



November 16, 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

October 12, 2022 meeting

3. Conditional Use Permit: Hardman

An application for a Conditional Use Permit for a second short term rental on parcel 258-5, located in the Oak Ridge Estates Rural Unimproved Subdivision. Submitted by Jeremy Hardman.

4. Conditional Use Permit: Woodbury

An application for a Conditional Use Permit for a second short term rental on lot 42, Sunflower Valley Estates. Submitted by Karen Woodbury.

5. Conditional Use Permit: Woodbury

An application for a Conditional Use Permit for a second short term rental on lot 43, Sunflower Valley Estates. Submitted by Karen Woodbury.

6. Conditional Use Permit: Woodbury

An application for a Conditional Use Permit for a second short term rental on lot 48, Sunflower Valley Estates. Submitted by Karen Woodbury.

7. Conditional Use Permit: Woodbury

An application for a Conditional Use Permit for a second short term rental on lot 49, Sunflower Valley Estates. Submitted by Karen Woodbury.

Public Hearing**8. Lot Line Adjustment: De La Paz/Blackburn**

An application to amend a subdivision plat for a lot line adjustment, lots 439 & 441, Swains Creek Pines, Unit 3. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing**9. Lot Joinder: Webster**

An application to amend a subdivision plat for a lot joinder; joining lots 21 & 22, becoming new lot 22, Movie Ranch South Estates, Plat "A", Block 3. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing**10. Lot Joinder: Cardenas/Murphy/Johnston**

An application to amend a subdivision plat for a lot joinder; joining lot 707 and a portion of lot 708, becoming new lot 707, and joining a portion of lot 708 and lot 709, becoming new lot 709, Swains Creek Pines, Unit 3,. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing**11. Lot Joinder: Gann**

An application to amend a subdivision plat for a lot joinder; joining lots 23 & 24, Mirror Lake Plat B, becoming new lot 23, and vacating (2) 7.5 foot utility easements. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing**12. Lot Joinder: Cook**

An application to amend a subdivision plat for a lot joinder; joining lots 4 & 5, Meadow View Estates, Unit C, becoming new lot 4, and vacating (2) 7.5 foot utility easements. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

LEGISLATIVE ITEMS**Public Hearing****13. Amended Plat/Ordinance 2022-58: Harris**

An ordinance to accompany the amended plat; vacating a portion of lot 235, Color Country Subdivision, Plat "I", and adding it to lot 37, Movie Ranch South Estates, Plat A, becoming new lots 63-235 & 12-1-37.

Public Hearing**14. Amended Plat/Ordinance 2022-59: Morely/Bean**

An application for an amended plat; adjusting the parcel lines between parcels 297-1, 317-1, 317-2, and 317-3 and vacating a portion of 317-1 out of the Johnson Canyon Estates Platted Unimproved Subdivision and adding it to parcel 297-1 in the Square One Rural Unimproved Subdivision. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

Public Hearing

15. Zone Change/Ordinance 2022-53: Gateway Land Holdings LLC

An application for a zone change from Commercial 1 (C-1) to Commercial 2 (C-2), parcel 1-9-21-1A, containing 61.40 acres, located east of the Zion National Park boundary. Submitted by Kevin McLaws.

Public Hearing

16. Zone Change/Ordinance 2022-54: Zion High Ground LLC

An application for a zone change from Residential 5 (R-5) to Commercial 2 (C-2), parcel 1-9-16-1, containing 581.92 acres, located east of the Zion National Park Boundary. Submitted by Kevin McLaws.

Public Hearing

17. Zone Change/Ordinance 2022-55: Chamberlain Ranch Holdings LLC & The Ranch at Zion LLC

An application for a zone change from Agricultural (AG) to Commercial 2 (C-2), parcels 1-9-15-2, 1-9-15-6, 1-9-15-2D, 1-9-15-3, 1-9-15-2D2, and 1-9-15-2D3, totaling 203.04 acres, located east of the Zion National Park boundary. Submitted by Kevin McLaws.

Public Hearing

18. Zone Change/Ordinance 2022-56: The Ranch at Zion LLC

An application for a zone change from Agricultural (AG) to Commercial 2 (C-2), parcel 1-9-10-1, located east of the Clear Creek Ranch Resort. Submitted by Kevin McLaws.

Public Hearing

19. Planned Unit Development/Ordinance 2022-57: Kanab 600 LLC

An application for a Planned Unit Development (PUD), Willow Reserves Estates, including a zone change application, preliminary concept plan, and draft development agreement. The applicant is requesting to rezone from Residential 1 (R-1) to PUD Residential 1 (PUD R-1), PUD Multi-Residential (PUD MR) and PUD Commercial 2 (PUD C-2). Submitted by Kanab 600 LLC.

Public Hearing

20. Ordinance 2022-60: Revising KCLUO Chapters 1, 6, 7 & 15.

An ordinance revising the definition of a short term rental to allow for a maximum occupancy of 10 individuals, clarifying that only one single family dwelling is allowed in the R-1/2 zone, revising the purpose of the Commercial 1 zone and allowing the Land Use Administrator to approve residential conditional use permits.

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

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

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

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.



Kane County Planning Commission Staff Report

MEETING DATE: November 16, 2022

PROJECT NUMBER: 22105

REQUEST: Conditional Use Permit for Jeremy Hardman, Antony Tippets Jr., Blake Helquist, Clint Helquist for a second short term rental in the Oak Ridge Estates Rural Unimproved Subdivision, lot 258-5.

PREPARED BY: Shannon McBride, Land Use Administrator

SYNOPSIS: The applicants, Jeremy Hardman, Antony Tippets Jr., Blake Helquist, and Clint Helquist, are seeking approval for a conditional use permit to operate a second short-term rental, on lot 258-5, zoned AG-FAA, located in the vicinity of the Luther Wood R.V. Park and Oaken-Acres Subdivision.

FINDINGS: Kane County Land Use Ordinance (KCLUO) Title 9-6A-4(I), 9-6D, 9-5A-2 and 9-15A-1-7 requires a conditional use permit, subject to the Planning Commission's approval, for a second short-term/vacation rental in a Residential or AG Zone. All uses listed in the Residential Zone are allowed in the AG-FAA Zone Uses Table with their appropriate designation of permitted or conditional use permit.

9-5A-2: CODES AND SYMBOLS:

B. All uses listed in the residential uses table shall be allowed in the Agricultural Zone with the appropriate designated use of permitted, conditional or not allowed. If there is a conflict between the designated uses in the Agricultural Zone the most restrictive use shall apply. Exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-502. (Ord. O-2019-2, 1-14-2019)

9-6A-4: I. Short Term Or Vacation Rental: In the event that there is more than one dwelling on a single lot that may be considered a short term rental or vacation rental as defined in section [9-1-7](#) of this title only one renting of those dwellings may be used as a short term rental or vacation rental, except in the R-2 and R-5 Zones where a conditional use permit can be applied for to allow a second nightly/short term rental. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013; amd. Ord. 2014-15, 7-28-2014; Ord. O-2019-5, 4-22-2019; amd. Ord. O-2022-06, 3-22-2022; Ord. O-2022-18, 4-26-2022)

Utah State Code 17-27a-506.

Effective 5/5/2021

17-27a-506. Conditional uses.

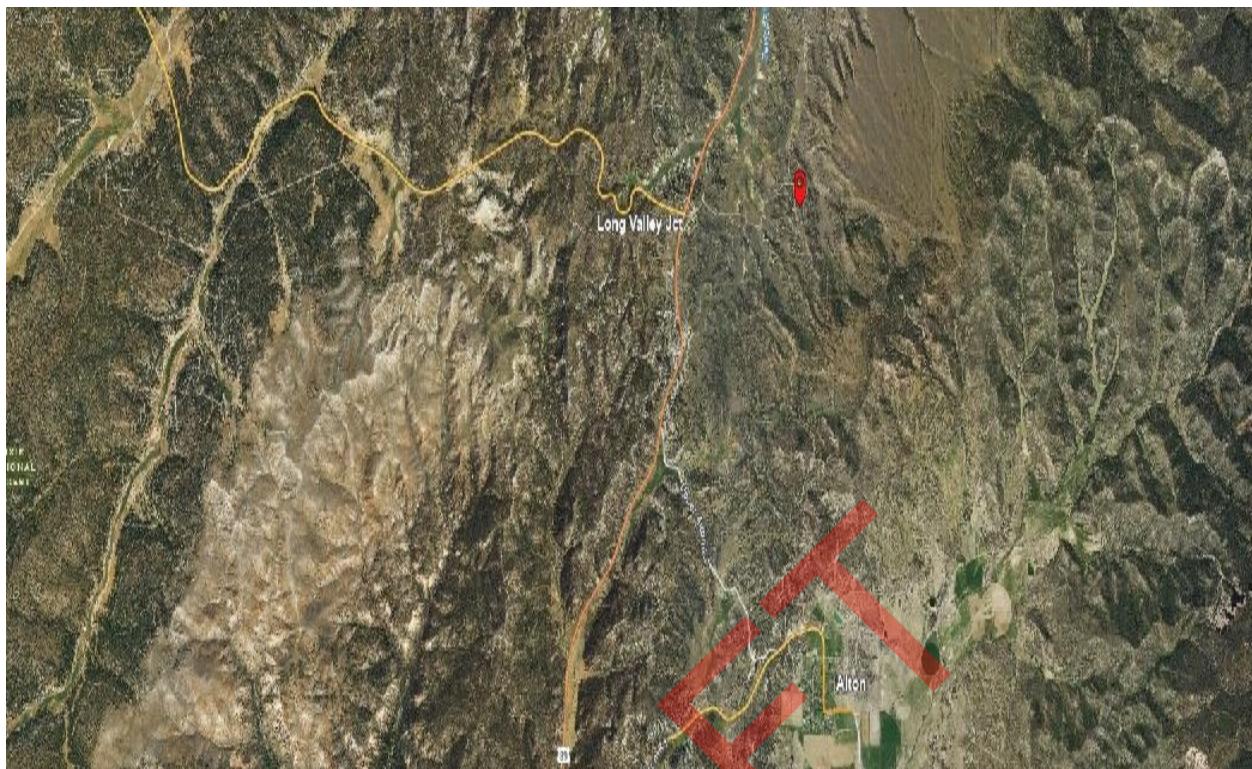
- (a) (i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
- (ii) The requirement described in Subsection [\(2\)\(a\)\(i\)](#) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

SUMMARY:

- The applicant is proposing renting out a second short-term vacation rental on lot 258-5.
- The proposed conditional use permit would allow renting out a second dwelling in the AG-FAA Zone.
- Surrounding lots are zoned AG-FAA.

PICTURES OF THE PROJECT





FINDINGS & STAFF RECOMMENDATIONS:

Land Use Administrator Shannon McBride recommends approval of a Conditional Use Permit for Jeremy Hardman, Antony Tippets Jr., Blake Helquist, and Clint Helquist, for a second short term rental in the Oak Ridge Estates Rural Unimproved Subdivision, lot 258-5, based on the findings as found and regulated in KCLUO Chapter 15: Conditional Uses and Chapter 6: Residential Uses and the findings as documented in this staff report.

Findings and Conditions: 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)
4. The use is harmonious with other neighboring use in the zone (KCLUO 9-15A-2E (2b)); and
5. The use for a second dwelling is allowed in Residential and AG-FAA zones.
6. With a CUP a second family dwelling can be rented out as a short term rental.

CHAPTER 15 CONDITIONAL USES:

Review Criteria: In reviewing an application for a conditional use permit, the land use authority shall consider whether the application: substantially mitigates the adverse impacts that are reasonable anticipated from the magnitude and intensity of the development and use, as proposed, consider:

Development Plan: The applicant for a conditional use permit shall prepare a site plan of the proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Land Use Authority may deem necessary. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

Land Use Authority Action: 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:

CONDITIONS - FINDINGS – MITIGATION KCLUO 9-15 CONDITIONAL USES

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.

The holder of this permit must obtain a letter of approval from the Culinary Water Authority and/or Sanitary Sewer Authority.

Findings: The acreage is larger and allows ample off-street parking. All infrastructure is in place that would keep guests safe, such as: fire hydrants, water, roads and access. Feasibility letters are required from local utility providers.

MITIGATION: Feasibility letters were received from the Southwest Utah Public Health Department, Garkane, and KCWCD. The Kane County Water Conservancy District requires a second meter on the garage. The owners will receive a copy of the conditional use permit and requirements within the Nuisance and Kane Land Use Ordinances-Short Term Rental and Lodge Regulations within Residential Zones 9-6D-1-8 (KCLUO) for compliance requirements.

2. Assurance the use will:

- a. Comply with the intent, spirit and regulations of the Kane County land use ordinance and Kane County General Plan.

Findings: Kane County General Plan: Pages 1, 2, 3, 4, 10.

MITIGATION: Provide copies of the Land Use Ordinance (Short Term Rental 9-6D-1-8) and the Nuisance Ordinance. Holder agrees to appear, when summoned in writing, at any meeting held by the Kane County Planning and Zoning Commission or the Kane County Commission, to address or answer any questions regarding the conditional use granted herein, including but not limited to holder's compliance or non-compliance with the conditions of the permit. Holder further agrees to make written response regarding compliance or non-compliance when requested by the Kane County Planning and Zoning Commission or the Kane County Commission.

Holder is allowed to construct and maintain the facilities, structures, and/or landscaping outlined in the site map which is attached hereto as Exhibit "C" and is hereby approved as part of this conditional use permit. Holder is not allowed to construct any additional facilities, structures, and/or landscaping unless said additions are approved by the Planning and Zoning Commission as part of this conditional use or are approved as activities that are acceptable within the zone.

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: All permits and regulations have been complied with.

MITIGATION: Comply with KCLUO 9-6D (Short Term Rentals in Residential Zones) and the Nuisance Ordinance.

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

Findings: All necessary facilities were signed off when the subdivision was developed.

MITIGATION: All required infrastructure is in.

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

Findings: Hours of operation and days will be 365 days a year, 24 hours a day.

MITIGATION: Relay to guests the proper quiet time hours to be respectful of neighbors. Kane County Nuisance Ordinance applies.

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

Findings: Developed and inspected at the time of the RUS creation.

MITIGATION: KC Nuisance Ordinance

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

Findings: AG-FAA Zone have been met.

MITIGATION: All set backs are in compliance with KCLUO.

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

Findings: A second short-term/vacation rental is only allowed with a Conditional Use Permit in the AG-FFA zone.

MITIGATION: These requirements took place at the building permit stage.

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

Findings: 9-13-5: PARKING SPACES REQUIRED FOR RESIDENTIAL AREAS:

The number of off street parking spaces required for residential development shall be as follows:

A. Single-Family Dwelling: Two (2) parking spaces per single-family dwelling.
Four (4) parking spaces are required. Two for each dwelling.

MITIGATION: Four off street parking places for the lodge have been provided on site plan.

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

Findings: N/A

MITIGATION: N/A

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

Findings: Keep the landscaping properly maintained.

MITIGATION: KC Nuisance Ordinance applies.

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

Findings: A. Signs not exceeding four (4) square feet normally associated with residential uses and that are not of a commercial nature, such as: 1) signs giving property identification names or numbers or names of occupants, 2) signs on mailboxes or newspaper tubes, and 3) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

MITIGATION: Adhere to the above KCLUO 9-16-1A.

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

Findings: All lights to be down hooded.

MITIGATION: Preserve the dark skies and avoid light trespass.

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

Findings: N/A

MITIGATION: N/A

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

Findings: N/A

MITIGATION: N/A

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: N/A

MITIGATION: N/A

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

Findings: N/A

MITIGATION: N/A

18. Limiting noise generation;

Findings: Nuisance Ordinance applies.

MITIGATION: Provide guests with quiet hours

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

Findings: N/A

MITIGATION: N/A

20. Requiring turn lane improvements at street intersections.

Findings: N/A

MITIGATION: N/A

21. Providing for emergency access;

Findings: An existing easement is in place.

MITIGATION: The easement has been recorded.

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;

Findings: N/A

MITIGATION: N/A

23. Requiring approval of septic and of water systems;

Findings: Southwest Utah Public Health Department is the permitting agency. The owners will adhere to all regulations as permitted through the SUPHD.

MITIGATION: Inspected and approved with subdivision and building permit.

24. Requiring buildings to be built to specific requirements;

Findings: The home is existing.

MITIGATION: N/A.

25. The holder of this conditional use shall comply with the following:

9-6D-3: TERMS OF USE:

Short term rental and **lodge_use** of a **single family dwelling** shall be an allowed use in residential zones if the following terms are complied with:

- A. Each short term rental or lodge shall maintain a current Kane County Business License.
- B. Owner shall maintain active registration with the State of Utah and remit all taxes deemed necessary by the Utah State Tax Commission.
- C. Short term rental unit or lodge shall comply with all applicable rules and regulations set forth by the local health department including the county building department, and Kane County Land Use Authority.
- D. Short term rentals and lodges are limited to one (1) short term unit per property, unless allowed otherwise by zone.
- E. Short term rental shall not exceed the maximum occupancy of fourteen (14) individuals at a time.
- F. Lodges shall not exceed the maximum occupancy of twenty-four (24) individuals, if the property is serviced by municipal scale water and sewer, an additional eleven (11) individuals may be permitted for a maximum occupancy of thirty-five (35) through the conditional use application.
- G. Short term rentals and lodges shall provide a minimum of four (4) off street parking spaces.

9-6D-4: MAINTENANCE STANDARDS: All short term rentals and lodges shall conform to maintenance standards as defined in the Kane County Nuisance Ordinance. (4-3-3B)

9-6D-5: PREVENTION OF NOISE, TRESPASS, PROHIBITED ACTIVITIES: The owner/ property manager of a short term rental or lodge property shall be responsible to ensure that guests or occupants of the short term rental property comply with all noise, trespass, and safety conditions as defined in the Kane County Nuisance Ordinance. (4-3-3)

9-6D-6: REQUIRED POSTING: The following information must be posted in clear and prominent area near the primary entrance of the short term rental or lodge.

- A. Business License: A copy of the Kane County Business License;
- B. Owner, Property Manager Information: The name, address, and phone number of the owner or property manager;
- C. Maximum occupancy: Total occupants of the dwelling shall not exceed the allowed amount as listed in the use definition.

9-6D-7: TAX RESPONSIBILITIES: The owner of any dwelling licensed as a short term rental or **lodge** shall be required to collect and remit transient room tax and any other tax deemed necessary by the State Tax Commission. Failure to do so may result in civil or criminal penalties, or both, under county and/or state code.

Kane County Land Use Administrator, Shannon McBride, recommends approval of this Conditional Use Permit for Jeremy Hardman, Antony Tippets Jr., Blake Helquist, and Clint Helquist for a second short term rental in an AG-FAA, Rural Unimproved Subdivision, lot 258-5, based on the findings as found in and regulated in KCLUO Chapter 15 Conditional Uses and the findings as documented in this staff report.

MOTION: I _____ make a motion to approve/deny a conditional use permit for Jeremy Hardman, Antony Tippets Jr., Blake Helquist, and Clint Helquist for a second short term rental in the Oak Ridge Estates Rural Unimproved ~~Subdivision~~, lot 258-5, based on the findings as found in this staff report.

DRAFT



Kane County Planning Commission Staff Report

DATE: October 20, 2022

PROJECT NUMBER: 22106

REQUEST: Conditional Use Permit for Karen Woodbury for a second short-term vacation rental in a Residential 2 Zone within the Sunflower Valley Estates Subdivision, lot 42

PREPARED BY: Shannon McBride, Land Use Administrator

SYNOPSIS: The applicant, Karen Woodbury, is seeking approval for a conditional use permit to operate a second short-term vacation rental in the Sunflower Valley Estates Subdivision on lot 42, zoned R-2

FINDINGS: Kane County Land Use Ordinance (KCLUO) Title 9-6A-6 and 9-15A-1-7 requires a conditional use permit, subject to the Planning Commission's approval, for a second short-term vacation rental in a Residential 2 Zone. All uses listed in the Residential Zone are allowed in the R-2 Zone Uses Table with their appropriate designation of permitted or conditional use permit.

Utah State Code 17-27a-506.

Effective 5/5/2021

17-27a-506. Conditional uses.

- (a) (i) A land use authority shall approve a conditional use 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.
- (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
- (b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

A land use authority's decision to approve or deny a conditional use is an administrative land use decision.

A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

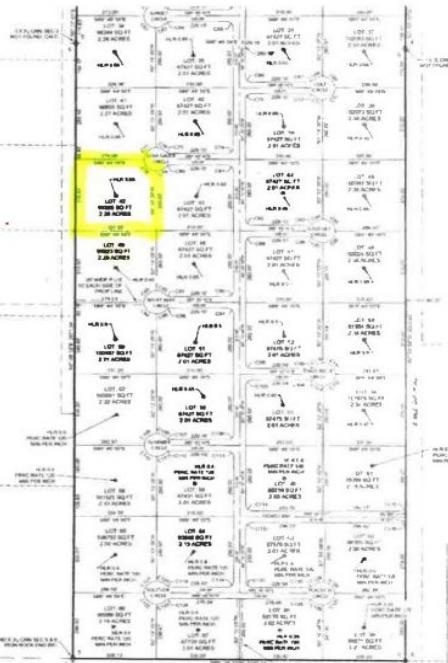
Hearing: A public hearing need not be held; however, a hearing may be held when the Land Use Authority shall deem a hearing to be necessary to serve the public interest.

SUMMARY:

- The applicant is proposing renting out a second dwelling for short-term rental on lot 42.
- The proposed conditional use permit would allow renting out a second dwelling in the R-2 Zone.
- The home and guest home are being built at this time.
- Sunflower Valley Estates has all the infrastructure required.
- Surrounding lots are zoned R-2.

PICTURES OF THE PROJECT





**SUNFLOWER VALLEY ESTATES SUBDIVISION
FINAL PLAT**

KANE COUNTY, UTAH LOCATED IN THE NW $\frac{1}{4}$, NE $\frac{1}{4}$ AND THE E $\frac{1}{2}$ OF SECTION 5,
TOWNSHIP 44 SOUTH, RANGE 5 WEST, SALT LAKE BASE AND MERIDIAN

IRON ROCK

Building and Supply
Furnishings Inc.

LOWER VALLEY ESTATES
SUBDIVISION
KANE COUNTY, UTAH

| | | |
|---|--------------------------------|---|
| INITIAL INVESTIGATOR | DATE | 03/26/21 |
| ATTY Zinc | DATE APR 1 2021 5/5/2021 | DESCRIPTION Claim of Right Motor Vehicle Lien |
|  | | RECEIVED MASSACHUSETTS DEPARTMENT OF REVENUE REGISTRATION DIVISION MAY 5 2021 |
| DRAWN BY: MJS | | |
| SCALE: 1" = 150' | | |
| SHEET: | | |

3 OF 3

1750

ROBERT & KAREN WILHELM
 LOT 42
 SUNFLOWER VALLEY ESTATES
 LOT SIZE: 100' X 120'
 SYSTEM: ANNUAL TREATMENT FOR 1 TOTAL BEDROOMS
 A TANK SIZE APPROX. 17' X 10' X 6'11"
 B 100' X 120' EASY TO DRENCH SIZING
 NOTCH: 6'11" X 10' (NO NOTCH)
 C 100' X 120' TANK (NO DRAIN) 100% EFFECTIVE
 D 100' X 120' TANK (NO DRAIN) 75% EFFECTIVE
 E 100' X 120' TANK (NO DRAIN) 50% EFFECTIVE
 F 100' X 120' TANK (NO DRAIN) 33% EFFECTIVE
 G 100' X 120' TANK (NO DRAIN) 17% EFFECTIVE
 H 100' X 120' TANK (NO DRAIN) 5% EFFECTIVE
 I 100' X 120' TANK (NO DRAIN) 1% EFFECTIVE
 J 100' X 120' TANK (NO DRAIN) 0% EFFECTIVE

SCOPE OF WORK:

PROVIDE DESIGN AND OR CONSTRUCT THE FOLLOWING FOR THE SPECIFIED PROPERTY:

① 5' X 20' 40 GPM SEWER LINE w/ MINIMUM 2% PER FOOT SLOPE. INCL ATTACH FOR SEWER SYSTEM.

② 14' X 24' CLEAR OUT

③ 100' X 120' SEptic TANK (HOMESTEAD) w/ ACCESS TO SURFACE.

④ 10' X 12' 50 GPM LADDER LEVEL.

⑤ DRIVEWAY

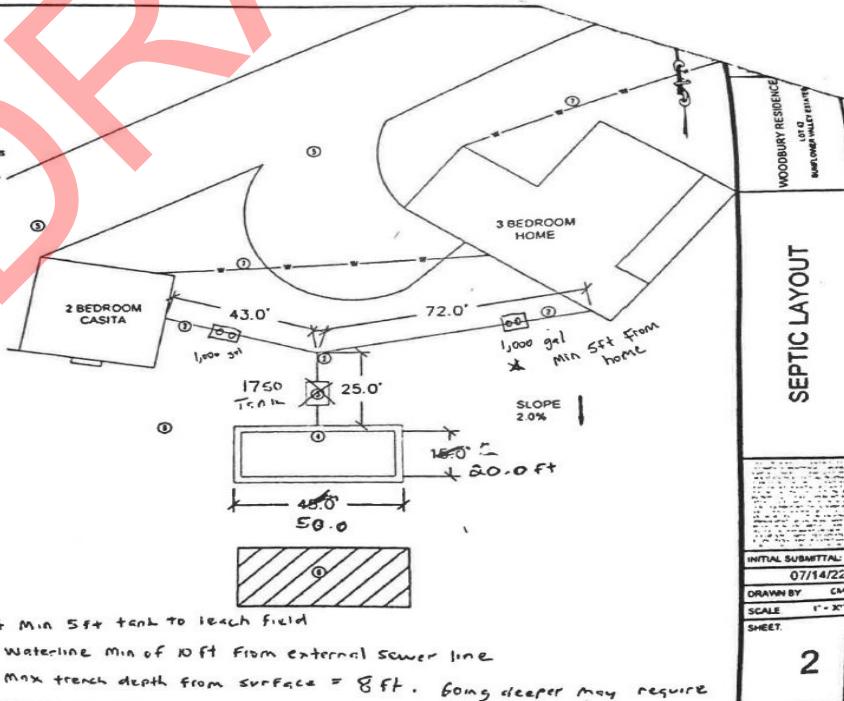
⑥ HEDGING FIELD

⑦ WATERLINE

⑧ 10' WASH BENCH

NOTE: SEWERLINE MUST BE A MINIMUM OF 10' FROM SURFACE.

TRENCH DETAIL



FINDINGS & STAFF RECOMMENDATIONS:

Land Use Administrator Shannon McBride recommends approval of a Conditional Use Permit for Karen Woodbury, to operate a second short-term rental, located in the Sunflower Valley Estates Subdivision, zoned Residential 2, based on the findings as found and regulated in KCLUO Chapter 15: Conditional Uses and Chapter 6: Residential Uses and the findings as documented in this staff report.

Findings and Conditions: 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)
4. The use is harmonious with other neighboring use in the zone (KCLUO 9-15A-2E (2b)); and
5. The use for a second dwelling is allowed in Residential and AG-FAA zones.
6. With a CUP a second family dwelling can be rented out as a short term rental.

CHAPTER 15 CONDITIONAL USES:

Review Criteria: In reviewing an application for a conditional use permit, the land use authority shall consider whether the application: substantially mitigates the adverse impacts that are reasonable anticipated from the magnitude and intensity of the development and use, as proposed, consider:

Development Plan: The applicant for a conditional use permit shall prepare a site plan of the proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Land Use Authority may deem necessary. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

Land Use Authority Action: 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:

CONDITIONS - FINDINGS – MITIGATION KCLUO 9-15 CONDITIONAL USES

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. The holder of this permit must obtain a letter of approval from the Culinary Water Authority and/or Sanitary Sewer Authority.

Findings: The acreage is larger and allows ample off-street parking. All infrastructure is in place that would keep guests safe, such as: fire hydrants, water, roads and access. Feasibility letters are required from local utility providers.

MITIGATION: Feasibility letters were received from the Southwest Utah Public Health Department, Garkane, WKCSSD and KCWCD. The owners will receive a copy of the conditional use permit and requirements within the Nuisance and Kane Land Use Ordinances- Short Term Rental and Lodge Regulations within Residential Zones 9-6D-1-8 (KCLUO) for compliance requirements.

2. Assurance the use will:

- a. Comply with the intent, spirit and regulations of the Kane County land use ordinance and Kane County General Plan.

Findings: Kane County General Plan: Pages 1, 2, 3, 4, 10.

MITIGATION: Provide copies of the Land Use Ordinance (Short Term Rental 9-6D-1-8) and the Nuisance Ordinance. Holder agrees to appear, when summoned in writing, at any meeting held by the Kane County Planning and Zoning Commission or the Kane County Commission, to address or answer any questions regarding the conditional use granted herein, including but not limited to holder's compliance or non-compliance with the conditions of the permit. Holder further agrees to make written response regarding compliance or non-compliance when requested by the Kane County Planning and Zoning Commission or the Kane County Commission.

Holder is allowed to construct and maintain the facilities, structures, and/or landscaping outlined in the site map which is attached hereto as Exhibit "C" and is hereby approved as part of this conditional use permit. Holder is not allowed to construct any additional facilities, structures, and/or landscaping unless said additions are approved by the Planning and Zoning Commission as part of this conditional use or are approved as activities that are acceptable within the zone.

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: All permits and regulations have been complied with.

MITIGATION: Comply with KCLUO 9-6A (Short Term Rentals in Residential Zones) and the Nuisance Ordinance.

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

Findings: All necessary facilities were signed off when the subdivision was developed.

MITIGATION: All required infrastructure is in place.

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

Findings: Hours of operation and days will be 365 days a year, 24 hours a day.

MITIGATION: Relay to guests the proper quiet time hours to be respectful of neighbors. Kane County Nuisance Ordinance applies.

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

Findings: Developed and inspected at the time of the subdivision creation.

MITIGATION: KC Nuisance Ordinance

7. Requiring larger setback areas, lot area, and/or lot depth or width; Residential 2 setbacks have been met.

MITIGATION: All set backs are in compliance with KCLUO.

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

Findings: A second short-term/vacation rental is only allowed with a Conditional Use Permit in a Residential 2 zone.

MITIGATION: These requirements took place at the building permit stage.

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

Findings: 9-13-5: PARKING SPACES REQUIRED FOR RESIDENTIAL AREAS:

The number of off street parking spaces required for residential development shall be as follows:

A. Single-Family Dwelling: Two (2) parking spaces per single-family dwelling.
Four (4) parking spaces are required. Two for each dwelling.

MITIGATION: Four off street parking places for the dwellings have been provided on site plan.

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

Findings: N/A

MITIGATION: N/A

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

Findings: Keep the landscaping properly maintained.

MITIGATION: KC Nuisance Ordinance applies.

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

Findings: A. Signs not exceeding four (4) square feet normally associated with residential uses and that are not of a commercial nature, such as: 1) signs giving property identification names or numbers or names of occupants, 2) signs on mailboxes or newspaper tubes, and 3) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

MITIGATION: Adhere to the above KCLUO 9-16-1A.

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

Findings: All lights to be down hooded.

MITIGATION: Preserve the dark skies and avoid light trespass.

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

Findings: N/A

MITIGATION: N/A

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

Findings: Each lot will need to be fenced for privacy and trespass issues.

MITIGATION: Fencing will be required for each lot containing the two dwellings.

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: N/A

MITIGATION: N/A

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

Findings: N/A

MITIGATION: N/A

18. Limiting noise generation;

Findings: Nuisance Ordinance applies.

MITIGATION: Provide guests with quiet hours

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

Findings: N/A

MITIGATION: N/A

20. Requiring turn lane improvements at street intersections.

Findings: N/A

MITIGATION: N/A

21. Providing for emergency access;

Findings: A road is in place.

MITIGATION: Emergency access has been provided.

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;

Findings: N/A

MITIGATION: N/A

23. Requiring approval of septic and of water systems;

Findings: Southwest Utah Public Health Department is the permitting agency. The owners will adhere to all regulations as permitted through the SUPHD.

MITIGATION: Obtained approval of septic system designs and will be inspected and approved with the building permit.

24. Requiring buildings to be built to specific requirements;

Findings: The home is being built.

MITIGATION: Building permit was applied for and dwellings are being inspected for compliance.

25. The holder of this conditional use shall comply with the following:

9-6D-3: TERMS OF USE:

Short term rental and lodge_use of a single family dwelling shall be an allowed use in residential zones if the following terms are complied with:

- A. Each short term rental or lodge shall maintain a current Kane County Business License.
- B. Owner shall maintain active registration with the ~~State of Utah~~ and remit all taxes deemed necessary by the Utah State Tax Commission.
- C. Short term rental unit or lodge shall comply with all applicable rules and regulations set forth by the local health department including the ~~county~~ building department, and Kane County Land Use Authority.
- D. Short term rentals and lodges are limited to one (1) short term unit per property, unless allowed otherwise by zone.
- E. Short term rental shall not exceed the maximum occupancy of fourteen (14) individuals at a time.
- F. Lodges shall not exceed the maximum occupancy of twenty-four (24) individuals, if the property is serviced by municipal scale water and sewer, an additional eleven (11) individuals may be permitted for a maximum occupancy of thirty-five (35) through the conditional use application.
- G. Short term rentals and lodges shall provide a minimum of four (4) off street parking spaces.

9-6D-4: MAINTENANCE STANDARDS: All short term rentals and lodges shall conform to maintenance standards as defined in the Kane County Nuisance Ordinance. (4-3-3B)

9-6D-5: PREVENTION OF NOISE, TRESPASS, PROHIBITED ACTIVITIES: The owner/ property manager of a short term rental or lodge property shall be responsible to ensure that guests or occupants of the short term rental property comply with all noise, trespass, and safety conditions as defined in the Kane County Nuisance Ordinance. (4-3-3)

9-6D-6: REQUIRED POSTING: The following information must be posted in clear and prominent area near the primary entrance of the short term rental or lodge.

- A. Business License: A copy of the Kane County Business License;
- B. Owner, Property Manager Information: The name, address, and phone number of the owner or property manager;
- C. Maximum occupancy: Total occupants of the dwelling shall not exceed the allowed amount as listed in the use definition.

9-6D-7: TAX RESPONSIBILITIES: The owner of any dwelling licensed as a short term rental or lodge shall be required to collect and remit transient room tax and any other tax deemed necessary by the State Tax Commission. Failure to do so may result in civil or criminal penalties, or both, under county and/or state code.

Kane County Land Use Administrator, Shannon McBride, recommends approval of this Conditional Use Permit for Karen Woodbury for a second short term rental in an Residential 2 zone, within the Sunflower Valley Estates Subdivision, lot 42, based on the findings as found and regulated in KCLUO Chapter 15 Conditional Uses and the findings as documented in this staff report.

MOTION: I _____ make a motion to approve/deny a conditional use permit for Karen Woodbury, to operate a second short-term vacation rental located on lot 42 in the Sunflower Valley Estates Subdivision, zoned Residential 2, based on the findings as found in this staff report.

DRAFT



Kane County Planning Commission Staff Report

DATE: October 20, 2022

PROJECT NUMBER: 22107

REQUEST: Conditional Use Permit for Karen Woodbury for a second short-term vacation rental in a Residential 2 Zone within the Sunflower Valley Estates Subdivision, lot 43

PREPARED BY: Shannon McBride, Land Use Administrator

SYNOPSIS: The applicant, Karen Woodbury, is seeking approval for a conditional use permit to operate a second short-term vacation rental in the Sunflower Valley Estates Subdivision on lot 43, zoned R-2

FINDINGS: Kane County Land Use Ordinance (KCLUO) Title 9-6A-6 and 9-15A-1-7 requires a conditional use permit, subject to the Planning Commission's approval, for a second short-term vacation rental in a Residential 2 Zone. All uses listed in the Residential Zone are allowed in the R-2 Zone Uses Table with their appropriate designation of permitted or conditional use permit.

Utah State Code 17-27a-506.

Effective 5/5/2021

17-27a-506. Conditional uses.

- (a) (i) A land use authority shall approve a conditional use 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.
- (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
- (b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

A land use authority's decision to approve or deny a conditional use is an administrative land use decision.

A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

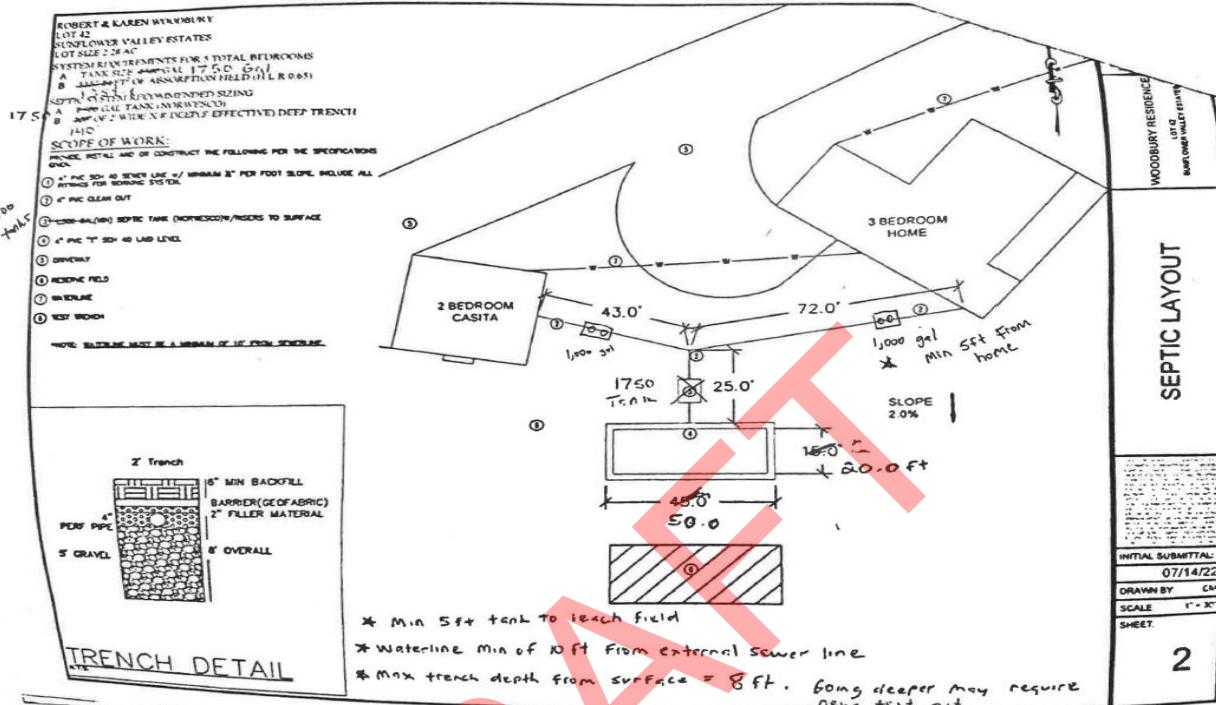
Hearing: A public hearing need not be held; however, a hearing may be held when the Land Use Authority shall deem a hearing to be necessary to serve the public interest.

SUMMARY:

- The applicant is proposing renting out a second dwelling for short-term rental on lot 43.
- The proposed conditional use permit would allow renting out a second dwelling in the R-2 Zone.
- The home and guest home are being built at this time.
- Sunflower Valley Estates has all the infrastructure required.
- Surrounding lots are zoned R-2.

PICTURES OF THE PROJECT





FINDINGS & STAFF RECOMMENDATIONS:

Land Use Administrator **Shannon McBride** recommends approval of a Conditional Use Permit for Karen Woodbury, to operate a second short-term rental, located in the Sunflower Valley Estates Subdivision, zoned Residential 2, based on the findings as found and regulated in KCLUO Chapter 15: Conditional Uses and Chapter 6: Residential Uses and the findings as documented in this staff report.

Findings and Conditions: 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)
4. The use is harmonious with other neighboring use in the zone (KCLUO 9-15A-2E (2b)); and
5. The use for a second dwelling is allowed in Residential and AG-FAA zones.

- With a CUP a second family dwelling can be rented out as a short term rental.

CHAPTER 15 CONDITIONAL USES:

Review Criteria: In reviewing an application for a conditional use permit, the land use authority shall consider whether the application: substantially mitigates the adverse impacts that are reasonable anticipated from the magnitude and intensity of the development and use, as proposed, consider:

Development Plan: The applicant for a conditional use permit shall prepare a site plan of the proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Land Use Authority may deem necessary. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

Land Use Authority Action: 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:

CONDITIONS - FINDINGS – MITIGATION KCLUO 9-15 CONDITIONAL USES

- 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. The holder of this permit must obtain a letter of approval from the Culinary Water Authority and/or Sanitary Sewer Authority.

Findings: The acreage is larger and allows ample off-street parking. All infrastructure is in place that would keep **guests** safe, such as: fire hydrants, water, roads and access. Feasibility letters are required from local utility providers.

MITIGATION: Feasibility letters were received from the Southwest Utah Public Health Department, Garkane, WKCSSD and KCWCD. The owners will receive a copy of the conditional use permit and requirements within the Nuisance and Kane Land Use Ordinances- Short Term Rental and Lodge Regulations within Residential Zones 9-6D-1-8 (KCLUO) for compliance requirements.

- Assurance the use will:

- Comply with the intent, spirit and regulations of the Kane County land use ordinance and Kane County General Plan.

Findings: Kane County General Plan: Pages 1, 2, 3, 4, 10.

MITIGATION: Provide copies of the Land Use Ordinance (Short Term Rental 9-6D-1-8) and the Nuisance Ordinance. Holder agrees to appear, when summoned in writing, at any meeting held by the Kane County Planning and Zoning Commission or the Kane County Commission, to address or answer any questions regarding the conditional use granted herein, including but not limited to holder's compliance or non-compliance with the conditions of the permit. Holder

further agrees to make written response regarding compliance or non-compliance when requested by the Kane County Planning and Zoning Commission or the Kane County Commission.

Holder is allowed to construct and maintain the facilities, structures, and/or landscaping outlined in the site map which is attached hereto as Exhibit "C" and is hereby approved as part of this conditional use permit. Holder is not allowed to construct any additional facilities, structures, and/or landscaping unless said additions are approved by the Planning and Zoning Commission as part of this conditional use or are approved as activities that are acceptable within the zone.

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: All permits and regulations have been complied with.

MITIGATION: Comply with KCLUO 9-6A (Short Term Rentals in Residential Zones) and the Nuisance Ordinance.

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

Findings: All necessary facilities were signed off when the subdivision was developed.

MITIGATION: All required infrastructure is in place.

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

Findings: Hours of operation and days will be 365 days a year, 24 hours a day.

MITIGATION: Relay to guests the proper quiet time hours to be respectful of neighbors. Kane County Nuisance Ordinance applies.

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

Findings: Developed and inspected at the time of the subdivision creation.

MITIGATION: KC Nuisance Ordinance

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

Findings: The Residential 2 Zone setbacks have been met and checked at the building permit stage.

MITIGATION: All set backs are in compliance with KCLUO.

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

Findings: A second short-term/vacation rental is only allowed with a Conditional Use Permit in a Residential 2 zone.

MITIGATION: These requirements took place at the building permit stage.

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

Findings: 9-13-5: PARKING SPACES REQUIRED FOR RESIDENTIAL AREAS:

The number of off street parking spaces required for residential development shall be as follows:

- A. Single-Family Dwelling: Two (2) parking spaces per single-family dwelling.
Four (4) parking spaces are required. Two for each dwelling.

MITIGATION: Four off street parking places for the dwellings have been provided on site plan.

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

Findings: N/A

MITIGATION: N/A

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

Findings: Keep the landscaping properly maintained.

MITIGATION: KC Nuisance Ordinance applies.

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

Findings: A. Signs not exceeding four (4) square feet normally associated with residential uses and that are not of a commercial nature, such as: 1) signs giving property identification names or numbers or names of occupants, 2) signs on mailboxes or newspaper tubes, and 3) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

MITIGATION: Adhere to the above KCLUO 9-16-1A.

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

Findings: All lights to be down hooded.

MITIGATION: Preserve the dark skies and avoid light trespass.

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

Findings: N/A

MITIGATION: N/A

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

Findings: Fencing will be required.

MITIGATION: All lots will be fenced for trespassing and privacy.

- 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: N/A

MITIGATION: N/A

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

Findings: N/A

MITIGATION: N/A

18. Limiting noise generation;

Findings: Nuisance Ordinance applies.

MITIGATION: Provide guests with quiet hours

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

Findings: N/A

MITIGATION: N/A

20. Requiring turn lane improvements at street intersections.

Findings: N/A

MITIGATION: N/A

21. Providing for emergency access;

Findings: A road is in place.

MITIGATION: Emergency access has been provided.

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;

Findings: N/A

MITIGATION: N/A

23. Requiring approval of septic and of water systems;

Findings: Southwest Utah Public Health Department is the permitting agency. The owners will adhere to all regulations as permitted through the SUPHD.

MITIGATION: Obtained approval of septic system designs and will be inspected and approved with the building permit.

24. Requiring buildings to be built to specific requirements;

Findings: The home is being built.

MITIGATION: Building permit was applied for and dwellings are being inspected for compliance.

25. The holder of this conditional use shall comply with the following:

9-6D-3: TERMS OF USE:

Short term rental and **lodge_use** of a **single family dwelling** shall be an allowed use in residential zones if the following terms are complied with:

- A. Each short term rental or lodge shall maintain a current Kane County Business License.

- B. Owner shall maintain active registration with the State of Utah and remit all taxes deemed necessary by the Utah State Tax Commission.
- C. Short term rental unit or lodge shall comply with all applicable rules and regulations set forth by the local health department including the county building department, and Kane County Land Use Authority.
- D. Short term rentals and lodges are limited to one (1) short term unit per property, unless allowed otherwise by zone.
- E. Short term rental shall not exceed the maximum occupancy of fourteen (14) individuals at a time.
- F. Lodges shall not exceed the maximum occupancy of twenty-four (24) individuals, if the property is serviced by municipal scale water and sewer, an additional eleven (11) individuals may be permitted for a maximum occupancy of thirty-five (35) through the conditional use application.
- G. Short term rentals and lodges shall provide a minimum of four (4) off street parking spaces.

9-6D-4: MAINTENANCE STANDARDS: All short term rentals and lodges shall conform to maintenance standards as defined in the Kane County Nuisance Ordinance. (4-3-3B)

9-6D-5: PREVENTION OF NOISE, TRESPASS, PROHIBITED ACTIVITIES: The owner/ property manager of a short term rental or lodge property shall be responsible to ensure that guests or occupants of the short term rental property comply with all noise, trespass, and safety conditions as defined in the Kane County Nuisance Ordinance. (4-3-3)

9-6D-6: REQUIRED POSTING: The following information must be posted in clear and prominent area near the primary entrance of the short term rental or lodge.

- A. Business License: A copy of the Kane County Business License;
- B. Owner, Property Manager Information: The name, address, and phone number of the owner or property manager;
- C. Maximum occupancy: Total occupants of the dwelling shall not exceed the allowed amount as listed in the use definition.

9-6D-7: TAX RESPONSIBILITIES: The owner of any dwelling licensed as a short term rental or lodge shall be required to collect and remit transient room tax and any other tax deemed necessary by the State Tax Commission. Failure to do so may result in civil or criminal penalties, or both, under county and/or state code.

Kane County Land Use Administrator, Shannon McBride, recommends approval of this Conditional Use Permit for Karen Woodbury for a second short term rental in an Residential 2 zone, within the Sunflower Valley Estates Subdivision, lot 43, based on the findings as found and regulated in KCLUO Chapter 15 Conditional Uses and the findings as documented in this staff report.

MOTION: I _____ make a motion to approve/deny a conditional use permit for Karen Woodbury, to operate a second short-term vacation rental located on lot 43 in the Sunflower Valley Estates Subdivision, zoned Residential 2, based on the findings as found in this staff report.

DRAFT



Kane County Planning Commission Staff Report

DATE: October 20, 2022

PROJECT NUMBER: 22108

REQUEST: Conditional Use Permit for Karen Woodbury for a second short-term vacation rental in a Residential 2 Zone within the Sunflower Valley Estates Subdivision, lot 48

PREPARED BY: Shannon McBride, Land Use Administrator

SYNOPSIS: The applicant, Karen Woodbury, is seeking approval for a conditional use permit to operate a second short-term vacation rental in the Sunflower Valley Estates Subdivision on lot 48, zoned R-2

FINDINGS: Kane County Land Use Ordinance (KCLUO) Title 9-6A-6 and 9-15A-1-7 requires a conditional use permit, subject to the Planning Commission's approval, for a second short-term vacation rental in a Residential 2 Zone. All uses listed in the Residential Zone Uses Table are allowed with their appropriate designation of permitted or conditional use permit.

Utah State Code 17-27a-506.

Effective 5/5/2021

17-27a-506. Conditional uses.

- (a) (i) A land use authority shall approve a conditional use 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.
- (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
- (b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

A land use authority's decision to approve or deny a conditional use is an administrative land use decision.

A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

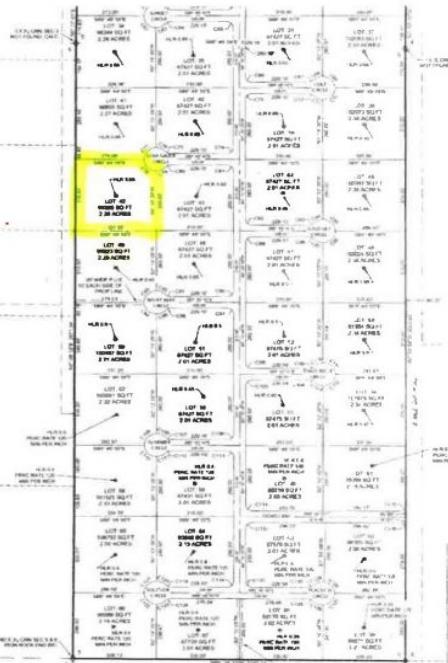
Hearing: A public hearing need not be held; however, a hearing may be held when the Land Use Authority shall deem a hearing to be necessary to serve the public interest.

SUMMARY:

- The applicant is proposing renting out a second dwelling for short-term rental on lot 48.
- The proposed conditional use permit would allow renting out a second dwelling in the R-2 Zone.
- The home and guest home are being built at this time.
- Sunflower Valley Estates has all the infrastructure required.
- Surrounding lots are zoned R-2.

PICTURES OF THE PROJECT





**SUNFLOWER VALLEY ESTATES SUBDIVISION
FINAL PLAT**

**KANE COUNTY, UTAH LOCATED IN THE NW $\frac{1}{4}$, NE $\frac{1}{4}$ AND THE E $\frac{1}{2}$ OF SECTION 5,
TOWNSHIP 44 SOUTH, RANGE 5 WEST, SALT LAKE BASE AND MERIDIAN**



IRON ROCK
ENGINEERING

Building and Supply
Furnishings Inc.

LOWER VALLEY ESTATES
SUBDIVISION
KANE COUNTY UTAH

| | | |
|---|---------|-----------------------------------|
| SEARCHED | INDEXED | DATE 07/24/11 |
| SERIALIZED | FILED | CHIEF OF B. & D. MURKIN, R. L. |
| 2011-07-24 | | |
|  | | |
| DRAWN BY: MTS | | SCALE: 1" = 150 |
| SHEET | | |

3 OF 3

FINDINGS & STAFF RECOMMENDATIONS:

Land Use Administrator Shannon McBride recommends approval of a Conditional Use Permit for Karen Woodbury, to operate a second short-term rental, located in the Sunflower Valley Estates Subdivision, zoned Residential 2, based on the findings as found and regulated in KCLUO Chapter 15: Conditional Uses and Chapter 6: Residential Uses and the findings as documented in this staff report.

Findings and Conditions: 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)
4. The use is harmonious with other neighboring use in the zone (KCLUO 9-15A-2E (2b)); and
5. The use for a second dwelling is allowed in Residential and AG-FAA zones.
6. With a CUP a second family dwelling can be rented out as a short term rental.

CHAPTER 15 CONDITIONAL USES:

Review Criteria: In reviewing an application for a conditional use permit, the land use authority shall consider whether the application: substantially mitigates the adverse impacts that are reasonable anticipated from the magnitude and intensity of the development and use, as proposed, consider:

Development Plan: The applicant for a conditional use permit shall prepare a site plan of the proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Land Use Authority may deem necessary. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

Land Use Authority Action: 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:

CONDITIONS - FINDINGS – MITIGATION KCLUO 9-15 CONDITIONAL USES

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. The holder of this permit must obtain a letter of approval from the Culinary Water Authority and/or Sanitary Sewer Authority.

Findings: The acreage is larger and allows ample off-street parking. All infrastructure is in place that would keep guests safe, such as: fire hydrants, water, roads and access. Feasibility letters are required from local utility providers.

MITIGATION: Feasibility letters were received from the Southwest Utah Public Health Department, Garkane, WKCSSD and KCWCD. The owners will receive a copy of the conditional use permit and requirements within the Nuisance and Kane Land Use Ordinances- Short Term Rental and Lodge Regulations within Residential Zones 9-6D-1-8 (KCLUO) for compliance requirements.

2. Assurance the use will:

- a. Comply with the intent, spirit and regulations of the Kane County land use ordinance and Kane County General Plan.

Findings: Kane County General Plan: Pages 1, 2, 3, 4, 10.

MITIGATION: Provide copies of the Land Use Ordinance (Short Term Rental 9-6D-1-8) and the Nuisance Ordinance. Holder agrees to appear, when summoned in writing, at any meeting held by the Kane County Planning and Zoning Commission or the Kane County Commission, to address or answer any questions regarding the conditional use granted herein, including but not limited to holder's compliance or non-compliance with the conditions of the permit. Holder further agrees to make written response regarding compliance or non-compliance when requested by the Kane County Planning and Zoning Commission or the Kane County Commission.

Holder is allowed to construct and maintain the facilities, structures, and/or landscaping outlined in the site map which is attached hereto as Exhibit "C" and is hereby approved as part of this conditional use permit. Holder is not allowed to construct any additional facilities, structures, and/or landscaping unless said additions are approved by the Planning and Zoning Commission as part of this conditional use or are approved as activities that are acceptable within the zone.

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: All permits and regulations have been complied with.

MITIGATION: Comply with KCLUO 9-6A (Short Term Rentals in Residential Zones) and the Nuisance Ordinance.

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

Findings: All necessary facilities were signed off when the subdivision was developed.

MITIGATION: All required infrastructure is in place.

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

Findings: Hours of operation and days will be 365 days a year, 24 hours a day.

MITIGATION: Relay to guests the proper quiet time hours to be respectful of neighbors. Kane County Nuisance Ordinance applies.

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

Findings: Developed and inspected at the time of the subdivision creation.

MITIGATION: KC Nuisance Ordinance

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

Findings: The Residential 2 Setbacks were approved at the building permit stage.

MITIGATION: All set backs are in compliance with KCLUO.

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

Findings: A second short-term/vacation rental is only allowed with a Conditional Use Permit in a Residential 2 zone.

MITIGATION: These requirements took place at the building permit stage.

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

Findings: 9-13-5: PARKING SPACES REQUIRED FOR RESIDENTIAL AREAS:

The number of off street parking spaces required for residential development shall be as follows:

A. Single-Family Dwelling: Two (2) parking spaces per single-family dwelling.
Four (4) parking spaces are required. Two for each dwelling.

MITIGATION: Four off street parking places for the rentals have been provided on site plan.

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

Findings: N/A

MITIGATION: N/A

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

Findings: Keep the landscaping properly maintained.

MITIGATION: KC Nuisance Ordinance applies.

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

Findings: A. Signs not exceeding four (4) square feet normally associated with residential uses and that are not of a commercial nature, such as: 1) signs giving property identification names or numbers or names of occupants, 2) signs on mailboxes or newspaper tubes, and 3) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

MITIGATION: Adhere to the above KCLUO 9-16-1A.

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

Findings: All lights to be down hooded.

MITIGATION: Preserve the dark skies and avoid light trespass.

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

Findings: N/A

MITIGATION: N/A

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

Findings: All yards will be fenced for trespass and privacy.

MITIGATION: Fencing will be on each individual lot for privacy and trespass.

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: N/A

MITIGATION: N/A

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

Findings: N/A

MITIGATION: N/A

18. Limiting noise generation;

Findings: Nuisance Ordinance applies.

MITIGATION: Provide guests with quiet hours

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

Findings: N/A

MITIGATION: N/A

20. Requiring turn lane improvements at street intersections.

Findings: N/A

MITIGATION: N/A

21. Providing for emergency access;

Findings: A road is in place.

MITIGATION: Emergency access has been provided.

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;

Findings: N/A

MITIGATION: N/A

23. Requiring approval of septic and water systems;

Findings: Southwest Utah Public Health Department is the permitting agency. The owners will adhere to all regulations as permitted through the SUPHD.

MITIGATION: Obtained approval of septic system designs and will be inspected and approved with the building permit.

24. Requiring buildings to be built to specific requirements;

Findings: The home is being built.

MITIGATION: Building permit was applied for and dwellings are being inspected for compliance.

25. The holder of this conditional use shall comply with the following:

9-6D-3: TERMS OF USE:

Short term rental and lodge_use of a single family dwelling shall be an allowed use in residential zones if the following terms are complied with:

- A. Each short term rental or lodge shall maintain a current Kane County Business License.
- B. Owner shall maintain active registration with the ~~State of Utah~~ and remit all taxes deemed necessary by the Utah State Tax Commission.
- C. Short term rental unit or lodge shall comply with all applicable rules and regulations set forth by the local health department including the ~~county~~ building department, and Kane County Land Use Authority.
- D. Short term rentals and lodges are limited to one (1) short term unit per property, unless allowed otherwise by zone.
- E. Short term rental shall not exceed the maximum occupancy of fourteen (14) individuals at a time.
- F. Lodges shall not exceed the maximum occupancy of twenty-four (24) individuals, if the property is serviced by municipal scale water and sewer, an additional eleven (11) individuals may be permitted for a maximum occupancy of thirty-five (35) through the conditional use application.
- G. Short term rentals and lodges shall provide a minimum of four (4) off street parking spaces.

9-6D-4: MAINTENANCE STANDARDS: All short term rentals and lodges shall conform to maintenance standards as defined in the Kane County Nuisance Ordinance. (4-3-3B)

9-6D-5: PREVENTION OF NOISE, TRESPASS, PROHIBITED ACTIVITIES: The owner/ property manager of a short term rental or lodge property shall be responsible to ensure that guests or occupants of the short term rental property comply with all noise, trespass, and safety conditions as defined in the Kane County Nuisance Ordinance. (4-3-3)

9-6D-6: REQUIRED POSTING: The following information must be posted in clear and prominent area near the primary entrance of the short term rental or lodge.

- A. Business License: A copy of the Kane County Business License;
- B. Owner, Property Manager Information: The name, address, and phone number of the owner or property manager;
- C. Maximum occupancy: Total occupants of the dwelling shall not exceed the allowed amount as listed in the use definition.

9-6D-7: TAX RESPONSIBILITIES: The owner of any dwelling licensed as a short term rental or lodge shall be required to collect and remit transient room tax and any other tax deemed necessary by the State Tax Commission. Failure to do so may result in civil or criminal penalties, or both, under county and/or state code.

Kane County Land Use Administrator, Shannon McBride, recommends approval of this Conditional Use Permit for Karen Woodbury for a second short term rental in a Residential 2 zone, within the Sunflower Valley Estates Subdivision, lot 48, based on the findings as found in KCLUO Chapter 15 Conditional Uses and the findings as documented in this staff report.

MOTION: I _____ make a motion to approve/deny a conditional use permit for Karen Woodbury, to operate a second short-term vacation rental located on lot 48 in the Sunflower Valley Estates Subdivision, zoned Residential 2, based on the findings as found in this staff report.

DRAFT



Kane County Planning Commission Staff Report

DATE: October 20, 2022

PROJECT NUMBER: 22109

REQUEST: Conditional Use Permit for Karen Woodbury for a second short-term vacation rental in a Residential 2 Zone within the Sunflower Valley Estates Subdivision, lot 49

PREPARED BY: Shannon McBride, Land Use Administrator

SYNOPSIS: The applicant, Karen Woodbury, is seeking approval for a conditional use permit to operate a second short-term vacation rental in the Sunflower Valley Estates Subdivision on lot 49, zoned R-2

FINDINGS: Kane County Land Use Ordinance (KCLUO) Title 9-6A-6 and 9-15A-1-7 requires a conditional use permit, subject to the Planning Commission's approval, for a second short-term vacation rental in a Residential 2 Zone. All uses listed in the Residential Zone are allowed in the R-2 Zone Uses Table with their appropriate designation of permitted or conditional use permit.

Utah State Code 17-27a-506.

Effective 5/5/2021

17-27a-506. Conditional uses.

- (a) (i) A land use authority shall approve a conditional use 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.
- (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
- (b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

A land use authority's decision to approve or deny a conditional use is an administrative land use decision.

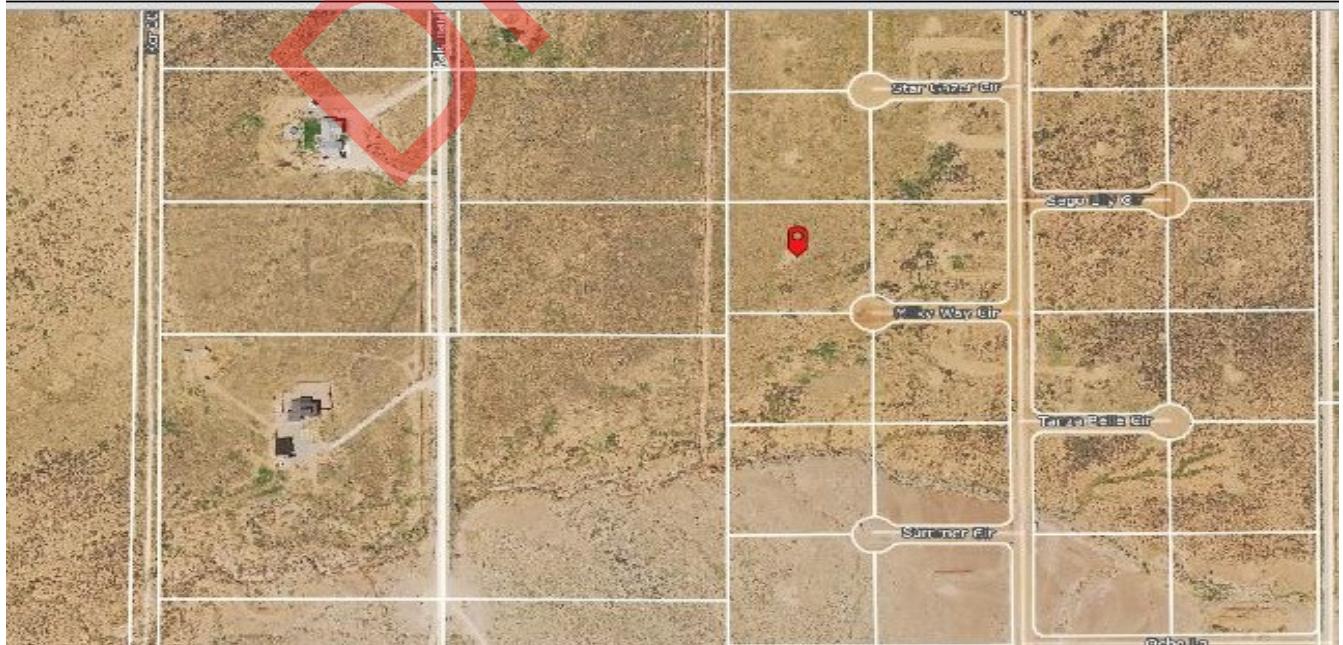
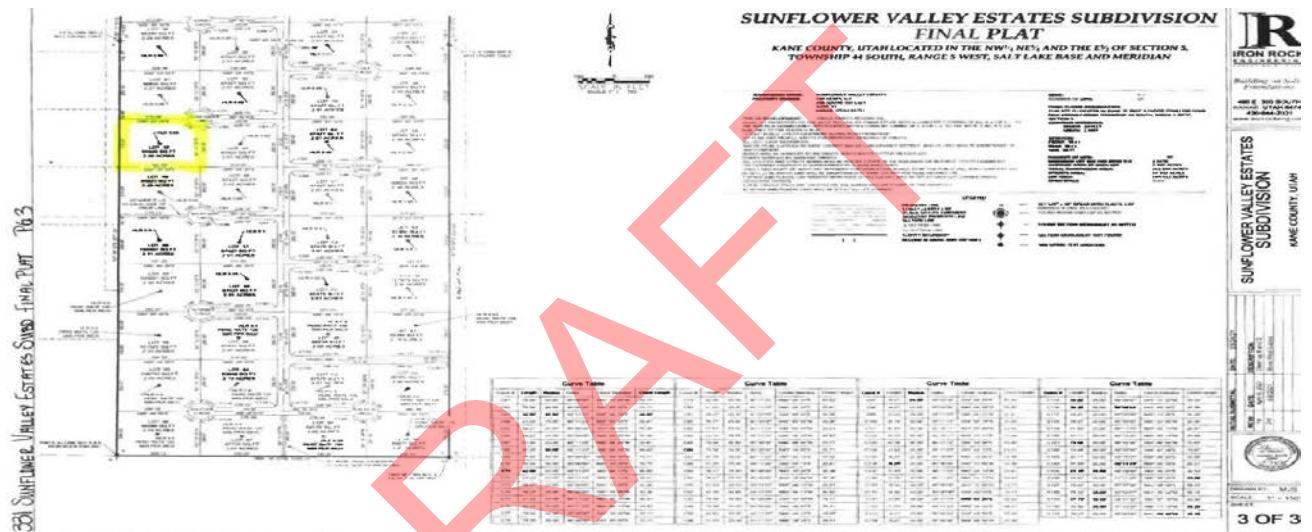
A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

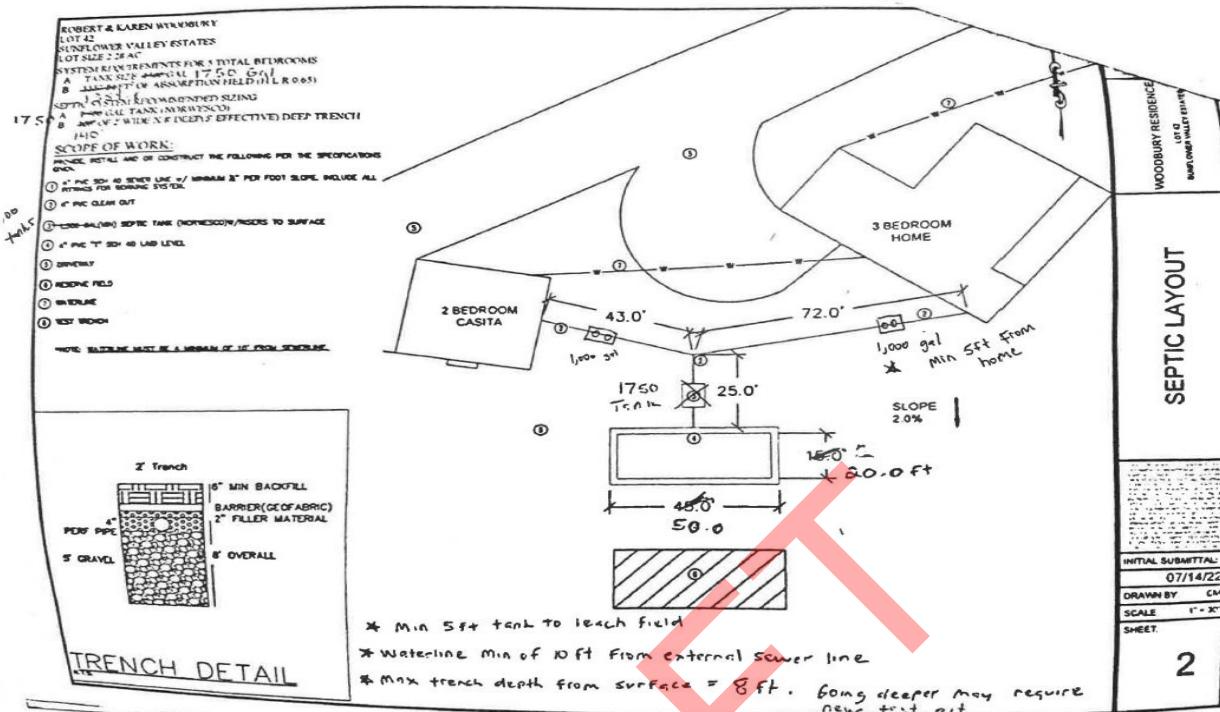
Hearing: A public hearing need not be held; however, a hearing may be held when the Land Use Authority shall deem a hearing to be necessary to serve the public interest.

SUMMARY:

- The applicant is proposing renting out a second dwelling for short-term rental on lot 49.
- The proposed conditional use permit would allow renting out a second dwelling in the R-2 Zone.
- The home and guest home are being built at this time.
- Sunflower Valley Estates has all the infrastructure required.
- Surrounding lots are zoned R-2.

PICTURES OF THE PROJECT





FINDINGS & STAFF RECOMMENDATIONS:

Land Use Administrator Shannon McBride recommends approval of a Conditional Use Permit for Karen Woodbury, to operate a second short-term rental, located in the Sunflower Valley Estates Subdivision, zoned Residential 2, based on the findings as found and regulated in KCLUO Chapter 15: Conditional Uses and Chapter 6: Residential Uses and the findings as documented in this staff report.

Findings and Conditions: 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)
4. The use is harmonious with other neighboring use in the zone (KCLUO 9-15A-2E (2b)); and
5. The use for a second dwelling is allowed in Residential and AG-FAA zones.
6. With a CUP a second family dwelling can be rented out as a short term rental.

CHAPTER 15 CONDITIONAL USES:

Review Criteria: In reviewing an application for a conditional use permit, the land use authority shall consider whether the application: substantially mitigates the adverse impacts that are reasonable anticipated from the magnitude and intensity of the development and use, as proposed, consider:

Development Plan: The applicant for a conditional use permit shall prepare a site plan of the proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Land Use Authority may deem necessary. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

Land Use Authority Action: 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:

CONDITIONS - FINDINGS – MITIGATION KCLUO 9-15 CONDITIONAL USES

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. **The holder of this permit must obtain a letter of approval from the Culinary Water Authority and/or Sanitary Sewer Authority.**

Findings: The acreage is larger and allows ample off-street parking. All infrastructure is in place that would keep guests safe, such as: fire hydrants, water, roads and access. Feasibility letters are required from local utility providers.

MITIGATION: Feasibility letters were received from the Southwest Utah Public Health Department, Garkane, WKCSSD and KCWCD. The owners will receive a copy of the conditional use permit and requirements within the Nuisance and Kane Land Use Ordinances- Short Term Rental and Lodge Regulations within Residential Zones 9-6D-1-8 (KCLUO) for compliance requirements.

2. Assurance the use will:

- a. Comply with the intent, spirit and regulations of the Kane County land use ordinance and Kane County General Plan.

Findings: Kane County General Plan: Pages 1, 2, 3, 4, 10.

MITIGATION: Provide copies of the Land Use Ordinance (Short Term Rental 9-6D-1-8) and the Nuisance Ordinance. Holder agrees to appear, when summoned in writing, at any meeting held by the Kane County Planning and Zoning Commission or the Kane County Commission, to address or answer any questions regarding the conditional use granted herein, including but not limited to holder's compliance or non-compliance with the conditions of the permit. Holder further agrees to make written response regarding compliance or non-compliance when requested by the Kane County Planning and Zoning Commission or the Kane County Commission.

Holder is allowed to construct and maintain the facilities, structures, and/or landscaping outlined in the site map which is attached hereto as Exhibit "C" and is hereby approved as part of this conditional use permit. Holder is not allowed to construct any additional facilities, structures, and/or landscaping unless said additions are approved by the Planning and Zoning Commission as part of this conditional use or are approved as activities that are acceptable within the zone.

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: All permits and regulations have been complied with.

MITIGATION: Comply with KCLUO 9-6D (Short Term Rentals in Residential Zones) and the Nuisance Ordinance.

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

Findings: All necessary facilities were signed off when the subdivision was developed.

MITIGATION: All required infrastructure is in place.

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

Findings: Hours of operation and days will be 365 days a year, 24 hours a day.

MITIGATION: Relay to guests the proper quiet time hours to be respectful of neighbors. Kane County Nuisance Ordinance applies.

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

Findings: Developed and inspected at the time of the subdivision creation.

MITIGATION: KC Nuisance Ordinance

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

Findings: Residential 2 zone setbacks were verified with the building permit.

MITIGATION: All set backs are in compliance with KCLUO.

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

Findings: A second short-term/vacation rental is only allowed with a Conditional Use Permit in a Residential 2 zone.

MITIGATION: These requirements took place at the building permit stage.

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

Findings: 9-13-5: PARKING SPACES REQUIRED FOR RESIDENTIAL AREAS:

The number of off street parking spaces required for residential development shall be as follows:

- A. Single-Family Dwelling: Two (2) parking spaces per single-family dwelling. Four (4) parking spaces are required. Two for each dwelling.

MITIGATION: Four off street parking places for the rentals have been provided on site plan.

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

Findings: N/A

MITIGATION: N/A

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

Findings: Keep the landscaping properly maintained.

MITIGATION: KC Nuisance Ordinance applies.

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

Findings: A. Signs not exceeding four (4) square feet normally associated with residential uses and that are not of a commercial nature, such as: 1) signs giving property identification names or numbers or names of occupants, 2) signs on mailboxes or newspaper tubes, and 3) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

MITIGATION: Adhere to the above KCLUO 9-16-1A.

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

Findings: All lights to be down hooded.

MITIGATION: Preserve the dark skies and avoid light trespass.

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

Findings: N/A

MITIGATION: N/A

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

Findings: Fencing is needed for privacy and trespass.

MITIGATION: Each individual lot will need a privacy/trespass fence.

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: N/A

MITIGATION: N/A

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

Findings: N/A

MITIGATION: N/A

18. Limiting noise generation;

Findings: Nuisance Ordinance applies.

MITIGATION: Provide guests with quiet hours

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

Findings: N/A

MITIGATION: N/A

20. Requiring turn lane improvements at street intersections.

Findings: N/A

MITIGATION: N/A

21. Providing for emergency access;

Findings: A road is in place.

MITIGATION: Emergency access has been provided.

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;

Findings: N/A

MITIGATION: N/A

23. Requiring approval of septic and of water systems;

Findings: Southwest Utah Public Health Department is the permitting agency. The owners will adhere to all regulations as permitted through the SUPHD.

MITIGATION: Obtained approval of septic system designs and will be inspected and approved with the building permit.

24. Requiring buildings to be built to specific requirements;

Findings: The home is being built.

MITIGATION: Building permit was applied for and dwellings are being inspected for compliance.

25. The holder of this conditional use shall comply with the following:

9-6D-3: TERMS OF USE:

Short term rental and **lodge_use** of a **single family dwelling** shall be an allowed use in residential zones if the following terms are complied with:

- A. Each short term rental or lodge shall maintain a current Kane County Business License.
- B. Owner shall maintain active registration with the State of Utah and remit all taxes deemed necessary by the Utah State Tax Commission.
- C. Short term rental unit or lodge shall comply with all applicable rules and regulations set forth by the local health department including the county building department, and Kane County Land Use Authority.

- D. Short term rentals and lodges are limited to one (1) short term unit per property, unless allowed otherwise by zone.
- E. Short term rental shall not exceed the maximum occupancy of fourteen (14) individuals at a time.
- F. Lodges shall not exceed the maximum occupancy of twenty-four (24) individuals, if the property is serviced by municipal scale water and sewer, an additional eleven (11) individuals may be permitted for a maximum occupancy of thirty-five (35) through the conditional use application.
- G. Short term rentals and lodges shall provide a minimum of four (4) off street parking spaces.

9-6D-4: MAINTENANCE STANDARDS: All short term rentals and lodges shall conform to maintenance standards as defined in the Kane County Nuisance Ordinance. (4-3-3B)

9-6D-5: PREVENTION OF NOISE, TRESPASS, PROHIBITED ACTIVITIES: The owner/ property manager of a short term rental or lodge property shall be responsible to ensure that guests or occupants of the short term rental property comply with all noise, trespass, and safety conditions as defined in the Kane County Nuisance Ordinance. (4-3-3)

9-6D-6: REQUIRED POSTING: The following information must be posted in clear and prominent area near the primary entrance of the short term rental or lodge.

- A. Business License: A copy of the Kane County Business License;
- B. Owner, Property Manager Information: The name, address, and phone number of the owner or property manager;
- C. Maximum occupancy: Total occupants of the dwelling shall not exceed the allowed amount as listed in the use definition.

9-6D-7: TAX RESPONSIBILITIES: The owner of any dwelling licensed as a short term rental or lodge shall be required to collect and remit transient room tax and any other tax deemed necessary by the State Tax Commission. Failure to do so may result in civil or criminal penalties, or both, under county and/or state code.

Kane County Land Use Administrator, Shannon McBride, recommends approval of this Conditional Use Permit for Karen Woodbury for a second short term rental in an Residential 2 zone, within the Sunflower Valley Estates Subdivision, lot 49, based on the findings as found in KCLUO Chapter 15 Conditional Uses and the findings as documented in this staff report.

MOTION: I _____ make a motion to approve/deny a conditional use permit for Karen Woodbury, to operate a second short-term vacation rental located on lot 49 in the Sunflower Valley Estates Subdivision, zoned Residential 2, based on the findings as found in this staff report.



STAFF REPORT

DATE: 10/21/2022

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Line Adjustment, on behalf of Ruldolf R. De La Paz, Trustee of the R.J.J.R. Trust Dated April 2, 2004 and Diane De La Paz and Steven J. Blackburn and Gina Marie Blackburn in the Swains Creek Pines Subdivision, Unit 3, lots 439 and 441 within SE 1/4 Section 27, T38S, R7W SLB & M. The project was surveyed by Brent Carter with New Horizon Engineering. The owners are adjusting the line due to drive way access. These lots are zoned Residential 1/2 (R-1/2), as are most surrounding lots in the area. The zoning will remain the same.

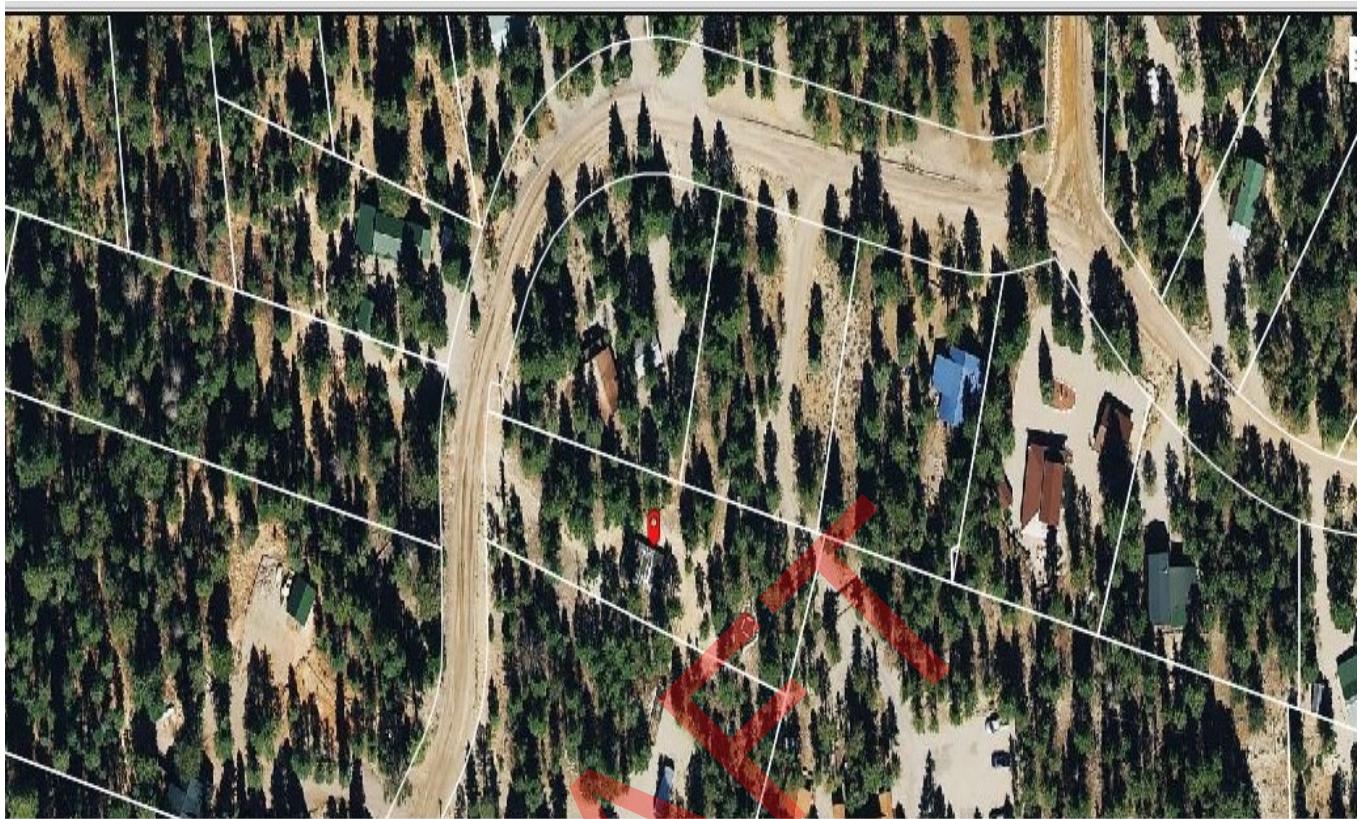
The reason for the lot line adjustment is to address a drive way crossing property lines.

FINDINGS: Amending (lot line adjustment) 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.

STAFF DETERMINATIONS: Kane County alternate Engineer, Civil Science, Kelvin Smith, recommend 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 Line Adjustment, on behalf of Ruldolf R. De La Paz and Diane De La Paz and Steven J. Blackburn and Gina Marie Blackburn in the Swains Creek Pines Subdivision, Unit 3, lots 439 and 441, based on the findings documented in the staff report.

THANK YOU.



DRAFT



STAFF REPORT

DATE: 10/21/2022

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Dawn C. and Shaun C. Webster in the Movie Ranch South Estates Subdivision, Block 3, Plat "A", consisting of lots 21 and 22, becoming new lot 22, containing 1.03 acres within SW 1/4 Section 8, T38S, R7W SLB & M. The project was surveyed by Brent Carter, New Horizon Engineering. 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, Kelvin Smith, 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 Dawn C. and Shaun C. Webster in the Movie Ranch South Estates Subdivision, Block 3, Plat "A", consisting of lots 21 and 22, becoming new lot 22, based on the findings documented in the staff report.

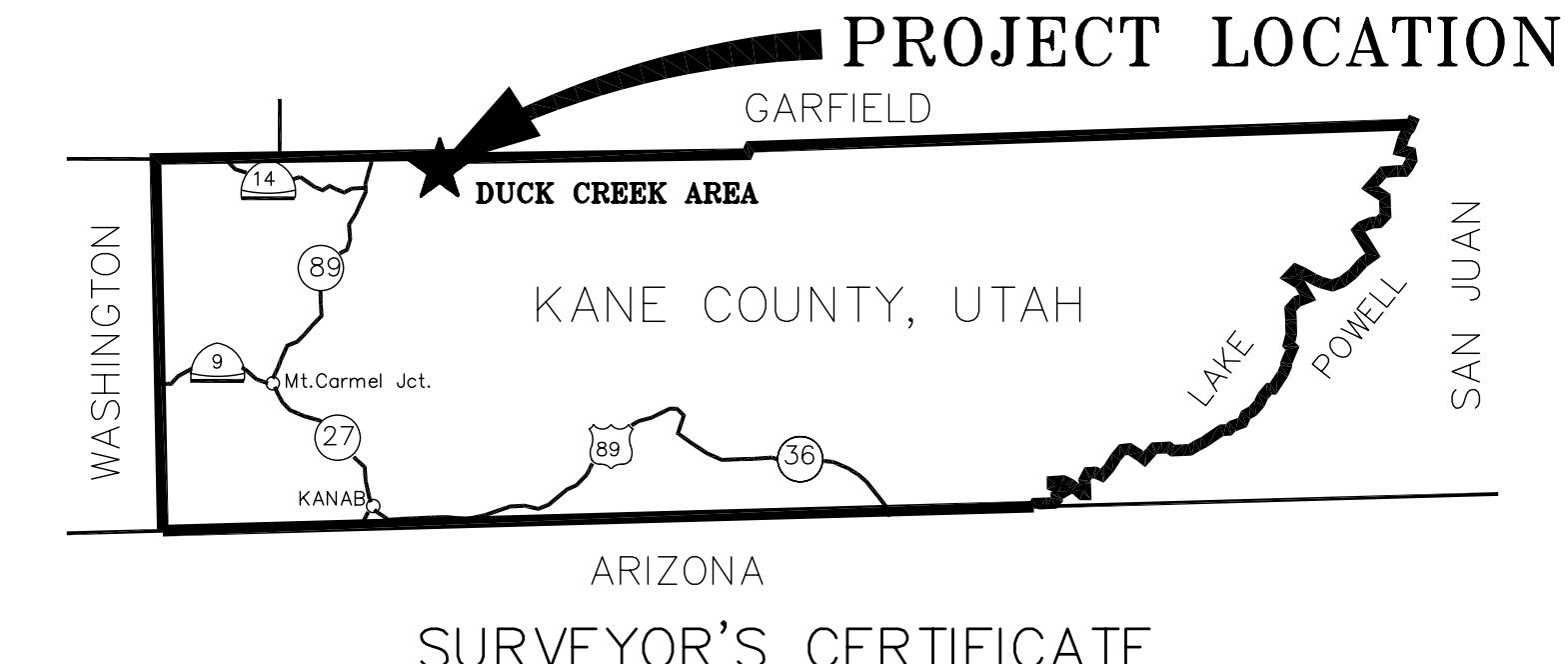
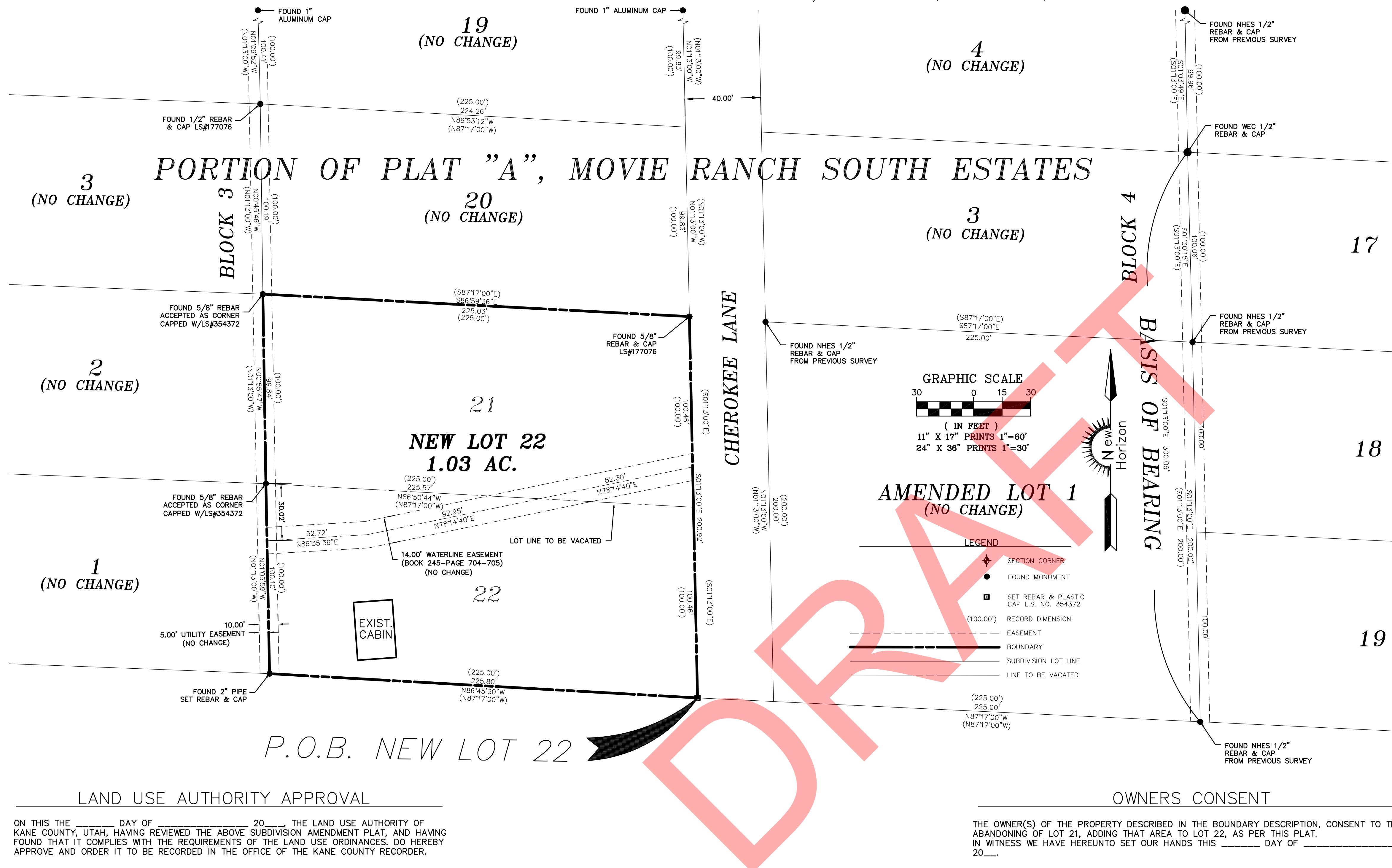
THANK YOU.



76 North Main Street, Kanab, Utah 84741

AMENDED PLAT OF LOTS 21 & 22, BLOCK 3, PLAT "A", MOVIE RANCH SOUTH ESTATES

WITHIN SW1/4 SECTION 8, T38S-R7W, S.L.B.&M.



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 SHAUN C. WEBSTER AND DAWN C. WEBSTER 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 S01°13'00"E 300.06 FEET BETWEEN THE NE CORNER LOT 3 (WEC 1/2" REBAR & CAP) AND THE SE CORNER AMENDED LOT 1 (NHES 1/2" REBAR & CAP), PLAT "A", MOVIE RANCH SOUTH ESTATES. 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 21 & 22, BLOCK 3, PLAT "A", MOVIE RANCH SOUTH ESTATES

PREPARED FOR: SHAUN C. WEBSTER AND DAWN C. WEBSTER

LOCATION: WITHIN SW1/4 SECTION 8, T38S-R7W, S.L.B.&M.

PLAT "A", MOVIE RANCH SOUTH ESTATES

DATE: 11/3/2022 REVISION #: 1

NEW HORIZON
Engineering & Surveying LLC
4103 N. Morgan Drive (435) 559-4104
Enoch UT, 84721 bcarter@mail2engineer.com



DRAFT STAFF REPORT

DATE: 10/28/2022

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder was submitted by Brent Carter, New Horizon Engineering, holding power of attorney, on behalf of Rodolfo Cardenas and Charles Joseph and Michele Denise Johnson, in the Swains Creek Pines, Unit 3, Subdivision, Amended plat, consisting of lots 707, 708 and 709, becoming new lot 707 and 709 and splitting lot 708, each new lot containing .76 acres within the SW 1/4 Section 26 T38S, R7W SLB & M. 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 split lot 708 with adjoining owners.

FINDINGS: Amending (joining) the above 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.

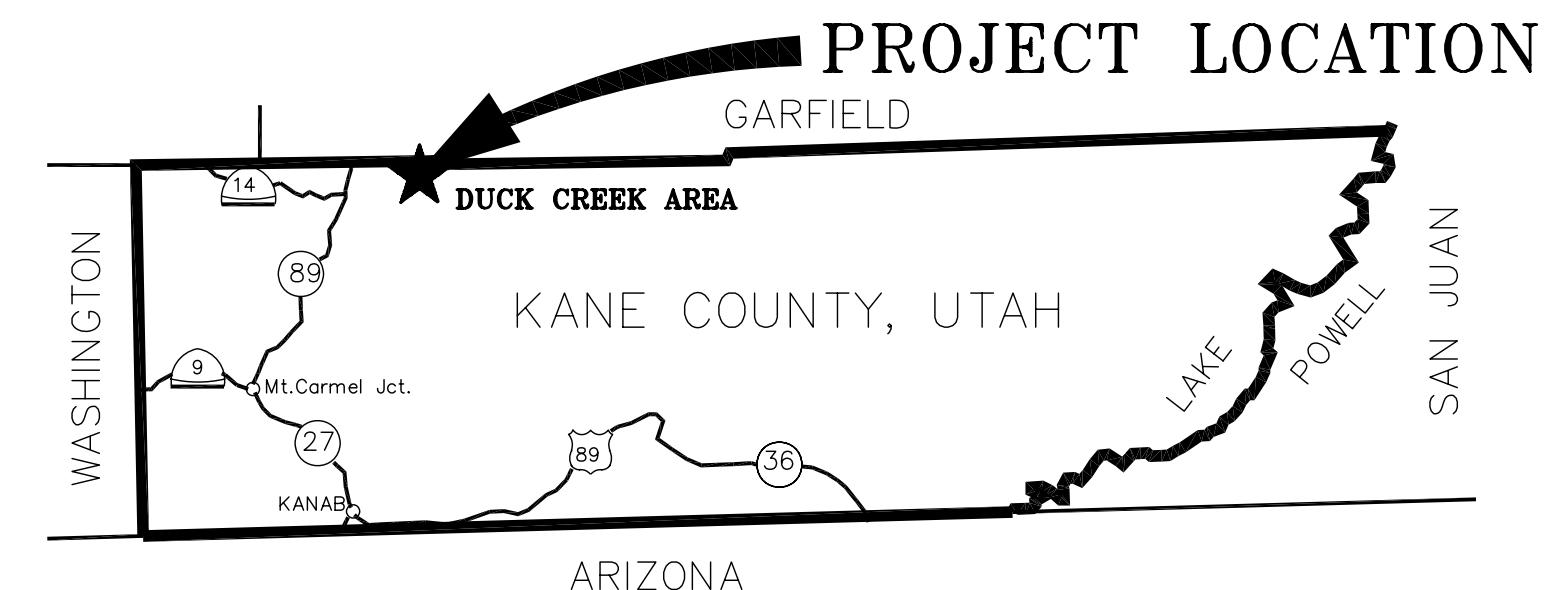
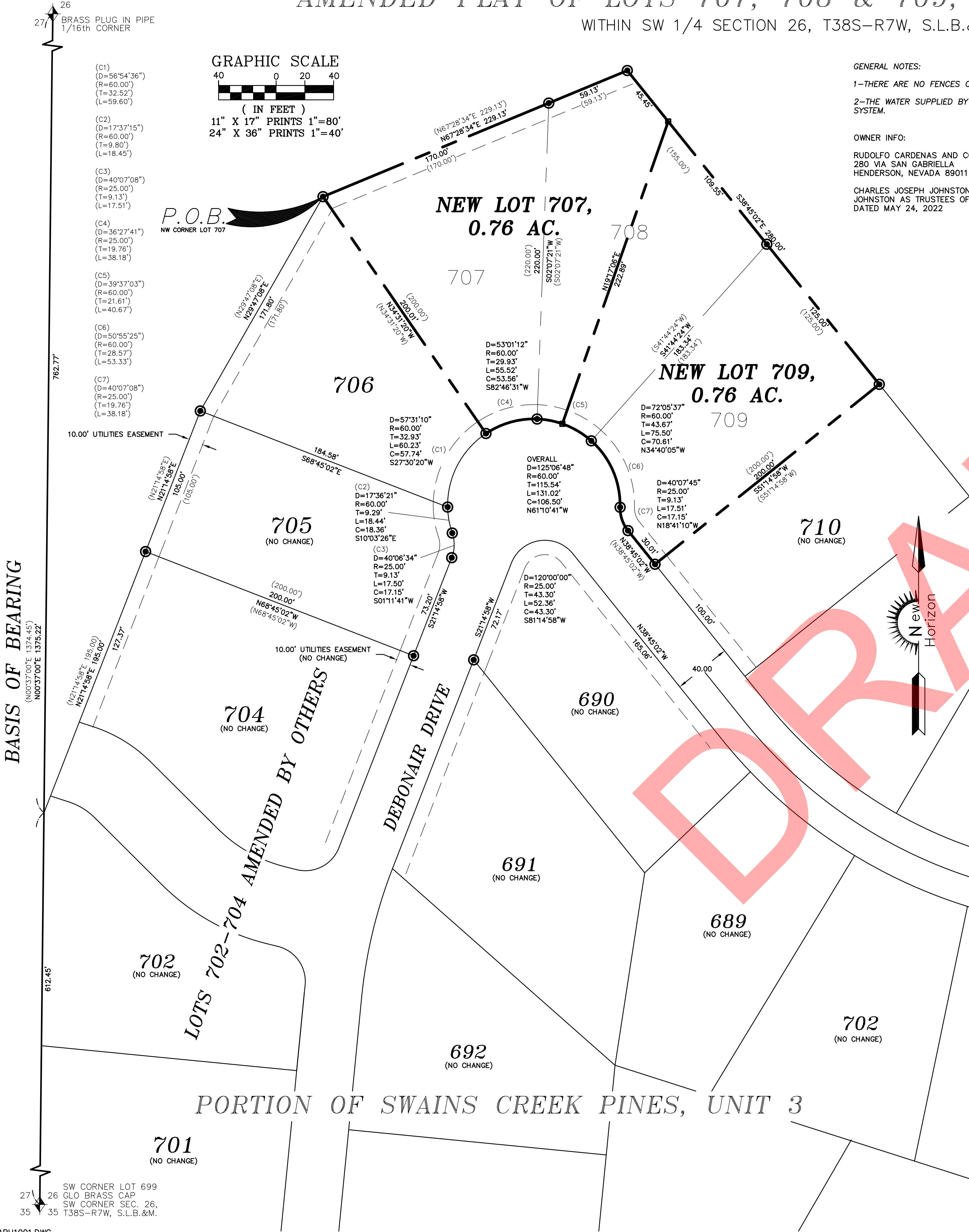
STAFF DETERMINATIONS: Kane County alternate Engineer, Civil Science, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends **CONDITIONAL** approval. The project complies with County and State ordinance requirements. **The title report needs submitted to check names and lien holder.**

MOTION: I move to **recommend approval/denial**, to the County Commissioners, the amended subdivision plat for a Lot Joinder, on behalf of Rodolfo Cardenas and Charles Joseph and Michele Denise Johnson, in the Swains Creek Pines, Unit 3, Subdivision, Amended plat, consisting of lots 707, 708 and 709, becoming new lots 707 and 709, based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT OF LOTS 707, 708 & 709, SWAINS CREEK PINES, UNIT 3

WITHIN SW 1/4 SECTION 26, T38S-R7W, S.L.B.&M., KANE COUNTY, UTAH.



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 707, 708 & 709, SWAINS CREEK PINES, UNIT 3", LOCATED IN KANE COUNTY, UTAH, AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF SWAINS CREEK PINES, UNIT 3, EFFECTED BY THIS AMENDMENT:

(NEW LOTS 707 & 709) LOTS 707, 708 & 709, SWAINS CREEK PINES, UNIT 3, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NW CORNER LOT 708, SWAINS CREEK PINES, UNIT 3; RUNNING THENCE N67°28'34"E 229.13 FEET TO THE ORIGINAL NORTH CORNER OF LOT 708; THENCE S38°45'02"E 280.00 FEET TO THE ORIGINAL SE CORNER OF LOT 709; THENCE S51°14'58"W 200.00 FEET TO THE ORIGINAL SW CORNER OF LOT 709; THENCE N38°45'02"W 30.01 FEET TO THE POINT OF REVERSE CURVE, TO THE RIGHT, NORTHWESTERLY, CURVE DATA: DELTA= 40°07'45", RADIUS= 25.00, CHORD= N18°41'10"W 17.15', THENCE ALONG THE ARC OF SAID CURVE 17.51 FEET TO THE POINT OF REVERSE CURVE, TO THE LEFT, CURVE DATA: DELTA= 125°06'48", RADIUS= 60.00, CHORD= N61°10'41"W 106.50, THENCE ALONG THE ARC OF SAID CURVE 131.02 FEET TO THE ORIGINAL SW CORNER OF LOT 707; THENCE N34°31'20"W 200.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.52 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 20 DAY OF 20.

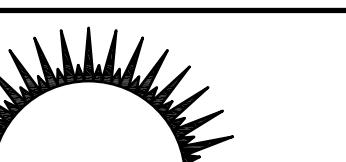
KANE COUNTY ATTORNEY

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 20 DAY OF 20.

BOOK 1 PAGE 1 FEE 0
 ENTRY NO: 10/24/2022 DATE 10/24/2022 TIME 10:00 AM
 RECORDED AT THE REQUEST OF: NEW HORIZON

KANE COUNTY
 AMENDED PLAT OF LOTS 707, 708 & 709,
 SWAINS CREEK PINES, UNIT 3

| | |
|---------------|---|
| PREPARED FOR: | CARDENAS / JOHNSTON |
| LOCATION: | SW 1/4 SECTION 26, T38S-R7W, S.L.B.&M SWAINS CREEK PINES, UNIT 3 |
| DATE: | 10/24/2022 |
| REVISION #: | |



NEW HORIZON
 Engineering & Surveying LLC
 4103 N. MORGAN DRIVE
 (435) 559-4104
 ENOCH UT, 84721
 bcarter@mail2engineer.com



STAFF REPORT

DATE: 10/28/22

PROJECT: A complete application for Amending a Subdivision Plat for a lot joinder, and vacating two (2) 7.5 foot public utility easements, on behalf of Lisa M. Gann, Trustee of the Lotus Ridge Trust, dated March 14, 2018, in the Mirror Lake Subdivision, Plat "B", lots 23 and 24, becoming new lot 23, consisting of .92 acres, within the SE 1/4 Section 5, T38S, R7W SLB & M. The project was submitted by Brent Carter, New Horizon Engineering, holding power of attorney. Both lots are zoned Residential 1/2 as are all surrounding lots. The zoning will remain the same.

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

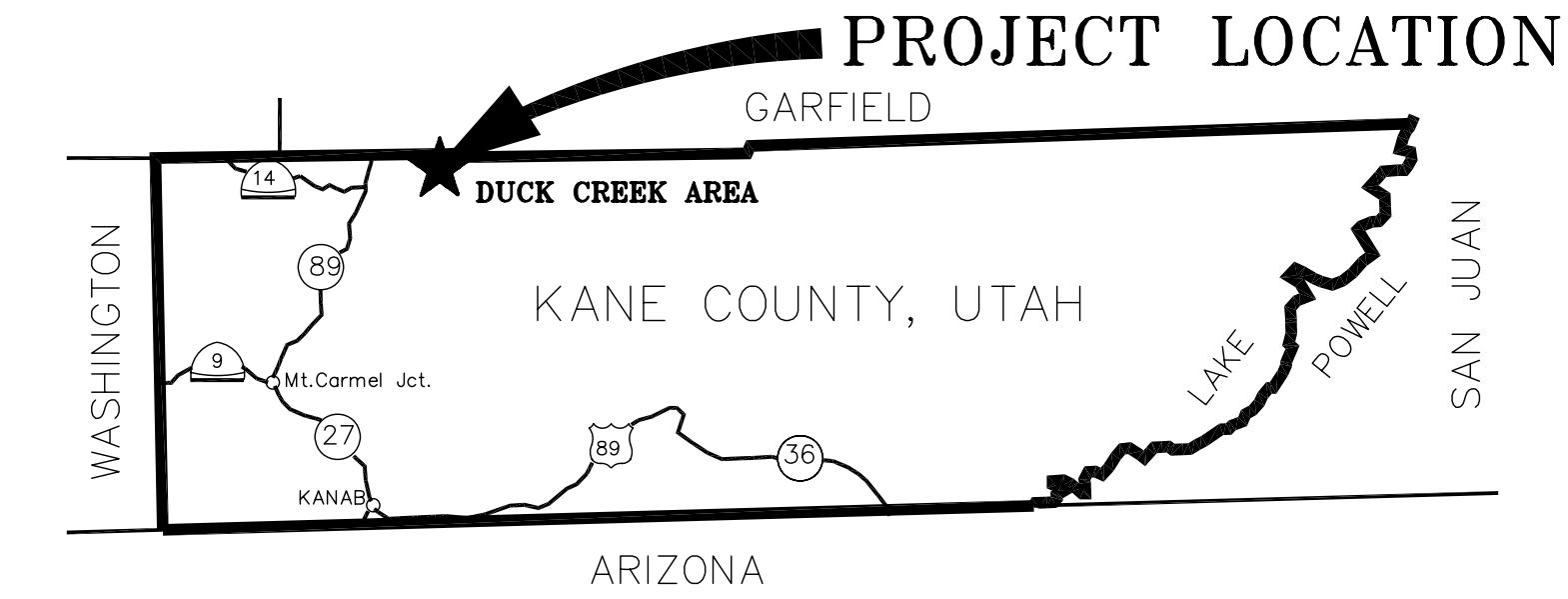
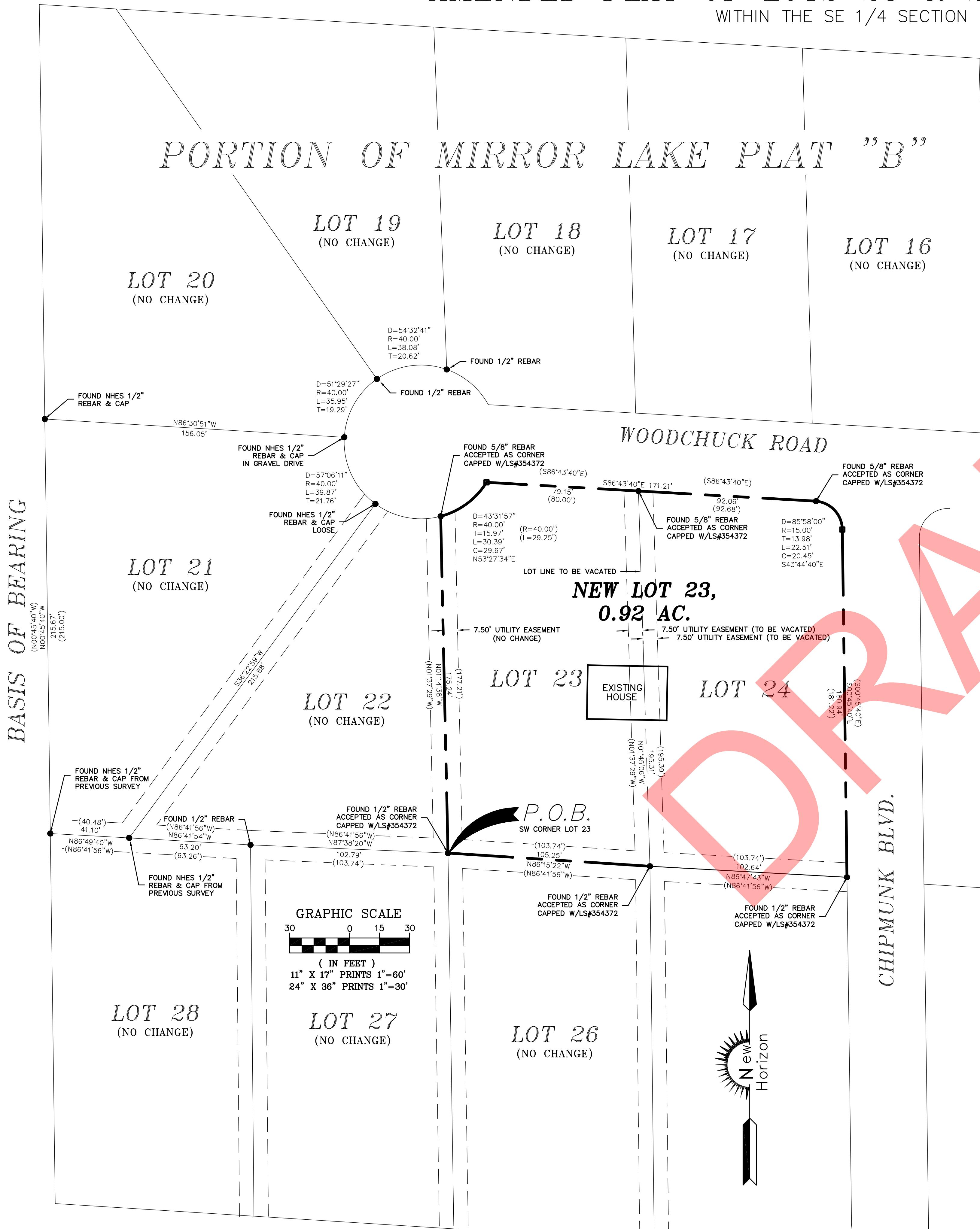
FINDINGS: Amending (joining) the two lots and vacating two 7.5 foot public utility easements for the above stated lots conforms to the standards in the Kane County Land Use Ordinance, 9-21E-9, (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The project has been posted in two public places and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. A sign was posted between the two lots showing the vacating of two 7.5 foot public utility easements. The new lot will retain the Residential 1/2 zoning (R-1/2). Combining these two lots is in compliance with all state and local ordinances.

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

MOTION: I move to recommend **approval/denial**, to the Kane County Commissioners Vacating and Amending a Subdivision Plat for a lot joinder, and vacating two 7.5 foot public utility easements, on behalf of Lisa M. Gann, in the Mirror Lake Subdivision, Plat "B", lots 23 and 24, becoming new lot 23, based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT OF LOTS 23 & 24, MIRROR LAKE PLAT "B"
WITHIN THE SE 1/4 SECTION 5, T38S-R7W, S.L.B.&M.



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 23 & 24, MIRROR LAKE PLAT "B", Located in Kane County, Utah. As shown hereon and described as follows:

**LEGAL DESCRIPTION OF THAT PORTION OF MIRROR LAKE PLAT "B", EFFECTED BY THIS
AMENDMENT:**

**LOTS 23 & 24, MIRROR LAKE PLAT "B", MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE ORIGINAL SW CORNER LOT 23, MIRROR LAKE PLAT "B"; RUNNING
THENCE N01°14'38"W 175.24 FEET TO THE ORIGINAL NW CORNER OF LOT 23; SAID POINT
BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, NORTHEASTERLY, CURVE DATA:
DELTA=43°31'57", RADIUS= 40.00', CHORD= N53°27'34"E 29.67', THENCE ALONG THE ARC OF
SAID CURVE 30.39 FEET TO THE ORIGINAL PT OF LOT 23; THENCE S86°43'40"E 171.21 FEET
TO THE ORIGINAL NORTH PC OF (LOT 24) CURVE TO THE RIGHT, CURVE DATA:
DELTA=85°58'00", RADIUS= 15.00', CHORD= S43°44'40"E 20.45', THENCE ALONG THE ARC OF
SAID CURVE 22.51 FEET TO THE ORIGINAL EAST PT OF LOT 23; THENCE S00°45'40"E 180.94
FEET TO THE ORIGINAL SE CORNER OF LOT 24; THENCE N86°47'43"W 102.64 FEET TO THE
ORIGINAL SW CORNER OF LOT 24; THENCE N86°15'22"W 105.25 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 LOTUS RIDGE TRUST 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 N00°45'40"W 215.67' BETWEEN THE SW CORNER LOT 21 (FOUND
NHES 1/2" REBAR & CAP) AND THE NW CORNER OF LOT 21 (FOUND NHES 1/2" REBAR &
CAP), MIRROR LAKE PLAT "B". 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 _____
ENTRY NO. _____ DATE _____ TIME _____
RECORDED AT THE REQUEST OF: _____**



DRAFT STAFF REPORT

DATE: 10/28/22

PROJECT: A complete application for Amending a Subdivision Plat for a lot joinder, and vacating two (2) 7.5 foot public utility easements, on behalf of Robert W. Cook and Linda N. Cook, Trustees, or their successors in trust, under the Cook Family Trust, dated January 1, 2005, in the Meadow View Estates Subdivision, Plat "C", lots 4 & 5 becoming new lot 4, consisting of 1.14 acres, within the SE 1/4 Section 6, T38S, R7W SLB & M. The project was submitted by Brent Carter, New Horizon Engineering, holding power of attorney. Both lots are zoned Residential 1/2 as are all surrounding lots. The zoning will remain the same.

The reason for the lot joinder request is a possible building addition.

FINDINGS: Amending (joining) the two lots and vacating two 7.5 foot public utility easements for the above stated lots conforms to the standards in Kane County Land Use Ordinance, 9-21E-9, (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The project has been posted in two public places and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. A sign was posted between the two lots showing the vacating of two 7.5 foot public utility easements. The new lot will retain the Residential 1/2 zoning (R-1/2). Combining these two lots is in compliance with all state and local ordinances.

STAFF DETERMINATIONS: Kane County Engineer, Kelvin Smith, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends **CONDITIONAL** approval. The project complies with County and State Ordinance requirements. **Lien holder statement needs to be provided.**

MOTION: I move to recommend **approval/denial** to the Kane County Commissioners Vacating and Amending a Subdivision Plat for a lot joinder, and vacating two 7.5 foot public utility easements, on behalf of Robert W. Cook and Linda N. Cook, in the Meadow View Estates Subdivision, Plat "C", lots 4 & 5 becoming new lot 4, , based on the findings documented in the staff report.

THANK YOU.

KANE COUNTY ORDINANCE NO. O-2022-58

**AN ORDINANCE AMENDING, EXTENDING AND VACATING TWO PLATS FOR
THE COLOR COUNTRY SUBDIVISION, PLAT I, AND THE MOVIE RANCH SOUTH
ESTATES, PLAT A, SUBDIVISION**

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended amendments to vacate a portion of lot 235, out of the Color Country Subdivision, Plat I, and adding it to lot 37, Movie Ranch South Estates, Plat A, becoming extended lot 37; and

WHEREAS, the purpose of amending these plats is in compliance with Kane County Land Use Ordinance 9-21E-9 Vacating and Amending a Subdivision Plat and Utah State Code §17-27a-609, and;

WHEREAS, The Planning Commission finding that there is good cause to vacate and amend the plats and no utility or road easements are being vacated, and;

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval the amendments to the above plats, 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, 17-27a-201, and 609;

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

Amending, extending and vacating the subdivision plats for the Color Country Subdivision , Plat "I", vacating a portion of lot 235 and adding it to lot 37, Movie Ranch South Estates, Plat A, becoming extended lot 37 within the SW ¼ Section 8, Township 38 South, Range 7 West, Salt Lake Base and Meridian, Kane County, Utah.

Legal Description is attached on the plat that will be recorded with this ordinance in the Kane County Recorder's office.

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

DRAFT

**Kane County Planning & Zoning
Land Use Authority
Shannon McBride, Administrator**



DRAFT STAFF REPORT

DATE: 10/27/2022

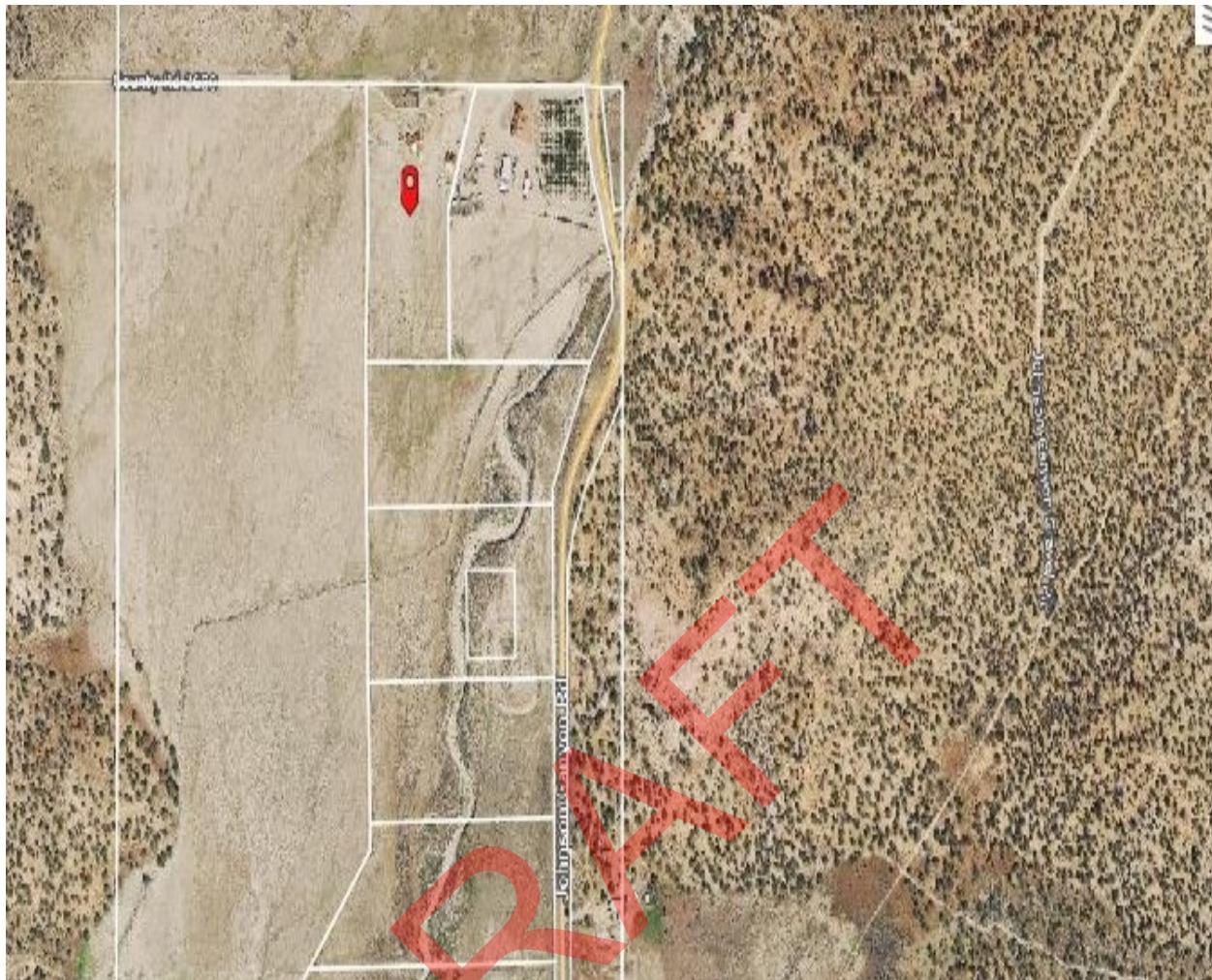
PROJECT: A complete application for the Johnson Canyon Estates, Platted Unimproved Subdivision (PLUS) to amend, extend and vacate a subdivision plat for a lot line adjustment (Ordinance 2022-59), on behalf of the Roland Bean Living Trust, The Melissa Bean Living Trust, and Craig Morley Enterprises Inc., Micheal R. & Jennifer G. Cain, Last Three, LLC., Jeff Morley Enterprises, LLC., Russel Owens, Mark Owens and Inchuga LLC, adjusting the parcel lines between parcels 297-1, 317-1, 317-2 and 317-3, and vacating a portion of 317-1 out of the Johnson Canyon Estates Platted Unimproved Subdivision and adding it to parcel 297-1 in the Square One Rural Unimproved Subdivision has been submitted by Iron Rock Engineering, holding power of attorney.

FINDINGS: The application for an Amended, Extended and Vacating plat of the Johnson Canyon Platted Unimproved Subdivision (PLUS) and Square One Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). Johnson Canyon Estates, PLUS and Square One RUS both comply with Kane County Land Use Ordinance, Title 9, Subdivision Regulations, Chapter 21, Article E-9. All requirements for rights-of-way and EXISTING easements conform to the standards in the Kane County Land Use Ordinance at the time of the application for the PLUS and RUS process. No easements are being vacated. All notices are in conformance with all standards and notice requirements of §17-27a-202. A notice was posted on two public notice boards at the Kane County courthouse, Utah State website and the Kane County website. A sign was placed on the property being vacated.

- (1) A land use authority shall apply the plain language of land use regulations.
- (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
- (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

STAFF RECOMMENDATION: Kane County Engineer, Kelvin Smith, Civil Science Engineering, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, recommends **CONDITIONAL** approval to the Kane County Commission.

I move to recommend approval/denial, to the County Commissioners, Ordinance 2022-59, to amend, extend and vacate amended plats for the Johnson Canyon Estates, Platted Unimproved Subdivision and the Square One Rural Unimproved Subdivision parcel/lot line adjustment, for parcels 297-1, 317-1, 317-2, and 317-3, based on the findings in the staff report.



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

KANE COUNTY ORDINANCE NO. O-2022-59

**AN ORDINANCE AMENDING, EXTENDING AND VACATING TWO PLATS FOR
THE JOHNSON CANYON ESTATES PLATTED UNIMPROVED SUBDIVISION AND
THE SQUARE ONE RURAL UNIMPROVED SUBDIVISION**

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended amendments to vacate portions of lot 317-1, out of the Johnson Canyon Estates, Platted Unimproved Subdivision and add a portion from lot 317-1, into lot 297-1 of the Square One Rural Unimproved Subdivision; and

WHEREAS, the purpose of amending these plats is in compliance with Kane County Land Use Ordinance 9-21E-9 Vacating and Amending a Subdivision Plat and Utah State Code §17-27a-609, and;

WHEREAS, the application for an Amended Plat for the Johnson Canyon Estates Platted Unimproved Subdivision (PLUS) and Square One Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). Johnson Canyon Estates PLUS and Square One RUS both comply with Kane County Land Use Ordinance, Title 9, Subdivision Regulations, Chapter 21, Article E-9. All requirements for rights-of-way and EXISTING easements conform to the standards in the Kane County Land Use Ordinance and will remain the same with this amendment.

WHEREAS, The Kane County Planning Commission, finding that there is good cause to vacate and amend the plats and no utility or road easements are being vacated, recommended amending, extending and vacating the subdivision plats to the Kane County Commission, 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, 17-27a-201, §17-27a-202 and 609;

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

Vacate a portion of lot 317-1, out of the Johnson Canyon Estates Platted Unimproved Subdivision and add a portion from lot 317-1, into lot 297-1 of the Square One Rural Unimproved Subdivision.

Legal Description attached on plat that will be recorded with this ordinance.

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 _____

DRAFT

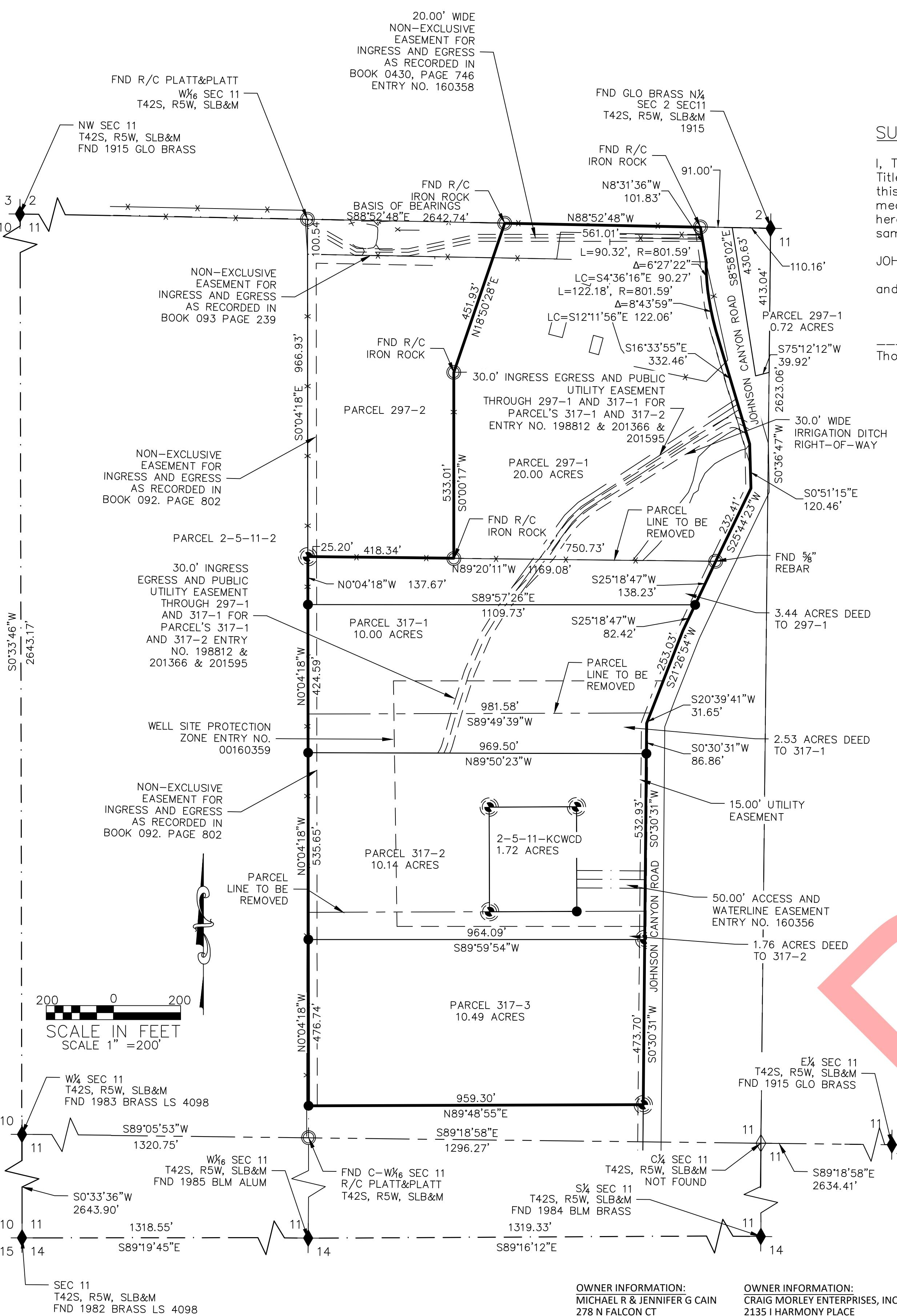
JOHNSON CANYON ESTATES A PLATTED UNIMPROVED SUBDIVISION, AMENDED



Building on Solid Foundations

460 E. 300 SOUTH
KANAB, UTAH 84741
435-644-2031
www.ironrockeng.com

JOHNSON CANYON ESTATES A
PLATTED UNIMPROVED SUBDIVISION, AMENDED
JOHNSON CANYON
KANE COUNTY UTAH



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 herein 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 herein owners, I have made a survey of the tract of land as shown on this Plat and have re-subdivided the same tract into 3 parcels, as shown, which are herein after known as

JOHNSON CANYON ESTATES A PLATTED UNIMPROVED SUBDIVISION, AMENDED

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

Thomas W. Avant, PLS - License # 5561917

date

LOCATED IN THE NE $\frac{1}{4}$, NW $\frac{1}{4}$ SECTION 11,

TOWNSHIP 42 SOUTH, RANGE 5 WEST

SALT LAKE BASE AND MERIDIAN

Legal Descriptions Continued:

As-Surveyed Descriptions:

PARCEL D: COMBINED PARCEL 297-1

A portion of the NE1/4 NW1/4 of Section 11 Township 42 South, Range 5 West, Salt Lake Base and Meridian, more particularly described as follows:

Area 1:

COMMENCING at the West 1/16 corner located on the north line of said Section 11; thence along the section line South 88°52'48" East 565.62 feet to the POINT OF BEGINNING; thence, continuing along said section line South 88°52'48" East 561.01 feet to the westerly right-of-way line of the Johnson Canyon Road; thence, along said right-of-way line South 08°31'36" East 101.83 feet to the BEGINNING of a non-tangential curve; thence along the curve to the left 212.50 feet, having a radius of 801.59 feet, a central angle of 15°11'21" and whose long chord bears South 08°58'15" East 332.46 feet; thence South 08°58'15" East 211.88 feet; thence South 16°33'55" East 332.46 feet; thence South 25°44'23" West 232.41 feet; South 25° 18' 47" West 138.23 feet; thence, departing said right-of-way, North 89° 57' 26" East 1109.73 feet, to the west 1/16 line of said section; thence, along said 1/16 line, North 00° 04' 18" West 137.67 feet; thence South 89° 20' 11" East 418.34 feet, to an existing fence running to the north; thence, along said fence line, North 00°00'17" East 53.01 feet; thence, leaving said fence line, North 18°50'28" East 451.93 feet, to the POINT OF BEGINNING containing 20.00 acres (more or less).

Area 2:

COMMENCING at the West 1/16 corner located on the North line of said Section 11; thence, along the section line, South 88°52'48" East 1217.63 feet, to the easterly right-of-way of Johnson Canyon Road and the POINT of BEGINNING, and running; thence, continuing along said Section line, South 88°52'48" East 110.16 feet, to the North 1/4 corner of said section; thence along the North-South 1/4 line, South 00°36'47" West 413.04 feet; thence South 75°12'12" West 39.92 feet, to said right-of-way; thence, along said right-of-way, North 08°58'02" West 430.63 feet, to the POINT OF BEGINNING containing 0.72 acres (more or less).

Legal Descriptions Continued:

PARCEL E: COMBINED PARCEL 317-1

COMMENCING at the West 1/16 corner between Sections 2 and 11, Township 42 South, Range 5 West, Salt Lake Base and Meridian; thence, along the West 1/16 line of said Section 11, South 00° 04' 18" East 1104.60 feet to the POINT OF BEGINNING; thence, South 89° 57' 26" East 1109.73 feet, to the westerly right-of-way of Johnson Canyon Road; thence along said right-of-way as follows, South 25° 18' 47" West 82.42 feet; thence South 21° 41' 52" West 192.15 feet; thence South 20° 39' 41" West 92.54 feet; thence South 00° 30' 31" West 86.86 feet; thence, leaving said right-of-way, North 89° 50' 23" West 969.50 feet, to said 1/16 line; thence, along said line, North 00° 04' 18" West 424.59 feet, to the POINT OF BEGINNING, containing 10.00 acres (more or less).

PARCEL F: COMBINED PARCEL 317-2

COMMENCING at the West 1/16 corner between Sections 2 and 11, Township 42 South, Range 5 West, Salt Lake Base and Meridian; thence, along the West 1/16 line of said Section 11, South 00° 04' 18" East 1529.19 feet to the POINT OF BEGINNING; thence South 89° 50' 23" East 969.50 feet, to the westerly right-of-way of Johnson Canyon Road; thence along said right-of-way, thence South 00° 30' 31" West 532.94 feet; thence South 89° 59' 54" West 964.09 feet, to said 1/16 line; thence, along said line, North 00° 04' 18" West 535.65 feet, to the POINT OF BEGINNING, containing 10.14 acres (more or less).

LESS AND EXCEPTING the KCWCD property, Parcel number 2-5-11-KCWCD, more particularly described as follows:

COMMENCING at the northwest corner of Section 11 Township 42 South, Range 5 West, Salt Lake Base and Meridian, thence South 88°41'30" East 1314.86 feet along the Section line; thence South 00°05'02" West 966.96 feet; thence South 00°07'37" West 451.71 feet to the POINT OF BEGINNING, and running thence East 981.86 feet to the westerly right-of-way line of Johnson Canyon Road; thence South 20°52'53" West 31.65 feet along said right-of-way line; thence South 00°43'43" West 538.87 feet along said right-of-way line; thence West 195.99 feet; thence North 300.00 feet; thence West 250.00 feet; thence South 300.00 feet; thence West 519.00 feet; thence North 00°07'37" East 568.40 feet to the POINT OF BEGINNING containing 10.91 acres (more or less).

Parcel 317-3:

All of Parcel 3 Johnson Canyon Estates a Platted Unimproved Subdivision more particularly described as follows:

COMMENCING at the northwest corner of Section 11 Township 42 South, Range 5 West, Salt Lake Base and Meridian, thence South 88°41'30" East 1314.86 feet along the Section line; thence South 00°05'02" West 966.96 feet; thence South 00°07'37" West 1020.11 feet to the POINT OF BEGINNING, and running thence East 964.99 feet to the westerly right-of-way line of Johnson Canyon Road; thence South 00°43'43" West 554.81 feet; thence West 959.16 feet; thence North 00°07'37" East 554.77 feet to the POINT OF BEGINNING, containing 12.25 acres, (more or less).

PARCEL G: REMAINING PARCEL 317-3

COMMENCING at the West 1/16 corner between Sections 2 and 11, Township 42 South, Range 5 West, Salt Lake Base and Meridian; thence, along the West 1/16 line of said Section 11, South 00° 04' 18" East 2064.84 feet to the POINT OF BEGINNING; thence North 89° 59' 54" East 964.09 feet, to the westerly right-of-way of Johnson Canyon Road; thence along said right-of-way, South 00° 30' 31" West 473.70 feet, to the southeast corner of Parcel 3 of Johnson Canyon Estates a Platted Unimproved Subdivision; thence, along the south line of said Parcel 3, South 89° 48' 55" West 959.30 feet, to said 1/16 line; thence, along said 1/16 line, North 00° 04' 18" West 476.74 feet, to the POINT OF BEGINNING, containing 10.49 acres (more or less).

LEGEND

- SET 5/8" x 36" REBAR WITH PLASTIC CAP MARKED IR ENG. PLS 5561917
- FOUND R/C ALPHA ENG
- FOUND MONUMENT AS NOTED
- FOUND SECTION CORNER AS NOTED
- NOT FOUND SECTION CORNER

- SURVEY BOUNDARY
- PROPERTY LINE
- PROPERTY LINE TO REMOVE
- ADJACENT PROPERTY LINE
- SECTION LINE
- 1/16 SECTION LINE
- 1/4 SECTION LINE
- FENCE
- EXISTING 50' WIDE PRIVATE ACCESS EASEMENT
- RECORD BEARING AND DISTANCE

1 OF 2

Reason for Record of Survey Plat:
To show the amended parcel lines
of the two rural unimproved
subdivisions

NARRATIVE
The purpose of this survey was to locate existing property corners and amend the parcel lines between Parcels 297-1, 317-1, 317-2, and 317-3 and mark on the ground the lines as shown on this Amended Rural Unimproved Subdivision plat at the request of the owners. 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 NW Corner of Section 11 and the N $\frac{1}{4}$ of Section 11 with a bearing of South 88°52'48" East 2642.74' feet.

Owner Information: MICHAEL R & JENNIFER G CAIN
278 N FALCON CT
VIENS, UT 84738

Owner Information: CRAIG MORLEY ENTERPRISES, INC.
2135 N HARMONY PLACE
ST. GEORGE, UT 84790

Owner Information: LAST THREE LLC
775 W 1200 N SUITE 100
SPRINGVILLE, UT 84663

Owner Information: JEFF MORLEY ENTERPRISES LLC
47 S 400 E SUITE B
ST GEORGE, UT 84770

Owner Information: RUSSELL OWENS
3024 CORKWOOD CIRCLE
ST GEORGE, UT 84790

Owner Information: MARK OWENS
476 WEST 125 SOUTH
PINE VALLEY, UT 84781

Owner Information: INCHUNGA, LLC
3412 N UNIVERSITY AVE #320
PROVO, UT 84604

| INITIAL SUBMITTAL | DATE: 10/07/2022 | DESCRIPTION: COUNTY REVIEW |
|-------------------|------------------|----------------------------|
| REV# 1ST | DATE: 10/27/2022 | |

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|--|
| DRAWN BY: CJM |
| SCALE: 1"= 200' |
| SHEET: EXISTING 50' WIDE PRIVATE ACCESS EASEMENT |
| RECORD BEARING AND DISTANCE |

**JOHNSON CANYON ESTATES A
PLATTED UNIMPROVED SUBDIVISION,
AMENDED**

LOCATED IN THE NE $\frac{1}{4}$, NW $\frac{1}{4}$ SECTION 11,
TOWNSHIP 42 SOUTH, RANGE 5 WEST
SALT LAKE BASE AND MERIDIAN



Building on Solid
Foundations

460 E. 300 SOUTH
KANAB, UTAH 84741
435-644-2031
www.ironrockeng.com

**JOHNSON CANYON ESTATES A
PLATTED UNIMPROVED SUBDIVISION, AMENDED**

JOHNSON CANYON
KANE COUNTY UTAH

| INITIAL SUBMITTAL | DATE: 10/07/2022 | DESCRIPTION: COUNTY REVIEW |
|-------------------|------------------|----------------------------|
| | | |

| |
|---------------|
| DRAWN BY: CJM |
| SCALE: |
| SHEET: |

2 OF 2

DRAFT

Know all men by these presents that the undersigned Craig Morley, President of Craig Morley Enterprises, Inc., Jeff Morley, Manager/Member of Jeff Morley Enterprises, LLC, a Utah limited liability company, Stephen K Mongie, Manager of Inchuga, LLC, a Utah limited liability company, Michael T Morley, Manager of Last Three, LLC a Utah Limited partnership, Russell Owens, Mark Owens, Michael R Cain and Jennifer G Cain as to Johnson Canyon Estates a Platted Unimproved Subdivision is the owner of the above described tract of land, and hereby cause the same to be amended together with easements as set forth to be hereafter known as Square One, a Rural Unimproved Subdivision, Amended and Johnson Canyon Estates, a Platted Unimproved Subdivision, Amended the undersigned owners also hereby re-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____

Craig Morley, President of Craig Morley Enterprises, Inc. Jeff Morley, Manager/Member of Jeff Morley Enterprises, LLC Michael R Cain Jennifer G Cain
Stephen K Mongie, Manager of Inchuga, LLC Michael T Morley, Manager of Last Three, LLC Russell Owens Mark Owens

| INITIAL SUBMITTAL | DATE: 10/27/2022 | DESCRIPTION: COUNTY REVIEW |
|-------------------|------------------|----------------------------|
| | | |

| | | | | | | |
|---|---|--|---|--|--|---|
| STATE OF UTAH, _____ s.s. COUNTY OF _____ On this _____ day of _____, 20____ personally appeared before me Stephen K Mongie, Manager of Inchuga, LLC, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) | STATE OF UTAH, _____ s.s. COUNTY OF _____ On this _____ day of _____, 20____ personally appeared before me Jennifer G Cain, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) | STATE OF UTAH, _____ s.s. COUNTY OF _____ On this _____ day of _____, 20____ personally appeared before me Michael R Cain, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) | STATE OF UTAH, _____ s.s. COUNTY OF _____ On this _____ day of _____, 20____ personally appeared before me Craig Morley, President of Craig Morley Enterprises, Inc., who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) | STATE OF UTAH, _____ s.s. COUNTY OF _____ On this _____ day of _____, 20____ personally appeared before me Michael T Morley, Manager of Last Three, LLC, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) | | |
| OWNER INFORMATION: MICHAEL R & JENNIFER G CAIN 278 N FALCON CT IVINS, UT 84738 | OWNER INFORMATION: CRAIG MORLEY ENTERPRISES, INC. 21351 HARMONY PLACE ST. GEORGE, UT 84790 | OWNER INFORMATION: LAST THREE LLC 775 W 1200 N SUITE 100 SPRINGVILLE, UT 84663 | COUNTY SURVEYOR CERTIFICATE Kane County Surveyor, do hereby certify that this office has examined the above Survey 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 Kane County, Utah | Kane County Land Use Authority On this the _____ day of _____, 20____ the Land Use Authority of Kane County, Utah, having reviewed the above Survey and having determined that it complies with the requirements of the Kane County's Land Use Ordinances, and by authorization of said authority hereby recommend approval of said Survey for acceptance by Kane County, Utah. CHAIRMAN Land Use Authority, by _____ Kane County, Utah | COUNTY ATTORNEY CERTIFICATE I, _____ Attorney for Kane County, do hereby certify that I have examined the above Survey and said Survey meets the requirements of Kane County and is hereby recommended for approval this _____ day of _____, 20____. KANE COUNTY ATTORNEY Kane County, Utah | 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 _____ |
| OWNER INFORMATION: JEFF MORLEY ENTERPRISES LLC 47 S 400 E SUITE B ST GEORGE, UT 84770 | OWNER INFORMATION: RUSSELL OWENS 3024 CORKWOOD CIRCLE ST GEORGE, UT 84790 | OWNER INFORMATION: MARK OWENS 476 WEST 125 SOUTH PINE VALLEY, UT 84781 | OWNER INFORMATION: INCHUNGA, LLC 3412 N UNIVERSITY AVE #320 PROVO, UT 84604 | | RECORDED AND FILED AT THE REQUEST OF: DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ | |

**JOHNSON CANYON ESTATES A
PLATTED UNIMPROVED SUBDIVISION,
AMENDED**

LOCATED IN THE NE $\frac{1}{4}$, NW $\frac{1}{4}$ SECTION 11,
TOWNSHIP 42 SOUTH, RANGE 5 WEST
SALT LAKE BASE AND MERIDIAN



Building on Solid
Foundations

460 E. 300 SOUTH
KANAB, UTAH 84741
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**JOHNSON CANYON ESTATES A
PLATTED UNIMPROVED SUBDIVISION, AMENDED**

JOHNSON CANYON
KANE COUNTY UTAH

| INITIAL SUBMITTAL | DATE: 10/07/2022 | DESCRIPTION: COUNTY REVIEW |
|-------------------|------------------|----------------------------|
| | | |

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DRAWN BY: CJM

SCALE:

SHEET:

2 OF 2

DRAFT

Know all men by these presents that the undersigned Craig Morley, President of Craig Morley Enterprises, Inc., Jeff Morley, Manager/Member of Jeff Morley Enterprises, LLC, a Utah limited liability company, Stephen K Mongie, Manager of Inchuga, LLC, a Utah limited liability company, Michael T Morley, Manager of Last Three, LLC a Utah Limited partnership, Russell Owens, Mark Owens, Michael R Cain and Jennifer G Cain as to Johnson Canyon Estates a Platted Unimproved Subdivision is the owner of the above described tract of land, and hereby cause the same to be amended together with easements as set forth to be hereafter known as Square One, a Rural Unimproved Subdivision, Amended and Johnson Canyon Estates, a Platted Unimproved Subdivision, Amended the undersigned owners also hereby re-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____

Craig Morley, President of
Craig Morley Enterprises, Inc. Jeff Morley, Manager/Member of
Jeff Morley Enterprises, LLC Michael R Cain Jennifer G Cain
Stephen K Mongie, Manager of Inchuga, LLC Michael T Morley, Manager of Last Three, LLC Russell Owens Mark Owens

Notary Public Full Name: _____
Commission Number: _____
My Commission Expires: _____
A Notary Public Commissioned in Utah
Notary Public (signature)
No Stamp required (Utah Code 46-1-16(6))

Notary Public Full Name: _____
Commission Number: _____
My Commission Expires: _____
A Notary Public Commissioned in Utah
Notary Public (signature)
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Notary Public Full Name: _____
Commission Number: _____
My Commission Expires: _____
A Notary Public Commissioned in Utah
Notary Public (signature)
No Stamp required (Utah Code 46-1-16(6))

STATE OF UTAH,) s.s.
COUNTY OF)
On this _____ day of _____, 20____, personally
appeared before me Russell Owens, who is personally known to me (or
satisfactorily proved to me), and who being by me duly sworn did say that they
executed this Plat.
Notary Public Full Name: _____
Commission Number: _____
My Commission Expires: _____
A Notary Public Commissioned in Utah
Notary Public (signature)
No Stamp required (Utah Code 46-1-16(6))

STATE OF UTAH,) s.s.
COUNTY OF)
On this _____ day of _____, 20____, personally
appeared before me Mark Owens, who is personally known to me (or satisfactorily
proved to me), and who being by me duly sworn did say that they executed this Plat.
Notary Public Full Name: _____
Commission Number: _____
My Commission Expires: _____
A Notary Public Commissioned in Utah
Notary Public (signature)
No Stamp required (Utah Code 46-1-16(6))

STATE OF UTAH,) s.s.
COUNTY OF)
On this _____ day of _____, 20____, personally
appeared before me Jeff Morley, Manager/Member of Jeff Morley Enterprises,
LLC, who is personally known to me (or satisfactorily proved to me), and who
being by me duly sworn did say that they executed this Plat.
Notary Public Full Name: _____
Commission Number: _____
My Commission Expires: _____
A Notary Public Commissioned in Utah
Notary Public (signature)
No Stamp required (Utah Code 46-1-16(6))

STATE OF UTAH,) s.s.
COUNTY OF)
On this _____ day of _____, 20____, personally
appeared before me Michael T Morley, Manager of Last Three, LLC, who is
personally known to me (or satisfactorily proved to me), and who being by me
duly sworn did say that they executed this Plat.
Notary Public Full Name: _____
Commission Number: _____
My Commission Expires: _____
A Notary Public Commissioned in Utah
Notary Public (signature)
No Stamp required (Utah Code 46-1-16(6))

| | | | | |
|--|--|---|---|--|
| STATE OF UTAH,) s.s. COUNTY OF) On this _____ day of _____, 20____, personally appeared before me Stephen K Mongie, Manager of Inchuga, LLC, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) | STATE OF UTAH,) s.s. COUNTY OF) On this _____ day of _____, 20____, personally appeared before me Jennifer G Cain, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) | STATE OF UTAH,) s.s. COUNTY OF) On this _____ day of _____, 20____, personally appeared before me Michael R Cain, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) | STATE OF UTAH,) s.s. COUNTY OF) On this _____ day of _____, 20____, personally appeared before me Craig Morley, President of Craig Morley Enterprises, Inc., who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) | STATE OF UTAH,) s.s. COUNTY OF) On this _____ day of _____, 20____, personally appeared before me Michael T Morley, Manager of Last Three, LLC, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) No Stamp required (Utah Code 46-1-16(6)) |
| <p>OWNER INFORMATION: MICHAEL R & JENNIFER G CAIN 278 N FALCON CT IVINS, UT 84738</p> <p>OWNER INFORMATION: CRAIG MORLEY ENTERPRISES, INC. 21351 HARMONY PLACE ST. GEORGE, UT 84790</p> <p>OWNER INFORMATION: LAST THREE LLC 775 W 1200 N SUITE 100 SPRINGVILLE, UT 84663</p> <p>COUNTY SURVEYOR CERTIFICATE Kane County Surveyor, do hereby certify that this office has examined the above Survey 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____.</p> <p>Kane County Land Use Authority On this _____ day of _____, 20____, the Land Use Authority of Kane County, Utah, having reviewed the above Survey and having determined that it complies with the standards set forth in the Kane County's Land Use Ordinances, and by authorization of said authority hereby recommend approval of said Survey for acceptance by Kane County, Utah.</p> <p>COUNTY ATTORNEY CERTIFICATE I, _____ Attorney for Kane County, do hereby certify that above Survey meets the requirements of Kane County and is hereby recommended for approval this _____ day of _____, 20____.</p> <p>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____.</p> <p>KANE COUNTY RECORDER ENTRY NO. _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____</p> <p>RECORDED AND FILED AT THE REQUEST OF: KANE COUNTY ATTORNEY Kane County, Utah</p> | | | | |
| <p>OWNER INFORMATION: JEFF MORLEY ENTERPRISES LLC 47 S 400 E SUITE B ST GEORGE, UT 84770</p> <p>OWNER INFORMATION: RUSSELL OWENS 3024 CORKWOOD CIRCLE ST GEORGE, UT 84790</p> <p>OWNER INFORMATION: MARK OWENS 476 WEST 125 SOUTH PINE VALLEY, UT 84781</p> <p>OWNER INFORMATION: INCHUNGA, LLC 3412 N UNIVERSITY AVE #320 PROVO, UT 84604</p> <p>KANE COUNTY SURVEYOR Kane County, Utah</p> <p>CHAIRMAN Land Use Authority, by Kane County, Utah</p> <p>KANE COUNTY ATTORNEY Kane County, Utah</p> | | | | |



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: October 21, 2022

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 22114: Zone Change Application, C-1 to C-2, Ordinance O-2022-53
Parcel 1-9-21-1A consisting of a total of 61.40 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 placed on the property.*

REQUEST: On October 19, 2022, Gateway Land Holdings, LLC, Kevin McLaws, submitted a zone change application, for parcel 1-9-21-1A, located east of the Zion National Park boundary. He is requesting to rezone from Commercial 1 (C-1) to Commercial 2 (C-2) due to ordinance changes in the past year. He intends on building a Gateway Community. A lodge will be located on this parcel. Currently the parcel serves as a hotel/motel with tiny cabins, a small store/host center, a R.V. park and campground with horse rides. A gas station and gift shop are across the highway from this parcel.

Legal Description:

Parcel Number 1-9-21-1A

Name GATEWAY LAND HOLDINGS LLC

Tax District 16_01 EZCRA-3

C/O: MCLAWS KEVIN

Acres 61.40

Situs Address

**Legal BEG AT A PT FROM WH THE NW
COR OF SEC 21 T41S R9W SLB&M BEARS
N 0*03' W 937.5 FT, SAID PT OF BEG BEING
ON THE S'LY R/W BOUNDARY OF STATE
HWY U-15(9); TH ALG SAID R/W, N
77*22'30" E 3,535.7 FT; TH S 1,163.5 FT; TH
N 89*54' W 3,469.6 FT; TH N 0*03' W 382.5
FT TO THE PT OF BEG. CONT 61.40 AC,
M/L.**

FACTS & FINDINGS:

- Parcel 1-9-21-1A meets the requirements to be zoned C-2. The parcel is currently zoned C-1.
- 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 will be allowed.
- **9-7C-2: USE REGULATIONS:**

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

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

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

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

Car wash (large).

Freight or trucking yard or terminal.

Heli pad commercial.

Propane storage tanks.

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

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

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

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

ATV's/UTV's rentals.

Dams and Reservoirs.

Hospital.

Hotel or motel.

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

Recreational Vehicle Parks.

Storage units.

Solar Power panels producing over 25 KW.

Substation.

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

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

- Surrounding parcels are zoned AG, Commercial and Zion National Park.
- Utah State Code 17-27a-308. Land use authority requirements -- Nature of land use decision.
 - (1) A land use authority shall apply the plain language of land use regulations.
 - (2) **If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.**
 - (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Effective 5/12/2015

17-27a-505. Zoning districts.

(1) (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.

(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

(c) A county may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:

(i) protect life; and

(ii) prevent:

(A) the substantial loss of real property; or

(B) substantial damage to real property.

(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, but the regulations in one zone may differ from those in other zones.

(3) (a) There is no minimum area or diversity of ownership requirement for a zone designation.

(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a county decision.

- **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. Notices are posted on the state and county websites.
- **9-7C-1: PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.

Kane County General Plan: Industrial and commercial land 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. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amingiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. They are all Planned Unit Developments and Kane County encourages this trend to continue. Kane County will allow development within

the perimeters of county land use and zoning ordinances with the understanding that infrastructure improvement, development and maintenance will be at the expense of the subdivider and/or land owners who enjoy the benefits of such improvements. Kane County will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain services without expecting or receiving county-provided services. The installation of water systems and fire hydrants does not imply or require county provided road maintenance or snow removal.

Commercial Land Uses Goal #1: Encourage and provide for commercial uses in locations with infrastructure in place to serve the public. Objective: Develop commercial uses compatibly with the use and character of the surrounding area. Policy: The Land Use Ordinance and associated zoning map will determine the standards for commercial uses at appropriate locations. (Pg.18)

1. Kane County will not become a provider of municipal-scale services, but will assist in such development if serviced by a special service district. Kane County's unincorporated areas cannot be expected to provide municipal-scale services. Residential or commercial zones which require large investments in infrastructure such as roads, water, waste disposal, schools, etc. cannot occur on a land base where such services are not available. Kane County recognizes this distinction, and will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain their own services. Kane County will discourage development in unincorporated areas unless such development is serviced by a special district established for that purpose. (Pg. 31)

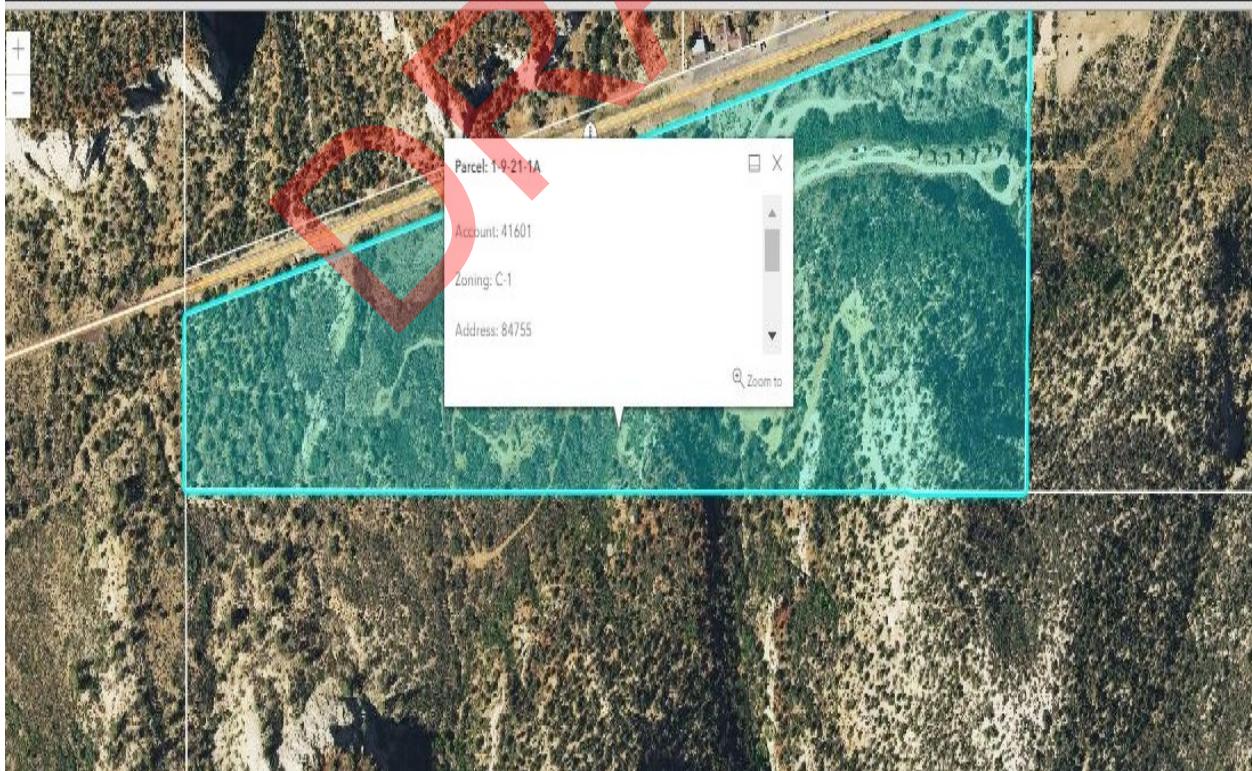
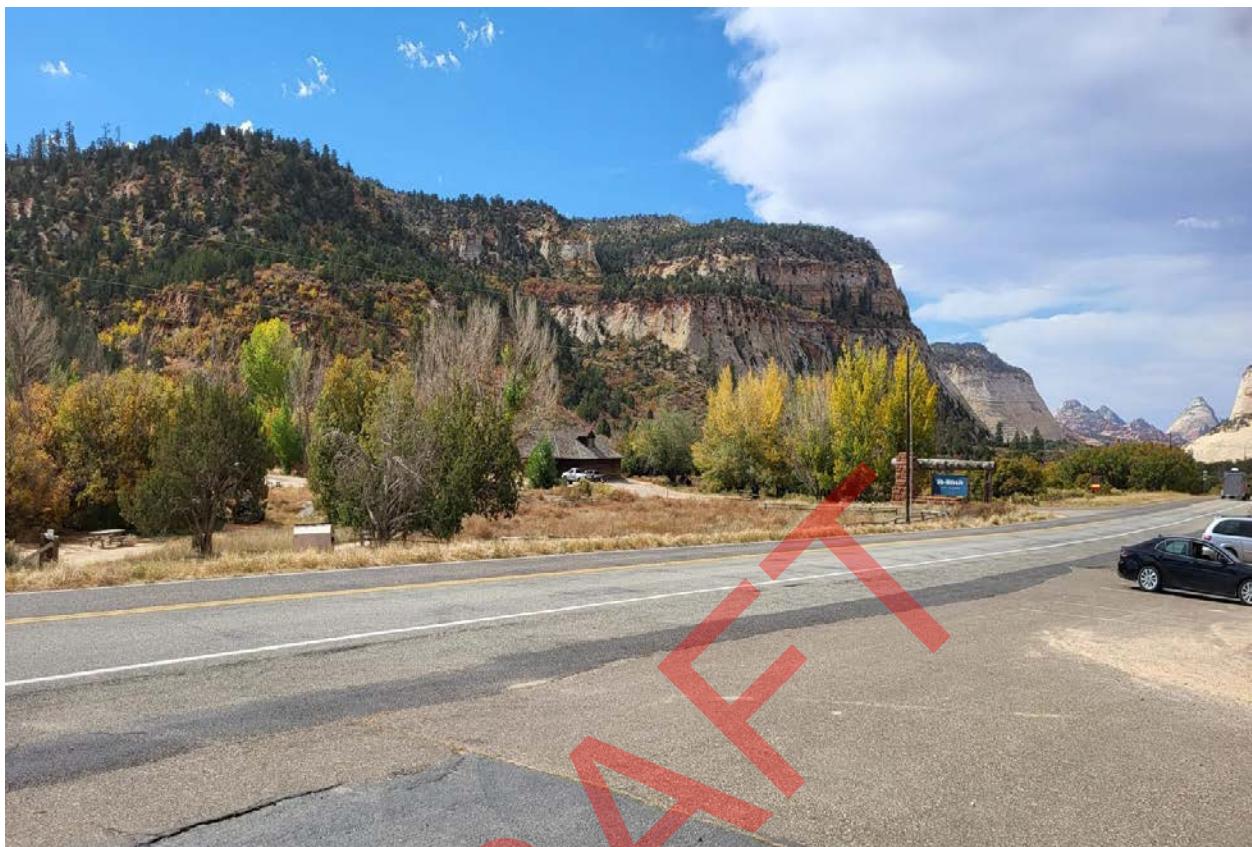
Surrounding parcels are zoned AG, C-2 and Zion National Park.

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 2 Zone.

MOTION: I move to recommend denying/approving the zone change for parcel 1-9-21-1A from C-1 to C-2 & Ordinance O-2022-53, to the County Commission, based on the facts and findings as documented in the staff report.





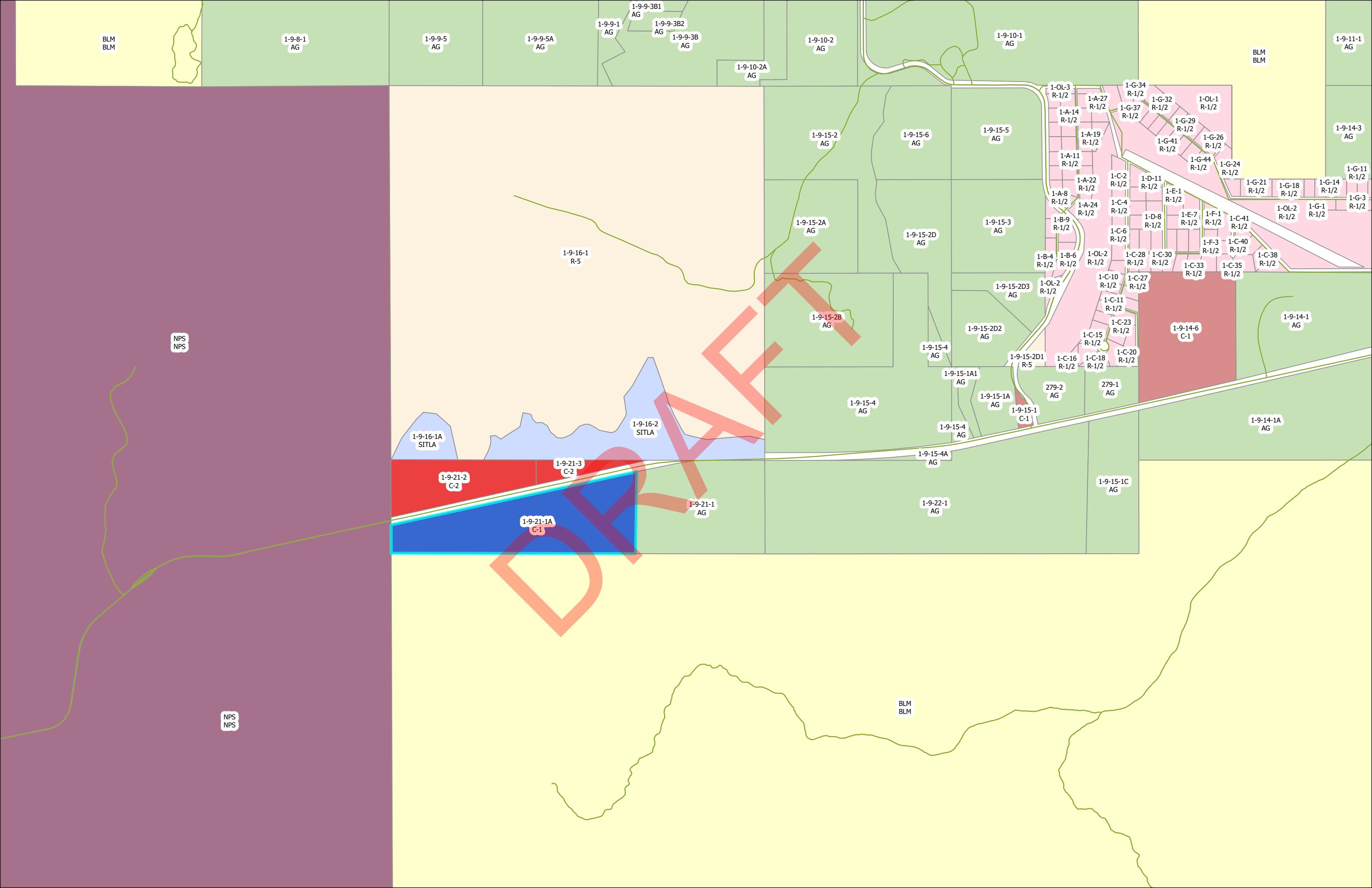


76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4966 | www.kane.utah.gov
Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov



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





KANE COUNTY ORDINANCE NO. O 2022-53

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 1-9-21-1A FROM
COMMERCIAL 1 TO COMMERCIAL 2**

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

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 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 1-9-21-1A, from Commercial 1 (C-1) to Commercial 2 (C-2);

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

Parcel 1-9-21-1A

Acres 61.04 more or less

Legal Description: Legal BEG AT A PT FROM WH THE NW COR OF SEC 21 T41S R9W SLB&M BEARS N 0*03' W 937.5 FT, SAID PT OF BEG BEING ON THE S'LY R/W BOUNDARY OF STATE HWY U-15(9); TH ALG SAID R/W, N 77*22'30" E 3,535.7 FT; TH S 1,163.5 FT; TH N 89*54' W 3,469.6 FT; TH N 0*03' W 382.5 FT TO THE PT OF BEG. CONT 61.40 AC, M/L.

Is hereby rezoned from C-1 to C-2 and shall from here forth be zoned.

---- END OF ORDINANCE ----

This Ordinance shall be deposited in the Office of the County Clerk, and recorded in the Kane County Recorder's Office and shall take effect fifteen (15) days after the date signed below. Utah State Code 17-53-208 (3) (a).

The County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this _____ day of _____, 2022.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Andy Gant, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted
Commissioner Gant voted
Commissioner Chamberlain voted

DRAFT



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: October 21, 2022

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 22098: Zone Change Application, R-5 to C-2, Ordinance O-2022-54
Parcel 1-9-16-1 consisting of 581.92 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 placed on the parcel.*

REQUEST: On October 19, 2022, Zion High Ground, LLC, Kevin McLaws, submitted a zone change application, for parcel 1-9-16-1, located east of the Zion National Park boundary. He is requesting to rezone from Residential 5 (R-5) to Commercial 2 (C-2). He intends on building a Gateway Community. Currently the parcel is undeveloped.

Legal Description: S16T41SR9WSEC 16: ALL (LESS METES & BOUNDS) (SOLD 58.08 AC) CONT 581.92ACM/LKANECOUNTYLESS& EXCEPTING (SOLDVIAC-26746):

PARCELB:
BEG AT THE SE COR OF SEC 16 T41S R9W SLB&M & RUN; TH ALG THE E SEC LINE N 0°41'29" E 300.75 FT; TH DEPARTING SAID LINE N 65°00'00" W 40.41 FT; TH N 88°30'00" W 55.00 FT; TH N 71°30'00" W 113.50 FT; TH S 84°45'00" W 226.00 FT; TH S 88°00'00" W 445.00 FT; TH N 74°00'25" W 273.00 FT; TH N 26°30'00" W 527.00 FT; TH N 6°30'00" W 71.50 FT; TH N 20°45'00" W 405.00 FT; TH N 15°00'00" W 175.00 FT; TH N 84°30'00" W 70.00 FT; TH S 28°40'00" W 442.00 FT; TH S 38°45'00" W 216.00 FT; TH S 7°30'00" E 249.50 FT; TH S 21°45'00" W 55.00 FT; TH S 34°40'00" W 199.25 FT; TH S 57°00'00" W 80.00 FT; TH N 79°22'30" W 163.00 FT; TH N 56°00'00" W 177.00 FT; TH N 74°00'00" W 45.00 FT; TH S 89°36'00" W 20.00 FT; TH S 64°35'00" W 104.40 FT; TH S 47°30'00" W 180.00 FT; TH S 66°00'00" W 121.70 FT; TH N 78°30'00" W 83.33 FT; TH N 49°00'00" W 124.70 FT; TH N 21°00'00" W 112.00 FT; TH N 57°45'00" W 73.85 FT; TH S 85°50'00" W 91.00 FT; TH N 49°00'00" W 81.25 FT; TH N 7°00'00" W 64.00 FT; TH N 73°35'00" W 116.75 FT; TH S 12°20'00" W 199.00 FT; TH S 57°00'00" W 327.00 FT; TH N 54°20'00" W 98.40 FT; TH S 78°50'00" W 68.20 FT; TH S 0°35'00" E 47.00 FT; TH S 12°29'30" E 23.50 FT; TH S 11°35'00" W 102.00 FT; TH S 27°12'15" W 201.16 FT, TO THE S SEC LINE OF SAID SEC; TH, ALG SAID LINE S 89°04'21" E 1330.78 FT, TO THE S 1/4 OF SAID SEC; TH S 89°05'47" E 1321.87FT, TO THE E 1/16 OF SAID SEC; TH S 89°06'08" E 1321.96 FT, TO THE EPTOFTHEBEG; CONT48.31AC(M/L).

PARCEL:

BEG AT THE SW COR OF SEC 16 T41S R9W SLB&M & RUN; TH ALG THE S SEC LINE S 89°04'21" E 919.00 FT; TH DEPARTING SAID LINE N 9°10'27" W 152.23 FT; TH N 10°15'13" W 305.73 FT; TH N 47°42'31" W 289.62FT; TH N 80°54'03" W 177.24FT; TH S 45°01'26" W 224.80FT; TH S 37°23'23" 253.94FT; TH S 24°45'53" W 328.75FT, TO THE EPTOFTHEBEG; CONT9.77ACM/LRESERVATIONS&EXCEPTIONS.1.2 (AS IT LARESERTS TO THE STATE, FOR THE BENEFIT OF THE TRUST LAND BENEFICIARIES: ALL COAL, OIL, GAS, & OTHER HYDROCARBONS & ALL OTHER MINERAL DEPOSITS LOCATED IN OR ON THE PROPERTY, ALG WITH THE RIGHT TO REASONABLY ACCESS & USE THE PROPERTY)

EXPLOREFOR,DEVELOP,&EXTRACTTHOSEMINERALDEPOSITS;ALL ORDINARY SAND & GRAVEL LOCATEDINORONTHEPROP,ALGWITHTHERIGHTTOREALONABLYACCESS&USETHEPROTOEXPLOREFOR,DEVELOP,&EXTRACTTHOSESAND&GRAVELDEPOSITS;ALL SUB-SURFACE VOID & PORE SPACES IN THE PROP WHETHER NATURALLY EXISTING OR CREATED UPON THE REMOVAL OF COAL, OIL & GAS & OTHER MINERAL DEPOSITS, & THE RIGHT TO REASONABLY ACCESS & USE THE PROP & TO USE THOSE SUB-SURFACE VOID & PORE SPACES FORANYPURPOSE;&AN ACCESS & UTILITY EASEMENT ACROSS THE PROP AS MAY BE NECESSARY & REASONABLE TO ACCESS LANDS ADMINISTEREDBY THE SCHOOL & INSTITUTIONAL TRUST LANDS ADMINISTRATION.1.2(B) SITLA RESERVES TO THE STATE ALL ARCHAEOLOGICAL SPECIMENS, VALUES, CONTEXTS, FEATURES, & DEPOSITSWITHINTHENOTEDARCHAEOLOGICALSITESONTHEPROPDESC'DINEXHIBITB&DEPICTEDI NEXHIBITC.1.2(C) PURCHASER TAKES THE PROP SUBJ TO ALL VALID, EXISTING RIGHTS-OF-WAY, EASEMENTS, OR ANY OTHER ENCUMBRANCE IN EXISTENCE AS OF THE DATE OF THIS CERTIFICATE.

FACTS & FINDINGS:

- Parcel 1-9-16-1 meets the requirements to be zoned C-2. The parcel is currently zoned R-5.
- 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 will be allowed.

9-7C-2: USE REGULATIONS:

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

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

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

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

Car wash (large).

Freight or trucking yard or terminal.

Heli pad commercial.

Propane storage tanks.

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

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

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

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

ATV's/UTV's rentals.

Dams and Reservoirs.

Hospital.

Hotel or motel.

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

Recreational Vehicle Parks.

Storage units.

Solar Power panels producing over 25 KW.

Substation.

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

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

- Surrounding parcels are zoned AG, Commercial 2 and Zion National Park.
- Utah State Code 17-27a-308. Land use authority requirements -- Nature of land use decision.

- (1) A land use authority shall apply the plain language of land use regulations.
- (2) **If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.**
- (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Effective 5/12/2015

17-27a-505. Zoning districts.

- (1) (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
(c) A county may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:
 - (i) protect life; and
 - (ii) prevent:
 - (A) the substantial loss of ~~real~~ property; or
 - (B) substantial damage to ~~real~~ property.
- (2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, but the regulations in one zone may differ from those in other zones.
- (3) (a) There is no minimum area or diversity of ownership requirement for a zone designation.
(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a county decision.

- **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, North Fork Road and End of the Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice. Notices are posted on the state and county websites.
- **9-7C-1: PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.

Kane County General Plan: Industrial and commercial land 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. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amingiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. They are all Planned Unit Developments and Kane County encourages this trend to continue. Kane County will allow development within the perimeters of county land use and zoning ordinances with the understanding that infrastructure improvement, development and maintenance will be at the expense of the subdivider and/or land owners who enjoy the benefits of such improvements. Kane County will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain services without expecting or receiving county-provided services. The installation of water systems and fire hydrants does not imply or require county provided road maintenance or snow removal.

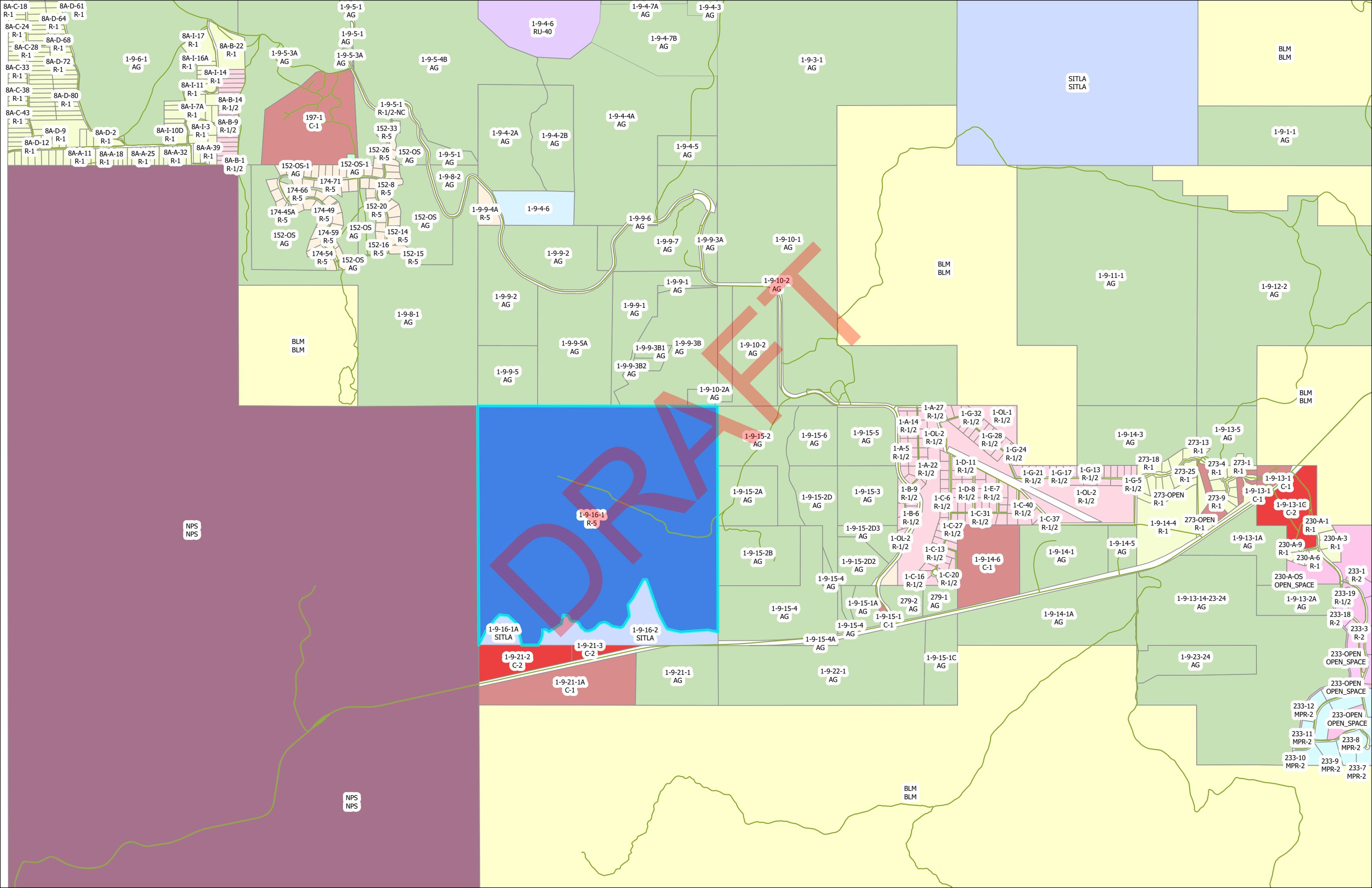
Commercial Land Uses Goal #1: Encourage and provide for commercial uses in locations with infrastructure in place to serve the public. Objective: Develop commercial uses compatibly with the use and character of the surrounding area. Policy: The Land Use Ordinance and associated zoning map will determine the standards for commercial uses at appropriate locations. (Pg.18)

1. Kane County will not become a provider of municipal-scale services, but will assist in such development if serviced by a special service district. Kane County's unincorporated areas cannot be expected to provide municipal-scale services. Residential or commercial zones which require large investments in infrastructure such as roads, water, waste disposal, schools, etc. cannot occur on a land base where such services are not available. Kane County recognizes this distinction, and will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain their own services. Kane County will discourage development in unincorporated areas unless such development is serviced by a special district established for that purpose. (Pg. 31)

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 2 Zone.

MOTION: I move to recommend denying/approving the zone change for parcel 1-9-16-1 from R-5 to C-2 & Ordinance O-2022-54, to the County Commission, based on the facts and findings as documented in the staff report.





KANE COUNTY ORDINANCE NO. O 2022-54

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 1-9-16-1 FROM
RESIDENTIAL 5 TO COMMERCIAL 2**

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

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 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 1-9-16-1, from Residential 5 (R-5) to Commercial 2 (C-2);

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

Parcel 1-9-16-1

LEGAL DESCRIPTION: Legal Description: S16T41SR9WSEC 16: ALL (LESS METES & BOUNDS) (SOLD 58.08 AC) CONT 581.92 ACM/L KANE COUNTY LESS & EXCEPTING (SOLD VIAC-26746): PARCEL B:

BEG AT THE SE COR OF SEC 16 T41S R9W SLB&M & RUN; TH ALG THE E SEC LINE N 0°41'29" E 300.75 FT; TH DEPARTING SAID LINE N 65°00'00" W 40.41 FT; TH N 88°30'00" W 55.00 FT; TH N 71°30'00" W 113.50 FT; TH S 84°45'00" W 226.00 FT; TH S 88°00'00" W 445.00 FT; TH N 74°00'25" W 273.00 FT; TH N 26°30'00" W 527.00 FT; TH N 6°30'00" W 71.50 FT; TH N 20°45'00" W 405.00 FT; TH N 15°00'00" W 175.00 FT; TH N 84°30'00" W 70.00 FT; TH S 28°40'00" W 442.00 FT; TH S 38°45'00" W 216.00 FT; TH S 7°30'00" E 249.50 FT; TH S 21°45'00" W 55.00 FT; TH S 34°40'00" W 199.25 FT; TH S 57°00'00" W 80.00 FT; TH N 79°22'30" W 163.00 FT; TH N 56°00'00" W 177.00 FT; TH N 74°00'00" W 45.00 FT; TH S 89°36'00" W 20.00 FT; TH S 64°35'00" W 104.40 FT; TH S 47°30'00" W 180.00 FT; TH S 66°00'00" W 121.70 FT; TH N 78°30'00" W 83.33 FT; TH N 49°00'00" W 124.70 FT; TH N 21°00'00" W 112.00 FT; TH N 57°45'00" W 73.85 FT; TH S 85°50'00" W 91.00 FT; TH N 49°00'00" W 81.25 FT; TH N 7°00'00" W 64.00 FT; TH N 73°35'00" W 116.75 FT; TH S 12°20'00" W 199.00 FT; TH S 57°00'00" W 327.00 FT; TH N 54°20'00" W 98.40 FT; TH S 78°50'00" W 68.20 FT; TH S 0°35'00" E 47.00 FT; TH S 12°29'30" E 23.50 FT; TH S 11°35'00" W 102.00 FT; TH S 27°12'15" W 201.16 FT, TO THE S SEC LINE OF SAID SEC; TH, ALG SAID LINE S 89°04'21" E 1330.78 FT, TO THE S 1/4 OF SAID SEC; TH S 89°05'47" E 1321.87 FT, TO THE E 1/16 OF SAID SEC; TH S 89°06'08" E 1321.96 FT, TO THE EPT OF BEG; CONT 48.31 AC (M/L).

PARCEL C:

BEG AT THE SW COR OF SEC 16 T41S R9W SLB&M & RUN; TH ALG THE S SEC LINE S 89°04'21" E 919.00 FT; TH DEPARTING SAID LINE N 9°10'27" W 152.23 FT; TH N 10°15'13" W 305.73 FT; TH N 47°42'31" W 289.62 FT; TH N 80°54'03" W 177.24 FT; TH S 45°01'26" W 224.80 FT; TH S 37°23'23" W 253.94 FT; TH S 24°45'53" W 328.75 FT, TO THE EPT OF BEG; CONT 9.77 ACM/L RESERVATIONS & EXC EPTIONS. 1.2(A) SITLARE SERVE STOTHE STATE, FOR THE BENEFIT OF THE TRUST LAND BENEFI

CIARIES:ALL COAL, OIL, GAS, & OTHER HYDROCARBONS & ALL OTHER MINERAL DEPOSITS LOCATED IN OR ON THE PROP, ALG WITH THE RIGHT TO REASONABLY ACCESS & USE THE PROP TO EXPLOREFOR,DEVELOP,&EXTRACTTHOSEMINERALDEPOSITS;ALL ORDINARY SAND & GRAVEL LOCATED IN OR ON THE PROP, ALG WITHTHE RIGHT TO REALONABLY ACCESS & USE THE PROP TO EXPLORE FOR, DEVELOP, & EXTRACTTHOSE SAND&GRAVELDEPOSITS;ALL SUB-SURFACE VOID & PORE SPACES IN THE PROP WHETHER NATURALLY EXISTING OR CREATED UPON THE REMOVAL OF COAL, OIL & GAS & OTHER MINERAL DEPOSITS, & THE RIGHT TO REASONABLY ACCESS & USE THE PROP & TO USE THOSE SUB-SURFACE VOID & PORE SPACES FOR ANY PURPOSE; & AN ACCESS & UTILITY EASEMENT ACROSS THE PROP AS MAY BE NECESSARY & REASONABLE TO ACCESS LANDS ADMINISTERED BY THE SCHOOL & INSTITUTIONAL TRUST LANDS ADMINISTRATION.1.2(B) SITLA RESERVES TO THE STATE ALL ARCHAEOLOGICAL SPECIMENS, VALUES, CONTEXTS, FEATURES, & DEPOSITS WITHIN THE NOTED ARCHAEOLOGICAL SITES ON THE PROP DESC'D IN EXHIBITB&DEPICTEDINEXHIBITC.1.2(C) PURCHASER TAKES THE PROP SUBJ TO ALL VALID, EXISTING RIGHTS-OF-WAY, EASEMENTS, OR ANY OTHER ENCUMBRANCE IN EXISTENCE AS OF THE DATE OF THIS CERTIFICATE.

Acres 581.92 more or less

Is hereby rezoned from R-5 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

Staff Report

DATE: October 21, 2022

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 22115: Zone Change Application, AG to C-2, Ordinance O-2022-55
Parcels 1-9-15-2, 1-9-15-6, 1-9-15-2D, 1-9-15-3, 1-9-15-2D2, and 1-9-15-2D3 consisting of a total of 203.04+/- 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 and on the state and county web sites.*

REQUEST: On October 19, 2022, Kevin McLaws acting on behalf of Chamberlain Ranch Holdings LLC and The Ranch at Zion LLC, submitted an application for parcels 1-9-15-2, 1-9-15-6, 1-9-15-2D, 1-9-15-3, 1-9-15-2D2, and 1-9-15-2D3. He is requesting a zone change from AG to Commercial 2 on all the listed parcels. In 2018 the AG zone became more of an AG protection zone rather than a Multi-Use Zone. Mr. McLaws was working at that time to start a resort community in that area. Since the ordinance has changed it will require him to change zoning for his intended planned Gateway Community in East Zion.

Parcel 1-9-15-2: Legal A PORTION OF THE N/2NW/4 & THE SE/4NW/4 OF SEC 15 T41S R9W SLB&M LYING W/LY OF A GULCH DIVIDING 2 PLATEAUS.
BEG AT THE NW COR OF SEC 15 T41S R9W SLB&M & RUN TH ALONG THE W LINE OF SAID SEC S 00*47'55" W 1,319.30 FT TO THE N 1/16 COR OF SAID SEC; TH ALONG THE N 1/16 LINE OF SAID SEC S 89*19'25"E 1,322.18 FT TO THE NW 1/16 COR OF SAID SEC; TH ALONG THE W 1/16 LINE OF SAID SEC S 00*46'35" W 1,319.73 FT TO THE C-W 1/16 COR OF SAID SEC; TH ALONG THE CENTER SEC LINE OF SAID SEC S 89*18'17" E 595.22 FT; TH LEAVING SAID CENTER SEC LINE N 28*25'01" W 219.13 FT; TH N 09*31'08" W 563.69 FT; TH N 27*30'34" W 281.18 FT; TH N 03*17'32"W 114.67 FT; TH N 08*04'24" E 169.91 FT; TH N 12*52'51" W 304.17 FT; TH N 00*15'06" E 142.82 FT; TH N 07*39'06" E 217.84 FT; TH N 37*04'44" E 257.54 FT; TH N 02*03'56" W 128.08 FT; TH N 09*59'29" E 125.43 FT; TH N 10*12'11" E 122.49 FT; TH N 30*35'02" E 147.99 FT TO A PT ON THE N LINE OF SAID SEC; TH ALONG SAID N LINE N 89*20'33" W 1,802.25 FT TO SAID NW COR & THE PT OF BEG. CONT 60.703 AC,M/L.

Parcel 1-9-15-6: Legal THE NE/4NW/4 OF SEC 15 T41S R9W SLB&M, CONT 40.0 AC, M/L.
LESS 8.27 AC DEEDED TO 1-9-15-2 LEAVING 31.73 AC M/L.

Parcel 1-9-15-2D **Legal** THE SE/4NW/4: & THE E/2E/2NE/4SW/4 OF SEC 15 T41S R9W SLB&M.
CONT 50.0 AC, M/L.
LESS 12.433 AC TO 1-9-15-2, LEAVING 37.567 AC, M/L.
LESS 3.14 AC DEEDED TO 1-9-15-2D4, LEAVING 34.43 AC, M/L.

Parcel 1-9-15-3: **Legal** THE SW/4NE/4 OF SEC 15 T41S R9W SLB&M. CONT 40.0 AC,M/L.

Parcel 1-9-15-2D2: **Legal** PARCEL 1 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC 50% & THE RANCH AT ZION LLC 50%:

BEG AT PT N 89°59'36" W ALG THE 1/16 SEC LINE 596.08 FT FROM THE SE COR OF THE NW/4SE/4 OF SEC 15 T41S R9W SLB&M & RUN TH N 89°59'36" W ALG THE 1/16 SEC LINE 723.32 FT TO THE 1/16 COR; TH N 0°03'08" E ALG THE 1/16 SEC LINE 1,067.85 FT; TH S 89°59'32" E 489.45 FT; TH S 46°54'27" E 862.21 FT; TH S 39°49'26" W 395.96 FT; TH S 87°37'34" W 16.55 FT; TH S 36°02'06" W 215.21 FT TO THE PT OF BEG. CONT 20.97 AC, M/L.

PARCEL 2 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC FOR ROAD VACATION ADDED TO PARCEL 1-9-15-2D2:

COMM AT THE S 1/4 COR OF SEC 15 T41S R9W SLB&M; TH ALG THE N-S 1/4 LINE N 00°45'16" E 1320.80 FT TO THE C-S 1/16 COR; TH ALG THE S 1/16 LINE S 89°17'30" E 723.15 FT TO THE WLY R/W OF NORTH FORK ROAD & THE PT OF BEG, & RUN TH ALG SAID R/W N 36°47'41" E 215.77 FT; TH N 88°21'39" E 16.54 FT; TH N 40°33'31" E 395.69 FT TO THE ELY COR OF PARCEL 1-9-15-2D2; TH S 46°11'49" E 52.83 FT TO THE CENTERLINE OF SAID R/W; TH ALG SAID R/W S 41°09'28" W 423.71 FT TO THE BEG OF A NON-TANGENTIAL CURVE; TH ALG THE CURVE TO THE LEFT 127.47 FT HAVING A RADIUS OF 425.00 FT A CENTRAL ANGLE OF 17°11'05" & WHOSE LONG CHORD BEARS S 19°23'32" W 126.99 FT TO SAID 1/16 LINE; TH ALG SAID LINE N 89°17'30" W 120.16 FT TO THE PT OF BEG; CONT 0.79 AC (M/L)

Parcel 1-9-15-2D3 **Legal** PARCEL 1 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC 68.2% & THE RANCH AT ZION LLC 31.8%:BEG AT A PT N 0°03'37" E ALG THE 1/16 SEC LINE 564.81 FT FROM THE SE COR OF THE NW/4SE/4 OF SEC 15 T41S R9W SLB&M; & RUN TH N 0°03'37" E ALG THE 1/16 SEC LINE 756.17 FT TO THE NE COR OF SAID NW/4SE/4; TH S 89°59'13" W ALG THE 1/4 SEC LINE 1,319.59 FT TO THE NW COR OF SAID NW/4SE/4; TH S 0°03'07" W ALG THE 1/4 SEC LINE 252.67 FT; TH S 89°59'32" E 489.45 FT; TH S 46°54'27" E 958.84 FT; TH N 40°25'07" E 199.56 FT TO THE PT OF BEG. CONT 14.65 AC M/L.

LESS 0.65 AC IN ROAD, LEAVING 14.0 AC, M/L.

PARCEL 2 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC: ROAD VACATION ADDED TO PARCEL 1-9-15-2D3:

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FACTS & FINDINGS:

- Parcels 1-9-15-2, 1-9-15-6, 1-9-15-2D, 1-9-15-3, 1-9-15-2D2, and 1-9-15-2D3 meet the requirements to be zoned C-2. The parcels are currently zoned AG.
- The AG zoning before 2018 allowed all the uses that the applicant is planning on developing.
- 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 will be allowed.

9-7C-2: USE REGULATIONS:

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

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

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

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

Car wash (large).

Freight or trucking yard or terminal.

Heli pad commercial.

Propane storage tanks.

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

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

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

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

ATV's/UTV's rentals.

Dams and Reservoirs.

Hospital.

Hotel or motel.

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

Recreational Vehicle Parks.

Storage units.

Solar Power panels producing over 25 KW.

Substation.

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

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

- Surrounding parcels are zoned AG, Commercial 2 and Zions National Park.
- Utah State Code 17-27a-308. Land use authority requirements -- Nature of land use decision.
 - (1) A land use authority shall apply the plain language of land use regulations.
 - (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
 - (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Effective 5/12/2015

17-27a-505. Zoning districts.

- (1) (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
- (b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
- (c) A county may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:

- (i) protect life; and
- (ii) prevent:
 - (A) the substantial loss of real property; or
 - (B) substantial damage to real property.

(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, but the regulations in one zone may differ from those in other zones.

(3) (a) There is no minimum area or diversity of ownership requirement for a zone designation.

(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a county decision.

- **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, North Fork Road and End of the Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice. Notices are posted on the state and county websites.
- **9-7C-1: PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
- **Kane County General Plan:** Industrial and commercial land 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. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amingiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. They are all Planned Unit Developments and Kane County encourages this trend to continue. Kane County will allow development within the perimeters of county land use and zoning ordinances with the understanding that infrastructure improvement, development and maintenance will be at the expense of the subdivider and/or land owners who enjoy the benefits of such improvements. Kane County will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain services without expecting or receiving county-provided services. The installation of water systems and fire hydrants does not imply or require county provided road maintenance or snow removal.

Commercial Land Uses Goal #1: Encourage and provide for commercial uses in locations with infrastructure in place to serve the public. Objective: Develop commercial uses compatibly with

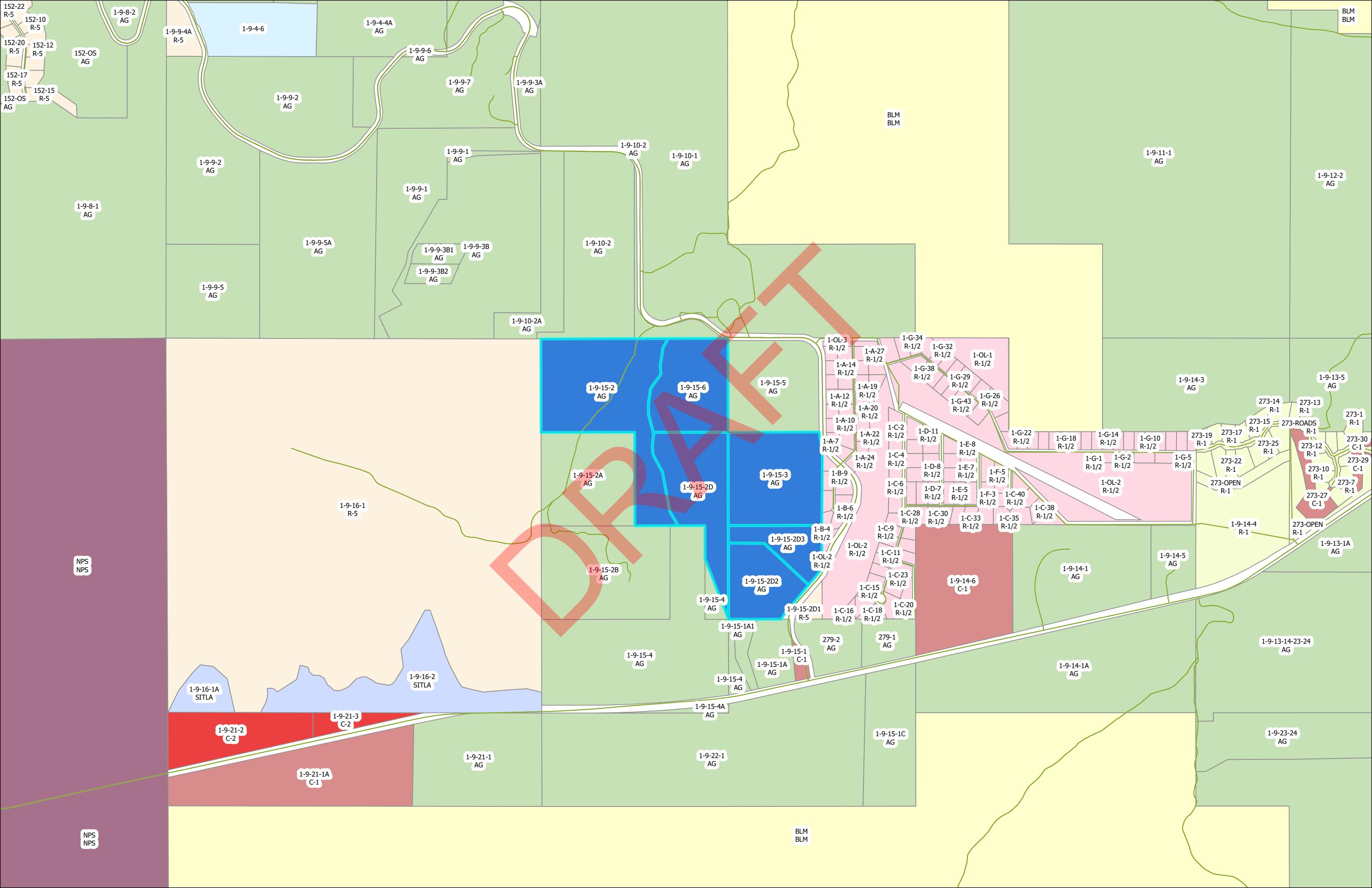
the use and character of the surrounding area. Policy: The Land Use Ordinance and associated zoning map will determine the standards for commercial uses at appropriate locations. (Pg.18)

1. Kane County will not become a provider of municipal-scale services, but will assist in such development if serviced by a special service district. Kane County's unincorporated areas cannot be expected to provide municipal-scale services. Residential or commercial zones which require large investments in infrastructure such as roads, water, waste disposal, schools, etc. cannot occur on a land base where such services are not available. Kane County recognizes this distinction, and will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain their own services. Kane County will discourage development in unincorporated areas unless such development is serviced by a special district established for that purpose. (Pg. 31)

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. This parcel with the existing Clear Creek Ranch Resort was allowed all the existing uses and rights pre-2018 when AG became more of an Agricultural Protection zone instead of Multi-Use which was one of the lease restrictive zones at the time the Clear Creek Ranch Resort was created.

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 2 Zone.

MOTION: I move to recommend denying/approving the zone change for parcels 1-9-15-2, 1-9-15-6, 1-9-15-2D, 1-9-15-3, 1-9-1-2D2, and 1-9-15-2D3 from AG to C-2 & Ordinance O-2022-55, to the County Commission, based on the facts and findings as documented in the staff report.



KANE COUNTY ORDINANCE NO. O 2022-55

AN ORDINANCE AMENDING THE ZONING OF PARCELS 1-9-15-2, 1-9-15-6, 1-9-15-2D, 1-9-15-3, 1-9-1-2D2, and 1-9-15-2D3 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 **9-7C-1: PURPOSE**: The purpose of the Commercial 2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 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 1-9-10-1, from Agriculture (AG) to Commercial 2 (C-2);

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

Parcel 1-9-15-2: Legal A PORTION OF THE N/2NW/4 & THE SE/4NW/4 OF SEC 15 T41S R9W SLB&M LYING W/LY OF A GULCH DIVIDING 2 PLATEAUS.
BEG AT THE NW COR OF SEC 15 T41S R9W SLB&M & RUN TH ALONG THE W LINE OF SAID SEC S 00°47'55" W 1,319.30 FT **TO THE N 1/16 COR OF SAID SEC**; TH ALONG THE N 1/16 LINE OF SAID SEC S 89°19'25"E 1,322.18 FT TO THE NW 1/16 COR OF SAID SEC; TH ALONG THE W 1/16 LINE OF SAID SEC S 00°46'35" W 1,319.73 FT TO THE C-W 1/16 COR OF SAID SEC; TH ALONG THE CENTER SEC LINE OF **SAID SEC S 89°18'17" E 595.22 FT**; TH LEAVING SAID CENTER SEC LINE N 28°25'01" W 219.13 FT; TH N 09°31'08" W 563.69 FT; TH N 27°30'34" W 281.18 FT; TH N 03°17'32" W 114.67 FT; TH N 08°04'24" E 169.91 FT; TH N 12°52'51" W 304.17 FT; TH N 00°15'06" E 142.82 FT; TH N 07°39'06" E 217.84 FT; TH N 37°04'44" E 257.54 FT; TH N 02°03'56" W 128.08 FT; TH N 09°59'29" E 125.43 FT; TH N 10°12'11" E 122.49 FT; TH N 30°35'02" E 147.99 FT TO A PT ON THE N LINE OF SAID SEC; TH ALONG SAID N LINE N 89°20'33" W 1,802.25 FT TO SAID NW COR & THE PT OF BEG. CONT 60.703 AC,M/L.

Parcel 1-9-15-6: Legal THE NE/4NW/4 OF SEC 15 T41S R9W SLB&M, CONT 40.0 AC, M/L.
LESS 8.27 AC DEEDED TO 1-9-15-2 LEAVING 31.73 AC M/L.

Parcel 1-9-15-2D **Legal** THE SE/4NW/4: & THE E/2E/2NE/4SW/4 OF SEC 15 T41S R9W SLB&M.
CONT 50.0 AC, M/L.
LESS 12.433 AC TO 1-9-15-2, LEAVING 37.567 AC, M/L.
LESS 3.14 AC DEEDED TO 1-9-15-2D4, LEAVING 34.43 AC, M/L.

Parcel 1-9-15-3: **Legal** THE SW/4NE/4 OF SEC 15 T41S R9W SLB&M. CONT 40.0 AC,M/L.

Parcel 1-9-15-2D2: **Legal** PARCEL 1 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC 50% & THE RANCH AT ZION LLC 50%:

BEG AT PT N 89°59'36" W ALG THE 1/16 SEC LINE 596.08 FT FROM THE SE COR OF THE NW/4SE/4 OF SEC 15 T41S R9W SLB&M & RUN TH N 89°59'36" W ALG THE 1/16 SEC LINE 723.32 FT TO THE 1/16 COR; TH N 0°03'08" E ALG THE 1/16 SEC LINE 1,067.85 FT; TH S 89°59'32" E 489.45 FT; TH S 46°54'27" E 862.21 FT; TH S 39°49'26" W 395.96 FT; TH S 87°37'34" W 16.55 FT; TH S 36°02'06" W 215.21 FT TO THE PT OF BEG. CONT 20.97 AC, M/L.

PARCEL 2 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC FOR ROAD VACATION ADDED TO PARCEL 1-9-15-2D2:

COMM AT THE S 1/4 COR OF SEC 15 T41S R9W SLB&M; TH ALG THE N-S 1/4 LINE N 00°45'16" E 1320.80 FT TO THE C-S 1/16 COR; TH ALG THE S 1/16 LINE S 89°17'30" E 723.15 FT TO THE WLY R/W OF NORTH FORK ROAD & THE PT OF BEG, & RUN TH ALG SAID R/W N 36°47'41" E 215.77 FT; TH N 88°21'39" E 16.54 FT; TH N 40°33'31" E 395.69 FT TO THE ELY COR OF PARCEL 1-9-15-2D2; TH S 46°11'49" E 52.83 FT TO THE CENTERLINE OF SAID R/W; TH ALG SAID R/W S 41°09'28" W 423.71 FT TO THE BEG OF A NON-TANGENTIAL CURVE; TH ALG THE CURVE TO THE LEFT 127.47 FT HAVING A RADIUS OF 425.00 FT A CENTRAL ANGLE OF 17°11'05" & WHOSE LONG CHORD BEARS S 19°23'32" W 126.99 FT TO SAID 1/16 LINE; TH ALG SAID LINE N 89°17'30" W 120.16 FT TO THE PT OF BEG; CONT 0.79 AC (M/L)

Parcel 1-9-15-2D3 **Legal** PARCEL 1 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC 68.2% & THE RANCH AT ZION LLC 31.8%:BEG AT A PT N 0°03'37" E ALG THE 1/16 SEC LINE 564.81 FT FROM THE SE COR OF THE NW/4SE/4 OF SEC 15 T41S R9W SLB&M; & RUN TH N 0°03'37" E ALG THE 1/16 SEC LINE 756.17 FT TO THE NE COR OF SAID NW/4SE/4; TH S 89°59'13" W ALG THE 1/4 SEC LINE 1,319.59 FT TO THE NW COR OF SAID NW/4SE/4; TH S 0°03'07" W ALG THE 1/4 SEC LINE 252.67 FT; TH S 89°59'32" E 489.45 FT; TH S 46°54'27" E 958.84 FT; TH N 40°25'07" E 199.56 FT TO THE PT OF BEG. CONT 14.65 AC M/L.

LESS 0.65 AC IN ROAD, LEAVING 14.0 AC, M/L.

PARCEL 2 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC: ROAD VACATION ADDED TO PARCEL 1-9-15-2D3:

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Total acreage: 203.04

Are 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 _____

DRAFT



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: October 21, 2022

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 22116: Zone Change Application, AG to C-2, Ordinance O-2022-56
Parcel 1-9-10-1 consisting of 309.68 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.*

REQUEST: On October 19, 2022, The Ranch at Zion LLC, Kevin McLaws, submitted a zone change application, for parcel 1-9-10-1, located east the vicinity of Ponderosa Resort, currently known as the Clear Creek Ranch Resort. He is requesting to rezone from Agriculture (AG) to Commercial 2 (C-2) due to ordinance changes in 2018 that made the AG zone become more of an AG protection zone rather than a Multi-Use Zone. Mr. McLaws intends on building more resort facilities.

Parcel 1-9-10-1

LEGAL DESCRIPTION: THE NW/4: THE E/2SW/4: & THES/2SE/4: OF SEC 10 T41S R9W SLB&M. CONT 320.0 AC, M/L. LESS 9.75 ACRES IN COUNTY ROAD, LEAVING 310.25 AC, M/L. LESS THAT PORTION (10.33 AC) LYING WITHIN THE NEW DEDICATION OF NORTH FORK ROAD. (SEE 0569-834/837) LEAVING 309.68 AC, M/L

FACTS & FINDINGS:

- Parcel 1-9-10-1 meets the requirements to be zoned C-2. The parcel is currently zoned AG.
- The AG zoning before 2018 allowed the current uses that exist on the property today.
- 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 zone will be allowed.
- **9-7C-2: USE REGULATIONS:**

- A. Permitted Uses: The following uses are permitted in the C-2 zone:
Any permitted use listed in the L-C and C-1 zones.
Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use.
Auditoriums, conference rooms, museums, theaters, libraries and community social centers.
Car wash (large).
Freight or trucking yard or terminal.
Heli pad commercial.
Propane storage tanks.
Repairing, renovating, painting and cleaning of goods, merchandise and equipment.

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

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

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

ATV's/UTV's rentals.

Dams and Reservoirs.

Hospital.

Hotel or motel.

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

Recreational Vehicle Parks.

Storage units.

Solar Power panels producing over 25 KW.

Substation.

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

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

Surrounding parcels are zoned AG, Commercial 2 and Zions National Park.

Utah State Code 17-27a-308. Land use authority requirements -- Nature of land use decision.

(1) A land use authority shall apply the plain language of land use regulations.

(2) **If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.**

(3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Effective 5/12/2015

17-27a-505. Zoning districts.

(1) (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.

(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

(c) A county may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:

(i) protect life; and

(ii) prevent:

(A) the substantial loss of real property; or

(B) substantial damage to real property.

(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, but the regulations in one zone may differ from those in other zones.

(3) (a) There is no minimum area or diversity of ownership requirement for a zone designation.

(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a county decision.

- **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, North Fork Road and End of the Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice. Notices are posted on the state and county websites. A sign was posted on the property.
- **9-7C-1: PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
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Commercial Land Uses Goal #1: Encourage and provide for commercial uses in locations with infrastructure in place to serve the public. Objective: Develop commercial uses compatibly with the use and character of the surrounding area. Policy: The Land Use Ordinance and associated zoning map will determine the standards for commercial uses at appropriate locations. (Pg.18)

1. Kane County will not become a provider of municipal-scale services, but will assist in such development if serviced by a special service district. Kane County's unincorporated areas cannot be expected to provide municipal-scale services. Residential or commercial zones which require large investments in infrastructure such as roads, water, waste disposal, schools, etc. cannot occur on a land base where such services are not available. Kane County recognizes this distinction, and will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain their own

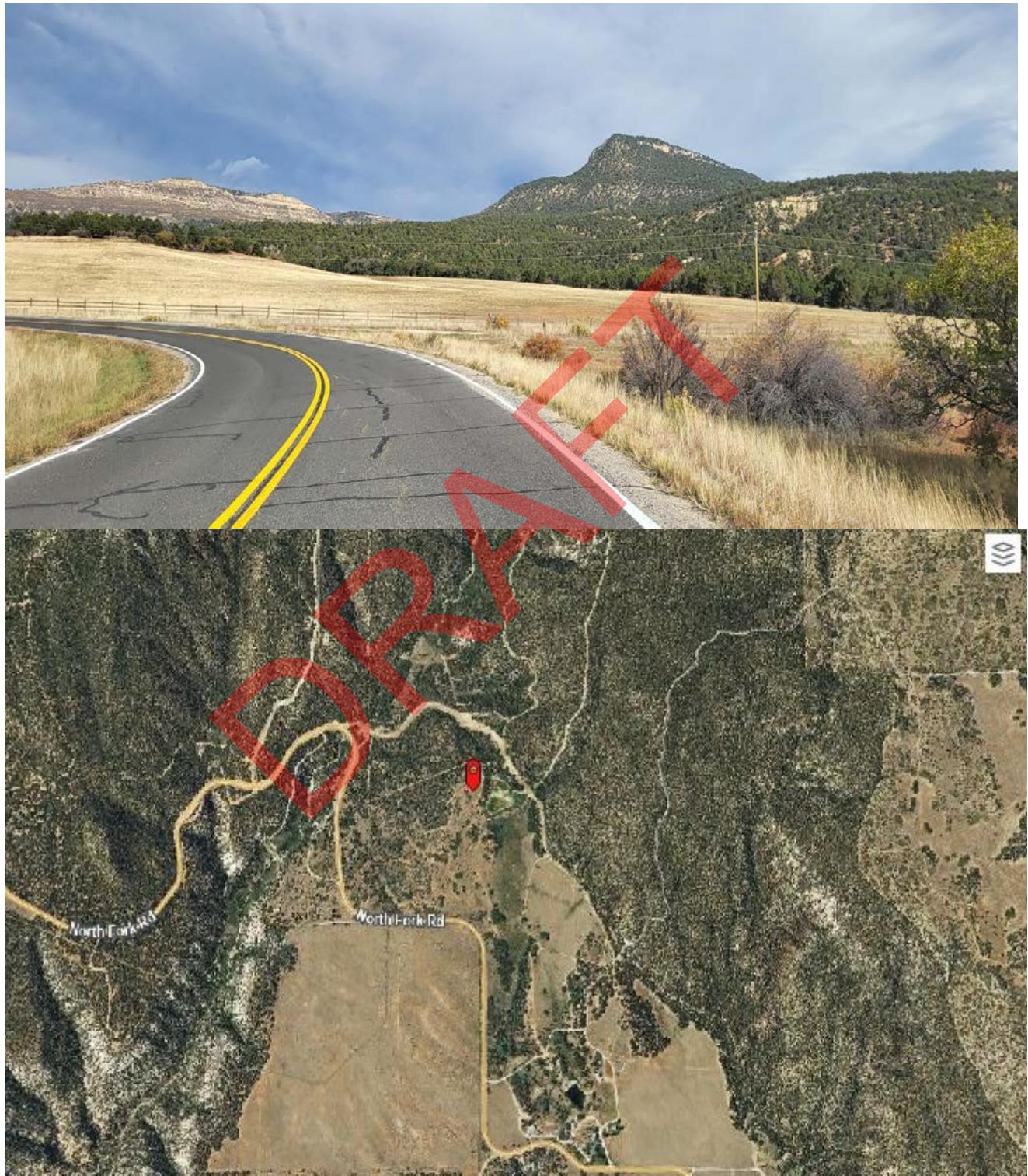
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Conclusion: The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining 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. This parcel with the existing Clear Creek Ranch Resort was allowed all the existing uses and rights pre-2018 when AG became more of an Agricultural Protection zone instead of Multi-Use which was one of the lease restrictive zones at the time the Clear Creek Ranch Resort was created.

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 2 Zone.

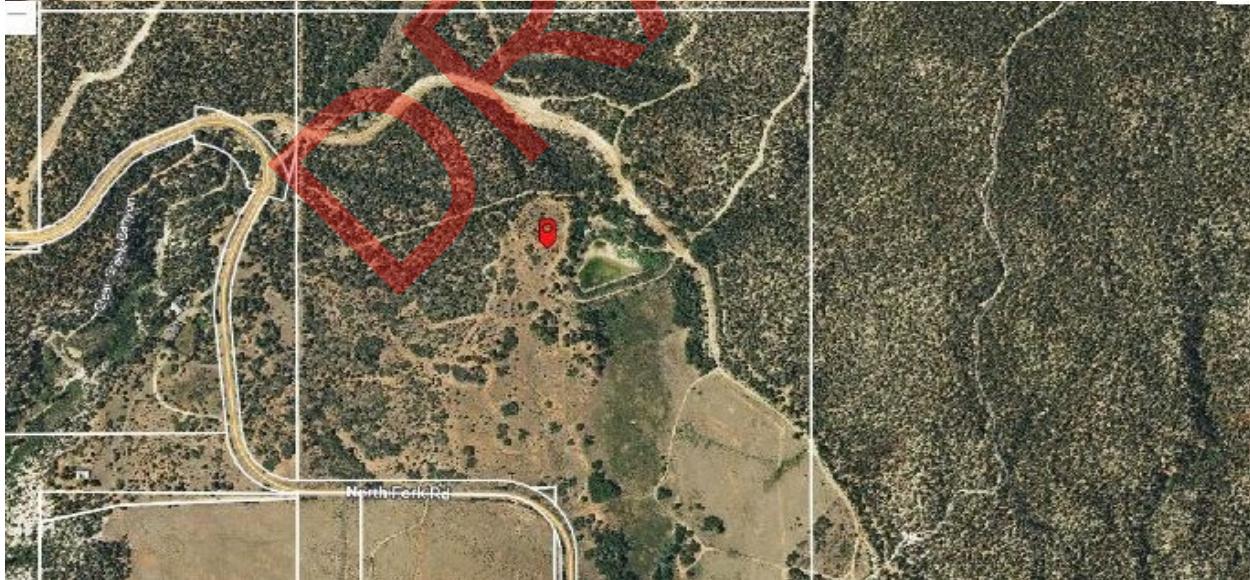
MOTION: I move to recommend denying/approving the zone change for parcel 1-9-10-1 from AG to C-2 & Ordinance O-2022-56, to the County Commission, based on the facts and findings as documented in the staff report.

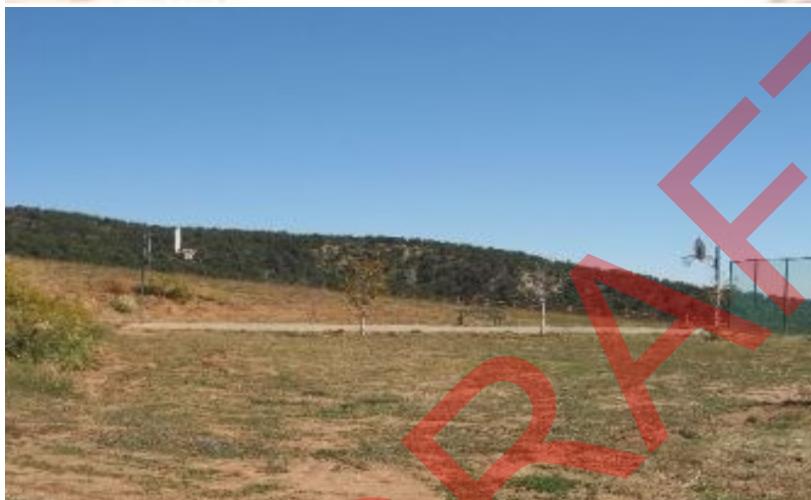




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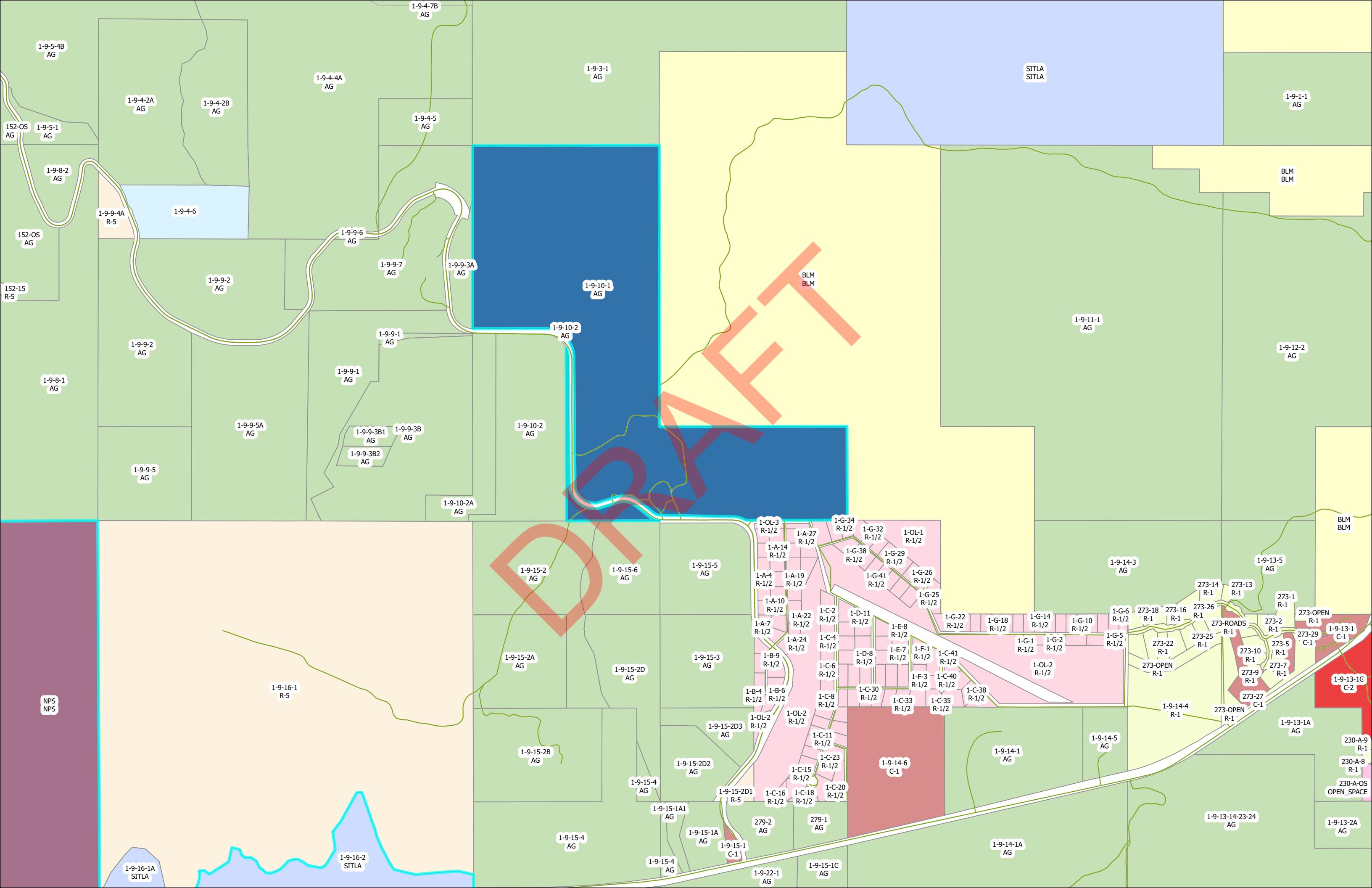
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KANE COUNTY ORDINANCE NO. O 2022-56

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 1-9-10-1 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 **9-7C-1: PURPOSE**: The purpose of the Commercial 2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 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 1-9-10-1, from Agriculture (AG) to Commercial 2 (C-2);

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

Parcel 1-9-10-1

LEGAL DESCRIPTION: THE NW^{1/4}: THE E/2SW^{1/4}:&THES/2SE^{1/4}: OF SEC 10 T41S R9W SLB&M. CONT 320.0 AC, M/L. LESS 9.75 ACRES IN COUNTY ROAD, LEAVING 310.25 AC, M/L. LESS THAT PORTION (10.33 AC) LYING WITHIN THE NEW DEDICATION OF NORTH FORK ROAD. (SEE 0569-834/837) LEAVING 309.68 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.

Andy Gant, Chair

ATTEST:

KARLA JOHNSON
Kane County Clerk

Board of Commissioners
Kane County

Commissioner Heaton voted
Commissioner Gant voted
Commissioner Chamberlain voted

DRAFT



DRAFT STAFF REPORT

DATE: 11/1/22

PROJECT: An application for a Planned Unit Development containing a preliminary concept development plan, draft development agreement, zone change application, feasibility letters, traffic study, and soils report have been submitted, on behalf of Kanab 600, LLC, for the proposed Willow Reserve Estates (WRE) a Planned Unit Development, for parcels 4-5-5-2 and 4-5-6-1, containing 596.59 acres. The applicants are requesting PUD Residential 1, PUD Multi-Residential and PUD Commercial 2 zoning through Ordinance 2022-57. This PUD will be built out in 15 phases.

The project site is bounded by Chinle Drive and Mountain View Drive to the north, Palomar Estates to the east and Crimson Estates to the west.

The traffic study suggests deceleration and acceleration lanes that are shown in the conceptual development plan on pages C-107 and C-108. When the PUD is built out the traffic count during the morning peak hours will generate 322 trips, evening peak hours will generate 428. The overall average weekday trips will generate approximately 4,534 trips per week. Per Utah Department of Transportation (UDOT) U.S. 89 is a state-maintained roadway (classified by UDOT access management standards as a “System Priority-Rural Importance” facility, or access category 3 roadway). UDOT Administrative Rule R930-6 outlines minimum peak hour turn volumes to warrant auxiliary lanes on UDOT Roadway. The following are the minimum requirements for these lanes on U.S. 89:

- Left-turn Deceleration (Ingress): 5 left-turn vehicles per hour
- Left-turn Acceleration (Egress): Is there a safety benefit?
- Right-turn Deceleration (Ingress) 10 right-turn vehicles per hour
- Right turn Acceleration (Egress): 10 right-turn vehicles per hour
- Both accesses will be off of Mountain View Drive

The reason for the Development Agreement, Preliminary Concept Plan, PUD and Zone Change applications is to establish a PUD overlay with additional zoning and multiple uses for proposed lots, to be developed in 15 phases, with 20% open space.

FINDINGS: The Willow Reserve Estates Planned Unit Development application conforms to the standards in the Kane County Land Use Ordinance and may be heard by the Land Use Authority. If approved with the conditions listed at the end of this staff report, the application conforms in all material respects with the Kane County Land Use Ordinance and relevant state

law. The WRE PUD is asking for zoning approval through Ordinance 2022-57, Preliminary Concept Plan and the DRAFT Development Agreement as required in Kane County Land Use Ordinance (KCLUO) 9-20-3M conforms to the standards in the KCLUO 9-20-1-7 and 9-21-A-I, and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. Utah State Code §17-27a-102 gives Kane County authority to hold public hearings in its legislative discretion which furthers the purposes of the Utah State Code, Kane County General Plan and Kane County Land Use Ordinance.

All comments highlighted in green are the “Applicant’s” comments.

All comments highlighted in yellow are the Land Use Administrator’s comments and County Ordinance references of concern.

KCLUO 9-1-7 DEVELOPMENT AGREEMENT: A binding contract between the County and the applicant shall contain those terms and conditions agreed to by the County and the applicant. The Land Use Authority Administrator, the Land Use Authority Commission and/or the Kane County Commission are authorized to negotiate for the County. **Final approval of the agreement is by the Kane County Commission.**

Willow Estates Reserve Development Agreement Clauses:

The PUD will be built out in 15 separate phases. Each phase will have its own development schedule, each of which can be independent of and unrelated to the development schedule of any other phase.

KANE COUNTY LAND USE ORDINANCE 9-20-3 L. Variations from Development Standards of an underlying zone in this title may be approved as part of a Conceptual Development Plan 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) planning commission members which 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.

The developers requested, on page 6 of 16, section 5.2, that vested rights with respect to zoning be allowed the following exceptions:

Code 9-20-3H referring to zone for multi-family housing which exception shall permit dwellings to be located both within the interior and around the perimeter of a particular phase;

H. Multiple Family Dwellings: Multiple Family dwellings require 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.

KCLUO 9-20-3 H. Multiple Family Dwellings: Multiple Family dwellings require 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.

Code 9-20-9 referring to zoning for multi-family housing and their required setbacks, which exception shall; [TBD]

Code 9-6A-4F referring to household pets, which exception shall, with respect to phase (s) which have an Equestrian Center, permit the maximum number of household pets to be fifteen (15).

SECTION 5.5 ON PID STUDY STATE CODE TALK TO ROB AND COMMISSIONERS

The CC&R's are restricting guest homes, two dwelling units per lot will not be allowed.

Relevant Laws: (this list is not exhaustive of all laws that govern this development)

KANE COUNTY LAND USE ORDINANCE DEFINITIONS:

PLANNED UNIT DEVELOPMENT: Development which may consist of integrated zones designed to allow residential, multi-residential, commercial, manufacturing uses in a combination allowing flexibility and initiative in site and building design and location.

SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates, as may be required by this title, the placement and location of yards, property lines, setbacks, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

SKETCH PLAN: Generalized layout of a proposed subdivision with accompanying general proposals and intentions of the subdivider and relating the proposed subdivision to its area, to public facilities and services and to special problems that may arise in the development of a subdivision.

9-20-1: PURPOSE:

A. A "planned unit development" means an integrated plan for development of residential, commercial, multi residential, or combinations of such uses, in which one or more of the

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

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

1. Encourage imaginative design and the creation of permanent open space.
2. Encourage affordable housing to be integrated in new developments.
3. Encourage the conservation of natural site features, wildlife habitat, and sensitive lands.
4. 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.
5. Encourage land development that, to the greatest extent possible, preserves open space areas and respects natural topographic and geologic conditions.
6. Encourage the development of street, pedestrian and bicycle paths that contribute to a system of fully connected routes, local trails.
7. Promote a more efficient utilization of land than what might be obtained through other development procedures (clustering).
8. **Facilitate the economical and adequate provision of public services.**
9. Provide for adequate on and off street parking.
10. **Provide unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.**
11. Ensure that development occurs at proper locations, away from environmentally sensitive areas. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013; amd. Ord. O-2022-41, 7-26-2022)

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 1, 2, and 5, Planned Unit Development Light Commercial, Commercial 1 and 2 and Planned Unit Development Multi-Residential. 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 conceptual development plans shall go through a development committee review prior to the review of the conceptual development plan by the Planning Commission. The planning staff shall contact the Kane County land use development committee and other affected agencies for review purposes. Staff shall hold such meetings with the applicant as are deemed necessary for proper review. (Ord. O-2018-1, 1-12-2018; amd. Ord. O-2022-41, 7-26-2022)

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 meeting 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 prefix 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 M-R, PUD L-C, PUD C-1, PUD C-2".

G. The assigned PUD zone will allow the permitted uses consistent 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 require 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 after receiving a commercial zone change approval and 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 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) planning commission members which 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 zoning and Conceptual Development Plan. **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;

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. (Ord. O-2022-41, 7-26-2022)

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 areas 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. (Ord. O-2022-41, 7-26-2022)

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.

W. All feasibility letters as stated in 9-21D-2 M 1-8. (Ord. O-2022-41, 7-26-2022)

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. (Ord. O-2022-41, 7-26-2022)

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. (Ord. O-2022-41, 7-26-2022)

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 of the underlying zone.

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 five feet (5') on the opposite side for all dwellings, with a minimum of ten feet (10') 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 five feet (5').

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 Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development - residential. If eighteen (18) months elapse without the issuance of building permits for the construction of the approved plans within the Planned Unit Development, 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. (Ord. O-2022-41, 7-26-2022)

9-20-9: MULTIPLE - 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 one acre; 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 multi residential zone 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.

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 Residential 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 two hundred (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 one acre and thirty percent (30%) density.

I. 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. The applicant of the requested PUD 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.

J. Time Limitations: Building permits for construction within Planned Unit Development 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. (Ord. O-2022-41, 7-26-2022)

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 9-21-1.
- C. That the proponents intend to start construction within twelve (12) 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; amd. Ord. O-2022-41, 7-26-2022)

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.

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. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013; amd. Ord. O-2022-41, 7-26-2022)

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; amd. Ord. O-2022-41, 7-26-2022)

STAFF DETERMINATIONS: The applicant has complied with the procedural requirements of Utah State law and Kane County Code. Kane County Engineer, Kelvin Smith, Civil Science, has submitted a report with requested changes to the Preliminary Concept Site Plan. He recommends conditions be added and revised. Kane County Land Use Administrator, Shannon McBride, recommends adding conditions as set forth below. The Preliminary Concept Plan complies with Kane County Ordinances and Utah State Code requirements.

KCLUO 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.

CONDITIONS:

1. Prior to any construction or other development activity, Applicant shall submit a complete application for a subdivision and receive approval of a preliminary plat. The development agreement for the subdivision shall contain all conditions and requirements of this Planned Unit Development Permit, specifically the limitations and conditions set forth in the Preliminary Site Plan ("Willow Reserve").
2. All review revisions will be corrected before the Willow Reserve Estates application can be approved.

3. Applicants may obtain approval in the subsequent application for subdivision for lot sizes smaller than allowed in the applicable zone as set forth in the Preliminary Concept Plan. The Preliminary Site Plan is approved subject to final approval of requested corrections by the Kane County Engineer and Kane County Land Use Administrator.
4. Applicant is authorized to have mixed zoning uses as set forth in the Preliminary Concept Plan. This condition is subject to final approval of a zone change to allow for some multi-residential uses and some commercial 2 uses as set forth in the Preliminary Concept Plan.
5. The deceleration and acceleration lanes will be developed per UDOT suggestions as shown in the Preliminary Concept Site Plan. UDOT's suggestions will be adhered to.
6. Applicant shall comply with all mitigation required by the traffic study.
7. Applicant shall designate 20% of developable land as Open Space and shall memorialize the dedication of open space using a mechanism as set forth in KCC 9-20-3(D). The final calculation of Open Space and mechanism for dedication of Open Space shall be approved by the Kane County Engineer and Kane County Land Use Administrator.

MOTION: I move to **recommend approval/denial to the Kane County Commissioners** of the Willow Reserve Estates Planned Unit Development application along with the preliminary concept plan and Ordinance O-2022-57 establishing the underlying zoning, and the DRAFT development agreement, based on the findings documented in the staff report.

THANK YOU.



CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

WILLOW RESERVE ESTATES

KANAB, UTAH

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NOTICE TO CONTRACTOR

ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK SHOWN ON OR RELATED TO THESE PLANS SHALL CONDUCT THEIR OPERATIONS SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK AND THE PUBLIC IS PROTECTED. ALL CONTRACTORS AND SUBCONTRACTORS SHALL COMPLY WITH THE OCCUPATIONAL SAFETY AND HEALTH REGULATIONS OF THE U.S. DEPARTMENT OF LABOR AND THE STATE OF UTAH DEPARTMENT OF INDUSTRIAL RELATIONS CONSTRUCTION SAFETY ORDERS. THE CIVIL ENGINEER SHALL NOT BE RESPONSIBLE IN ANY WAY FOR THE CONTRACTORS AND SUBCONTRACTORS COMPLIANCE WITH SAME REGULATIONS AND ORDERS.

CONTRACTOR FURTHER AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE CIVIL ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

FOR REVIEW
NOT FOR CONSTRUCTION

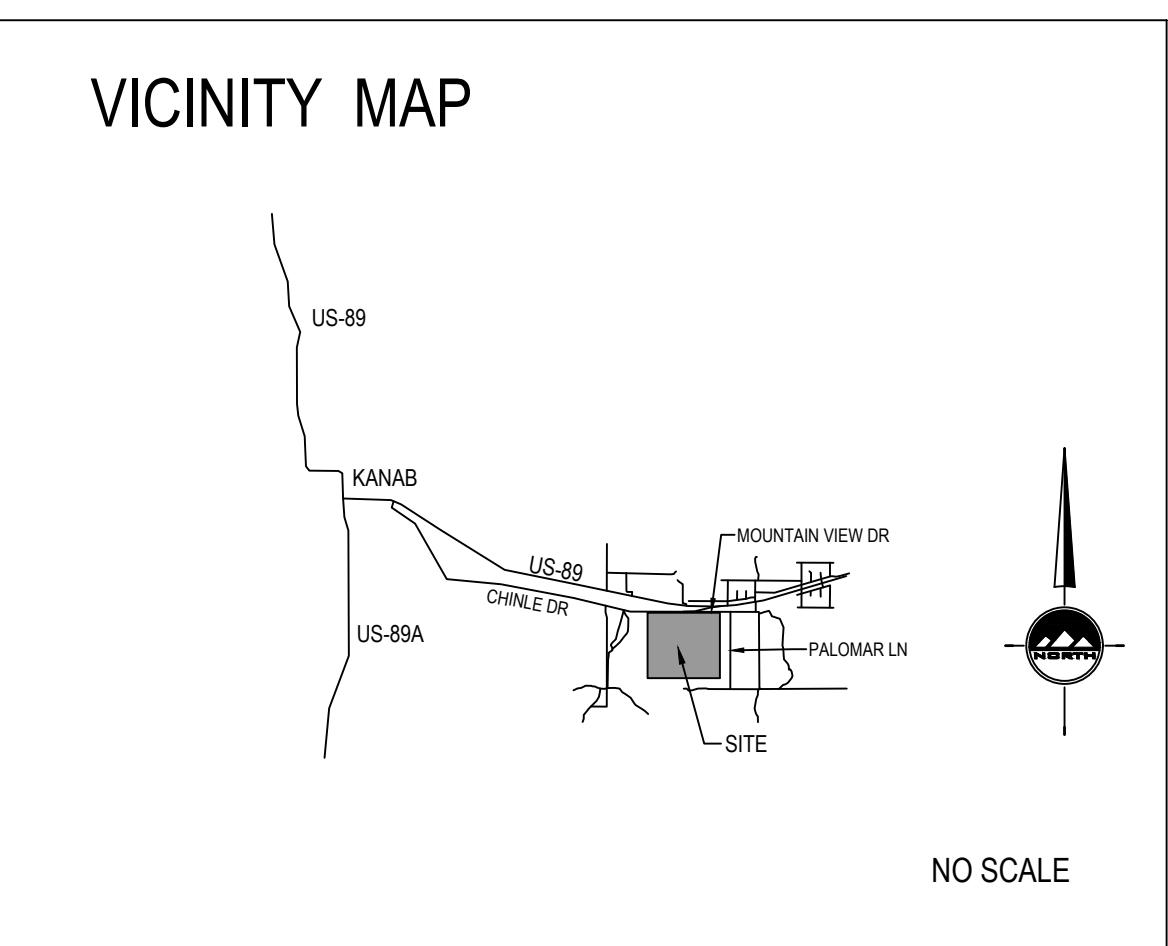
DATE PRINTED
October 19, 2022

NOTICE TO DEVELOPER/ CONTRACTOR

UNAPPROVED DRAWINGS REPRESENT WORK IN PROGRESS, ARE SUBJECT TO CHANGE, AND DO NOT CONSTITUTE A FINISHED ENGINEERING PRODUCT. ANY WORK UNDERTAKEN BY DEVELOPER OR CONTRACTOR BEFORE PLANS ARE APPROVED IS UNDERTAKEN AT THE SOLE RISK OF THE DEVELOPER, INCLUDING BUT NOT LIMITED TO BIDS, ESTIMATION, FINANCING, BONDING, SITE CLEARING, GRADING, INFRASTRUCTURE CONSTRUCTION, ETC.

UTILITY DISCLAIMER

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND / OR ELEVATIONS OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.



WILLOW RESERVE
ESTATES

KANAB, UTAH

ENSIGN
THE STANDARD IN ENGINEERING

RICHFIELD
225 N. 100 E.
Richfield, UT 84701
Phone: 435.896.2983

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

SALT LAKE CITY
Phone: 801.255.0529

WWW.ENSIGNENG.COM
FOR:
MOUNTAIN VENTURES

CONTACT:
OSCAR COVARRUBIAS
PHONE: 801-628-0234

2022-10-19 CONCEPT

COVER

PROJECT NUMBER: 11370A
PRINT DATE: 10/19/22
DRAWN BY: B. HOFFMAN
CHECKED BY: B. REES
PROJECT MANAGER: K. CHAPPELL

GENERAL NOTES

- ALL CONSTRUCTION MUST STRICTLY FOLLOW THE STANDARDS AND SPECIFICATIONS SET FORTH BY: THE DESIGN ENGINEER, LOCAL AGENCY JURISDICTION, APWA (CURRENT EDITION), AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.). THE ORDER LISTED ABOVE IS ARRANGED BY SENIORITY. THE LATEST EDITION OF ALL STANDARDS AND SPECIFICATIONS MUST BE ADHERED TO. IF A CONSTRUCTION PRACTICE IS NOT SPECIFIED BY ANY OF THE LISTED SOURCES, CONTRACTOR MUST CONTACT DESIGN ENGINEER FOR DIRECTION.
- CONTRACTOR TO STRICTLY FOLLOW THE MOST CURRENT COPY OF THE SOILS REPORT FOR THIS PROJECT. ALL GRADING INCLUDING BUT NOT LIMITED TO, CUT, FILL, COMPACTION, ASPHALT SECTION, SUBBASE, TRENCH EXCAVATION/BACKFILL, SITE GRUBBING, AND FOOTINGS MUST BE COORDINATED DIRECTLY WITH SOILS REPORT.
- CONTRACTOR MUST VERIFY ALL EXISTING CONDITIONS BEFORE BIDDING, AND BRING UP ANY QUESTIONS BEFORE SUBMITTING BID.
- CONTRACTOR SHALL PROVIDE A CONSTRUCTION SCHEDULE IN ACCORDANCE WITH THE CITY, STATE, OR COUNTY REGULATIONS FOR WORKING IN THE PUBLIC WAY.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DUST CONTROL ACCORDING TO GOVERNING AGENCY STANDARDS. WET DOWN DRY MATERIALS AND RUBBISH TO PREVENT BLOWING.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ADJACENT SURFACE IMPROVEMENTS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTING ANY SETTLEMENT OF OR DAMAGE TO EXISTING UTILITIES.
- THE CONTRACTOR IS RESPONSIBLE TO FURNISH ALL MATERIALS TO COMPLETE THE PROJECT.
- ALL EXPOSED SURFACES WILL HAVE A TEXTURED FINISH, RUBBED, OR BROOMED. ANY "PLASTERING" OF NEW CONCRETE WILL BE DONE WHILE IT IS STILL "GREEN".
- PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL OF THE PERMITTING AUTHORITIES.
- THE LOCATIONS OF UNDERGROUND FACILITIES SHOWN ON THESE PLANS ARE BASED ON FIELD SURVEYS AND LOCAL UTILITY COMPANY RECORDS. IT SHALL BE THE CONTRACTOR'S FULL RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES TO LOCATE THEIR FACILITIES PRIOR TO PROCEEDING WITH CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORK FORCE. CONTRACTOR SHALL START INSTALLATION AT LOW POINT OF ALL NEW GRAVITY UTILITY LINES.
- ALL DIMENSIONS, GRADES, AND UTILITY DESIGN SHOWN ON THE PLANS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY DISCREPANCIES EXIST, PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN OR GRADE CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE REDONE DUE TO THE DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS, IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
- NO CHANGE IN DESIGN LOCATION OR GRADE WILL BE MADE BY THE CONTRACTOR WITHOUT THE WRITTEN APPROVAL OF THE PROJECT ENGINEER.
- NATURAL VEGETATION AND SOIL COVER SHALL NOT BE DISTURBED PRIOR TO ACTUAL CONSTRUCTION OF A REQUIRED FACILITY OR IMPROVEMENT. MASS CLEARING OF THE SITE IN ANTICIPATION OF CONSTRUCTION SHALL BE AVOIDED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR FURNISHING, MAINTAINING, OR RESTORING ALL MONUMENTS AND MONUMENT REFERENCE MARKS WITHIN THE PROJECT SITE. CONTACT THE CITY OR COUNTY SURVEYOR FOR MONUMENT LOCATIONS AND CONSTRUCTION DETAILS.
- EXISTING UTILITY INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. IT IS DERIVED FROM ON-SITE SURVEY AND/OR UTILITY MAPPING PROVIDED TO THE ENGINEER, AND THEREFORE UTILITIES MAY NOT BE LOCATED CORRECTLY, EITHER HORIZONTALLY OR VERTICALLY, AND MAY NOT BE ALL INCLUSIVE. CONTRACTOR IS REQUIRED TO FOLLOW THE PROCEDURE OUTLINED BELOW:
- CONTRACTOR IS REQUIRED TO LOCATE AND POTHOLE ALL EXISTING UTILITY LINES (BOTH HORIZONTALLY AND VERTICALLY) THAT AFFECT THE PROJECT CONSTRUCTION, EITHER ON-SITE OR OFF-SITE, AND DETERMINE IF THERE ARE ANY CONFLICTS WITH THE DESIGN OF THE SITE AS SHOWN ON THE APPROVED PLANS PRIOR TO ANY CONSTRUCTION. IF IT IS DETERMINED THAT CONFLICTS EXIST BETWEEN EXISTING UTILITIES AND DESIGN UTILITIES (OR ANOTHER ASPECT OF PROPOSED CONSTRUCTION) THE ENGINEER MUST BE NOTIFIED IMMEDIATELY TO CORRECT THE CONFLICTS BEFORE ANY WORK CAN BEGIN. IF THE CONTRACTOR FAILS TO FOLLOW THE ABSOLUTE REQUIREMENTS AND CONFLICTS ARISE DURING CONSTRUCTION THE CONTRACTOR SHALL BEAR THE FULL RESPONSIBILITY TO FIX THE CONFLICT.
- CONTRACTOR IS REQUIRED TO VERIFY THAT PROPER COVER AND PROTECTION OF EXISTING UTILITY LINES IS MAINTAINED OR TRAINED WITHIN THE DESIGN ONCE VERIFICATION OF THE EXISTING UTILITIES IS COMPLETED AS OUTLINED IN 16.1 ABOVE.
- IN ADDITION TO 16.1 AND 16.2 ABOVE THE CONTRACTOR WILL VERIFY DEPTHS OF UTILITIES IN THE FIELD BY "POTHOLING" A MINIMUM OF 300 FEET AHEAD OF PROPOSED PIPELINE CONSTRUCTION TO AVOID POTENTIAL CONFLICTS WITH DESIGNED PIPELINE ALIGNMENT AND GRADE AND EXISTING UTILITIES.
- IF A CONFLICT ARISES BETWEEN EXISTING UTILITIES AND DESIGN UTILITIES (OR ANOTHER ASPECT OF PROPOSED CONSTRUCTION) AS DETERMINED UNDER 16.1, 16.2 OR 16.3 THE CONTRACTOR WILL NOTIFY THE ENGINEER IMMEDIATELY TO RESOLVE THE CONFLICT.
- IF A CONFLICT ARISES BETWEEN EXISTING UTILITIES AND DESIGN UTILITIES (OR ANOTHER ASPECT OF PROPOSED CONSTRUCTION) RESULTING FROM THE CONTRACTOR'S NEGLIGENCE TO IDENTIFY AND/OR "POTHOLE" EXISTING UTILITIES AS REQUIRED IN 16.1, 16.2 AND 16.3 ABOVE, THE CONTRACTOR WILL BE REQUIRED TO RESOLVE THE CONFLICT WITHOUT ADDITIONAL COST OR CLAIM TO THE OWNER OR ENGINEER.
- ANY AREA OUTSIDE THE LIMIT OF WORK THAT IS DISTURBED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AT NO COST TO OWNER.
- CONSULT ALL OF THE DRAWINGS AND SPECIFICATIONS FOR COORDINATION REQUIREMENTS BEFORE COMMENCING CONSTRUCTION.
- AT ALL LOCATIONS WHERE EXISTING PAVEMENT ABUTS NEW CONSTRUCTION, THE EDGE OF THE EXISTING PAVEMENT SHALL BE SAWCUT TO A CLEAN, SMOOTH EDGE.
- ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE MOST RECENT, ADOPTED EDITION OF ADA ACCESSIBILITY GUIDELINES.
- CONTRACTOR SHALL, AT THE TIME OF BIDDING AND THROUGHOUT THE PERIOD OF THE CONTRACT, BE LICENSED IN THE STATE OF UTAH AND SHALL BE BONDABLE FOR AN AMOUNT REQUIRED BY THE OWNER.
- CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE ALL WATER, POWER, SANITARY FACILITIES AND TELEPHONE SERVICES AS REQUIRED FOR THE CONTRACTOR'S USE DURING CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATELY SCHEDULING INSPECTION AND TESTING OF ALL FACILITIES CONSTRUCTED UNDER THIS CONTRACT. ALL TESTING SHALL CONFORM TO THE REGULATORY AGENCY'S STANDARD SPECIFICATIONS. ALL RE-TESTING AND/OR RE-INSPECTION SHALL BE PAID FOR BY THE CONTRACTOR.
- IF EXISTING IMPROVEMENTS NEED TO BE DISTURBED AND/OR REMOVED FOR THE PROPER PLACEMENT OF IMPROVEMENTS TO BE CONSTRUCTED BY THESE PLANS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING EXISTING IMPROVEMENTS FROM DAMAGE. COST OF REPLACING OR REPAIRING EXISTING IMPROVEMENTS SHALL BE INCLUDED IN THE UNIT PRICE BID FOR ITEMS REQUIRING REMOVAL AND/OR REPLACEMENT. THERE WILL BE NO EXTRA COST DUE TO THE CONTRACTOR FOR REPLACING OR REPAIRING EXISTING IMPROVEMENTS.
- WHENEVER EXISTING FACILITIES ARE REMOVED, DAMAGED, BROKEN, OR CUT IN THE INSTALLATION OF THE WORK COVERED BY THESE PLANS OR SPECIFICATIONS, SAID FACILITIES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE WITH MATERIALS EQUAL TO OR BETTER THAN THE MATERIALS USED IN THE ORIGINAL EXISTING FACILITIES. THE FINISHED PRODUCT SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER, THE ENGINEER, AND THE RESPECTIVE REGULATORY AGENCY.
- CONTRACTOR SHALL MAINTAIN A NEATLY MARKED SET OF FULL-SIZE RECORD DRAWINGS SHOWING THE FINAL LOCATION AND LAYOUT OF ALL STRUCTURES AND OTHER FACILITIES. RECORD DRAWINGS SHALL REFLECT CHANGE ORDERS, ACCOMMODATIONS, AND ADJUSTMENTS TO ALL IMPROVEMENTS CONSTRUCTED. WHERE NECESSARY, SUPPLEMENTAL DRAWINGS SHALL BE PREPARED AND SUBMITTED BY THE CONTRACTOR. PRIOR TO ACCEPTANCE OF THE PROJECT, THE CONTRACTOR SHALL DELIVER TO THE ENGINEER ONE SET OF NEATLY MARKED RECORD DRAWINGS SHOWING THE INFORMATION REQUIRED ABOVE. RECORD DRAWINGS SHALL BE REVIEWED AND THE COMPLETED RECORD DRAWING SET SHALL BE CURRENT WITH ALL CHANGES AND DEVIATIONS RECALLED AS A PRECONDITION TO THE FINAL PROGRESS PAYMENT APPROVAL AND/OR FINAL ACCEPTANCE.
- WHERE THE PLANS OR SPECIFICATIONS DESCRIBE PORTIONS OF THE WORK IN GENERAL TERMS BUT NOT IN COMPLETE DETAIL, IT IS UNDERSTOOD THAT ONLY THE BEST GENERAL PRACTICE IS TO PREVAIL AND THAT ONLY MATERIALS AND WORKMANSHIP OF THE FIRST QUALITY ARE TO BE USED.
- ALL EXISTING GATES AND FENCES TO REMAIN UNLESS OTHERWISE NOTED ON PLANS. PROTECT ALL GATES AND FENCES FROM DAMAGE.
- ALL EXISTING TREES ARE TO REMAIN UNLESS OTHERWISE NOTED ON PLANS. PROTECT ALL TREES FROM DAMAGE.
- ASPHALT MIX DESIGN MUST BE SUBMITTED AND APPROVED BY THE GOVERNING AGENCY PRIOR TO THE PLACEMENT.
- CONTRACTORS ARE RESPONSIBLE FOR ALL OSHA REQUIREMENTS ON THE PROJECT SITE.
- A UPDES (UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM) PERMIT IS REQUIRED FOR ALL CONSTRUCTION ACTIVITIES 1 ACRE OR MORE AS WELL AS A STORM WATER POLLUTION PREVENTION PLAN.

UTILITY NOTES

- ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THESE CONTRACT DOCUMENTS, CITY AND STATE REQUIREMENTS AND THE MOST RECENT EDITIONS OF THE FOLLOWING: THE INTERNATIONAL PLUMBING CODE, UTAH DRINKING WATER REGULATIONS, APWA MANUAL OF STANDARD PLANS AND SPECIFICATIONS. THE CONTRACTOR IS REQUIRED TO ADHERE TO ALL OF THE ABOVE-MENTIONED DOCUMENTS UNLESS OTHERWISE NOTED AND APPROVED BY THE ENGINEER.
- CONTRACTOR SHALL COORDINATE LOCATION OF NEW "DRY UTILITIES" WITH THE APPROPRIATE UTILITY COMPANY, INCLUDING BUT NOT LIMITED TO, CUT, FILL, COMPACTION, ASPHALT SECTION, SUBBASE, TRENCH EXCAVATION/BACKFILL, SITE GRUBBING, AND FOOTINGS MUST BE COORDINATED DIRECTLY WITH SOILS REPORT.
- EXISTING UTILITIES HAVE BEEN SHOWN ON THE PLANS BASED ON ON-SITE SURVEY. PRIOR TO COMMENCING ANY WORK, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO HAVE EACH UTILITY COMPANY LOCATE, IN THE FIELD, THEIR MAIN AND SERVICE LINES. THE CONTRACTOR SHALL NOTIFY BLUE STAKES 48 HOURS IN ADVANCE OF PERFORMING ANY EXCAVATION WORK. THE CONTRACTOR SHALL RECORD THE BLUE STAKES NUMBER AND FURNISH ORDER NUMBER TO OWNER AND ENGINEER PRIOR TO ANY EXCAVATION. IT WILL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO DIRECTLY CONTACT ANY OTHER UTILITY COMPANIES THAT ARE NOT MEMBERS OF BLUE STAKES. IT SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO PROTECT ALL EXISTING UTILITIES SO THAT NO DAMAGE RESULTS TO THEM DURING THE PERFORMANCE OF THIS CONTRACT. ANY REPAIRS NECESSARY TO DAMAGED UTILITIES SHALL BE PAID FOR BY THE CONTRACTOR. THE CONTRACTOR SHALL BE REQUIRED TO COOPERATE WITH OTHER CONTRACTORS AND UTILITY COMPANIES INSTALLING NEW STRUCTURES, UTILITIES AND SERVICE TO THE PROJECT.
- CARE SHOULD BE TAKEN IN ALL EXCAVATIONS DUE TO POSSIBLE EXISTENCE OF UNRECORDED UTILITY LINES. EXCAVATION REQUIRED WITHIN PROXIMITY OF EXISTING UTILITY LINES SHALL BE DONE BY HAND. CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITY LINES OR STRUCTURES INCURRED DURING CONSTRUCTION OPERATIONS AT CONTRACTOR'S EXPENSE.
- TRENCH BACKFILL MATERIAL AND COMPACTION TESTS ARE TO BE TAKEN PER APWA STANDARD SPECIFICATIONS (CURRENT EDITION), SECTION 33 05 20 - BACKFILLING TRENCHES, OR AS REQUIRED BY THE GEOTECHNICAL REPORT IF NATIVE MATERIALS ARE USED. NO NATIVE MATERIALS ARE ALLOWED IN THE PIPE ZONE. THE MAXIMUM LIFT FOR BACKFILLING EXCAVATIONS IS DETERMINED BY THE GEOTECHNICAL RECOMMENDATIONS.
- THE CONTRACTOR IS SOLELY RESPONSIBLE FOR CONFORMING TO LOCAL AND FEDERAL CODES GOVERNING SHORING AND BRACING OF EXCAVATIONS AND TRENCHES AND FOR THE PROTECTION OF WORKERS.
- THE CONTRACTOR IS REQUIRED TO KEEP ALL CONSTRUCTION ACTIVITIES WITHIN THE APPROVED PROJECT LIMITS. THIS INCLUDES, BUT IS NOT LIMITED TO VEHICLE AND EQUIPMENT STAGING, MATERIAL STORAGE AND LIMITS OF TRENCH EXCAVATION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN PERMISSION AND/OR EASEMENTS FROM THE APPROPRIATE GOVERNING ENTITY AND/OR INDIVIDUAL PROPERTY OWNER(S) FOR WORK OR STAGING OUTSIDE OF THE PROJECT LIMITS.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE, CAUSED BY ANY CONDITION INCLUDING SETTLEMENT, TO EXISTING UTILITIES FROM WORK PERFORMED AT OR NEAR EXISTING UTILITIES. THE CONTRACTOR SHALL TAKE ALL MEASURES NECESSARY TO PROTECT ALL EXISTING PUBLIC AND PRIVATE ROADWAY AND UTILITY FACILITIES. DAMAGE TO EXISTING FACILITIES CAUSED BY THE CONTRACTOR MUST BE REPAIRED BY THE CONTRACTOR AT HIS/HER EXPENSE TO THE SATISFACTION OF THE OWNER OF SAID FACILITIES.
- ALL WATER LINE AND SEWER LINE INSTALLATION AND TESTING TO BE IN ACCORDANCE WITH LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
- ALL MANHOLES, HYDRANTS, VALVES, CLEANOUT BOXES, CATCH BASINS, METERS, ETC. MUST BE RAISED OR LOWERED TO FINAL GRADE PER APWA (CURRENT EDITION) STANDARDS AND INSPECTOR REQUIREMENTS. CONCRETE COLLARS MUST BE CONSTRUCTED ON ALL MANHOLES, CLEANOUT BOXES, CATCH BASINS, AND VALVES PER APWA STANDARDS. ALL MANHOLE, CATCH BASIN, OR CLEANOUT BOX CONNECTIONS MUST BE MADE WITH THE PIPE CUT FLUSH WITH THE INSIDE OF THE BOX AND GROUTED OR SEALED.
- CONTRACTOR SHALL NOT ALLOW ANY GROUNDDWATER OR DEBRIS TO ENTER THE NEW OR EXISTING PIPE DURING CONSTRUCTION.
- SILT AND DEBRIS ARE TO BE CLEANED OUT OF ALL STORM DRAIN BOXES. CATCH BASINS ARE TO BE MAINTAINED IN A CLEANED CONDITION AS NEEDED UNTIL AFTER THE FINAL BOND RELEASE INSPECTION.
- CONTRACTOR SHALL CLEAN ASPHALT, TAR OR OTHER ADHESIVES OFF OF ALL MANHOLE LIDS AND INLET GRATES TO ALLOW ACCESS.
- EACH TRENCH SHALL BE EXCAVATED SO THAT THE PIPE CAN BE LAID TO THE ALIGNMENT AND GRADE AS REQUIRED. THE TRENCH WALL SHALL BE SO BRACED THAT THE WORKMEN MAY WORK SAFELY AND EFFICIENTLY. ALL TRENCHES SHALL BE DRAINED SO THE PIPE LAYING MAY TAKE PLACE IN Dewatered CONDITIONS.
- CONTRACTOR SHALL PROVIDE AND MAINTAIN AT ALL TIMES AMPLE MEANS AND DEVICES WITH WHICH TO REMOVE PROMPTLY AND TO PROPERLY DISPOSE OF ALL WATER ENTERING THE TRENCH EXCAVATION.
- ALL SEWER LINES AND SEWER SERVICES SHALL HAVE A MINIMUM SEPARATION OF 10 FEET, EDGE TO EDGE, FROM THE WATER LINES. IF A 10 FOOT SEPARATION CAN NOT BE MAINTAINED, CONSTRUCT PER GOVERNING AGENCY'S MINIMUM SEPARATION STANDARDS.
- CONTRACTOR SHALL INSTALL THRUST BLOCKING AT ALL WATERLINE ANGLE POINTS AND TEES.
- ALL UNDERGROUND UTILITIES SHALL BE IN PLACE PRIOR TO INSTALLATION OF CURB, GUTTER, SIDEWALK AND STREET PAVING.
- CONTRACTOR SHALL INSTALL MAGNETIC LOCATING TAPE CONTINUOUSLY OVER ALL NONMETALLIC PIPE.

TRAFFIC CONTROL AND SAFETY NOTES

- TRAFFIC CONTROL AND STRIPING TO CONFORM TO THE CURRENT MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.).
- BARRICADING AND DETOURING SHALL BE IN CONFORMANCE WITH THE REQUIREMENTS OF THE CURRENT M.U.T.C.D.
- NO STREET SHALL BE CLOSED TO TRAFFIC WITHOUT WRITTEN PERMISSION FROM THE APPROPRIATE AGENCY, EXCEPT WHEN DIRECTED BY LAW ENFORCEMENT OR FIRE OFFICIALS.
- THE CONTRACTOR SHALL MAKE EVERY EFFORT TO PROVIDE FOR SMOOTH TRAFFIC FLOW AND SAFETY. ACCESS SHALL BE MAINTAINED FOR ALL PROPERTIES ADJACENT TO THE WORK.
- DETOURING OPERATIONS FOR A PERIOD OF SIX CONSECUTIVE CALENDAR DAYS, OR MORE, REQUIRE THE INSTALLATION OF TEMPORARY STREET STRIPING AND REMOVAL OF INTERFERING STRIPING BY SANDBLASTING. THE DETOURING STRIPING PLAN OR CONSTRUCTION TRAFFIC CONTROL PLAN MUST BE SUBMITTED TO THE GOVERNING AGENCY FOR REVIEW AND APPROVAL.
- ALL TRAFFIC CONTROL DEVICES SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AT THE END OF THE WORK TO THE SATISFACTION OF THE GOVERNING AGENCY.
- TRAFFIC CONTROL DEVICES (TCDs) SHALL REMAIN VISIBLE AND OPERATIONAL AT ALL TIMES.
- ALL PERMANENT TRAFFIC CONTROL DEVICES CALLED FOR HEREON SHALL BE IN PLACE AND IN FINAL POSITION PRIOR TO ALLOWING ANY PUBLIC TRAFFIC ONTO THE PORTIONS OF THE ROAD(S) BEING IMPROVED HEREUNDER, REGARDLESS OF THE STATUS OF COMPLETION OF PAVING OR OTHER OFF-SITE IMPROVEMENTS CALLED FOR BY THESE PLANS.
- THE CONTRACTOR SHALL PROVIDE BARRICADES, SIGNS, FLASHERS, OTHER EQUIPMENT AND FLAG PERSONS NECESSARY TO INSURE THE SAFETY OF WORKERS AND VISITORS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING UTAH TRANSIT AUTHORITY (UTA) IF THE CONSTRUCTION INTERRUPTS OR RELOCATES A BUS STOP OR HAS AN ADVERSE EFFECT ON BUS SERVICE ON THAT STREET TO ARRANGE FOR TEMPORARY RELOCATION OF STOP.

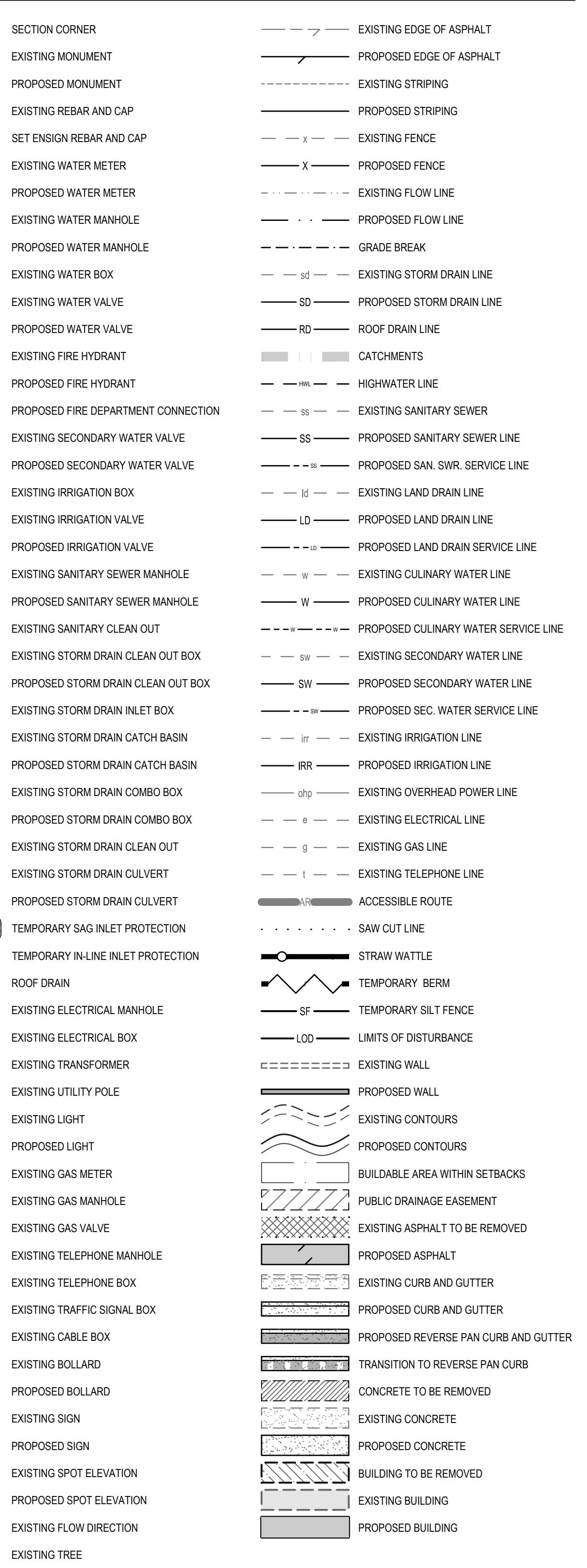
DEMOLITION NOTES

- EXISTING UTILITY INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. IT IS DERIVED FROM ON-SITE SURVEY AND MAY NOT BE LOCATED CORRECTLY AND IS NOT ALL INCLUSIVE. CONTRACTOR SHALL FIELD LOCATE ALL UTILITIES WITHIN THE PROJECT LIMITS BEFORE BEGINNING DEMOLITION/CONSTRUCTION.
- THERE MAY BE BURIED UTILITIES WITHIN THE LIMITS OF DISTURBANCE THAT ARE NOT SHOWN ON THE PLANS DUE TO LACK OF MAPPING OR RECORD INFORMATION. CONTRACTOR SHALL NOTIFY THE ENGINEER WHEN UNEXPECTED UTILITIES ARE DISCOVERED.
- THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR LOCATING AND PROTECTING FROM DAMAGE ALL EXISTING UTILITIES AND IMPROVEMENTS WHETHER OR NOT SHOWN ON THESE PLANS. THE FACILITIES AND IMPROVEMENTS ARE BELIEVED TO BE CORRECTLY SHOWN BUT THE CONTRACTOR IS REQUIRED TO SATISFY HIMSELF AS TO THE COMPLETENESS AND ACCURACY OF THE LOCATIONS. ANY CONTRACTOR PERFORMING WORK ON THIS PROJECT SHALL FAMILIARIZE HIMSELF WITH THE SITE AND SHALL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGE TO EXISTING FACILITIES RESULTING DIRECTLY, OR INDIRECTLY, FROM HIS OPERATIONS, WHETHER OR NOT SAID FACILITIES ARE SHOWN ON THESE PLANS.

GRADING AND DRAINAGE NOTES

- SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL REPORT AND ALL RELATED ADDENDUMS.
- THE CONTRACTOR SHALL STRIP AND CLEAR THE TOPSOIL, MAJOR ROOTS AND ORGANIC MATERIAL FROM ALL PROPOSED BUILDING AND PAVEMENT AREAS PRIOR TO SITE GRADING. (THE TOPSOIL MAY BE STOCKPILED FOR LATER USE IN LANDSCAPED AREAS.)
- THE CONTRACTOR SHALL REMOVE ALL ORGANIC MATERIAL AND OTHER DELETERIOUS MATERIALS PRIOR TO PLACING GRADE FILL OR BASE COURSE. THE AREA SHOULD BE PRO-ROLLED TO IDENTIFY ANY SOFT AREAS. WHERE SOFT AREAS ARE ENCOUNTERED, THE CONTRACTOR SHALL REMOVE THE SOIL AND REPLACE WITH COMPACTED FILL.
- ALL DEBRIS PILES AND BERRMS SHOULD BE REMOVED AND HAULED AWAY FROM SITE OR USED AS GENERAL FILL IN LANDSCAPED AREAS.
- THE CONTRACTOR SHALL CONSTRUCT THE BUILDING PAD TO THESE DESIGN PLANS AS PART OF THE SITE GRADING CONTRACT, AND STRICTLY ADHERE TO THE SITE PREPARATION AND GRADING REQUIREMENTS OUTLINED IN THE GEOTECHNICAL REPORT.
- THE CONTRACTOR SHALL GRADE THE PROJECT SITE TO PROVIDE A SMOOTH TRANSITION BETWEEN NEW AND EXISTING ASPHALT, CURB AND GUTTER, AND ADJOINING SITE IMPROVEMENTS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE AND DEBRIS ON ADJACENT STREETS WHEN EQUIPMENT IS TRAVELING THOSE STREETS.
- THE CONTRACTOR SHALL BE FAMILIAR WITH ALL CONDITIONS AND RECOMMENDATIONS OUTLINED IN THE GEOTECHNICAL REPORT AND TAKE ALL NECESSARY PRECAUTIONS AND RECOMMENDED PROCEDURES TO ASSURE SOUND GRADING PRACTICES.
- THE CONTRACTOR SHALL TAKE APPROPRIATE GRADING MEASURES TO DIRECT STORM SURFACE RUNOFF TOWARDS CATCH BASINS.
- THE LOCATIONS OF UNDERGROUND FACILITIES SHOWN ON THESE PLANS ARE BASED ON ON-SITE SURVEY. IT SHALL BE THE CONTRACTOR'S FULL RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES TO LOCATE THEIR FACILITIES PRIOR TO PROCEEDING WITH CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORK FORCE. CONTRACTOR SHALL START INSTALLATION AT LOW POINT OF ALL NEW GRAVITY UTILITY LINES.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PERFORM ALL NECESSARY CUTS AND FILLS WITHIN THE LIMITS OF THIS PROJECT AND THE RELATED OFF-SITE WORK, SO AS TO GENERATE THE DESIRED SUBGRADE, FINISH GRADES, AND SLOPES SHOWN.
- THE CONTRACTOR IS WARNED THAT AN EARTHWORK BALANCE WAS NOT NECESSARILY THE INTENT OF THIS PROJECT. ANY ADDITIONAL MATERIAL REQUIRED OR LEFTOVER MATERIAL FOLLOWING EARTHWORK OPERATIONS BECOMES THE RESPONSIBILITY OF THE CONTRACTOR.
- THE GRADING CONTRACTOR IS RESPONSIBLE TO COORDINATE WITH THE OWNER TO PROVIDE FOR THE REQUIREMENTS OF THE PROJECT STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND ASSOCIATED PERMIT. ALL CONTRACTOR ACTIVITIES 1 ACRE OR MORE IN SIZE ARE REQUIRED TO PROVIDE A STORM WATER POLLUTION PREVENTION PLAN.
- ALL CUT AND FILL SLOPES SHALL BE PROTECTED UNTIL EFFECTIVE EROSION CONTROL HAS BEEN ESTABLISHED.
- THE USE OF POTABLE WATER WITHOUT A SPECIAL PERMIT FOR BUILDING OR CONSTRUCTION PURPOSES INCLUDING CONSOLIDATION OF BACKFILL OR DUST CONTROL IS PROHIBITED. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FOR CONSTRUCTION WATER FROM GOVERNING AGENCY.
- THE CONTRACTOR SHALL MAINTAIN THE STREETS, SIDEWALKS, AND ALL OTHER PUBLIC RIGHT-OF-WAYS IN A CLEAN, SAFE AND USABLE CONDITION. ALL SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBRIS SHALL BE PROMPTLY REMOVED FROM THE PUBLICLY-OWNED PROPERTY DURING CONSTRUCTION AND UPON COMPLETION OF THE PROJECT. ALL ADJACENT PROPERTY, PRIVATE OR PUBLIC, SHALL BE MAINTAINED IN A CLEAN, SAFE, AND USABLE CONDITION.

LEGEND



NOTE: MAY CONTAIN SYMBOLS THAT ARE NOT USED IN THIS PLAN SET.

NOTE:

MAY CONTAIN ABBREVIATIONS THAT ARE NOT USED IN THIS PLAN SET.

GENERAL NOTES

PROJECT NUMBER: 11370A
PRINT DATE: 10/19/22
DRAWN BY: B. HOFFMAN
CHECKED BY: B. REES
PROJECT MANAGER: K. CHAPPEL

C-001

ENSIGN
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CEDAR CITY
Phone: 435.865.1453
SALT LAKE CITY
Phone: 801.255.0529
WWW.ENSIGNENG.COM
FOR:
MOUNTAIN VENTURES
CONTACT:
OSCAR COVARRUBIAS
PHONE: 801-628-0234
2022-10-19 CONCEPT

WILLOW RESERVE
ESTATES
KANAB, UTAH

811

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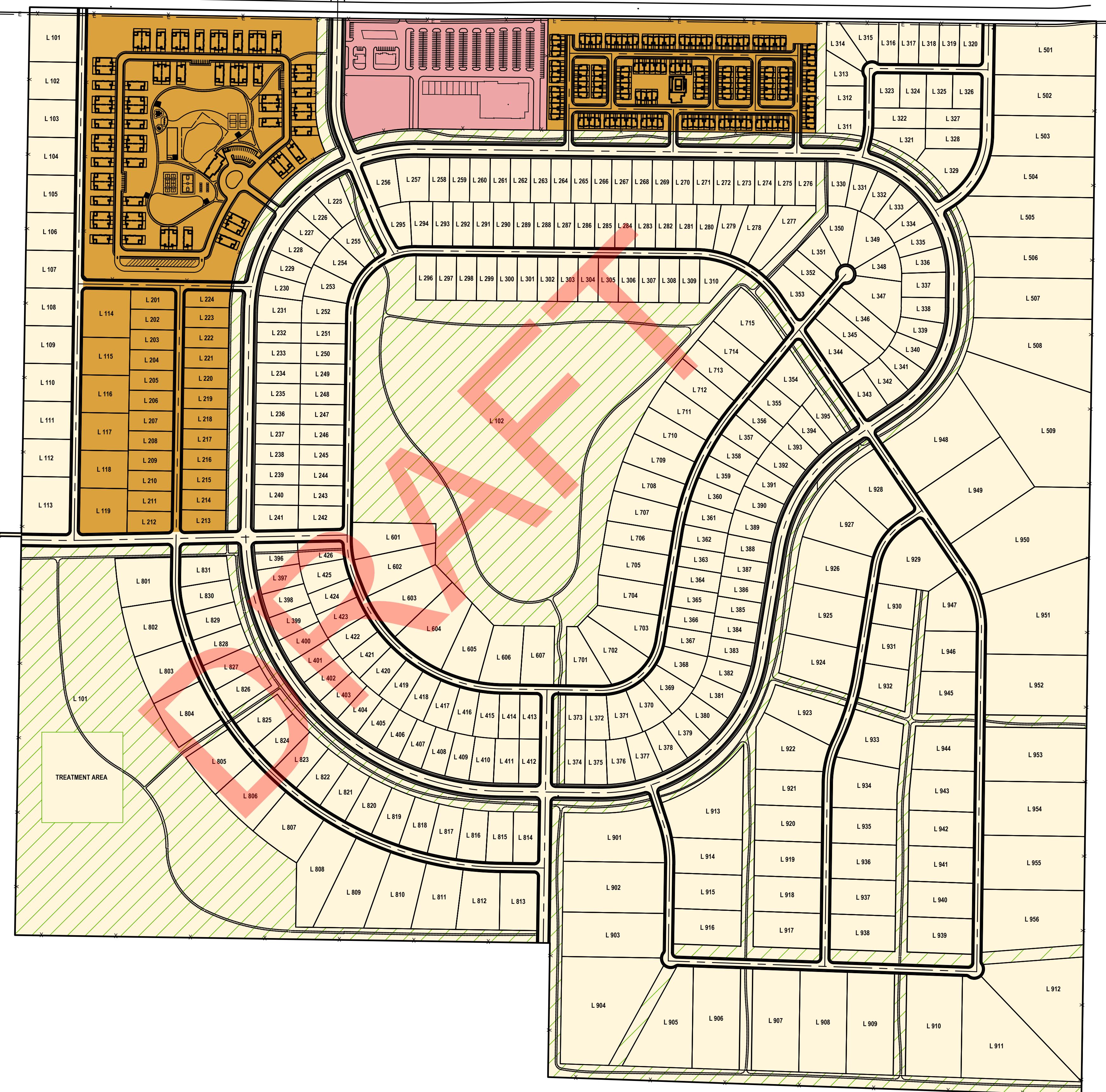
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OSCAR CO/ARRUBIAS
PHONE: 801-628-0234WILLOW RESERVE
ESTATES

KANAB, UTAH

| COMMERCIAL USES: | |
|------------------|--|
| 1 | Administrative, executive, professional, medical and research offices |
| 2 | Banking and other financial institutions |
| 3 | Churches, temples |
| 4 | Mobile food vendor |
| 5 | Parking lots for approved principal uses |
| 6 | Public buildings and offices |
| 7 | Public park, playground or recreation facilities |
| 8 | Public utility service and maintenance facilities |
| 9 | Restaurants |
| 10 | Retail sale and/or rental of goods, merchandise and equipment conducted wholly within an enclosed building |
| 11 | Tour Companies without ATV/UHV rentals |
| 12 | Auditoriums, conference rooms, museums, theaters, libraries and community social centers |
| 13 | Car wash (large) |
| 14 | Freight or trucking yard or terminal |
| 15 | Heli pad commercial |
| 16 | Propane storage tanks |
| 17 | Repairing, renovating, painting and cleaning of goods, merchandise and equipment |
| 18 | Retail and/or wholesale sale and/or rental of goods, merchandise and equipment, which may include storage and display outside an enclosed building |

SITE SUMMARY

| | |
|--------------------|--------------|
| Total Site Area | 596.59 Acre |
| Total Units | 583 Units |
| Gross Density | 0.98 du/ac |
| Total Open Space | 119.57 Acres |
| PUD - R1 | 516.07 Acres |
| PUD - MR | 67.89 Acres |
| PUD - C2 | 12.63 Acres |
| Residential Units | 334 |
| Multi-Family Units | 156 |
| Vacation Rentals | 93 |
| Total Units | 583 |



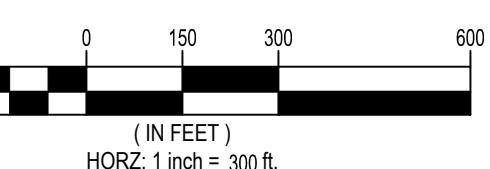
2022-10-19 CONCEPT

OVERALL
ZONE OVERLAY
MAP

PROJECT NUMBER: 11370A
PRINT DATE: 10/19/22

DRAWN BY: B. HOFFMAN
CHECKED BY: B. REES

PROJECT MANAGER: K. CHAPPELL



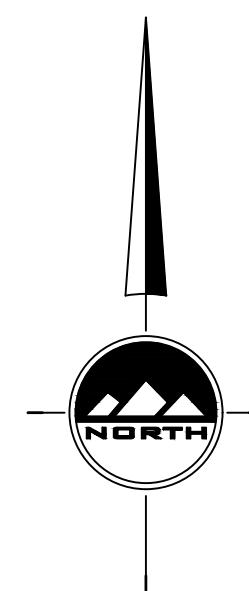
C-002

(IN FEET)

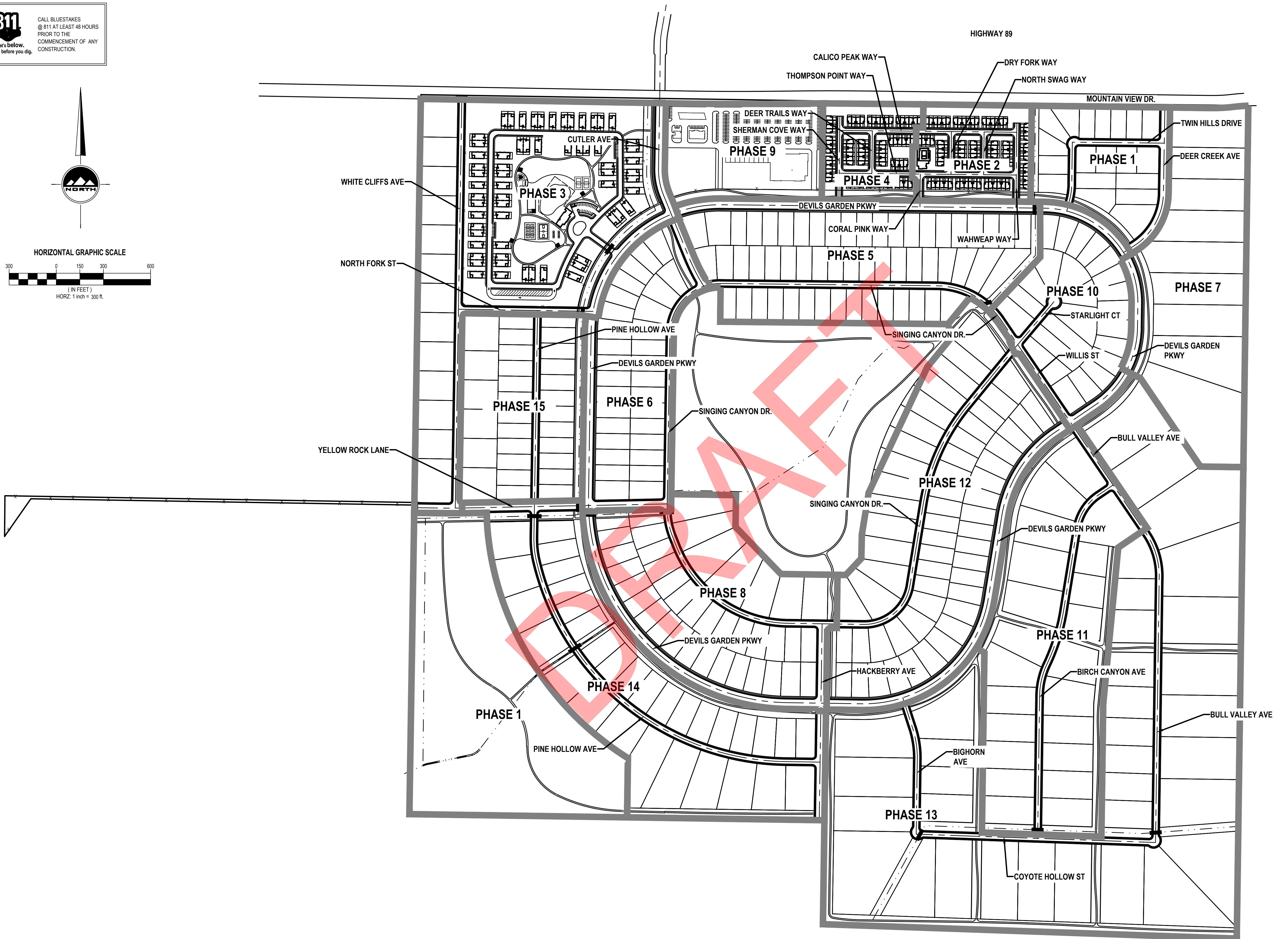
HORZ: 1 inch = 300 ft.



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HORIZONTAL GRAPHIC SCALE
300 0 150 300 600
(IN FEET)
HORZ: 1 inch = 300 ft.



WILLOW RESERVE ESTATES

KANAB, UTAH

2022-10-19 CONCEPT

PHASING PLAN

PROJECT NUMBER: 11370A
PRINT DATE: 10/19/22
DRAWN BY: B. HOFFMAN
CHECKED BY: B. REES
PROJECT MANAGER: K. CHAPPELL

C-003

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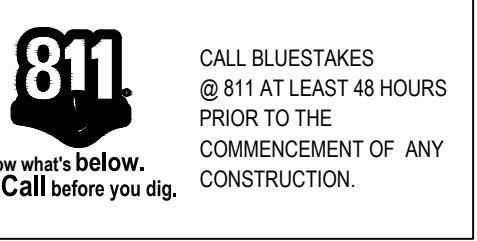
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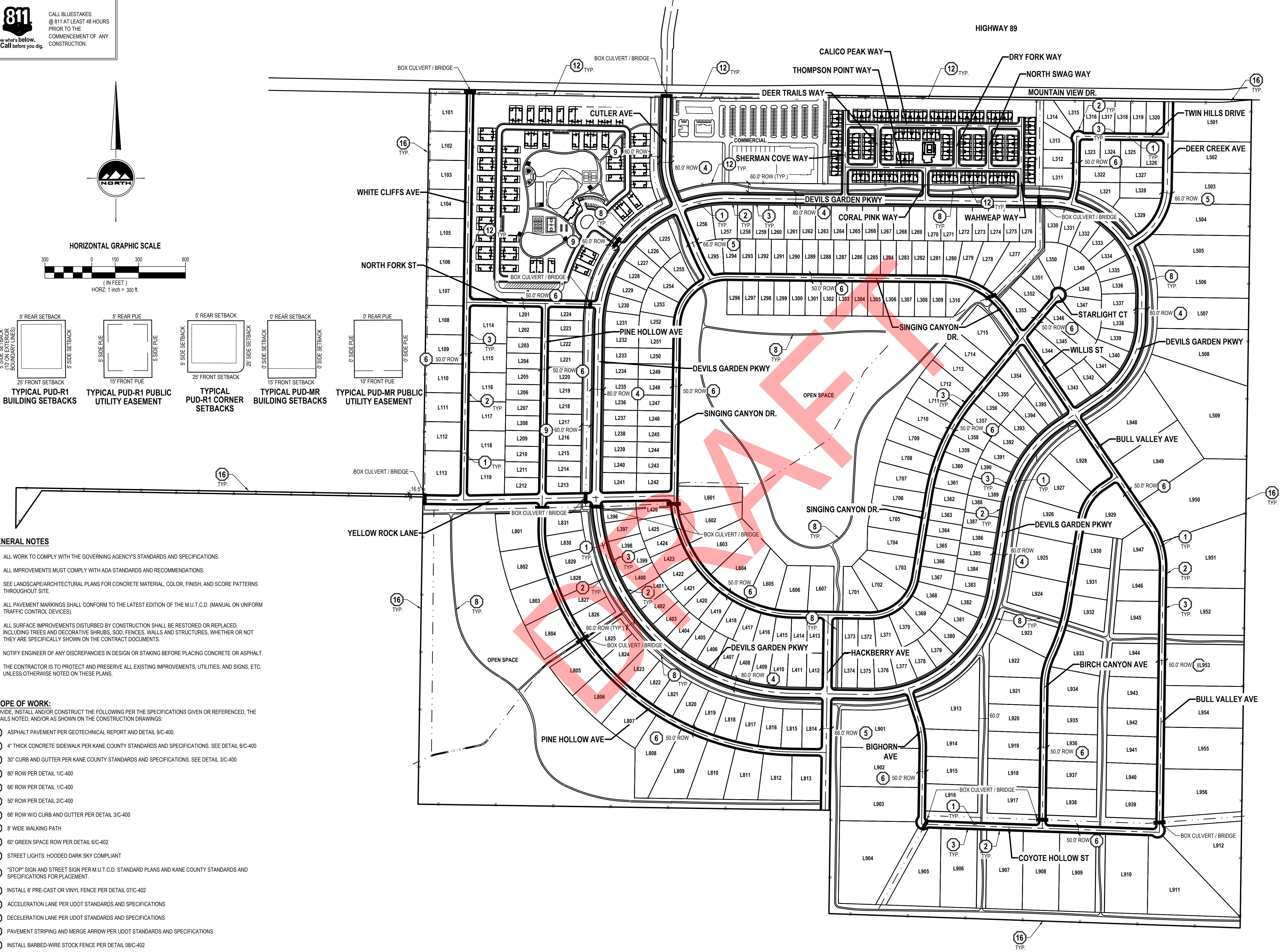
CONTACT:
OSCAR COVARUBIAS
PHONE: 801.628.0234



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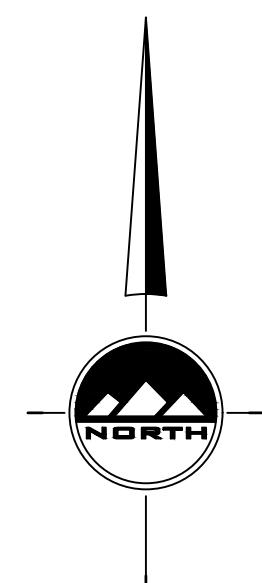
KANAB, UTAH



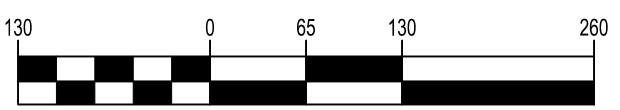


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HORIZONTAL GRAPHIC SCALE



(IN FEET)

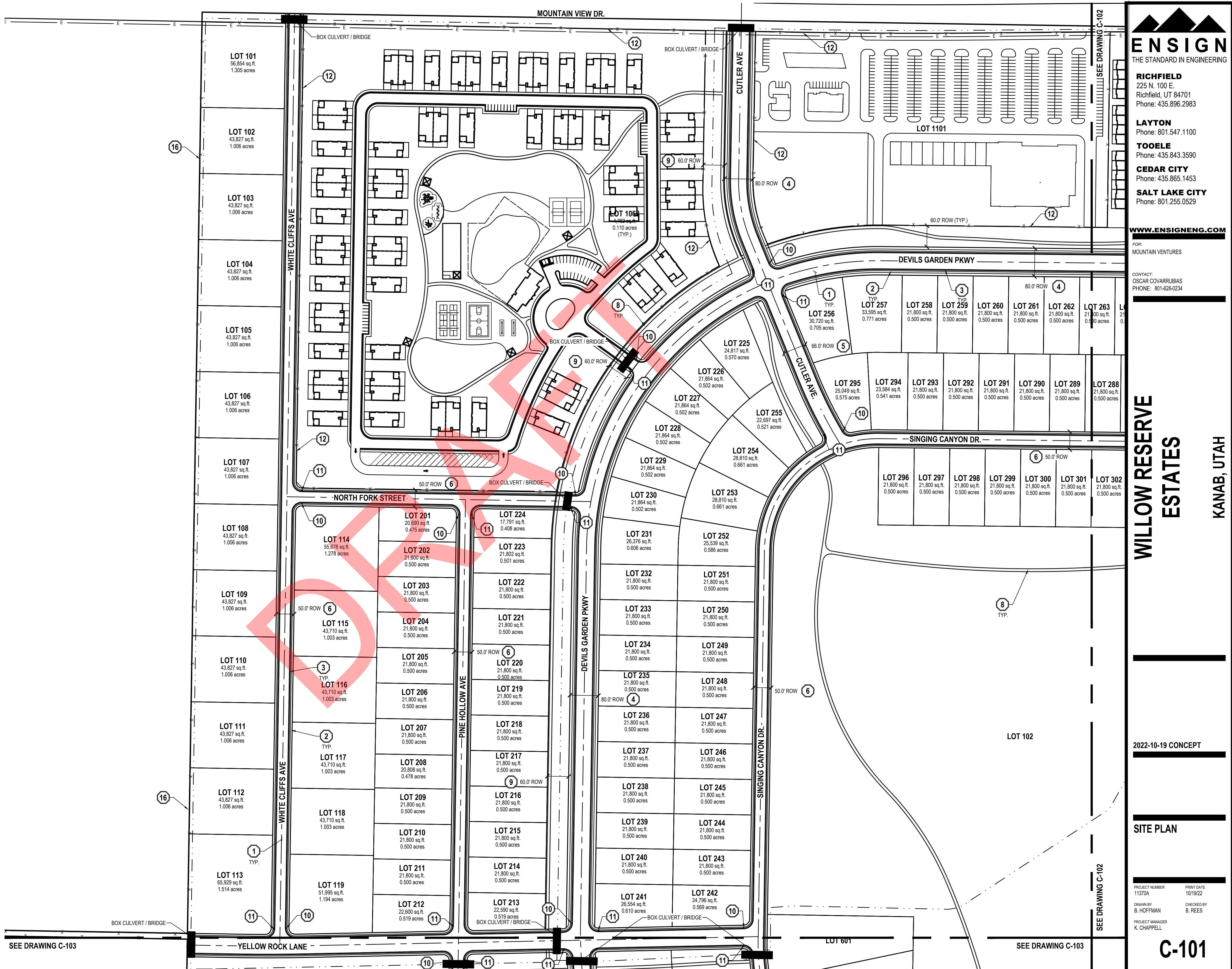
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- 1 ASPHALT PAVEMENT PER GEOTECHNICAL REPORT AND DETAIL 9/C-400.
- 2 4" THICK CONCRETE SIDEWALK PER KANE COUNTY STANDARDS AND SPECIFICATIONS. SEE DETAIL 6/C-400
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- 14 DECELERATION LANE PER UDOT STANDARDS AND SPECIFICATIONS
- 15 PAVEMENT STRIPING AND MERGE ARROW PER UDOT STANDARDS AND SPECIFICATIONS
- 16 INSTALL BARBED-WIRE STOCK FENCE PER DETAIL 08/C-402



WILLOW RESERVE ESTATES

KANAB, UTAH

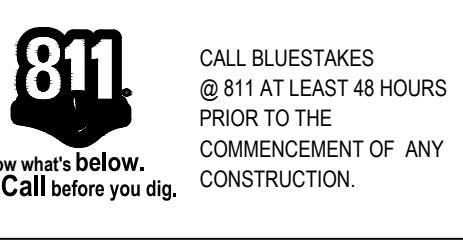
KANAB, UTAH

2022-10-19 CONCEPT

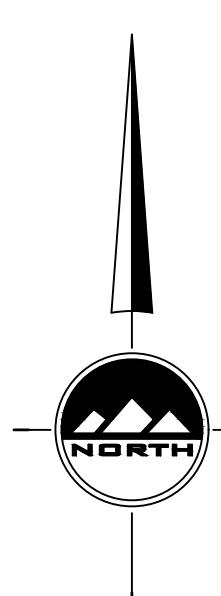
SITE PLAN

C 101

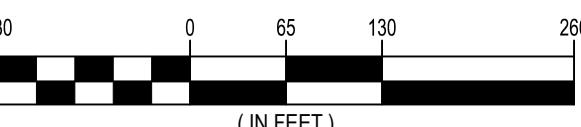
C-101



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HORIZONTAL GRAPHIC SCALE



(IN FEET)
HORZ: 1 inch = 130 ft.

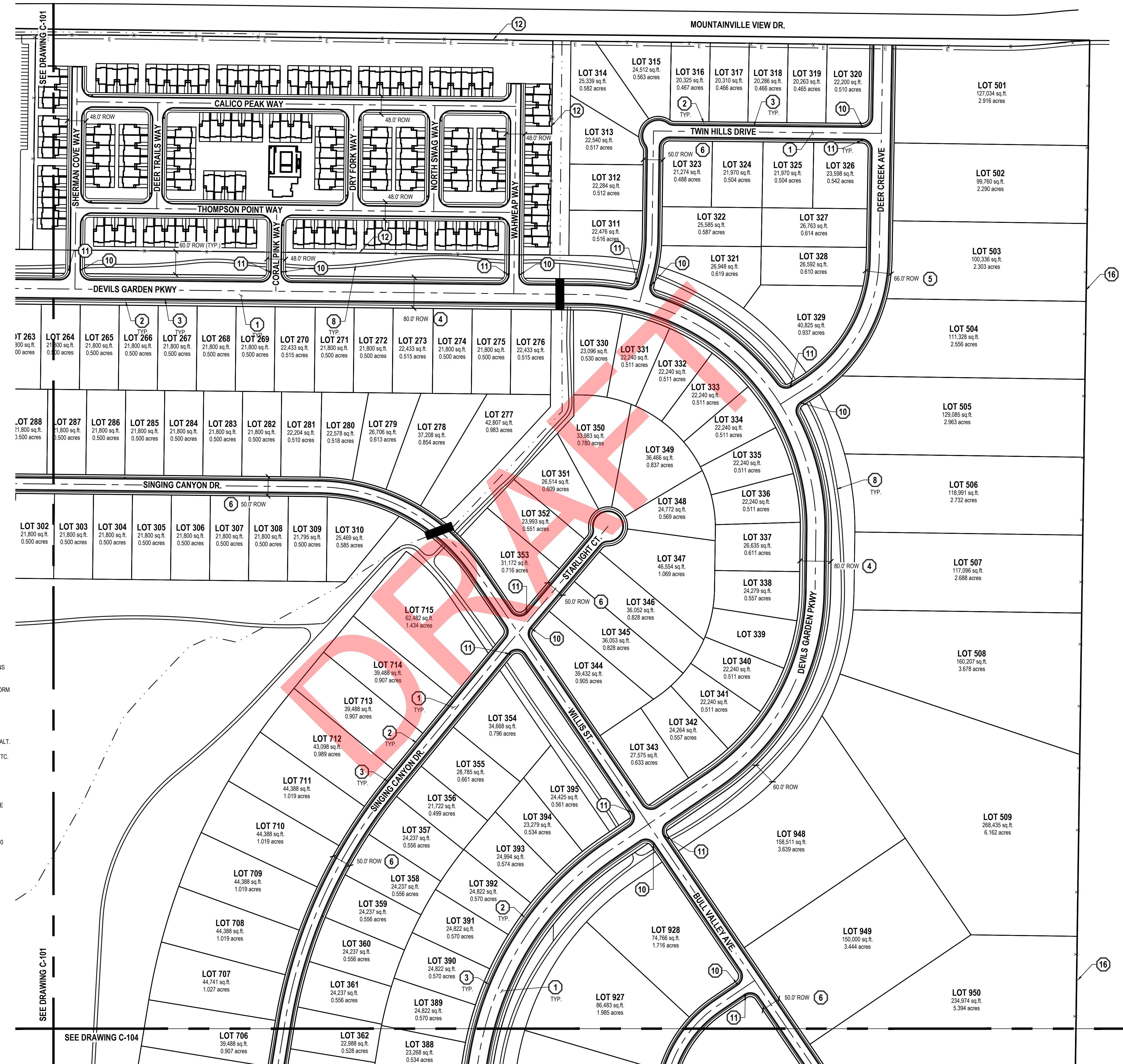
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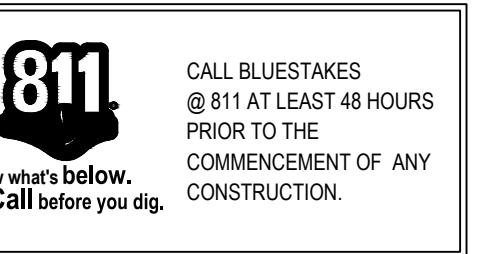
CONTACT:
OSCAR COVARUBIAS
PHONE: 801-628-0234

2022-10-19 CONCEPT

SITE PLAN

PROJECT NUMBER: 11370A
PRINT DATE: 10/19/22
DRAWN BY: B. HOFFMAN
CHECKED BY: B. REES
PROJECT MANAGER: K. CHAPPELL

C-102



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SEE DRAWING C-101

BOX CULVERT / BRIDGE

YELLOW ROCK LANE

10

11

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SEE DRAWING C-101



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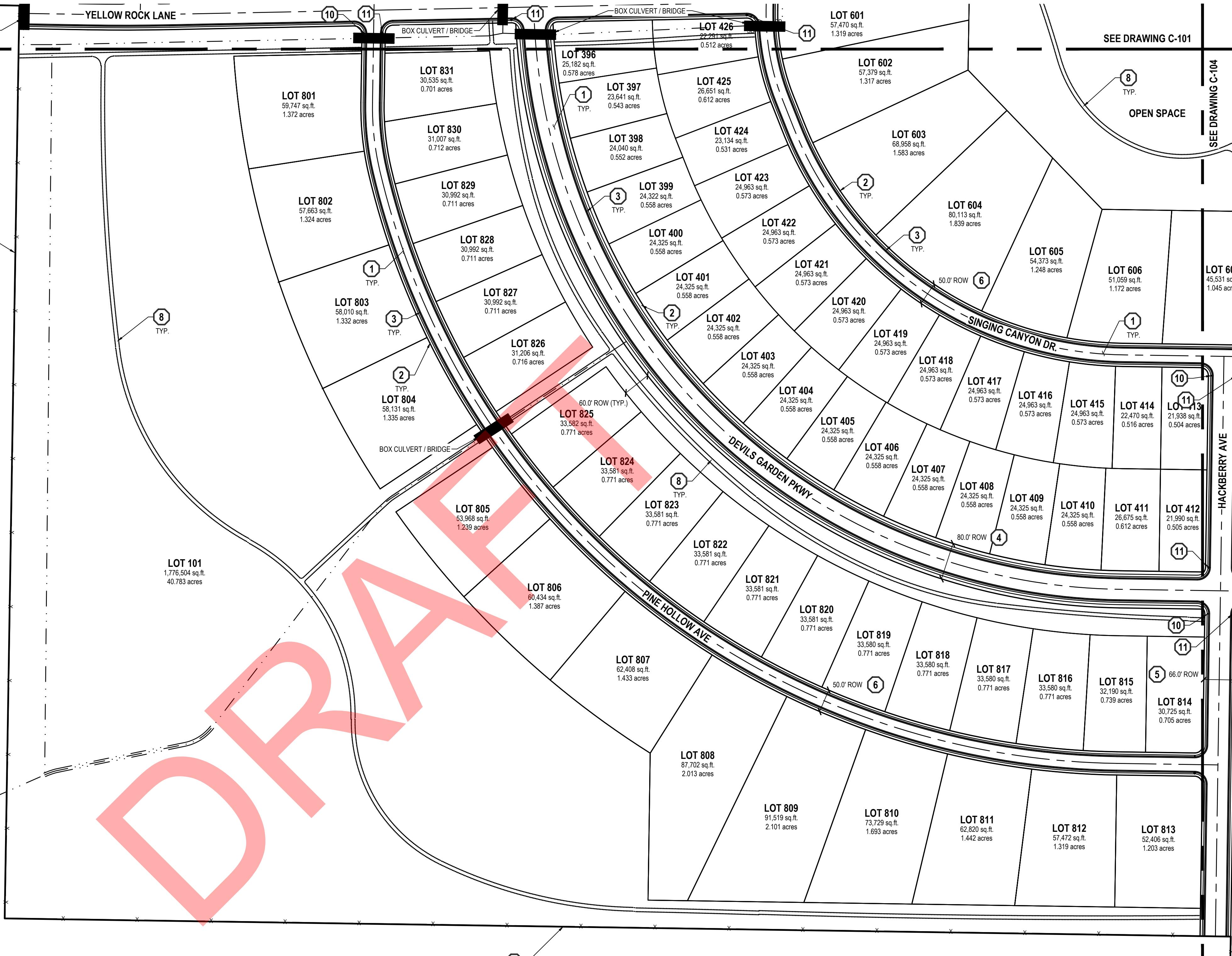
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2022-10-19 CONCEPT

SITE PLAN

PROJECT NUMBER
11370A
PRINT DATE
10/19/22
DRAWN BY
B. HOFFMAN
CHECKED BY
B. REES
PROJECT MANAGER
K. CHAPPELL

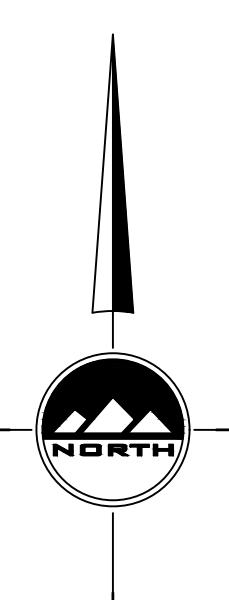
C-103



SEE DRAWING C-104

SEE DRAWING C-104

SEE DRAWING C-104



HORIZONTAL GRAPHIC SCALE



GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- ① ASPHALT PAVEMENT PER GEOTECHNICAL REPORT AND DETAIL 9/C-400.
- ② 4" THICK CONCRETE SIDEWALK PER KANE COUNTY STANDARDS AND SPECIFICATIONS. SEE DETAIL 6/C-400
- ③ 30" CURB AND GUTTER PER KANE COUNTY STANDARDS AND SPECIFICATIONS. SEE DETAIL 3/C-400
- ④ 8' ROW PER DETAIL 1/C-400
- ⑤ 6' ROW PER DETAIL 1/C-400
- ⑥ 50' ROW PER DETAIL 2/C-400
- ⑦ 66' ROW W/O CURB AND GUTTER PER DETAIL 3/C-400
- ⑧ 8' WIDE WALKING PATH
- ⑨ 60' GREEN SPACE ROW PER DETAIL 6/C-402
- ⑩ STREET LIGHTS, HOODED DARK SKY COMPLIANT
- ⑪ "STOP" SIGN AND STREET SIGN PER M.U.T.C.D. STANDARD PLANS AND KANE COUNTY STANDARDS AND SPECIFICATIONS FOR PLACEMENT.
- ⑫ INSTALL 6' PRE-CAST OR VINYL FENCE PER DETAIL 07/C-402
- ⑬ ACCELERATION LANE PER UDOT STANDARDS AND SPECIFICATIONS
- ⑭ DECELERATION LANE PER UDOT STANDARDS AND SPECIFICATIONS
- ⑮ PAVEMENT STRIPING AND MERGE ARROW PER UDOT STANDARDS AND SPECIFICATIONS
- ⑯ INSTALL BARBED-WIRE STOCK FENCE PER DETAIL 08/C-402



WILLOW RESERVE ESTATES

KANAB, UTAH

2022-10-19 CONCEPT

SITE PLAN

PROJECT NUMBER: 11370A
PRINT DATE: 10/19/22
DRAWN BY: B. HOFFMAN
CHECKED BY: B. REES
PROJECT MANAGER: K. CHAPPELL

811

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

Know what's below.
Call before you dig.

(12)

WHITE CLIFFS AVE

LOT 1041
LOT 1042
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LOT 1062
4,789 sq. ft.
0.110 acres
(TYPICAL)

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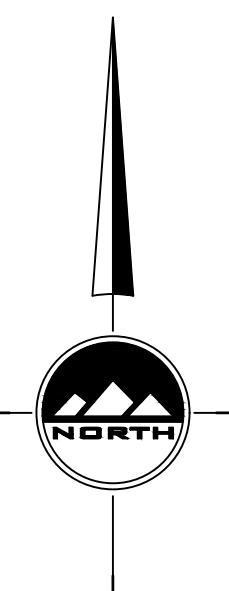
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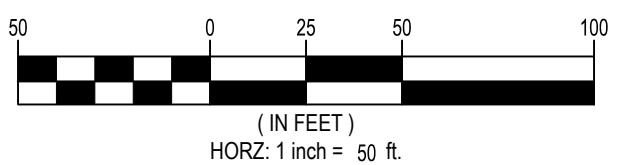
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HORIZONTAL GRAPHIC SCALE



(IN FEET)
HORZ: 1 inch = 50 ft.

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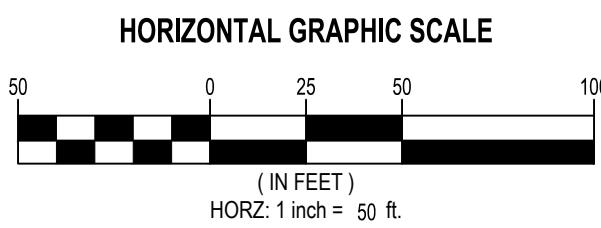
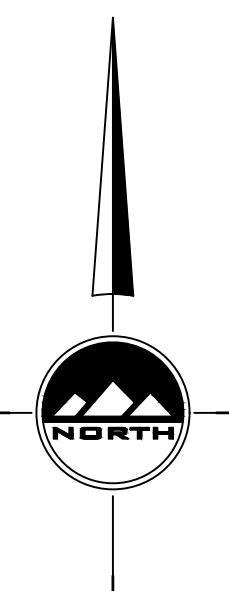
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PHONE: 801-628-0234

WILLOW RESERVE
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KANAB, UTAH

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THE STANDARD IN ENGINEERING

RICHFIELD
225 N. 100 E.
Richfield, UT 84701
Phone: 435.896.2983

LAYTON
Phone: 801.547.1100

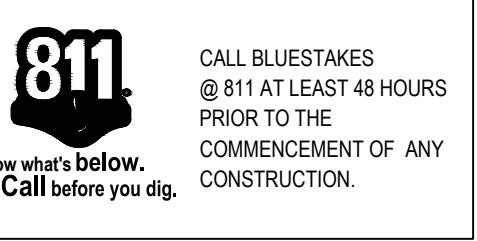
TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

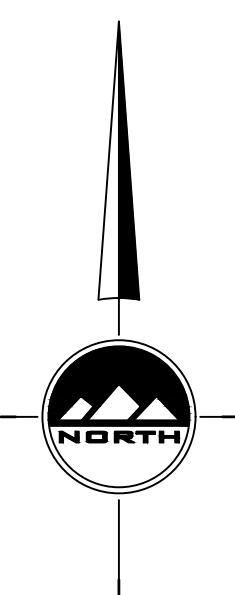
SALT LAKE CITY
Phone: 801.255.0529

C-108

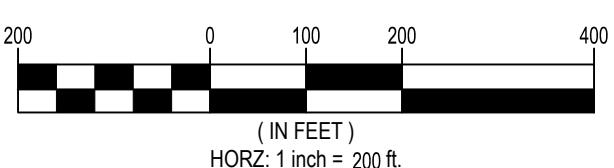
PROJECT NUMBER: 11370A
PRINT DATE: 10/19/22
DRAWN BY: B. HOFFMAN
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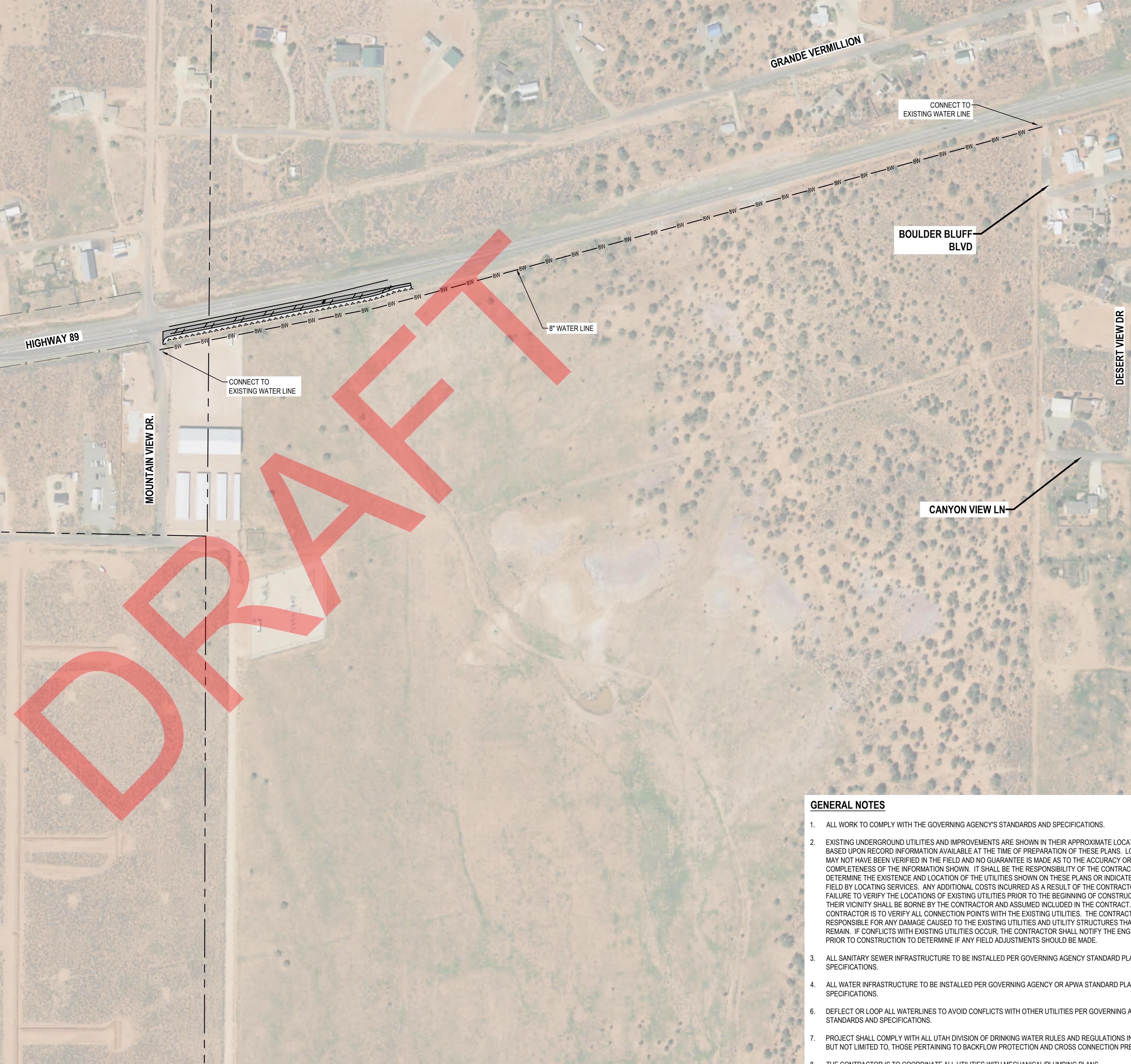
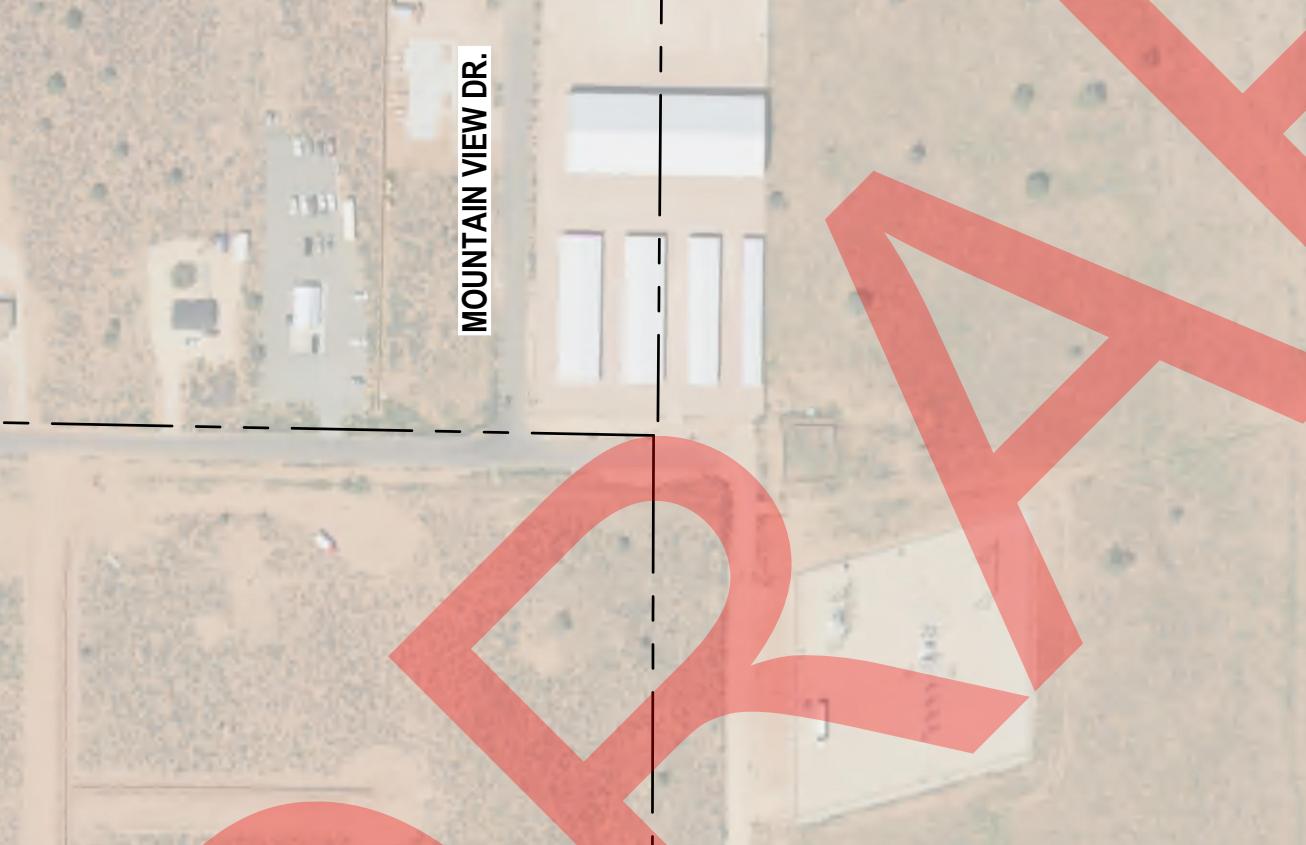
HORIZONTAL GRAPHIC SCALE



(IN FEET)
HORZ: 1 inch = 200 ft.



DRAFT



GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
3. ALL SANITARY SEWER INFRASTRUCTURE TO BE INSTALLED PER GOVERNING AGENCY STANDARD PLANS AND SPECIFICATIONS.
4. ALL WATER INFRASTRUCTURE TO BE INSTALLED PER GOVERNING AGENCY OR APWA STANDARD PLANS AND SPECIFICATIONS.
5. DEFLECT OR LOOP ALL WATERLINES TO AVOID CONFLICTS WITH OTHER UTILITIES PER GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
6. PROJECT SHALL COMPLY WITH ALL UTAH DIVISION OF DRINKING WATER RULES AND REGULATIONS INCLUDING BUT NOT LIMITED TO, THOSE PERTAINING TO BACKFLOW PROTECTION AND CROSS CONNECTION PREVENTION.
7. THE CONTRACTOR IS TO COORDINATE ALL UTILITIES WITH MECHANICAL/PLUMBING PLANS.
8. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING UTILITY STRUCTURES OR PIPES.
9. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
10. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
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2022-10-19 CONCEPT

OFFSITE
UTILITY PLAN

PROJECT NUMBER: 11370A
PRINT DATE: 10/19/22
DRAWN BY: B. HOFFMAN
CHECKED BY: B. REES
PROJECT MANAGER: K. CHAPPELL

C-301

ENSIGN
THE STANDARD IN ENGINEERING

RICHFIELD
225 N. 100 E.
Richfield, UT 84701
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LAYTON
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**WILLOW RESERVE
ESTATES**

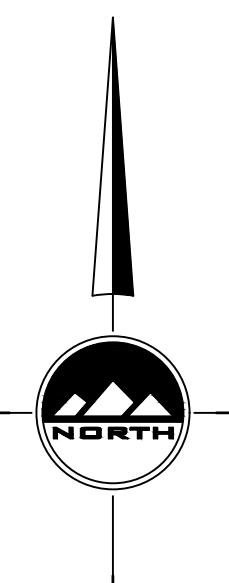
KANAB, UTAH

811

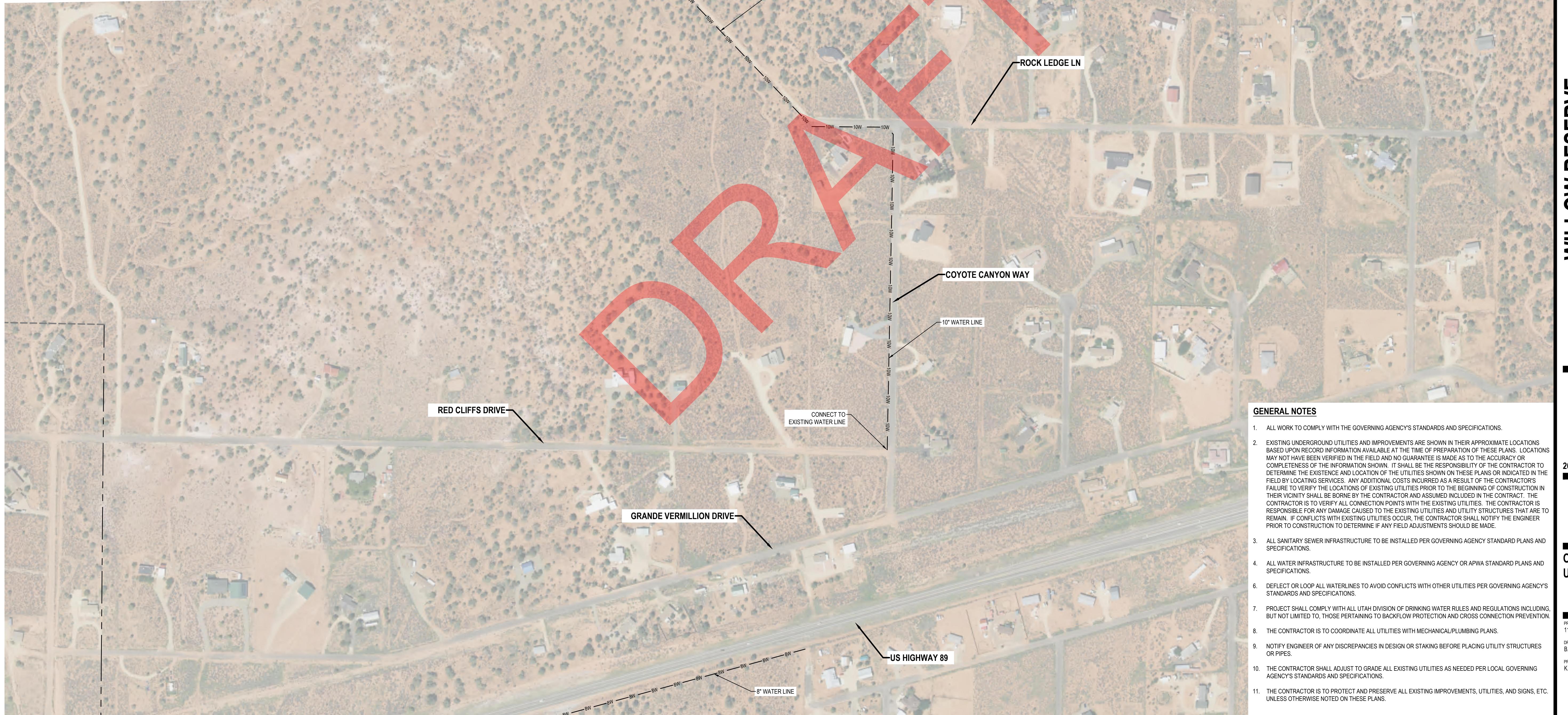
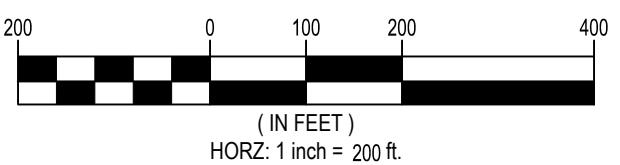
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HORIZONTAL GRAPHIC SCALE



WILLOW RESERVE ESTATES

KANAB, UTAH

2022-10-19 CONCEPT

OFFSITE UTILITY PLAN

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5. DEFLECT OR LOOP ALL WATERLINES TO AVOID CONFLICTS WITH OTHER UTILITIES PER GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
6. PROJECT SHALL COMPLY WITH ALL UTAH DIVISION OF DRINKING WATER RULES AND REGULATIONS INCLUDING BUT NOT LIMITED TO, THOSE PERTAINING TO BACKFLOW PROTECTION AND CROSS CONNECTION PREVENTION.
7. THE CONTRACTOR IS TO COORDINATE ALL UTILITIES WITH MECHANICAL/PLUMBING PLANS.
8. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING UTILITY STRUCTURES OR PIPES.
9. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
10. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
11. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

PROJECT NUMBER
11370APRINT DATE
10/19/22
DRAWN BY
B. HOFFMAN
CHECKED BY
B. REES
PROJECT MANAGER
K. CHAPPELL

C-302

ENSIGN
THE STANDARD IN ENGINEERING

RICHFIELD
225 N. 100 E.
Richfield, UT 84701
Phone: 435.896.2983

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

SALT LAKE CITY
Phone: 801.255.0529

WWW.ENSIGNENG.COM
FOR
MOUNTAIN VENTURES

CONTACT:
OSCAR COVARUBIAS
PHONE: 801.628.0234

RICHFIELD
225 N. 100 E.
Richfield, UT 84701
Phone: 435.896.2983

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY

SALT LAKE CITY

Phone: 801.255.0529

R:

OUNTAIN VENTURES
NTACT:
SCAR COVARRUBIAS
HONE: 801-628-0234

WILLOW RESERVE ESTATES

KANAB, UTAH

MAJOR, MAJOR COLLECTOR ROAD SECTION w/ CURB AND GUTTER

MINOR, MINOR COLLECTOR, AND PRIVATE ROAD SECTION w/ CURB AND GUTTER

| REVISIONS | | |
|-----------|---------|---------|
| DATE | APP. BY | REMARKS |
| | | |
| | | |
| | | |

NOTE: ALL PAVED SURFACES SHALL BE CHIP SEALED DURING ONE YEAR WARRANTY PERIOD.

50'-0"

5'-0" 3'-0" 2'-6" 14'-6" 14'-6" 2'-6" 3'-0" 5'-0"

2%

2%

PROPERLY PREPARED SUBGRADE OR
FILL COMPACTED PER GEOTECHNICAL
REPORT AND SPECIFICATIONS

SIDEWALK PER APWA
STANDARD PLAN NO. 231
AND SPECIFICATIONS

6" MIN. UNTREATED BASE COURSE COMPACTED PER
GEOTECHNICAL REPORT AND SPECIFICATIONS

2-1/2" MIN. A.C.
PAVEMENT

2 50' ROAD CROSS SECTION

SCALE: NONE

66' RIGHT OF WAY

9' 10' 28' 14' 14' 10' 9'

UTILITY CORRIDOR

10:1 2% 2% 10:1

6" COMPACTED ROADBASE

2-1/2" MIN. A.C. PAVEMENT

PUBLIC ROAD SECTION W/O CURB & GUTTER

| | |
|--------------------|----------------------|
| DATE: JULY 2012 | FILE: KANE COUNTY |
| SHEET: RD-02B | DRAWN BY: DVT |

TC ENGINEERING, PC
A "DESIGN-BUILD" FIRM
EXCELLENCE...ON TIME!
DANIEL W. THEBEAU, P.E.
P.O. BOX 55, KANAB, UTAH 84741
(435)644-2031 (888)644-2031

ROAD SECTIONS
STANDARD DRAWINGS
KANE COUNTY
SCALE: NONE

| | |
|-----------------------|-------|
| REVISED: JULY 2012 | RD-02 |
| | |
| | |
| | |

STANDARD CURB

DRIVE DEPRESSION CURB

TYPE B1 CURB & GUTTER

| REVISIONS | | | |
|-----------|------|----|---------|
| DATE | APP. | BY | REMARKS |
| | | | |
| | | | |
| | | | |
| | | | |

NOTE: SEE TYPICAL CONCRETE JOINTS ON STD. DWG. NO. RD-09.

NOTE: CONSTRUCT CROSS GUTTER TO DRAIN WITHOUT PONDING.

PLAN

SECTION A-A

CONCRETE CROSS GUTTER

| REVISIONS | | |
|-----------|---------|---------|
| DATE | APP. BY | REMARKS |
| | | |
| | | |
| | | |

NOTE: SEE TYPICAL CONCRETE JOINTS
ON STD. DWG. NO. RD-09

| | | | | |
|-------------------|-----------------|------------------------------|-----------------------|-----------|
| RD-05 | KANE COUNTY | RD-05 | | |
| ROAD CONSTRUCTION | | | | |
| STANDARD DRAWING | | | | |
| SCALE: NONE | DRAWN: KJ 02/09 | PEN TBL: 1stIndrd-ir2800.ctb | PROJECT: 0901-014 | SHEET: 12 |
| | CHECK: WM 02/09 | FILE: ROAD | LAST UPDATE: 2/2/2009 | |

Jones & DeMille Engineering
1535 South 100 West - Richfield, Utah 84701
Phone (435) 896-8266 Fax (435) 896-8268
www.jonesanddemille.com

1

80' AND 66' ROAD CROSS SECTION

SCALE: NONE

CONCRETE SIDEWALK DETAIL

| REVISIONS | | |
|-----------|---------|---------|
| DATE | APP. BY | REMARKS |
| | | |
| | | |
| | | |

Jones & DeMille Engineering
 1535 South 100 West - Richfield, Utah 84701
 Phone (435) 896-4266 Fax (435) 896-8268
www.jonesanddemille.com

RD-06

KANE COUNTY

ROAD CONSTRUCTION

STANDARD DRAWING

| | | | |
|-----------------|-----------------|------------------------------|----------------|
| SCALE: NONE | DRAWN: KJ 02/09 | PEN TBL: 1stlndrd-ir2800.cbt | PROJECT: 0801- |
| CHECK: WM 02/09 | FILE: ROAD | LAST UPDATE: 3/9/2009 | |

6

CONCRETE SIDEWALK DETAIL

SCALE: NONE

3 66' ROAD W/O CURB AND GUTTER CROSS SECTION

SCALE: NONE

SECTION A-A

CONSTRUCT EXPANSION JOINT
AT INTERSECTIONS. SEE DETAIL
ON STD. DWG. NO. RD-09

4" DEPTH CONCRETE SLAB.

12:1

4" DEPTH PEA GRAVEL OR U.B.C.

FLOWLINE OF GUTTER (NO LIP)

SIDEWALK

5' MIN.

5' MIN.

EDGE OF GUTTER

EDGE OF GUTTER

DETECTABLE WARNING SURFACE

12:1

12:1

4' MIN.

3-D VIEW

A

A

REVISIONS

| DATE | APP. BY | REMARKS |
|------|---------|---------|
| | | |
| | | |
| | | |
| | | |

CURB RAMP DETAIL

Jones & DeMille Engineering
1535 South 100 West - Richfield, Utah 84701
Phone (435) 896-8266 Fax (435) 896-8266
www.jonesanddemille.com

RD-08 KANE COUNTY RD-0

ROAD CONSTRUCTION

STANDARD DRAWING

SCALE: NONE

DRAWN: KJ 02/09 PEN TBL: _1stdrnd-rr2800.ctb PROJECT: 0901-014 SHEET: 15

CHECK: WM 02/09 FILE: ROAD LAST UPDATE: 2/2/2009

7 CURB RAMP DETAIL

SCALE: NONE

4

CURB AND GUTTER

SCALE: NONE

TYPICAL CURB & SIDEWALK INSTALLATION

TYPICAL RURAL INSTALLATION

NOTES:

1. SIGNS SHALL BE IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
2. DEVELOPER WILL FURNISH AND INSTALL ALL SIGNS WITH LOCATIONS APPROVED BY KANE COUNTY.
3. STREET SIGNS SHALL BE GREEN BACKGROUND, 6" UPPERCASE LETTERS OR NUMBERS, BOTH HIGH INTENSITY PRISMATIC AND REFLECTIVE. SIGN BLANK SHALL BE 0.08" THICKNESS, 30" LONG X 8" HIGH. EACH SIGN SHALL HAVE 2 BLADES RIVETED TOGETHER IN 4 CORNERS WITH 2 EACH, $\frac{3}{8}$ " DIA. HOLES IN CENTER TOP & BOTTOM, BOTH SIDES FOR POST ATTACHMENT.

REVISIONS

| DATE | APP. BY | REMARKS |
|------|---------|---------|
| | | |
| | | |
| | | |
| | | |

SIGN & POST DETAIL

Jones & DeMille Engineering
 1535 South 100 West - Richfield, Utah 84701
 Phone (435) 896-8266 Fax (435) 896-8268
www.jonesanddemille.com

| RD-18 | KANE COUNTY | RD-18 |
|-------------------|-----------------------------|------------------------|
| ROAD CONSTRUCTION | | |
| STANDARD DRAWING | | |
| SCALE: NONE | | |
| DRAWN: KJ 02/09 | PEN TBL: 1stndrd-ir2800.ctb | PROJECT: 0901-014 |
| CHECK: WM 02/09 | FILE: ROAD2 | LAST UPDATE: 2/13/2009 |
| | | 25 |

8

SIGN AND POST DETAIL

SCALE: NONE

5 CONCRETE CROSS GUTTER

SCALE: NONE

ASPHALT NOTES

1. ALL PAVING TO BE PLACED OVER PROPERLY PREPARED NATURAL SOILS AND/OR PROPERLY PREPARED EXISTING FILL SOILS AND PROPERLY COMPACTED STRUCTURAL FILL WHERE SPECIFIED.
2. ALL STRUCTURAL FILL TO BE PLACED AND COMPACTED PER THE PROJECT GEOTECHNICAL REPORT OR TO A MINIMUM OF 95% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY THE AASHTO T-180 (D-1557) METHOD OF COMPACTION. LIFTS SHOULD BE PLACED PER GEOTECHNICAL RECOMMENDATIONS BUT SHOULD NOT EXCEED 8" IN LOOSE THICKNESS.
3. REMOVE SURFACE VEGETATION AND OTHER DELETERIOUS MATERIAL OVER THE ENTIRE SITE IN PREPARATION OF PROPOSED IMPROVEMENTS.

UPDATE PER GEOTECH REPORT

3" ASPHALTIC CONCRETE PER SPECIFICATIONS, DM-1/2, PG 64-22, MAX RAP=15%

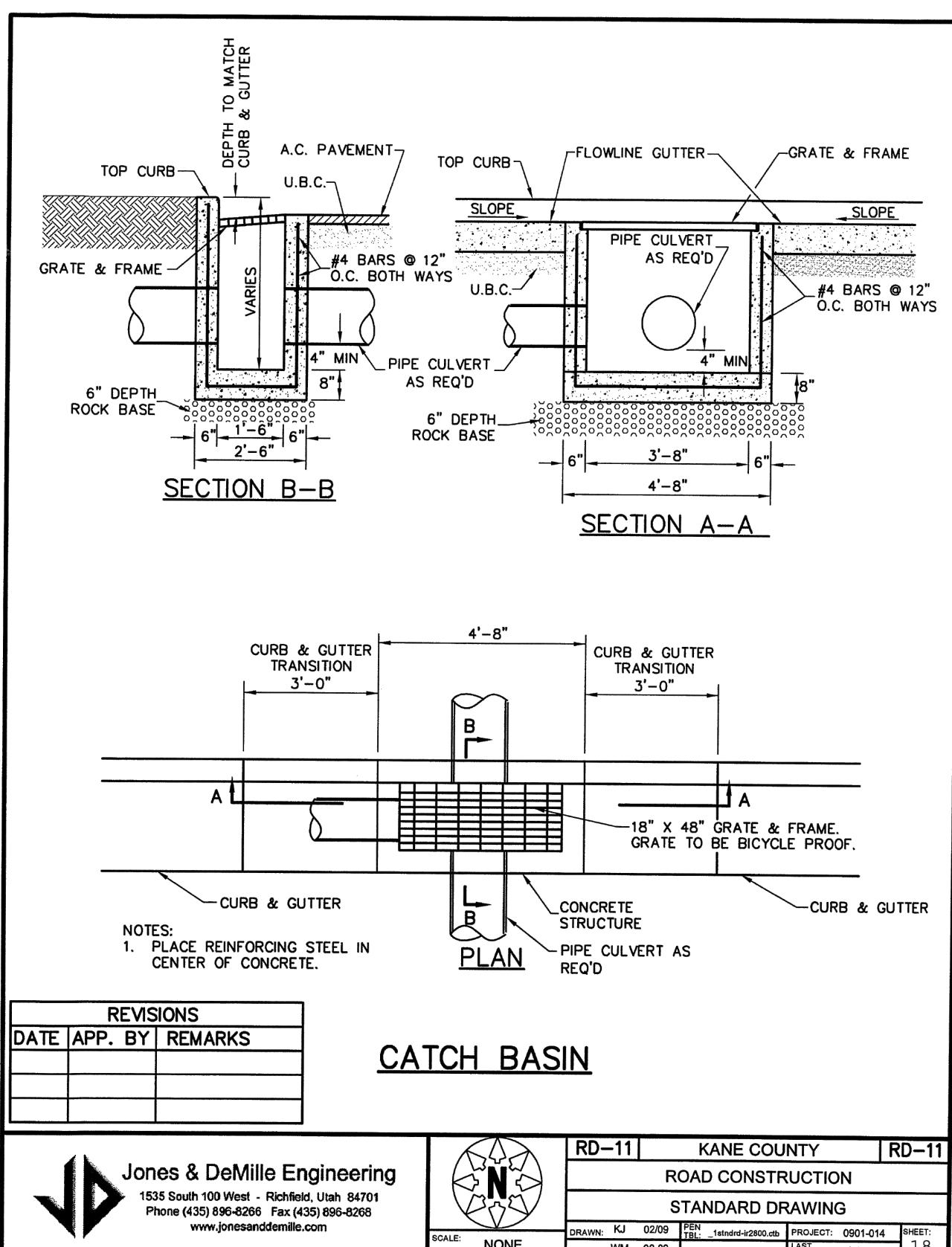
8" UNTREATED BASE COURSE COMPACTED PER GEOTECHNICAL REPORT AND SPECIFICATION

PROPERLY PREPARED SUBGRADE OR FILL COMPACTED PER GEOTECHNICAL REPORT AND SPECIFICATIONS

9

STANDARD ASPHALT SECTION

SCALE: NONE



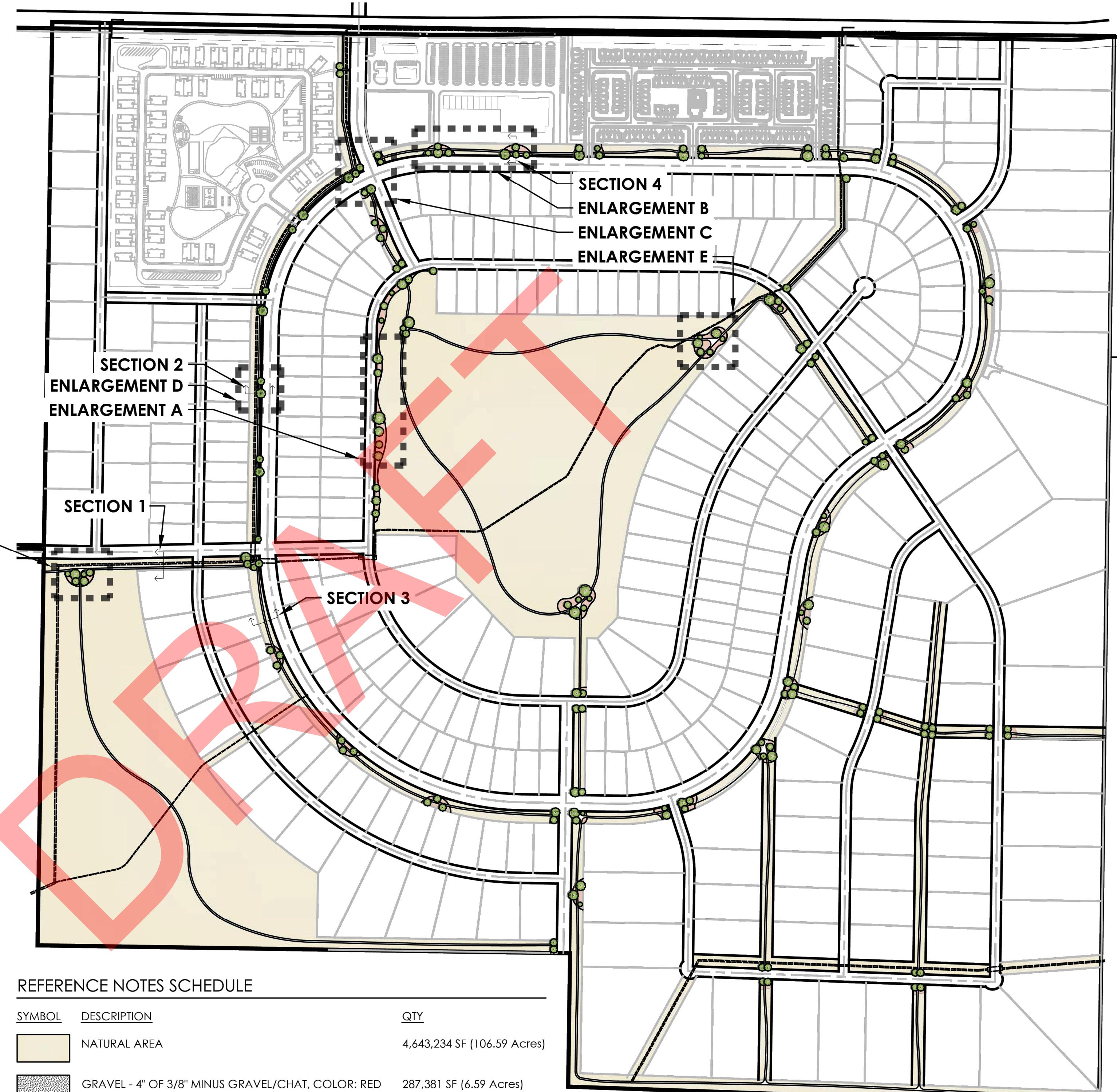
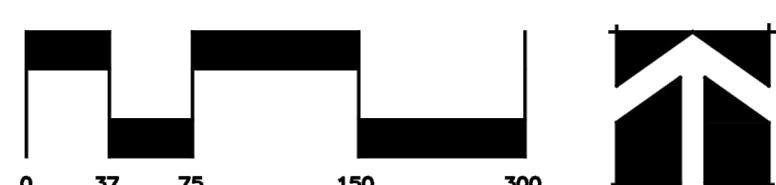
SUGGESTED TREE LIST

| BOTANICAL NAME | COMMON NAME |
|--|---------------------------------|
| ALBIZIA JULIBRISIN | MIMOSA SILK TREE |
| CAESALPINIA GILLISII | YELLOW BIRD OF PARADISE |
| CERCIDIM X 'DESERT MUSEUM' | DESERT MUSEUM PALO VERDE |
| CERCIS OCCIDENTALIS | WESTERN RED BUD |
| CHILOPSIS LINEARIS | DESERT WILLOW |
| FRAXINUS RAYWOOD | RAYWOOD ASH |
| FRAXINUS VELUTINIA | ARIZONA ASH |
| GLEDTISIA TRIACANTHOS INERM. 'IMPERIAL' | IMPERIAL HONEY LOCUST |
| GLEDTISIA TRIACANTHOS INERM. 'SHADEMASTER' | SHADEMASTER LOCUST |
| LAGERSTROEMIA INDICA 'MUSKEOGEE LAVENDER' | MUSKEOGEE LAVENDER CREPE MYRTLE |
| LIGUSTRUM JAPONICUM | JAPANESE PRIVET |
| OLEA EUROPAEA WILSONII | WILSON OLIVE |
| PISTACIA CHINENSIS | CHINESE PISTACHE |
| PISTICIA X 'RED PUSH' | RED PUSH PISTACHE |
| PROSOPIS CHILEANIS - THORNLESS | CHILEAN MESQUITE |
| PROSOPIS GLADULOSA 'MAVRICK' | HONEY MESQUITE THORNLESS |
| PRUNUS CAROLINIANA | CAROLINA CHERRY |
| PRUNUS PISSARDII | PURPLE PLUM |
| PYRUS CALLERYANA BRADFORD | BRADFORD PEAR |
| QUERCUS SHUMARDII | SHUMARD OAK |
| QUERCUS TEXANA | TEXAS RED OAK |
| QUERCUS VIRGINIANA | SOUTHERN LIVE OAK |
| RHUS LANCEA | AFRICAN SUMAC |
| PALM TREES | |
| BUTIA CAPITATA | PINDO PALM |
| CHAMAEROPS HUMILIS | MEDITERRANEAN FAN PALM |
| TRACHYCARPUS FORTUNEI | WINDMILL PALM |
| WASHINGTONIA ROBUSTA | MEXICAN FAN PALM |

NOTE: PLANT LIST IS REPRESENTATIONAL AND MAY BE SUPPLEMENTED WITH ADDITIONAL PLANT SPECIES APPROPRIATE TO THE CLIMATE.

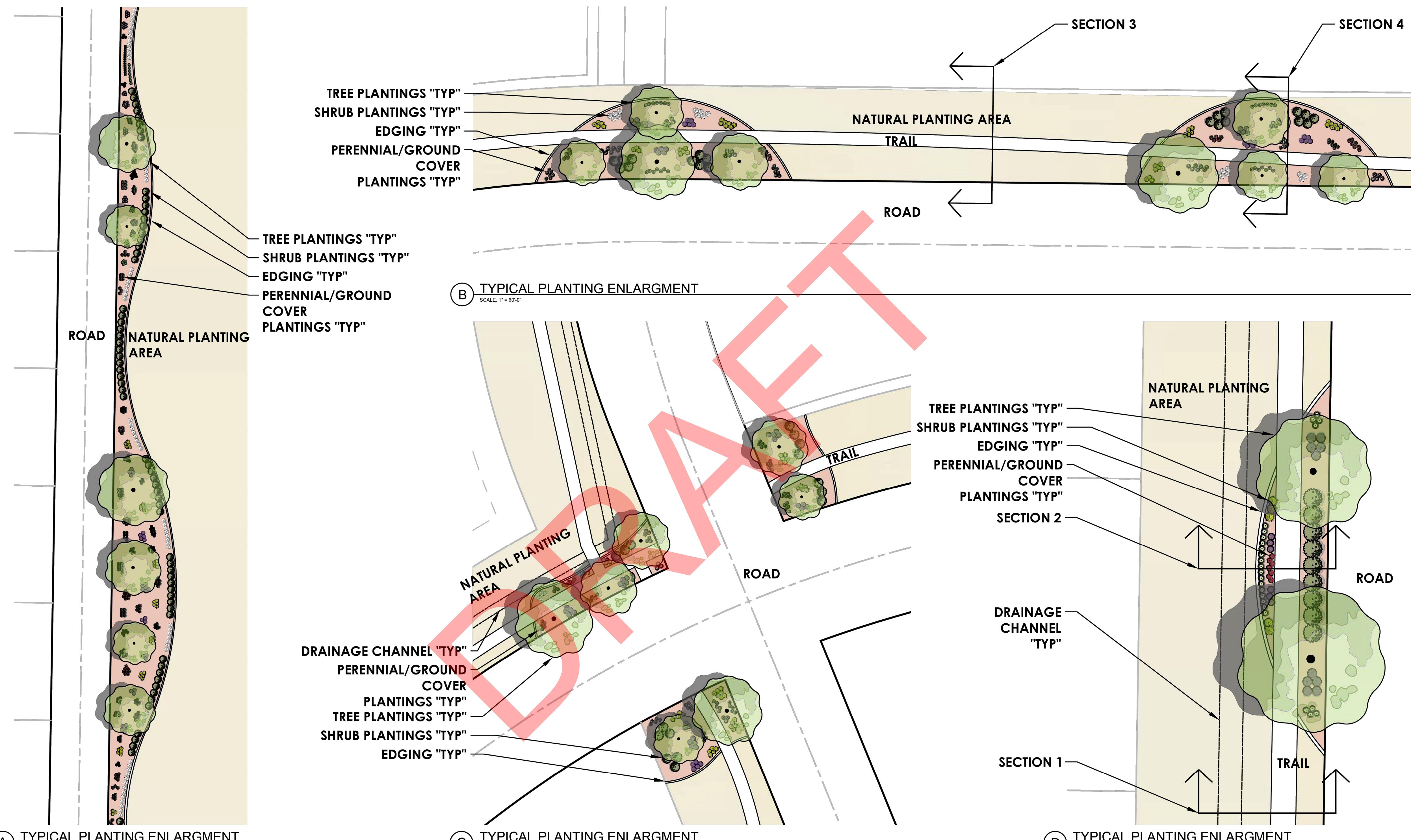


13, October 2022



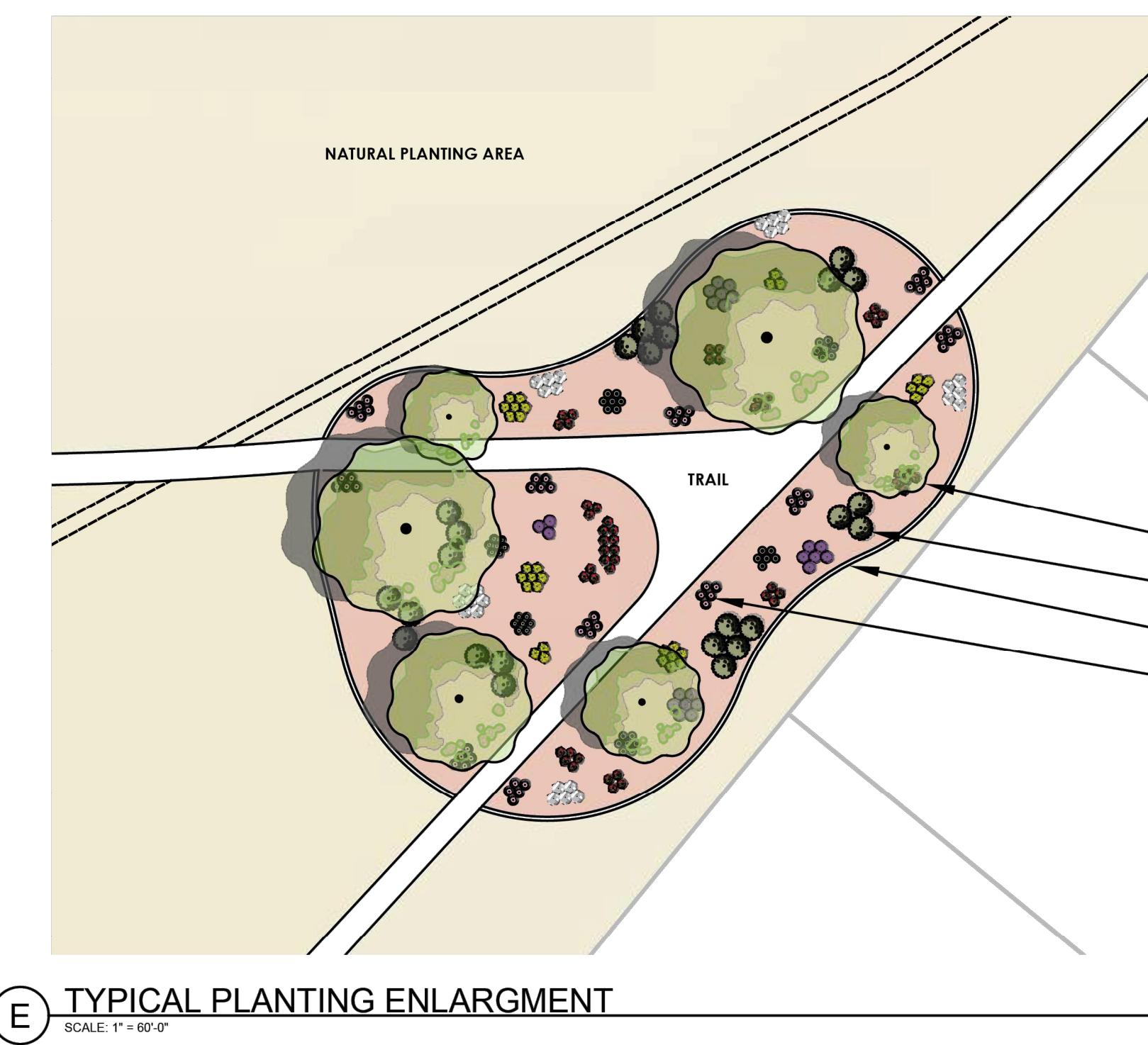
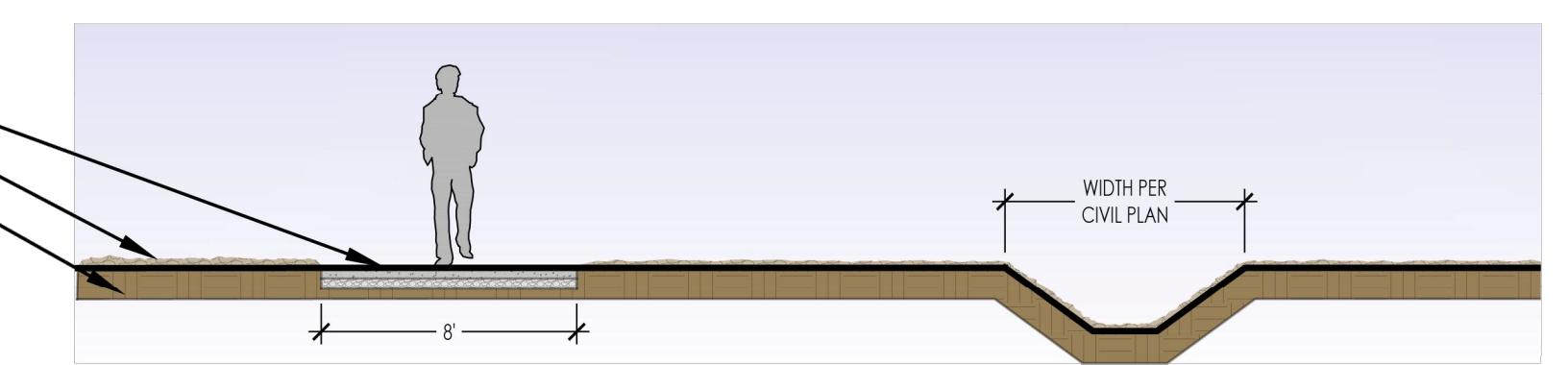
Concept Plan

Mountain Ventures Kanab Property



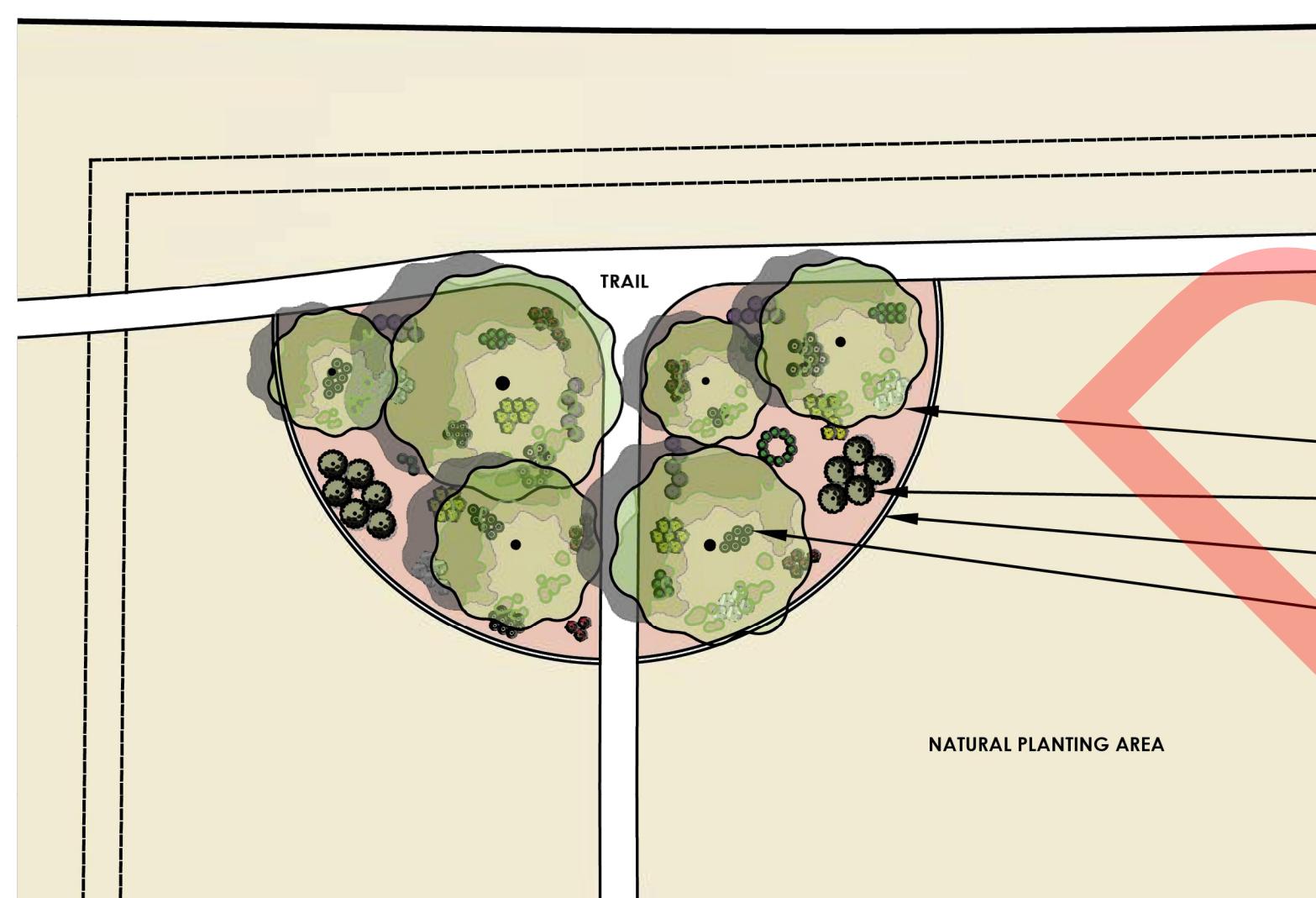
Concept Plan

Mountain Ventures Kanab Property


 WALKWAY
 NATURAL AREA "TYP"
 SUBGRADE

 1 WALK NEXT TO DRAINAGE
 NOT TO SCALE

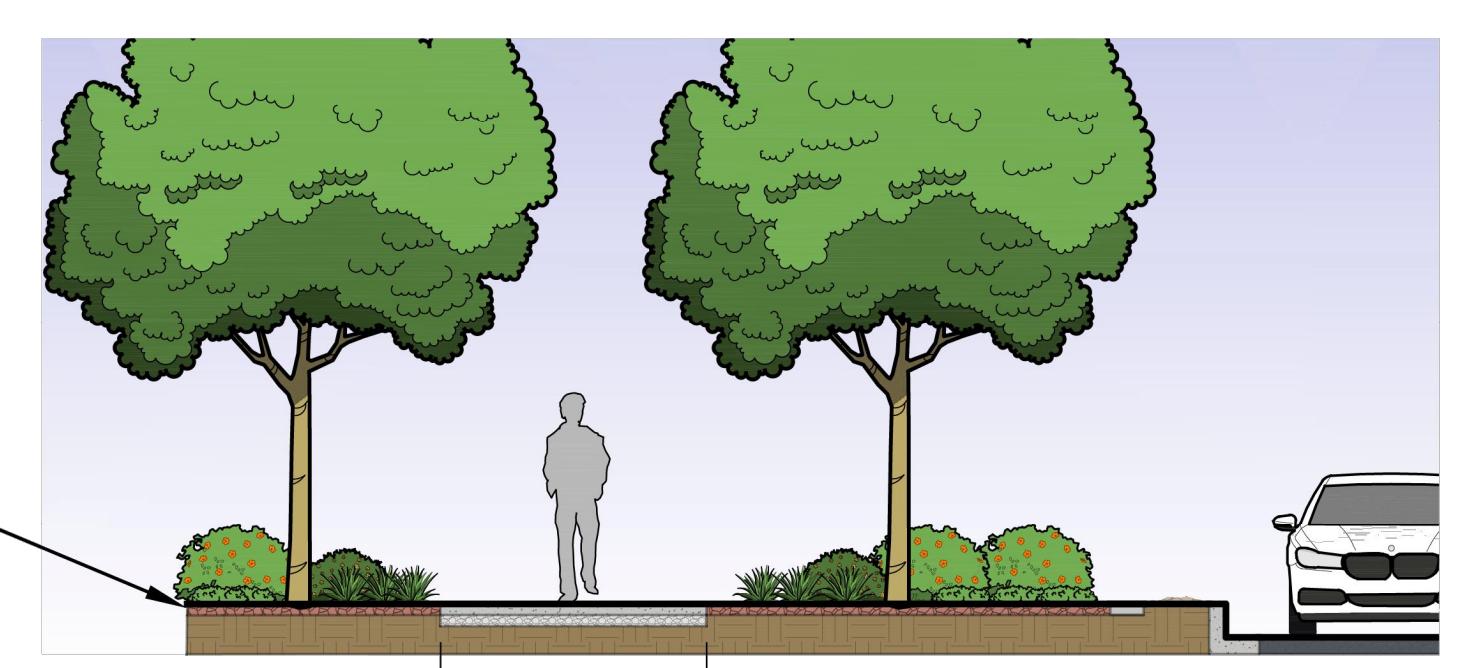
 TREE PLANTINGS "TYP"
 SHRUB PLANTINGS "TYP"
 EDGING "TYP"
 PERENNIAL/GROUND COVER
 PLANTINGS "TYP"

 NATURAL AREA "TYP"
 SUBGRADE

 2 WALK NEXT TO DRAINAGE & PLANTER
 NOT TO SCALE

 TREE PLANTINGS "TYP"
 SHRUB PLANTINGS "TYP"
 EDGING "TYP"
 PERENNIAL/GROUND COVER
 PLANTINGS "TYP"

RED ROCK MULCH "TYP"

 WALKWAY
 NATURAL AREA "TYP"
 SUBGRADE

 3 WALK WITH NO DRAINAGE
 NOT TO SCALE

 4 WALK NEXT TO PLANTER
 NOT TO SCALE

Concept Plan

Mountain Ventures Kanab Property



Architecture 13 October 2022

REFERENCE NOTES SCHEDULE

SYMBOL

DESCRIPTION



NATURAL AREA

GRAVEL - 4" OF 3/8" MINUS GRAVEL/CHAT, COLOR: RED

 PROJECT NUMBER
 11370A

 PRINT DATE
 10/19/22

 DRAWN BY
 B. HOFFMAN

 CHECKED BY
 B. REES

 PROJECT MANAGER
 K. CHAPPELL

L-201



Kanab Property
 Single Family Conceptual Elevation
 10.12.2022

 ELLIOTT WORKGROUP


Kanab Property
 Single Family Conceptual Elevation
 10.12.2022

 ELLIOTT WORKGROUP


Kanab Property
 Single Family Conceptual Elevation
 10.12.2022

 ELLIOTT WORKGROUP


Kanab Property
 Multi-Family Conceptual Elevation
 10.12.2022

 ELLIOTT WORKGROUP



Kanab Property

Multi-Family Conceptual Elevation
10.12.2022

ELLIOTT WORKGROUP



Kanab Property

Commercial Conceptual Elevation
10.12.2022

ELLIOTT WORKGROUP



Kanab Property

Vacation Rental Conceptual Elevation
10.12.2022

ELLIOTT WORKGROUP



2022-10-19 CONCEPT

ARCHITECTURAL
CONCEPT ELEVATIONS

PROJECT NUMBER: 11370A
PRINT DATE: 10/19/22
DRAWN BY: B. HOFFMAN
CHECKED BY: B. REES
PROJECT MANAGER: K. CHAPPELL

A-101

October 5, 2022

Brennan Rees
Ensign Engineering
225 North 100 East
Richfield, UT 84701

To Whom It May Concern:

Garkane Energy has the means to provide electrical power service for the proposed Mountain Venturers Kanab Property Development, as shown on the attached concept plan to be located in Kane County. To provide electric power service, Garkane requires that the developer and its successors provide:

1. Uninterrupted access and rights to the operation, maintenance, and improvement of the existing Garkane transmission line on the property.

Explanation: Garkane owns and operates an existing transmission line near the north property line of the proposed development. As has been described and agreed to in project planning discussions occurring on June 23 and September 8, 2022. (See the attached correspondence.) Garkane will replace the existing line with a 138 kV line in the near future (12 to 24 months). The replacement line will be located within the existing 50 ft easement.
2. Project plans and permitting documents shall be recorded with language requiring that structures and facilities built within the subdivision by the developer or its successors shall be located and constructed so that NESC minimum clearances are maintained from Garkane's existing facilities and those installed to serve the project.
3. New electrical facilities needed to serve the development will be installed following NESC and Garkane Energy standards and policies. Garkane maintains its New Construction Handbook, which describes our standards and construction requirements. The handbook is available at www.garkaneenergy.com.

Provided the above-stated requirements are observed to Garkane's satisfaction, we hereby agree to provide electric power service to the proposed project. If you have any questions, don't hesitate to contact me or a member of Garkane's planning department staff.

Sincerely,

Bryant Shakespear
Bryant Shakespear, PE

Chief Operating Officer
Garkane Energy Cooperative
Mobile (435) 689-0347
bryant.shakespear@garkane.com



"Developing and protecting our water resources one drop at a time."

August 30, 2022

Kane County Land Use
C/O Shannon McBride
76 N. Main St.
Kanab, UT 84741

RE: Proposed Subdivision Kanab 600, LLC, Kanab, UT 84741
Parcel # 4-5-5-2 & 4-5-6-1

To Whom It May Concern:

This letter is written to inform Kane County Land Use that the properties referenced above, are withing the Kane County Water Conservancy District water distribution system in the East Kanab/Johnson Canyon Area. This proposed development will have the opportunity to hook up to our water distribution system once all infrastructure is installed including a 10" Parallel water line from the tank to the Red Cliffs/Coyote intersection. As well as connecting the 8" water line from Mountain View Drive to Boulder Bluff Blvd. and impact fees are paid.

If additional information is needed, please do not hesitate to contact us at telephone number (435) 644-3997 or via e-mail at kanecowater@gmail.com. Thank you for your help in this matter.

Sincerely,

Amanda Buhler
Office Manager



Aug 29, 2022

Brennan Rees, EIT
Ensign Engineering
435.896.2983 : O
435.691.3505 : C

Ref: Communications Services for a development in Kane County Parcel 4-5-6-1

To Whom it may concern,

This letter is to advise you that the development identified as being within Kane County Parcel 4-5-6-1, is located within the area where South Central Communications (SCC) is willing to provide services.

Under the terms of our current tariffs, a subdivider is required to provide a deposit of 90% of the cost of installing our facilities in their subdivision. That money will be returned to the developer if 70% of their properties have requested service by the end of 5 years from the time the original agreement is signed. It is the responsibility of the developer to request reimbursement. For a single property, if the property is within 300' of SCC facilities, SCC will provide service with no construction cost. If the property is within 1000' and the owner is willing to provide a trench, SCC will also provide service with no construction cost. An owner may reduce the project cost by combining the installation of water or power with SCC facilities. Installation of the conduit must meet SCC's specifications. If SCC is unable to use the conduit without making repairs, SCC may charge additional costs to the customer for the work required to make the conduits useable.

SCC will provide service to the above location subject to the obtaining of any required easements or rights of way, and upon satisfactory resolution of the terms and conditions of any service agreement enacted between SCC and the property owner.

Please feel free to call me, if you have any questions regarding this matter at (435) 616-0508.

Michael Savage
Field Engineer
South Central Communications
(435) 676-0508 *Office*
(435) 616-0508 *Cell*
mikes@socen.com



PO Box 36
Kanab, UT 84741
(435) 644-5089 Service
(435) 644-5645 Billing

August 17, 2022

Brennan Rees
Ensign Engineering

Ref: Waste removal service to parcels 4-5-5-2 and 4-5-6-1 in Kane County, UT

Mr. Rees,

This letter is to advise you that parcels 4-5-5-2 and 4-5-6-1 in Kane County, Utah are within the service boundaries of the Western Kane County Special Service District No. 1 (WKCSSD), and the WKCSSD will provide service to the proposed development with the following stipulations:

Service will be provided to individual single-family residences in the form of 90-gallon residential cans that will be emptied once per week upon receipt of a signed service agreement from the individual residents/owners. Individual service will be discontinued and can(s) removed if the account becomes delinquent.

Service will be provided to commercial businesses within the proposed development upon receipt of a signed service agreement with the respective businesses. The WKCSSD will not provide daily service to this development, so space for dumpster enclosures on commercial property should be planned to accommodate enough dumpsters as to not require daily emptying. Service will be discontinued if the account becomes delinquent.

Service will be provided to the multi-family and vacation rental units upon receipt of a signed service agreement from the managing homeowners association (HOA). The WKCSSD will not provide daily service to this development, so dumpster enclosures must be planned to accommodate no less than 1 dumpster per 24 residential units. 1 dumpster per 20 residential units is recommended. These ratios are based on the assumption that the dumpsters will be emptied 2 times per week. Service will be discontinued if the account becomes delinquent.

Where the roads in the development will be privately owned by the HOA, all of the above services are conditioned upon the HOA providing year-round maintenance including snow removal to all streets. The HOA must also sign an agreement indemnifying the WKCSSD of any road damage from normal wear and tear that may be caused by the district's vehicles.

Please feel free to give us a call if you have any questions regarding this matter at (435) 644-5645.

Sincerely,

Danny Little
Operations Manager

WHEN RECORDED, RETURN TO:

DEVELOPMENT AGREEMENT FOR THE KANAB 600

THIS DEVELOPMENT AGREEMENT for The Kanab 600 (the "Agreement") is entered into and effective as of the _____ day of _____, 2022 ("Effective Date"), by and among Kanab 600, LLC, and its successors and/or assigns ("Developer"), and Kane County, a political subdivision of the State of Utah ("County") (individually a "Party" and collectively the "Parties").

RECITALS:

A. Developer owns approximately 596.591 acres of real property within the boundaries of Kane County, State of Utah, as more particularly described in Exhibit "A" (the "Property") attached hereto and incorporated herein.

B. Developer desires and intends to develop the Property as a multi-phase development known as The Kanab 600 (the "Project") as generally depicted on the plans prepared by Developer (together the "Preliminary Concept Plan") attached hereto as Exhibit "B" and incorporated herein.

C. In connection with the development of the Property, Developer will provide a completion assurance in the form of a completion bond ("Completion Bond") and an improvement guarantee in the form of a warranty bond ("Warranty Bond"), which bonds may be provided either by means of a bond or irrevocable line of credit. The Completion and Warranty Bonds shall be provided for each individual phase of development.

D. Section 9-20-3(M) of the Land Use Ordinance of Kane County, Utah (hereafter the "Code") requires the Developer to enter into a development agreement to memorialize certain terms related to the Project improvements.

E. This Agreement is provided in fulfillment of Section 9-20-1 of the Code, which requires the Parties to agree to certain terms related to the Project improvements.

F. Developer desires to take all steps necessary to finalize approval of the Project and develop the Project as provided in this Agreement.

G. Each of the Parties is willing to enter into this Agreement in order to implement the purposes of applicable state law and the County's Land Use Ordinance. Acting pursuant to its authority under Utah Code Annotated, §§ 17-27a-102, *ct seq.*, and after all required public notice and hearings, the County, in its exercise of its legislative discretion has determined that entering into this Agreement furthers the purposes of (i) the County Land Use, Development, and Management Act, (ii) the County's General Plan, and (iii) the Code. As a result of such determination the County (i) has elected to approve the Project in a manner resulting in negotiation, consideration, and approval of this Agreement and (ii) has concluded that the terms and conditions set forth herein serve a public purpose and promote the health, safety, prosperity, security, and general welfare of the inhabitants and taxpayers of the County.

Development Agreement for The Kanab 600 Kane
County, Utah

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals (which recitals are incorporated into this Agreement) and the covenants hereafter set forth in this Agreement, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. COMPLETION BONDS AND WARRANTY BONDS FOR PROJECT IMPROVEMENTS

1.1. Engineer's Estimate. Developer's engineer will provide estimates for each of the proposed fifteen (15) phases of the Project. Each phase will have its own development schedule, each of which can be independent of and unrelated to the development schedule of any other phase.

1.2. Completion Bond. In compliance with Section 9-21(I)-1 of the Code, Developer will provide a Completion Bond in connection with Developer's execution of the final plat for any phase of the Project. The form and amount of the Completion Bond is subject to approval of the County engineer as set forth in Section III.

Commented [BRK1]: Citation error

SECTION II. OBLIGATION TO CONSTRUCT PROJECT IMPROVEMENTS

2.1 Project Improvements. With respect to any particular phase, the Developer shall complete the agreed Project improvements for that phase within the proposed timeline for that phase, plus an additional period of time as mutually agreed by the Parties provided however that such additional time shall not be less than one (1) year nor more than three (3) years for that phase of the Project.

2.2 Default. If the Developer defaults in its obligation to timely complete the Project improvements as specified in Section 2.1, subject to the provisions of Section 7.13, the County may pursue its remedies under the Completion Bond and any other remedy available under law.

3.1 SECTION III. WARRANTY FOR PROJECT IMPROVEMENTS

Completion Bond and Warranty Bond. The Developer hereby guarantees that, with respect to each approved phase, all Project improvements for that phase shall be installed through completion in accordance with plans approved by the County Engineer as set forth in KCC 9-211-1. Developer further guarantees that, with respect to each approved phase, all Project improvements for that phase shall remain free of material defects for one year from the date of acceptance by the County in accordance with KCC 9-211-6.

Commented [BRK2]: Citation error

3.2 Form of Completion Bond and Warranty Bond.

A. The Completion Bond shall be in the form of a bond or irrevocable line of credit for each approved phase in the amount of one hundred ten percent (110%) of the Developer's engineer's estimated cost of improvements for that phase which is also reasonably approved by the Kane County Engineer, which approval the County Engineer shall not be unreasonably withheld. No additional inflation percentage shall be required. *See KCC 9-211-2.*

B. The Warranty Bond shall be in the amount of ten percent (10%) of the Developer's engineer's estimated cost of improvements for each phase which is also reasonably approved by the Kane County Engineer. This amount may be covered under the Completion Bond set forth in Subsection 3.2A so long as the bond/line of credit specifically covers the additional one (1) year warranty period. If the Completion Bond does not cover the additional one (1) year warranty period, then Developer shall submit a Warranty Bond in the amount of ten percent (10%) of the Developer's engineer's estimated cost of improvements which is also reasonably approved by the Kane County Engineer, which County Engineer approval shall not be unreasonably withheld.

C. In the unlikely event that Developer believes the approval of the County Engineer has been

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unreasonably withheld, the Developer shall submit written notice of its objection. Upon receipt of that written notice, the Parties will have ten (10) business days to resolve their dispute. If after such dispute resolution, in the further unlikely event that the approval of the County Engineer has still not yet been granted, and the Developer continues to believe the approval has been unreasonably withheld, then the Parties shall submit the disputed issue(s) to a mutually agreed competent engineer to resolve the dispute; the cost of such competent engineer shall be born equally by the Parties. In the event the Parties cannot agree on a competent engineer, then the two proposed competent engineers shall pick a 3rd engineer, which 3rd engineer shall then resolve the dispute. The Parties agree that this dispute resolution process shall take not more than ninety (90) days.

3.3 Acceptance and Release of Completion Bond and/or Warranty Bond

A. Request for conditional acceptance of any particular phase of the Project improvements and the corresponding reduction in either the Completion Bond or Warranty Bond or both must be submitted in writing by the Developer to the County. When installations of a particular phase of the Project improvements are seventy percent (70%) complete, then fifty percent (50%) of the Completion Bond will be released after inspection and written verification by the County Engineer. After completion of all required work for a particular phase, an additional fifty percent (50%) of the Completion Bond will be released after inspection and written verification by the County Engineer. After these two releases, ten percent (10%) of the original Completion Bond will still remain outstanding until completion of Warranty Bond the warranty period.

B. At the end of the one (1) year warranty period, there shall be a final warranty inspection by the County Engineer for that particular phase. Any and all defects, if any, must then be repaired and maintenance must be completed prior to final approval of that phase.

C. Upon final written approval by the County Engineer of that phase, the land use administrator shall, in writing, accept all improvements and release any remaining Completion Bond or Warranty Bond or both.

3.4 Repairs. If the County engineer reasonably finds that a repair or maintenance is necessary on any particular phase of the Project, the County will provide written notice ("Notice") to the Developer that specifies the necessary repair or maintenance. Developer will have a reasonable time to complete the necessary repairs or maintenance, but not even less than thirty (30) calendar days from the date of the written notice. For purposes of clarity, the provisions of Section 7.14 shall be incorporated into and apply with respect to any required repair or maintenance or both, although no repair nor maintenance in and of itself standing alone shall constitute a Default. If the Developer fails to perform the maintenance or repair within a reasonable time, the County shall pursue further remedy under the performance and completion bond or improvement warrantee.

SECTION IV. PHASES OF THE PROJECT

4.1 Phases. As set forth above, this Project has fifteen (15) phases, each of which may be independently developed in such order as the Developer deems appropriate. After the final plat for any particular phase is approved, the Developer may immediately submit a preliminary plat for the next phase of the Project. The Parties agree that a Completion Bond and/or a Warranty Bond will be required as a condition for the execution or recording of the final plat for a particular phase.

SECTION V. GENERAL RIGHTS AND RESPONSIBILITIES

5.1 Vested Rights for the Project. To the fullest extent permissible under the law, this Agreement grants and vests in Developer all rights consistent with the zoning in effect as of the Effective Date, including but not limited to the zoning exceptions listed below, and to develop the Project as a planned unit developments (PUD) in accordance with the Preliminary Concept Plan, which Preliminary

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Concept Plan, including but not limited to the uses and zoning shown on the Preliminary Concept Plan, are hereby approved. The Parties agree that as part of the development of any phase, the Developer may construct model homes prior to the completion of full infrastructure for that phase, provided that the model home shall not be sold and the certificate of occupancy shall not be issued prior to the completion of the infrastructure for that phase. While it is not anticipated that any additional conditional uses are needed for the Project, the Developer reserves the right to submit additional conditional uses, if and when necessary. The Parties intend that the rights granted to Developer and the entitlements for the Project under this Agreement are both contractual and provided under the common law concept of vested rights. It is expressly understood by the County that Developer may assign all or any portions of its rights and obligations under this Agreement provided such assignees agree to be bound by the terms of this Agreement.

5.2 Zoning. With respect to the zoning to be in place as of the Effective Date, such zoning shall include the following exceptions:

- Code 9-20-3.H. referring to zoning for multi-family housing, which exception shall permit dwellings to be located both within the interior and around the perimeter of a particular phase;
- Code 9-20-9) referring to zoning for multi-family housing and their required setbacks, which exception shall [TBD].
- Code 9-6A-4.F. referring to household pets, which exception shall, with respect to phase(s) which have an Equestrian Center, permit the maximum number of household pets to be fifteen (15).

5.3 Statement Regarding “Compelling, Countervailing Public Interests”. The County and the Developer acknowledge each is familiar with the “compelling, countervailing public interest” exception to the doctrine of vested rights in the State of Utah. The County acknowledges that as of the date of this Agreement, to the best of its knowledge, information and belief, the County is presently unaware of any material facts under which a desire of the County to modify Developer’s rights under this Agreement or the Preliminary Site Plan would be justified by a “compelling, countervailing public interest.” County shall immediately notify Developer if any such facts come to County’s attention after the execution of this Agreement, and shall take all reasonable steps to maintain Developer’s vested rights as set forth in this Agreement or the Preliminary Site Plan.

5.4 Dedication. Developer shall dedicate the water system to the Kane County Water Conservancy District upon completion. Dedication of the sewage system is independent of the dedication of the water system and may be separately dedicated to a public infrastructure district or other mutually agreed entity.

5.5 Public Infrastructure District. Notwithstanding anything to the contrary in this Agreement, the County and Developer specifically agree and acknowledge that the Developer shall be entitled to seek the creation of one or more Public Infrastructure Districts permitted pursuant to Utah statutes, particularly chapter 2a, part 12 of the Public Infrastructure District Act (the “PID Act”) as determined by Developer, in order to implement and facilitate the financing, construction and operation of public infrastructure for the Property. Subject to the provisions of the PID Act, the County and Developer agree to continuing cooperation in connection with the formation and operation of Public Infrastructure District(s) in order to accommodate development circumstances, to fund, construct and/or provide public facilities and services as set forth in this Agreement, including but not limited to streets, water, sewer and drainage, with or otherwise serving all or a portion of the Property. The County agrees that it will exercise any rights reserved to the County under the

PID Act the connection with the establishment or operation of any Public Infrastructure District for the Property, or any portion thereof, in accordance with the requirements of the PID Act. The County agrees that any obligation set forth in this Agreement for the financing and construction of public improvements which are required to serve the Property, which will be owned by the County, a Public Infrastructure District or other limited purpose government entity may be undertaken, performed and completed by a Public Infrastructure District, subject to the requirements of the PID Act and the approval of the County consistent therewith. Any Public Infrastructure District created for the Property, or any portion thereof, shall not create any financial liabilities for the County.

5.5 **Covenant.** The Developer shall not sell, lease, or convey any part of the Property to any person before this Agreement is executed. For clarity, upon execution of this Agreement, Developer may sell, lease, or convey any part of the Property to any person at Developers sole discretion.

SECTION VI. GENERAL PROVISIONS

6.1 **Binding Effect.** The burdens and benefits of this Agreement shall bind and inure to the benefit of each of the Parties hereto and their successors in interest. This Agreement shall run with the Property, binding all successors, heirs, and assigns of the Property, to secure the installation of the improvements required together with payment of all costs, including reasonable attorney fees which may be incurred by the County in the enforcement of any of the terms and provisions of the Agreement.

6.2 **No Agency, Joint Venture or Partnership.** It is specifically understood and agreed to by and among the Parties that: (i) the Project is a private development; (ii) there is no agency relationship, joint venture, or partnership between the County and the Developer; and (iii) nothing contained herein shall be construed as creating any such relationship among the County and Developer.

6.3 **Modification of the Preliminary Concept Plan.** The Parties hereby agree that the Developer may amend and/or modify the Preliminary Concept Plan from time to time as needed, provided: (1) the Developer keeps a minimum of twenty percent (20%) of the Project as open space and/or common areas; and (2) the Developer submits each Preliminary Concept Plan modification/ amendment proposal (“Plan Revision”) to the County for approval, which approval shall not be unreasonably withheld. For purposes of administrative convenience, any Plan Revision shall be automatically deemed approved if both of the following conditions are met: (a) density across all phases does not increase, AND (b) the proposed modification is minor (for example, redrawn lot lines such that the lot size of any affected lot has not changed by more than five percent (5%)).

6.4 **No Obligation to Undertake Development.** Notwithstanding any provision of this Agreement to the contrary, nothing in this Agreement shall impose on Developer an obligation or affirmative requirement to develop the Project or any portion thereof. If Developer undertakes to develop all or any portion of the Project pursuant to the Preliminary Concept Plan and this Agreement, Developer agrees to abide by the terms and conditions of this Agreement and the Preliminary Concept Plan.

SECTION VII. MISCELLANEOUS

7.1 **Incorporation of Recitals, Introductory Paragraphs, and Exhibits.** The Recitals contained in this Agreement, the introductory paragraph preceding the Recitals, and all Exhibits referred to or attached hereto are hereby incorporated into this Agreement as if fully set forth herein.

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7.2 **Headings.** The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control the meaning or construction of any of the provisions hereof.

7.3 Other Miscellaneous Terms. The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

7.4 Construction. This Agreement has been reviewed and revised by legal counsel for the Developer and the County, and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Further Assurances, Documents and Acts. Each Party hereto agrees to cooperate in good faith with the other, and to execute and deliver such further documents and to take all further acts reasonably necessary in order to carry out the intent and purposes of this Agreement and the actions contemplated hereby. All provisions and requirements of this Agreement shall be carried out by each Party as allowed by law.

7.5 Assignment. In conjunction with the sale of some or all of the land to be developed under this Agreement, Developer may assign this Agreement, in part or in whole, to a replacement developer provided however that the Developer shall assign both the rights and obligations under this Agreement with respect to the part, or whole, which is assigned. Upon assignment, with respect to the assigned portion only, Developer shall be released from all rights and obligations and County thereafter shall look only to the assignee. The rights of the County under this Agreement shall not be assigned, but the County is authorized to enter into any contract with a third party to perform obligations of the County to operate and maintain any infrastructure improvement so long as such party adequately and reasonably maintains and operates such facility or improvement.

7.6 Recording. This Agreement shall be recorded in its entirety, at Developer's expense, in the Official Records of Kane County, Utah.

7.7 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

7.8 Notices. Any notice or communication required hereunder between the Parties shall be in writing, and may be given either personally, by overnight courier, by hand delivery or by registered or certified mail, return receipt requested or by facsimile. If given by overnight courier or registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered, a notice is given when delivered to the Party to whom it is addressed. If given by facsimile to the address and number for such Party set forth below (provided, however, that the notice is not effective unless transmission is confirmed and a duplicate copy of the facsimile notice is promptly given by one of the other methods permitted under this paragraph), the notice is deemed to have been given upon receipt by the other Party. Any Party hereto may at any time, by giving ten (10) days written notice to other Parties hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at the address set forth below:

If to Developer: KANAB 600, LLC
 c/o Oscar Covarrubias
 PO Box 785
 Lehi, UT 84043

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With a copy to:

Mountain Venture Studio 1, LLC
Brett R. Keenan, General Counsel
PO Box 785
Lehi, UT 84043

DRAFT

If to County: **Kane County**
c/o Shannon McBride 76 N. Main St.
Kanab, UT 84741

With a copy to: **Kane County Attorney**
Attn: Rob Van Dyke 76 N. Main St.
Kanab, UT 84741

7.9 No Third-Party Beneficiary. This Agreement is made and entered into for the sole protection and benefit of the Parties and their assigns. No other person have any right of action based upon any provision of this Agreement whether as third-party beneficiary or otherwise.

7.10 Counterparts and Exhibits, Entire Agreement. This Agreement may be executed in multiple counterparts, each of which is deemed to be an original.

7.11 **Duration.** This Agreement shall continue in force and effect for a term of thirty-five (35) years from the Effective Date. Upon the termination of this Agreement, the Parties shall, at the request of either Party, execute an appropriate recordable instrument confirming that this Agreement has been fully performed, terminated, or lapsed as provided for herein.

7.12 No Further Exactions. Subject to the obligations of Developer hereunder, no further exactions shall be required of Developer by the County for the Project. Notwithstanding the foregoing, this paragraph shall not be construed to relieve Developer from any dedications or other requirements required by applicable law or ordinance in effect when this Agreement is executed unless otherwise provided in this Agreement.

7.13 Default. Failure by a Party to perform any of the Party's obligations under this Agreement within a thirty (30) day period (the "Cure Period") after written notice thereof from the other Party shall constitute a default ("Default") by such failing Party under this Agreement; provided, however, that if the failure cannot reasonably be cured within thirty (30) days, the Cure Period shall be extended for the time period reasonably required to cure such failure so long as the failing Party commences its efforts to cure within the initial thirty (30) day period and diligently proceeds to complete the cure. Said notice shall specify the nature of the alleged Default and the manner in which said Default may be satisfactorily cured, if possible. Upon the occurrence of an uncured Default under this Agreement, the non-defaulting Party may institute legal proceedings to enforce the terms of this Agreement or may terminate this Agreement. If the Default is cured, then no Default shall exist and the noticing Party shall take no further action.

7.14 Termination. If the County elects to consider terminating this Agreement due to any uncured Default by Developer, then the County shall give to the Developer written notice of County's intent to terminate this Agreement and the matter shall be scheduled for consideration and review by County's legislative body at a duly noticed public meeting. Developer shall have the right to offer written and oral evidence prior to or at the time of said public meeting. If County's legislative body determines that a Default has occurred and is continuing, and elects to terminate this Agreement, County shall send written notice of termination of this Agreement to Developer by certified mail and this Agreement shall thereby be terminated. County may thereafter pursue any and all remedies at law or equity.

7.15 Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by County or Developer for the breach of any covenant of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other

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covenant or condition of this Agreement.

7.16 Severability, Invalidity. If County's approval of the Project is held invalid by a court of competent jurisdiction this Agreement shall be null and void. If any provision of this Agreement shall be held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction or as a result of any legislative action, such holding or action shall be strictly construed. Furthermore, provided the Parties are still able to retain all of the material benefits of their bargain hereunder, such provision shall be construed, limited or, if necessary, severed, but only to the extent necessary to eliminate such invalidity or unenforceability, and the other provisions of this Agreement shall remain unaffected and this Agreement shall be construed and enforced as if such provision in its original form and content had never comprised a part hereof.

7.17 Force Majeure. Developer shall not be liable for any delay or failure in the keeping or performance of its obligations under this Agreement during the time and to the extent that any such failure is due to causes beyond the control and without the fault or negligence of the Party affected, including but not limited to, acts of God, acts of the United States Government or the State of Utah, fires, floods, strikes, materials shortages, embargoes, wars, terrorist acts or unusually adverse weather conditions. Upon the occurrence of any such cause, Developer shall notify County and shall promptly resume the keeping and performance of the affected obligations after such cause has come to an end.

7.18 Institution of Legal Action. In addition to any other rights or remedies, any Party may institute legal action to cure, correct, or remedy any Default or breach, to specifically enforce any covenants or agreements set forth in this Agreement, to enjoin any threatened or attempted violation of this Agreement; or to obtain any remedies consistent with the purpose of this Agreement. Legal actions shall be instituted in the Sixth District Court, Kane County, State of Utah.

7.19 Names and Plans. Developer shall be the sole owner of all names, titles, plans, drawings, specifications, ideas, programs, designs and work products of every nature developed, formulated or prepared by or at the request of Developer in connection with the Project.

7.21. Amendment of Agreement. This Agreement shall not be modified or amended except in written form mutually agreed to and signed by each of the Parties. No change shall be made to any provision of this Agreement unless this Agreement is amended pursuant to a vote of the County Commission taken with the same formality as the vote approving this Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Agreement has been executed by the Developer, by persons duly authorized to execute the same, by the County, acting by and through its County Commission by duly authorized persons as of the _____ day of _____, 2022.

COUNTY:

Attest:

Kane County, a political subdivision of the State of Utah

Karla Johnson
County Clerk

By: _____

Chair, Kane County Commission

DEVELOPER:

KANAB 600,
LLC

By: _____
Its: _____

STATE OF UTAH)
)
 ss.
COUNTY OF Kane)

On the _____ day of _____ 2022, personally appeared before me

whose identity is personally known to or proved to me on the basis of
satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is the manager of
KANAB 600, LLC, and did duly acknowledge to me that the foregoing document was entered into on
behalf of such entity by authority of its organizational documents and that the document was the act of
KANAB 600, LLC, for its stated purpose.

Notary Public

KANE COUNTY ORDINANCE NO. O-2022-60

AN ORDINANCE AMENDING TITLE 9 CHAPTERS 1, 6, 7 AND 15 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 Chapters 1, Definitions, Chapter 6 Residential Zones, Chapter 7 Commercial Zones and Chapter 15 Conditional and Temporary Uses of the Kane County Land Use Ordinance; and

WHEREAS, the purpose of amending this chapter is as follows: 9-1-7 Definitions: SHORT TERM OR VACATION RENTAL: A detached single-family dwelling unit used as a transient lodging facility occupied at any time by less than ~~fifteen (15)~~ Ten (10) individuals of a single group on a temporary basis for less than thirty (30) days as an alternative to a hotel or motel.

WHEREAS, the purpose of amending Chapter 6 Residential Zones, is to clarify that only one guest home is allowed in Residential ½ zones by amending 9-6A-4 (H) to be consistent with Chapter 11 Guest Home 9-11-2 (G) Guest homes are only allowed in Residential R-1, R-2 and R-5, Agriculture and Commercial Zones.; and,

WHEREAS, the purpose of amending 9-6D-1 ~~NIGHTLY~~ SHORT TERM RENTAL: A detached single-family dwelling unit used as a transient lodging facility occupied at any time by less than ~~fifteen (15)~~ ten (10) individuals of a single group on a temporary basis for less than thirty (30) days as an alternative to a hotel or motel, and 9-6D-3E E. Short term rental shall not exceed the maximum occupancy of ~~fourteen (14)~~ ten (10) individuals at a time.

WHEREAS, the purpose of amending Chapter 7 Commercial zones is to replace the purpose of the Commercial 1 zone to match the uses. Commercial 1 Purpose: The purpose of the Commercial 1 zone is to provide for the sale of goods and the performance of services and other activities for which the market extends beyond the immediate area.

WHEREAS, the purpose of amending Chapter 15 Conditional and Temporary Uses, **9-15A-2: CONDITIONAL USE PERMIT PROCESS**: A. Application: Application for a conditional use permit shall be made at the Office of the Kane County Land Use Authority on forms provided for that purpose. Return the completed application to the Land Use Authority Administrator twenty one (21) calendar days prior to the next scheduled Planning Commission meeting. The Administrator will schedule the conditional use permit request on the Planning Commission's agenda. In the event that the conditional use permit application is for ~~a lodge in a residential CUP~~, the Land Use Administrator may process and approve or deny the application internally.

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval amendments to the above sections of the Kane County Land Use Ordinance; 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:

Chapters 1, 6, 7 and 15 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.

//

9-1-7 Definitions: SHORT TERM OR VACATION RENTAL: A ~~detached single-family dwelling unit used as a transient lodging facility occupied at any time by less than fifteen (15) Ten (10)~~ individuals of a single group on a temporary basis for less than thirty (30) days as an alternative to a hotel or motel.

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9-6A-4 (H) MODIFYING REGULATIONS:

Number of Dwellings Allowed per Lot or Parcel: No more than two single-family dwellings allowed per lot or parcel in Residential 1, 2 and 5 zones. Only 1 single-family dwelling is allowed in the Residential ½ zone.

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9-6D-1 NIGHTLY/SHORT TERM RENTAL: A detached single-family dwelling unit used as a transient lodging facility occupied at any time by less than ~~fifteen (15)~~ ten (10) individuals of a single group on a temporary basis for less than thirty (30) days as an alternative to a hotel or motel.

9-6D-3E E. Short term rental shall not exceed the maximum occupancy of ~~fourteen (14)~~ ten (10) individuals at a time.

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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. (Ord. O-2022-42, 7-26-2022)~~

The purpose of the Commercial 1 zone is to provide for the sale of goods and the performance of services and other activities for which the market extends beyond the immediate area.

//

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-2022-57, amending Chapters 1, 6, 7 and 15, of the Kane County Land Use Ordinance, to the County Commission.

DRAFT