Area, Width And Yard Regulations

9-7C-6: Modifying Regulations

9-7C-7: Fencing Regulations

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.

9-7C-2: USE REGULATIONS:

- A. Permitted Uses: The following uses are permitted in the C-3 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:

Any conditional use listed in the L-C or C-1 zones.

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. 2013-5, 8-12-2013, eff. 8-27-2013)

9-7C-3: SITE DESIGN REGULATIONS:

All site design elements for the above listed conditional uses are subject to review by the planning commission, who shall apply the standards and provisions found in chapter 15 of this title.

- A. Objectionable Factors: All uses shall be free from objectionable odor, noise, dust, smoke, vibration or other such factors; and
- B. Advertising Signs: All advertising signs shall comply with the provisions of chapter 16 of this title.

9-7C-4: HEIGHT REGULATIONS:

No building or structure shall be erected to a height greater than forty-five feet (45'), unless otherwise approved by the planning commission.

9-7C-5: AREA, WIDTH AND YARD REGULATIONS:

<u>Set Backs in Feet</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>C-2</u>	<u>25</u>	<u>5</u>	<u>20</u>

9-7C-6: MODIFYING REGULATIONS:

- A. Side Yards: A fifty foot (50') side yard shall be required where a side yard abuts an agricultural or residential zone. Side yards abutting a street require a twenty five foot (25') side yard.
- B. Rear Yards: A ten foot (10') rear yard will be required where a rear yard abuts a residential or agricultural zone.
- C. Rear Yards: A twenty foot (20') rear yard open and accessible for emergency access will be required where a rear yard abuts a residential or agricultural zone.

9-7C-7: FENCING REGULATIONS:

- A. Fencing: Except in the front yard setback area, a six foot (6') high solid decorative fence or wall shall be installed and maintained along the boundary line of any agricultural or residential zone. Chain link fencing with slats is not considered a solid fence or wall for the purposes set forth in this article.

//

(Change Article C to Article D throughout)

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ARTICLE G D. STATE LANDS (SITLA)

SECTION:

9-7G D-1: Purpose

9-7G D-2: Jurisdiction

9-7G D-3: State Land Development

9-7G D-4: State Land That Becomes Private Lane

9-7G D-1: PURPOSE

9-7G-D 2: JURISDICTION:

9-7G D-3: STATE LAND DEVELOPMENT:

9-7G D-4: STATE LAND THAT BECOMES PRIVATE LAND:

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End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below.

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 _____, 2022.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Andy Gant, Chair
Board of Commissioners
Kane County

Commissioner Gant voted _____
Commissioner Chamberlain voted _____
Commissioner Heaton voted _____

KANE COUNTY ORDINANCE NO. O 2022 - 43

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 21, ARTICLE K, SECTION 3 OF
THE KANE COUNTY LAND USE ORDINANCE**

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to specific sections of Chapter 21 of the Kane County Land Use Ordinance; and

WHEREAS, the purpose of amending this chapter is as follows: Chapter 21, Article K. Rural Unimproved Subdivision Application, is amended to delete ten (10) acres and adding twenty (20) acres; and

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval amendments to Article K, Section 3, Rural Unimproved Subdivision Application, of Chapter 21; and

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended amendments; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-102, 501, and §17-53-201;

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

Chapter 21 of the Kane County Land Use Ordinance is amended as set forth below. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

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9-21K-3: RURAL UNIMPROVED SUBDIVISION APPLICATION:

Notwithstanding articles A through J of this chapter, the Land Use Authority may approve an application for a rural unimproved subdivision, if the following criteria and requirements are met:

B. The proposed subdivision:

1. Has a name that is distinct from all other recorded subdivisions in the County Recorder's Office; (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2019-13, 6-11-2019)

2. Is for ten (10) lots or less, all of which are at least ~~ten (10)~~ twenty (20) acres as a conforming aliquot parts parcel or less than twenty (20) ~~ten (10)~~ acres, but not less than

19.5 acres if necessary to compensate for the curvature of the earth or the convergence of Township lines as recognized in the public land survey system, or because of previous survey errors; (Ord. 2013-11, 11-25-2013, eff. 12-10-2013; amd. Ord. O-2019-13, 6-11-2019)

//

End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below.

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 _____, 2022.

ATTEST:

Andy Gant, Chair
Board of Commissioners
Kane County

KARLA JOHNSON
Kane County Clerk

Commissioner Gant voted _____
Commissioner Chamberlain voted _____
Commissioner Heaton voted _____

MOTION: I move to recommend denial/approval of Ordinance O-2022-43, amending Chapter 21, Rural Unimproved Subdivisions, Article K, Section 3, to the County Commission.