

**COMMISSION MEETING
PACKET**

DATE:

November 22, 2022



NOTICE AND AGENDA OF A MEETING OF THE KANE COUNTY COMMISSION

PUBLIC NOTICE IS HEREBY GIVEN that the Commissioners of Kane County, State of Utah, will hold a **Commission Meeting** in the Commission Chambers at the Kane County Courthouse, 76 N Main St., Kanab Utah on **Tuesday November 22, 2022** at the hour of **3:00 P.M.**

*The Commission Chair, in his discretion, may accept public comment on any listed agenda item unless more notice is required by the Open and Public Meetings Act.

CALL MEETING TO ORDER
WELCOME
INVOCATION
PLEDGE OF ALLEGIANCE

CONSENT AGENDA:

Check Edit Report:

Approval of: Commission Meeting Minutes for October 25, 2022, October 27, 2022
Town Hall and November 10, 2022

REGULAR SESSION:

1. **November 8, 2022 Election Canvas-Heather Narramore/Commissioner Chamberlain**
2. **Church Wells Special Service District Request for Additional Service to their District/Commissioner Gant**
3. **2023 Cooperative Agreement for Utah State University Extension Services-Kane County/Commissioner Chamberlain**

- 4. Kane County Conservation District Partnership/Commissioner Heaton**
- 5. Kane County Resolution No. R-2022-29 a Resolution Authorizing the Zion Mountain Local Service District to Provide Recreation Services Outside District Boundaries/Commissioner Chamberlain**
- 6. Kane County Resolution No. R-2022-30 a Resolution Requesting the Recertification of the Kane County Justice Court/Commissioner Gant**
- 7. Kanab City: Proposed Annexation of Unincorporated Areas Around the Airport/Commissioner Gant**
- 8. Consideration for Adoption of Kane County Resolution No. R-2022-31 a Resolution of the County Commission of Kane County, Utah, Authorizing and Approving the Execution of an Annually Renewable Master Lease Agreement, By and Between the County and the Municipal Building Authority of Kane County, Utah and a Ground Lease Agreement; Authorizing the Issuance and Sale by the Authority of its Lease Revenue Bonds, Series 2022, in the Aggregate Principal Amount of Not to Exceed \$3,500,000 and Related Matters/Commissioner Chamberlain**
- 9. Lot Joinder: Gann-Shannon McBride/Commissioner Heaton**
- 10. Lot Joinder: Cook-Shannon McBride/Commissioner Heaton**
- 11. Amended Plat/Ordinance 2022-58: Harris-Shannon McBride/Commissioner Heaton**
- 12. Amended Plat/Ordinance 2022-59: Morely/Bean-Shannon McBride/Commissioner Heaton**
- 13. Zone Change/Ordinance 2022-53: Gateway Land Holdings LLC-Shannon McBride/Commissioner Heaton**
- 14. Zone Change/Ordinance 2022-54: Zion High Ground LLC-Shannon McBride/Commissioner Heaton**
- 15. Zone Change/Ordinance 2022-55: Chamberlain Ranch Holdings LLC & The Ranch at Zion LLC-Shannon McBride/Commissioner Heaton**
- 16. Zone Change/Ordinance 2022-56: The Ranch at Zion LLC-Shannon McBride/Commissioner Heaton**

17. Ordinance 2022-60: Revising KCLUO Chapters 1, 6, 7 & 15-Shannon McBride/Commission Heaton

18. Approval of Application for LATCL Grant for 2022 & 2023-Karla Johnson/Commissioner Chamberlain

19. 2023 Utah Association of Counties Representative/Commissioner Heaton

20. County Consent for Early Dissolution of the Big Water Justice Court/Commissioner Gant

21. Discussion on Fire Districts/Commissioner Gant

Closed Session:

- Discussing an individual's character, professional competence, or physical or mental health.
- Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property.
- Discussions regarding security personnel, devices or systems.
- Investigative proceedings regarding allegations of criminal misconduct.

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Karla Johnson at (435) 644-2458. Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate. All items to be placed on the agenda must be submitted to the Clerk's office by noon Thursday, prior to the meeting.

CONSENT AGENDA

Minutes of:

Commission Meeting Minutes for October 25, 2022,
October 27, 2022 Town Hall and November 10, 2022

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
October 25, 2022
IN THE SCHOOL BOARD ROOM AT THE KANAB CENTER,
20 NORTH 100 E, KANAB, UTAH**

Present: Chairman Andy Gant, Commissioner Brent Chamberlain, Commissioner Wade Heaton, Attorney Van Dyke, Clerk/Auditor Karla Johnson, Deputy Clerk/Auditor Chameill Lamb

Also Present: Rhonda Gant, Shannon McBride

CALL MEETING TO ORDER: Commissioner Gant

INVOCATION: Commissioner Chamberlain

PLEDGE OF ALLEGIANCE: Commissioner Gant

WELCOME: Commissioner Gant

CONSENT AGENDA:

Check Edit Report:

Approval of: Commission Meeting Minutes for October 11, 2022.

Motion to approve the Check Edit Report and Commission Meeting Minutes for October 11, 2022 made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. Review of the 2021 Audit-Karla Johnson/Commissioner Chamberlain

Auditor's Gabe Miller and Rick Roberts from Kimball and Roberts presented their audit report. Gabe read the Independent Auditor's Report.

Rick went over the findings that were not compliant with some of the requirements. He said that one of the findings was that the County's total expenditures exceeded the amount appropriated in the final adopted budget in fund #774. It is recommended that the County stay within the budgeted amounts that are appropriated in the final adopted budget. The other finding they had was that counties are required to deposit receipts within three business days. Their testing showed that the Justice Court deposits were not being made within three days of receipting, as required by State Law. Their recommendation was that the County deposit funds within the three business days of receipting as required by State Law. Another finding was on internal controls, these are called significant deficiency findings and recommendations. The first one was finding 12-31-1 Capital Assets and the condition they found was that Auditor's identify internal assets remitted from the asset list. The criteria being the governmental asset list should be adjusted annually to include additions and deletions. This information is used to calculate the annual depreciation.

The Commission explained the adjustments that they had made.

Finding #1 fund 774 that the county had expended more funds than was budgeted. We are overestimating the 1% Hospital tax so that we do not go over budget again.

Finding #2 funds were not being deposited within 3 days of receipt. The Justice Court has been notified that they are to be in compliance.

Finding #3 fixed assets were not updated timely to reflect accurate depreciation. The fixed assets had been brought up to date which caused the depreciation to be out of balance and it will be accurate going forward.

Finding #4-bank reconciliation needs to be performed monthly to balance the treasurers accounting to the auditors accounting. Several journal entries in 2017-2019 caused an out of balance between the county accounts and the tax account and that

will be corrected with a journal entry. Then the Treasurer and Auditor work together to reconcile the bank accounts.

Motion to approve the 2021 Audit Report as presented made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

2. 2023 Kane County Warden Agreement and Participation Commitment Budget-Spencer Rollo/Commissioner Gant

Ryan Riddle said that this partnership works off an agreement between the State of Utah Division of Forestry, Fire, and State Lands and Kane County. They share a couple of employees and their responsibility together is the protection of private and state lands on unincorporated areas of Kane County. Essentially Kane County enters into an agreement with the Division of Forestry as basically an insurance program. Ryan said that instead of exchanging monies back and forth in the name of a premium, they use a participation commitment match and that participation commitment match is based off unincorporated private lands. It goes against the formula based off high, moderate, and low fire danger based off the vegetation types and the coverage on the ground. The intent of the values is to show interest in the County in reducing that risk on the ground. The participation commitment is broken into three categories. They consist of mitigation, preparedness, and prevention. Ryan said that this is a great partnership that they have and that they accomplish a lot of things on the ground at the local levels.

Commissioner Heaton said that having Spencer Rollo here has been a big asset. He said that the fuels mitigation projects that Spencer has been involved with have made a big difference.

Spencer said that the State recognized the need for employee retention. They are really struggling in the rural areas so they increased the wages for the fire wardens. He said that the agreement has been a 50/50 wage split but that is no longer the case because of the increase in wages. They froze what the County's obligation to the state is, so the state is going to take on a little bit more. The county's current wage commitment will not be increased.

Attorney Van Dyke said that as part of this agreement they are asking to establish a representative from the county that can work directly with Spencer to create the overall management plan.

Motion to approve the 2023 Kane County Warden Agreement and Participation Commitment as presented and also retaining Alan Alldredge as the County representative made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

3. Memorandum of Understanding between Kanab City, Kane County, and the Recreation and Transportation Special Service District for the Indoor Recreation Facility-Attorney Van Dyke/Commissioner Gant

Commissioner Gant said that we have an agreement to basically examine the feasibility and look at the process that we would be required to manage and fund a REC center. He said that the County has offered to cover the capital expense to build a REC center with TRT funds. The general concept is that we will fund the building and structure of it and then the city will operate and manage the facility with limited help from the county.

Attorney Van Dyke went over the proposed agreement. He said that Kanab City had voted and approved the agreement. A lot of the agreement goes over a proposed planning process for the REC center. The County has to establish a representative that acts as the principle point of contact for the County and has some decision making authority. This person has to meet with the City's representative and can take any staff or other people they need to. It is anticipated this will happen monthly as the plan process goes forward. The group representatives from the City, County, and The Recreation and Transportation Special Service District will agree on selecting architects, engineers, and other consultants for the planning process but the agreement anticipates that the County and Special Service District will pay the costs of those services that will need to be agreed by the County. Essentially those requests to pay for architects, engineers, and other consultants will have to be brought back to Commission. Also in this agreement the County is also agreeing that it will pay for the capital expenditures. One of Attorney Van Dykes concerns is that it is set up initially to be a planning process, where you get the plans in place and then there is additional agreements at that point. It does have some specific terms that the city will be responsible for repairs and things that are less than \$10,000.

Commissioner Heaton asked if we wanted to scale it back a little and leave this at the planning stage. Just put it together, get plans, and look at feasibilities. Is the City comfortable with that?

Kyler said that the city council has expressed a lot of excitement towards this idea and that just going through the planning stage he doesn't think is something that is a non-starter for the council. He thinks moving forward they would be open to that idea of being partners in the planning phase and then continuing to negotiate as it goes forward.

Commissioner Gant said that they are not pushing back. They just need to get numbers.

Attorney Burggraaf said that this contemplates not just the County's participation but also the special service districts. So it also contemplates them signing on as well. This came about as a result of elected officials talking about it a bunch. The city council and mayor want to get something on paper so that we can actually start making progress. Attorney Burggraaf would suggest if there is specific aspects of this agreement that the County Commission still want to take time to think about and not nail it down at the preliminary stage is just describe the provisions and then they will take it back to city council for them to reconsider the revised draft.

Commissioner Chamberlain said that they have not had a detailed discussion on how this is going to be paid for on the County's side. The problem he sees from the TRT is that if they are going back to pre COVID he doesn't think the County could afford this. He thinks that any language that commits beyond just the study stage at this point is probably too far ahead.

Commissioner Heaton expressed his concern about some of the commitments required beyond the planning phase. He suggested removing some of the sections in the agreement that would remove any commitment past planning.

Attorney Van Dyke said that there are multiple places that it says "in the planning process and construction phase" or "construction of the proposed facility". He thinks if they were to remove all those places then they would be pretty close.

Attorney Burggraaf said that he will probably suggest to the city council that if we are striking the construction level phase language then they will probably also strike the clause about operations. That will be addressed in the Interlocal Agreement itself.

Motion to approve the MOU with Kanab City removing any obligations from either the County or City that extend beyond the planning stages subject to legal review with the addition of Sheriff Glover being the representative made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

4. 2023 Tentative Budget Adoption-Karla Johnson/Commissioner Chamberlain

Karla Johnson presented the recommended budget to the Commissioners. She said that leading up to this they have met with the Commission, all the department heads, and elected officials. They took their requested budgets, reviewed them and put them together in a recommended budget, which they will adopt for a tentative budget today. Karla said that between now and when they adopted in December there is still refining and things that need to be looked at and worked with. She said that there are four major projects that the County will be involved in this year and that they are all addressed in this budget. Karla mentioned that we had a total of \$129,562,912 in new growth this year. She also mentioned that people can come in and get the tentative budget but it is just a draft until it has been advertised to adopt it.

Commissioner Chamberlain explained that what we have here is a tentative budget. They are going to have one more round of meetings with the finance committee and elected officials. They are going to be looking for ways of trimming this more before they get to adopting a final budget, which will occur in December.

Karla said that there is a reason that this needs to be adopted before the end of October and that is so the public gets the first look at it and then if there is any tax increase then it is made public before the election.

Motion to adopt the tentative budget as presented by Clerk/Auditor Karla Johnson made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

5. Annual Insurance Renewal 2023-Attorney Van Dyke/Commissioner Heaton

Attorney Van Dyke said that the Insurance Committee has met and reviewed the quotes that they got from various plans. He said that the last several years we have been with Cigna and they initially gave a quote to renew it for 14.2%. Our broker was able to negotiate that down to a 9% and essentially a 4.86%. They are looking at renewal at the 4.86%, which could possibly be lower. Attorney Van Dyke said that the recommendation from the Insurance Committee is for the Commission to authorize renewal with Cigna under their current quote.

Motion to renew our 2023 medical provider as Cigna as recommended by the Insurance Committee made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

6. Planned Unit Development (Concept Plan): The Reserve at Swains Creek/Commissioner Heaton

Commissioner Heaton said that this was on the Commission agenda again two weeks ago. They had recommendations from Planning & Zoning and the Commission felt like they needed to see those engineer changes on the plan. They asked the applicant to go back and make the changes, get a full engineer review and let everyone review it and then bring it back to the Commission.

Shannon said Kelvin with Civil Science has reviewed the plan and could not see any concerns with the current plan presented. She said that Tom will address some of the statistics on the helipad and commercial but as far as the density and all of that, even the commercial, Kelvin said that he could not see any reason that this concept plan isn't ready to adopt.

Tom said that the way they looked at this is that they look at anything over 40% slope and take it out. He said that there is 204 acres and 20.31 acres that are over that 40%. This leaves them with a 184 acres, some of that is allocated to commercial so out of the area that is under the 40% they take out what is allocated commercial and that leaves them with just under 180 acres of developable single family. They have 179 lots that are zoned R-1, so that gives them an under one-acre density of the land that is under 40%. Tom mentioned that they have a recommendation of approval. He said

that regarding the helipad they brought in some experts to look at it and that there is a lot of reasons why this is the best location for safety and approach.

Commissioner Gant asked what they are doing to improve access to the road coming in.

Tom said that there is a couple things that they can do. They can come in and chip seal the road or there is a new product that they have been using and having really good success with. It lasts 3-4 times longer than any mag chloride and it does not leech out.

Commissioner Gant asked Attorney Van Dyke what our authority is to make sure that road stays reasonable in the future.

Attorney Van Dyke said that at the beginning of the project it has to meet county standards but where they are not accepting the roads it is up to the property owners to maintain the roads.

Commissioner Heaton said that he doesn't know that we are laying claim to ownership of that road. It goes across forest service property and the forest service has agreed to let the special service district already do some dust mitigation applications.

Tom said they have to get permission from the forest service to do any improvements or maintenance on it and they want to get rid of the dust issue. It is whatever the forest services will allow them to do at that point.

Attorney Van Dyke said that this doesn't necessarily need to be answered today. Today is the zone change, the PUD application, and the Development Agreement. If those are approved then that allows them to go through the process of doing the preliminary plat. The access to the road would be a discussion for the preliminary plat phase of the project.

Commissioner Chamberlain said his concern with the helipad was the noise and would like to have seen it combined with the existing airport. He said if that is not going to work out with the private property owners that are up there and own the airport then he doesn't have a problem with it.

Tom discussed the noise issue stating the helipad would be in a location that would be below the existing cabins to mitigate the noise.

Motion to approve the Planned Unit Development Application (Concept Plan) for the Reserve at Swains Creek made by Commissioner Chamberlain and motion carried with Commissioner Gant voting aye and Commissioner Chamberlain voting naye.

7. Ordinance O-2022-21: An Ordinance Establishing Zoning for the Proposed Swains Creek Planned Unit /Commissioner Heaton

Motion to approve Ordinance 2022-21 made by Commissioner Chamberlain and motion carried Commissioner Gant voting aye and Commissioner Heaton voting naye.

8. Development Agreement: The Reserve at Swains Creek Planned Unit Development/Commissioner Heaton

Motion to approve the Development Agreement for The Reserve at Swains Creek PUD subject to final legal review made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

**9. Lot Joinder: Cogburn-Shannon McBride/Commissioner Heaton
Shannon McBride presented the**

Shannon said that this lot joinder is in Zion View Mountain Estates with lots 139 and 140. The reason it needs to come to Commission is because they are vacating (2) 7.5 foot utility easements.

Motion to approve the Lot Joinder for Cogburn as presented made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

**10. Lot Joinder: Ranlam Investment & Consulting-Shannon
McBride/Commissioner Heaton**

Shannon said that this one is also in the Zion View Mountain Estates. It is with lots 84 and 85. They are also vacating (2) 7.5 foot utility easements.

Motion to approve Lot Joinder for Ranlam Investment & Consulting in Zion View as presented made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

11. Lot Joinder: Mountain View Charity-Shannon McBride/Commissioner Heaton

Shannon said that this is in Zion View Mountain Estates and it is lots 67 & 66. It has (2) 7.5 foot utility easements that need to be vacated.

Motion to approve the Lot Joinder for Mountain View Charity as presented made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

12. Lot Joinder: Malnar Separate Property Trust-Shannon McBride/Commissioner Heaton

Shannon said that this is lots 69 & 68 in Zion View Mountain Estates. There are (2) 7.5 foot utility easements that need to be vacated.

Motion to approve the Lot Joinder for Malnar Separate Property Trust as presented made by Commissioner Heaton made a motion carried with all Commissioners present voting in favor.

13. Ordinance 2022-51: An Ordinance Revising the PUD Process; Requiring the Submission of a General Application Along with the PUD Overlay Zone Application-Shannon McBride/Commissioner Heaton

Shannon said that this ordinance is just cleaning up the Overlay Zone application. She said that as they went through the ordinance there were some minor mistakes that needed to be cleaned up.

Motion to approve Ordinance 2022-51 revising the PUD process made by Commissioner Heaton and motion carried with all Commissioners present voting in favor.

Commissioner Gant-Aye
Commissioner Chamberlain-Aye
Commissioner Heaton-Aye

14. Discussion on Fire Districts/Commissioner Gant

Commissioner Gant said that it sounds like the fire chiefs are interested in districts more along the lines of their current EMS boundaries. He said that they are all in agreement, generally speaking of maybe expanding or at least looking at those boundaries. Commissioner Gant said that this will really help us someday with joining fire and EMS in the same “bucket”.

Commissioner Heaton said that he thinks that the local control issue is important to him and obviously the smaller districts go toward that better, but we also need something in place that works. He said another thing is that people are reaching out to them saying that they bought and build in the county knowing there was no fire protection and now other people are coming out here and wanting to change that. Commissioner Heaton thinks that there needs to be more information gathered. He suggests trying to have another town hall meeting and getting input.

Commissioner Chamberlain has a concern about fairness.

Commissioner Heaton said that he has had a lot of folks ask what their threshold is.

Attorney Van Dyke said that there is not an election that is required when it is an SSD as opposed to a local district. There is a protest period and he thinks that the number is as low as 25%.

Pat Moffit talked about needing clear communication from the Commissioners in what direction they are headed and the possibility of holding public meetings. Pat also expressed concern about Kanab City providing the fire protection for the outlying

areas and not wanting to be the “cash cow” for their fire departments new specialized equipment for Kanab area needs.

Another comment was made about what happens if the protested percent is just above the cut off. The discussion was made that the area could be adjusted to include only the areas that would support the SSD.

Motion to adjourn made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

WHERE UPON MEETING WAS ADJOURNED

Andy Gant Chairman

Karla Johnson Clerk/Auditor

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS AND ORDERVILLE TOWN COUNCIL
TOWN HALL MEETING
OCTOBER 27, 2022
AT THE NORTH EVENT CENTER
475 E STATE ST, ORDERVILLE, UT 84758**

Present: Chairman Andy Gant, Commissioner Brent Chamberlain, Commissioner Wade Heaton, Clerk/Auditor Karla Johnson, Orderville Mayor Brinkerhoff, and Orderville Town Council Members Robert Lacey and Rory Hatch

The Orderville Town Council and the Kane County Commission is seeking input from the public at a joint town hall meeting regarding several programs and uses in buildings in the Valley. The meeting will be October 27th at 6:30pm at the North Event Center. Topics of discussion will be-

- Administration and uses of the North Event Center (NEC)
- Administration and uses of the building next to the Orderville town offices (Senior Center)
- Interest in a clinic in the Valley
- Input on care & share, senior center, Lego league
- Update on NEC & Hoyt property
- Input on a trail from Orderville Park to NEC

The following are questions and comments that were made from the public.

- 1) If the city/town owns this building how will that effect the Kane County Fair?
Commissioner Heaton said that he thinks the intent is that it will always remain a community center open to the fair. The county is invested in the idea of maintaining ownership in its fair grounds. This can be worked out with the Fair Committee.
- 2) Who are you proposing does the maintenance? Commissioner Heaton said that he thinks the intent would be that the county removes itself to a degree but that the Town of Orderville would take on the rest.
- 3) Would TRT funding be made available for its continued maintenance to the town?
Commissioner Heaton said that it's something to consider. TRT funds would still be

available to pay for the loan on the building. He doesn't think currently that TRT funds have been used for maintenance. Karla mentioned that TRT funds are to be used for "convention centers". Commissioner Heaton said that it is being used a little bit as a community center and if that is the case then it is probably the role of the community to maintain it.

- 4) I hope that the MOU says that this building that belongs to the County will be treated exactly the same as the other buildings that are built by the County and the town is just an administrator of it under the County's guidance.
- 5) How does Alton & Glendale get involved to use the building too? Commissioner Heaton said that Orderville is probably best situated to handle it. The concept was what if an MOU was put together between the three towns and they do it together.
- 6) Does this building generate any revenue? Mayor Brinkerhoff said that currently what they are charging covers the light bill.
- 7) How do you do the Kanab Center with sporting events? Commissioner Chamberlain said that the Kanab Center charges based on what the event is. He said it wouldn't be a bad idea if the Town of Orderville wants to incorporate some kind of fee schedule. Community events like basketball, pickle ball, etc. are free.
- 8) If we are using the Kanab Center as a model, how is the funding for maintenance and the upkeep of it broken down? Commissioner Heaton said that we need to consider that the Kanab Center is a little different than this it is an actual convention center.
- 9) Why don't they use part of this building for the clinic? Commissioner Heaton said that Kane County Hospital does not have any affiliation with Kane County. They are a special service district a separate entity. Kane County Hospital is the one that wants to bring in the clinic, so they would need to work that out.
- 10) If Kane County Hospital wants a clinic then they need to raise their own funds and build it themselves.
- 11) I don't understand why the Commission is involved if the Kane County Hospital is a separate entity.
- 12) I work at Kane County Clinic and my opinion is if they were to hire a female provider you would have people come from Kanab, Colorado City and Orderville. There is a definite need for a female provider.
- 13) What type of services would they have? Commissioner Heaton said that in the discussions he has had with the hospital administrator he wants to have a couple exam rooms.
- 14) Is it going to have doctors to where you don't have to be life-flighted somewhere else? Commissioner Gant said that the new administrator is anti-transportation on everything. His goal is to bring all those services into our areas.
- 15) Quite a few people commented on how they think there is a need for the trail and that it needs to happen.

- 16) Why don't they buy their own piece of property in town to build the clinic? Mayor Brinkerhoff said that they own a fair amount of property but that is not his decision.
- 17) I think it should go senior center, care & share, lego league, and then the clinic that is very bottom and not in any of Orderville's buildings.
- 18) If the clinic really wants to put a clinic over here then why don't they show us that they care and build a clinic?
- 19) Lego League needs a place with decent lighting.
- 20) Does it have to be a Care & Share or Lego League or is there room for both of these things? There is room for both.
- 21) Care & Share is used quite heavily here in the Valley and is something that is definitely needed and we need to keep it maintained and going.

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

WHERE UPON MEETING WAS ADJOURNED

Andy Gant Chairman

Karla Johnson Clerk/Auditor

**MINUTES
OF THE KANE COUNTY
BOARD OF COMMISSIONERS' MEETING
November 10, 2022
IN THE KANE COUNTY COMMISSION CHAMBERS,
76 NORTH MAIN, KANAB, UTAH**

Present: Chairman Andy Gant (Excused), Commissioner Brent Chamberlain,
Commissioner Wade Heaton, Attorney Van Dyke, Clerk/Auditor Karla Johnson, and
Deputy Clerk/Auditor Candice Brown

Also Present: Rhonda Gant, Shannon McBride

CALL MEETING TO ORDER: Commissioner Heaton

INVOCATION: Commissioner Chamberlain

PLEDGE OF ALLEGIANCE: Candice Brown

WELCOME: Commissioner Heaton

CONSENT AGENDA:

Check Edit Report:

Motion to approve the Check Edit made by Commissioner Chamberlain and motion
carried with all Commissioners present voting in favor.

REGULAR SESSION:

1. Action on Partnership with Kane County Conservation District/Commissioner Heaton

Tyce Palmer and Bruce Bunting gave a short presentation on the Kane County Conservation District.

Tyce Palmer said that they put a lot of conservation on the ground and that they have several programs that help their producers in the district. He said that “our” district not just on the county boundary but also on watershed boundary. They have a low interest loan that they help farmers/ranchers secure. Tyce said that it has been awhile since they had been to a County Commission meeting.

Commissioner Heaton said that we have entities that we partner with in the County come once a year and give a little report and he would like it if they would come.

Tyce said that they would really like to do that. He said that they have a lot of good producers in our valley. They represent two valleys Kanab/Johnson Canyon and Long Valley. Tyce said that they got an ordinance passed way back in the 90’s that was called the Kane County Ag Protection Area ordinance. He said that they have never really had a lot of interest in farmers stepping up and using it but he thinks that it might be coming time that we are aware of that ordinance. Tyce gave the Commissioners a handout that has the Ag Protection Area ordinance in it for them to review. It is the State ordinance that the County adopted it from.

Karla asked if the ordinance needed to be updated.

Tyce said it would be good to look at because now if a developer comes in next to an Ag Protection area, they have to notify their potential homebuyers that they are building next to an Ag Protection Area within 300 feet.

Karla mentioned that with the City looking at annexing a lot of the agricultural land, right now is a good time to look at it.

Tyce continued by saying that they have secured a few grants and that everything they do helps the County with their resource conservation. He said that they were successful in securing a grant for \$20,000 for a new piece of equipment that they are really excited about. The piece of equipment they got was a no-till drill that cost them \$40,000. They got the grant for \$20,000 and then they came up with around \$10,000 from their own

little budget. They only get about \$11,000 a year in their budget from the State so they are working with a very little budget. They owe about \$10,000 on the no-till drill but they thought that if the County helped a little with the no-till drill, they could be a part of the partnership with the soil health effort that they are trying to make.

Commissioner Heaton said that this Conservation District does a lot and he would like the County to be an active partner with them and support them any way that they can. He would propose that we enter into an ongoing partnership with them.

Tyse said that they would be willing to come in and report what they are doing with the money each year.

Commissioner Heaton said that he included a \$5,000 partnership in the 2023 tentative budget. This will be passed as part of the budget if we choose to leave it in.

Karla said that she will also look at the budget and see if they are able to do something this year.

2. Ratification of Written Decision Regarding the Reserve at Swains Creek Planned Unit Development/Commissioner Heaton

Attorney Van Dyke said that with The Reserve at Swains Creek they did three things. They approved a zone change, they approved the terms for a Development Agreement (subject to the attorney's review), and they ratified the Planning Commission's decision to approve the PUD application. This is just the written decision for the PUD application. This has been a controversial project and there is indications that this will be appealed so they are working with the attorneys of the potential appealance and the attorneys of the applicant. They are all on the same page that this will be the best process to go forward, to have a more official written decision on the PUD application. This is not changing anything they did it is just putting what they already did in writing.

Motion to Ratify the Written Decision regarding The Reserve at Swains Creek Planned Unit Development made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

3. Zone Change/Ordinance 2022-52: Zion Spirit LLC-Shannon McBride/Commissioner Heaton

Shannon said that this was denied through P&Z and Kevin was willing to put some deed restrictions. It came completely from the developer the County did not ask this of him. Kevin submitted the deed restrictions with the restricted uses.

Kevin said that the Spirit Project has been in concept design for a couple of years. The philosophy of the project is a low-touch, low-impact, eco resort. They have assembled through the last several years the parcels to equal about 1,100 acres in total land in the project area. He gave a handout on the project. He mentioned that they are very conscious about “what is the footprint bringing in the economic element into an area that helps sustain the area and the activities and amenities for the traveling guest”. The Spirit project is going to be one of the leading projects in the “bigger vision” of the area rollout. Kevin said that there is already several trails at the bottom that are installed trails through an outdoor grant in partnership with the Utah Office of Outdoor Rec. It is a mountain bike trail system, open to the public that is on private land. The density and the design of the project are meant to blend in. Kevin said that they originally went for a RU-40 zone, thinking that it fit the project but their units are actually too big for the RU-40 zone because it is limited around 784 sq. feet. That put them into the hotel class, which required them to go to the C-2 zone.

Commissioner Heaton said that when Kevin came in last time he had applied for a zone change to go from AG to RU-40, which was approved. Now Kevin has realized that the use he is wanting to do is no longer available in the RU-40 zone. Commissioner Heaton mentioned that Planning & Zoning’s biggest concern was that there is 190 uses in the C-2 zone.

Kevin said that after they got the RU-40 zone he got a CUP approved for the project. He said that once they got into the building permit stage they realized there was a conflict with the ordinance. The tents run from 790 -1,050 sq. feet, which isn’t in the RU-40 zone. Kevin said that when they went to P&Z and realized the fear that people have of a C-2 zone because it has 190 uses. The idea of going from RU-40 to a C-2 brings up “Pandora’s box” with all these uses and then the question becomes “what if they sale the property after they get the zone”. To mitigate that they basically said, let’s carve out of the C-2 zone all of the scary uses that no one would want to see on the property. Kevin said that he is in favor of restricting some of the uses. They took out around 160 uses.

Commissioner Heaton said that there was some discussion in P&Z about deed restrictions and about restricting ourselves back. That morphed into another discussion and then there was never really a resolution. It was just voted to recommend denial.

Shannon said that he couldn't put the deed restrictions because the parcel wasn't recorded but if you look at the 24 uses he has it would fall under the RU-40 zone. It is almost the exact same as the RU-40 would be.

Commissioner Heaton said that this is a new development since the planning and zoning meeting. There was discussion about deed restrictions but they hadn't been materialized or recorded. This is a relatively new piece that P&Z didn't get to look at.

Commissioner Chamberlain clarified that when you get these deed restrictions recorded with the zone change, then if you were to sell it, it would still have the restrictions on it.

Kevin mentioned that the County would have to sign off on any change. The County is not a party but they are a benefactor.

Attorney Van Dyke said that he has made it clear that the deed restrictions are not an agreement with the County, which we haven't asked for it. It is simply what the landowner is proposing that they can consider as they decide to grant the zone change or not. The way it is drafted is that the deed restrictions do not become effective unless they grant the zone change.

There was more discussion on this zone change and the deed restrictions.

Commissioner Chamberlain said that this has been a thorough project and that the developer has taken the effort to impose deed restrictions upon himself that presumably would have led to a different outcome.

Motion to approve the Zone Change/Ordinance 2022-52 for Zion Spirit LLC made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

Commissioner Gant-Excuse
Commissioner Chamberlain-Aye
Commissioner Heaton- Aye

4. Recommendation from the Insurance Committee to Remove the “Missing Tooth Clause” from the Dental Plan-Attorney Van Dyke/Commissioner Heaton

Attorney Van Dyke said that they had to get a decision to the insurance provider before the renewal went into place so it couldn't wait for next meeting. Each of the Commissioners were emailed individually and gave an opinion and then he directed Rhonda to tell them to remove the “missing tooth clause” which is essentially if somebody comes onto our plan and had a missing tooth then they don't get to have coverage for that, forever, which they all think is dumb. They did a financial analysis and it is a negligible effect to remove a clause. They are just asking that the Commissioners ratify that decision that they individually said they could make.

Motion to ratify the decision to remove the “missing tooth clause” from the dental plan made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

5. Update on CIB Care & Share/Drug Court Funding/Commissioner Chamberlain

Commissioner Chamberlain said that him, Attorney Van Dyke and Jerica went to the CIB and requested funding for the Care & Share and drug court facility that we are trying to build. It was approved at a 2% interest rate, which rates are going up so it is a reasonable rate. The current Care & Share facility consists of some conex trailers and the old water tank. The water tank has always had a leaky roof, which they have dealt with but with our current storm it turns out the walls leak too. They have been dealing with water coming in from the walls and the roof and it is just not adequate. He mentioned that with the potential changes that are coming to the Commission that we continue with the desire and understanding that this is an urgent facility that needs to be done. Come February someone needs to go representing the MBA for the actual funding meeting.

6. Discussion on Fire Districts/Commissioner Gant

Commissioner Chamberlain that the question comes up looking out east on what would be a good model and the discussion is that the best model on setting up a fire district that is not a municipality and not like Cedar Mountain would be the East Zion Special Service

District. He said that if there is a fire district created somewhere out east then CIB would be the source to go for funding.

Commissioner Heaton said that the only item he wants to bring up is that with the new boundaries he doesn't think includes the majority of private land north of town. Best Friends want to make their own agreement with Kanab City for fire protection.

Matthew Fisher mentioned that Commissioner Gant said he would be meeting with the fire chiefs and wondered if they had heard anything on it.

Commissioner Heaton said that he thinks Commissioner Gant was referencing that the fire chiefs have monthly meetings and he attended one of them where there was some discussion on the next plan of attack would be that 2-3 Commissioners would go to the next one and visit with them again. Commissioner Heaton mentioned that the fire chiefs are a great source of how to put out fires but he is going to listen to the public on how to create a district that will be benefitting them.

Pat Moffitt stated that she thinks the fire chiefs have their own personal motivations for certain things that they want to happen in districts that perhaps the citizens don't agree with.

James Bermant mentioned that he made a request that they could attend the fire meeting if they had specific questions that they could answer. He also stated that there is a percentage of properties that don't have structures on them. Are the properties that don't have structures on them included in it? Can we set up a base line fee if you own property in the district?

Commissioner Heaton said that fire districts in general and across the county are battling with that same issue. Those are great questions for the future board. The board will have authority to assess or not assess any lot or parcel with a fee within the district.

Kresta stated that the board would hold a public hearing and listen to the input from the public.

Motion to adjourn made by Commissioner Chamberlain and motion carried with all Commissioners present voting in favor.

WHERE UPON MEETING WAS ADJOURNED

Andy Gant Chairman

Karla Johnson Clerk/Auditor

AGENDA ITEMS

ITEM # 1

November 8, 2022 Election Canvas

ITEM # 2

Church Wells Special Service District Request for
Additional Service to Their District

ITEM # 3

2023 Cooperative Agreement for Utah State University
Extension Services-Kane County

**2023 COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY
EXTENSION SERVICES – Kane County**

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

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

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

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

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

Whereas, USU has organized its extension service as follows:

(a) Extension faculty and staff, who directly serve specific counties; (b) Extension county directors, who coordinate the services within a specific county; (c) Extension administrators, who coordinate and supervise Extension Services for a multi-county area; (d) on-campus extension faculty, who provide extension service content expertise; and (e) the USU Vice President for Extension, who oversees and administers Extension Services.

Therefore, USU and the County agree as follows:

1. **Term and Renewal.** This Agreement shall be for the period beginning January 1, 2023 and ending December 31, 2023("Term"). USU and the County have had a long-standing relationship concerning Extension Services and anticipate that this Agreement will be renewed annually. At the time this Agreement is renewed, USU and the County may review specific program objectives for Extension Services in the future and evaluate past accomplishments.

2. **USU Employees.** USU shall assign and provide funding for one and a ½ USU employees to perform Extension Services within the County. USU shall appoint one USU employee to act as the Extension County Director for the County (such appointments shall be satisfactory to both USU and the County). Additional employees may be funded by USU, the County, or a combination of USU and the County, as may be mutually agreed. All USU employees shall be governed by USU policies and procedures.

3. **Support Staff.** The County shall provide USU with the dollar amount set forth in Appendix A to fund USU insupporting a fulltime 4-H coordinator and a part time staff assistant to support Extension Services within the County. Such support staff shall be (i) USU employees whose employment is governed by USU policies and procedures, and (ii) supervised by USU.

4. **Facilities and Equipment.** The County shall provide adequate facilities, including office space, furnishings, and other necessary equipment, for the extension employee(s) and support staff within the County. The County shall provide the following facilities: County Extension Office 180 W 300 N Kanab, Utah 84741, and The Kane County 4-H Makerspace. 172 E 100N Kanabm Utah 84741. Any furnishings, equipment, or other property purchased by the County, shall remain as the property of the County. Any equipment or other property purchased by USU, shall remain as the property of USU. By April 1, 2022, each of USU and County agree to provide the other party with a current inventory of its property used in conjunction with Extension Services in the County.

5. **Operating Budget.** The County shall provide in its annual County budget a total operating budget of \$186,810 for Extension Services. The financial support shall include, but is not limited to, support staff, telephone service, office equipment, supplies, travel expenses, staff in-service training, facility expenses, etc. The total dollar amount of the operating budget shall not be exceeded by USU without the prior written consent of the County. A summary of the budget items and anticipated expenditures are set forth in Appendix A. The County may subdivide the budgeted items listed in the summary to conform to the County's system of account titles.

6. **Extension Services.** USU shall provide and administer Extension Services within the County, which are directed at improving the quality of life for people in the County, enhancing economic opportunity within the County, and sustaining the natural resources of the County. Educational activities, field days, local leadership development, training schools, etc., are part of Extension Services and expenses for such are acceptable for reimbursement from the operating budget provided by the County.

7. **Coordination.** The Extension County Director, with the advice and consent of Extension administrators shall directly coordinate all Extension Services, the operating budget, and the support staff within the County.

a. Extension Services shall help the residents of the County analyze their problems, develop solutions, and thereby attain a richer and more satisfying life. Extension Services shall be designed to render effective educational service and to stay within the total dollar amount of the above-recited operating budget.

b. The Extension County Director shall manage the operating budget in accordance with generally accepted accounting principles. Flexibility between budget categories is allowed and adjustments may be made within budget categories for efficient program emphasis and financial management. Reimbursement or purchasing requests for budgeted expenditures shall be submitted to the County in accordance with County procedures. Extension employees shall keep accurate and detailed records of expenses incurred in accordance with County fiscal procedures.

8. No Discrimination. USU and the County shall provide Extension Services to all segments of the County's population without discrimination based on race, color, sex, age, disability, religion, or national origin.

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

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

County: By: _____ Print Name: Andrew Gant Title: Commissioner Date: _____	Utah State University: By: _____ Kenneth White Vice President for Extension Date: _____
By: _____ Print Name: Brent Chamberlain Title: Commissioner Date: _____	
By: _____ Print Name: Wade Heaton Title: Commissioner Date: _____	

Appendix A (2023)

Budget Items and Anticipated Expenditures for Term

[illegible]

ITEM # 4

Kane County Conservation District Partnership

ITEM # 5

Kane County Resolution No. R-2022-29 a
Resolution Authorizing the Zion Mountain Local
Service District to Provide Recreation Services
Outside District Boundaries

KANE COUNTY RESOLUTION NO. R 2022 - 29

A RESOLUTION AUTHORIZING THE ZION MOUNTAIN LOCAL SERVICE DISTRICT TO PROVIDE RECREATION SERVICES OUTSIDE DISTRICT BOUNDARIES

WHEREAS, the Zion Mountain Local Service District (“ZMLSD”) is a Limited Purpose Local Government Entity, created and governed by Kane County and regulated under Utah Code Title 17B; and

WHEREAS, the ZMLSD is authorized to provide the service of “the operation of parks or recreation facilities or services” (“Recreation Services”); and

WHEREAS, the ZMLSD is located near Zion National Park and as part of its Recreation Services, is planning to build a visitor center near the east entrance of Zion National Park; and

WHEREAS, a key component of providing adequate Recreation Services with the visitor center is providing a courtesy shuttle for patrons of the visitor center to locations within the District and locations within Zion National Park; and

WHEREAS, under Utah Code 17D-1-103(2)(p), “a special service district may provide to an area outside the special service district’s boundary, whether inside or outside the state, a service that the special service district is authorized to provide within its boundary, if the governing body makes a finding that there is a public benefit to providing the service to the area outside the special service district’s boundary”; and

WHEREAS, the Kane County Commission finds that there is a public benefit to for ZMLSD to provide recreational services outside the boundaries of the District, specifically providing a courtesy shuttle to patrons of the visitor center to locations in the District, in Zion National Park, and other locations in the east Zion area;

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

1. The Kane County Commission, finds that there is a public benefit for the ZMLSD to provide Recreation Services outside the boundaries of the district, namely the operation of a courtesy shuttle for patrons of the ZMLSD visitor center to locations within the boundaries of ZMLSD, to locations in Zion National Park, and to other locations in the east Zion general area.
2. ZMLSD is authorized to provide Recreation Services outside the boundaries of the district, namely the operation of a courtesy shuttle for patrons of the ZMLSD visitor

center to locations within the boundaries of ZMLSD, to locations in Zion National Park, and to other locations in the east Zion general area.

ADOPTED this 22nd day of November, 2022.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Andrew Gant, Chair
Board of Commissioners
Kane County

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

ITEM # 6

Kane County Resolution No. R-2022-30 a Resolution
Requesting the Recertification of the Kane County Justice
Court

KANE COUNTY RESOLUTION NO. 2022-30

A RESOLUTION REQUESTING THE RECERTIFICATION OF THE KANE COUNTY JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire in January of 2023; and

WHEREAS, the members of the Kane County Commission have received an opinion letter from Jeff Stott, Chief Deputy Kane County Attorney, which refers to the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Kane County Commission have determined that it is to the best interests of Kane County to continue to provide for a Justice Court.

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

1. The Kane County Commission hereby requests recertification of the Kane County Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.
2. The Kane County Commission of Kane County hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Kane County Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

ADOPTED this ____ day of _____, 2022.

Andrew Gant, Chair
Board of Commissioners
Kane County

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

ATTEST: _____
KARLA JOHNSON
Kane County Clerk



Kane County Attorney's Office
ROBERT VAN DYKE
Kane County Attorney
JEFF STOTT
Chief Deputy Kane County Attorney

76 North Main, Kanab, Utah 84741
Phone: 435-644-5278 / Fax: 435-644-8156
Email: attorney@kane.utah.gov

November 21, 2022

Kane County Commission
76 No. Main Street
Kanab, Utah 84741

RE: *Kane County Justice Court:
Recertification Requirements and Feasibility*

ATTORNEY OPINION LETTER

Dear Commissioners:

The four-year term of the Kane County Justice Court will expire in January of 2022, and under the provisions of Utah Code §78A-7-103, recertification of the Kane County Justice Court is required. The purpose of this letter is to advise the Commission on legal requirements and feasibility of the continuation of the court. A copy of this letter must also accompany the application for recertification.

The Kane County Justice Court is considered a Class II Justice Court. This classification is for courts that file an average of 201-500 cases or citations per month. I have verified with the Court Clerk that the Kane County Justice Court is operating between 201 and 500 cases per month.

The minimum requirements required by law and considered necessary for the Kane County Justice Court to function adequately are shown on the attached document. Those items required specifically by Utah State Code are identified by code section. Unless otherwise designated, the other listed requirements are derived from rules promulgated by the Judicial Council and may be waived at their discretion upon application.

Currently, and to the best of my knowledge, the Kane County Justice Court is in compliance with all of the requirements. If there have been any changes since the last recertification, it has only been to enhance the courtroom with better spacing and technical support.

It is my legal opinion that the Court will remain as feasible during the next four year term as it is now and as it has been in the past.

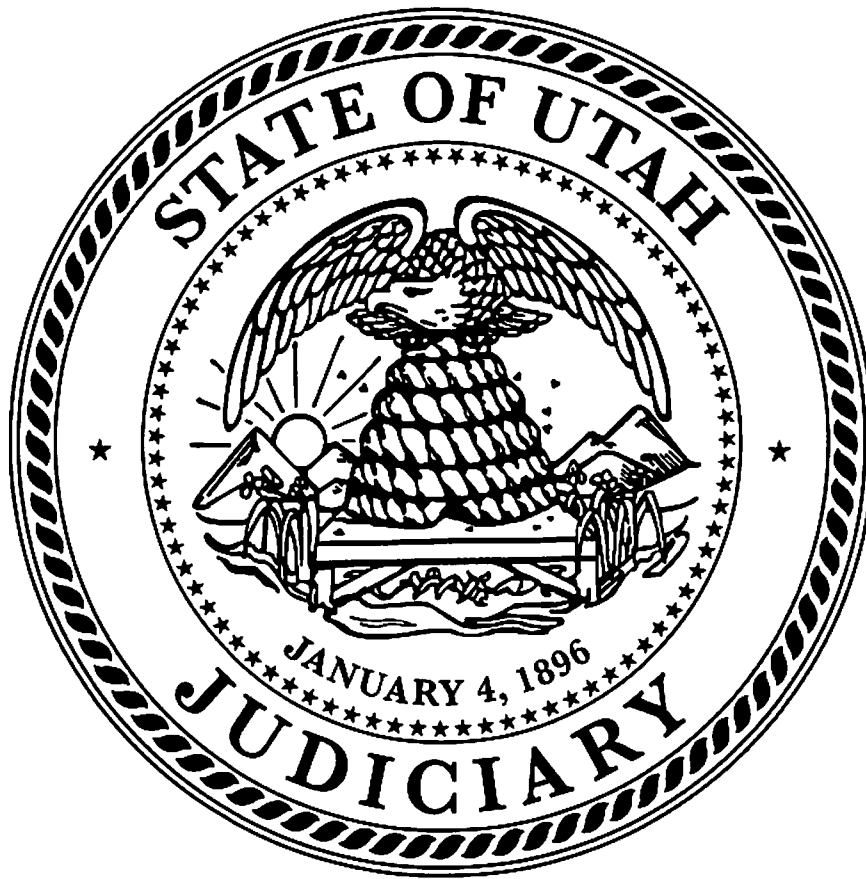
Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Stott", with a horizontal line underneath.

Jeff Stott
Chief Deputy Kane County Attorney

JUSTICE COURT STANDARDS FOR RECERTIFICATION OF EXISTING COURTS



OCTOBER 2022

INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of justice courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operation of the justice court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a justice court, and the feasibility of maintaining a justice court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for, and operation of, the court during the period of certification. **A copy of the attorney's opinion and the resolution must accompany the application.** Please use the checklist on page 22 of this packet.

Statutes of the State of Utah require that certain standards be met in the operation of a justice court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity operating the justice court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).
6. The entity operating a justice court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity operating a justice court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).
8. The entity operating the justice court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).
9. The entity operating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).
10. The entity operating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which operates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity operating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity operating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78A-7-215).

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

18. An audio recording system shall maintain the verbatim record of all court proceedings (78A-7-103).

For Class I and Class II justice courts, the system must:

- a. be a stand-alone unit that records and audibly plays back the recording;
- b. index, back-up and archive the recording and enable the record to be retrieved;
- c. have at least four recording channels;
- d. have a one step "on" and "off" recording function;
- e. have conference monitoring of recorded audio;
- f. have external record archiving from the unit with local access;
- g. be capable of being integrated with the courts public address system; and

For Class III and Class IV justice courts, the system must, at a minimum:

- a. be a stand-alone unit that records and audibly plays back the recording;
- b. index, back-up and archive the recording and enable the record to be retrieved; and
- c. have at least two recording channels.

The Board of Justice Court Judges may create a list of products that meet these criteria.

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of justice courts. Accordingly, the Judicial Council has adopted the following minimum requirements:

1. That the court be open for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
2. That the judge be available to attend court and conduct court business as needed.
3. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses, which is separate from the public.
4. A judicial robe, a gavel, current fine schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
5. Appropriate office space for the judge and clerk. (Under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
6. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
7. The entity must have at least one peace officer (which may be contracted).
8. A current court security plan must be submitted consistent with C.J.A. Rule 3-414.
9. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to the Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. In addition, all justice courts must use the CORIS case management system.
10. Each court shall report required case disposition information to the DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In establishing minimum requirements, the Judicial Council has determined that justice courts with higher case filings require greater support services. To accommodate the great differences in judicial activity among justice courts throughout the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification. Courts which have an average of fewer than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are set forth above. (These requirements are also attached as Class IV minimum requirements). These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but fewer than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see attached Class III minimum requirements), and court must be scheduled at least every other week.

Courts which have an average of more than 200 but fewer than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see attached Class II minimum requirements), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his or her own use, clerical space may not be shared, at least one full-time clerk must be provided (see attached Class II minimum requirements), and the courtroom, judge's chambers and clerk's office must be in the same building.

Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any justice court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the legislature (i.e. requirements 1-10 above, which have been adopted by the Judicial Council pursuant to Section 78A-7-103). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will generally be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified, and the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the justice courts. The needs of a particular court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the court, the number of law enforcement agencies served, the policies and procedures followed by each

judge with respect to the operation of the court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; in such circumstances a waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification must be accompanied by an affidavit of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual justice court judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

Upon submission of an application, the Board of Justice Court Judges will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If the Board intends to recommend against certification, it shall specify the minimum requirements that have not been met. The entity may then present additional information to the Board, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the Board will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Board's recommendations.

If you have any questions concerning this application, please contact James M. Peters, Justice Court Administrator, by calling (801) 578-3824 or emailing jamesp@utcourts.gov.

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Board of Justice Court Judges as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year.

The classification of a court is determined at creation and is subject to review and possible reclassification whenever the Court is recertified. While the standards for some areas of court operation are uniform for all classifications of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads at different levels.

Waiver or extension of any requirement promulgated by the Judicial Council may be obtained at the discretion of the Judicial Council based upon the need for a court. Considerations for waiver or extension will be made on a case by case basis in consideration of, among other things, public convenience and proximity to other courts.

CLASS I

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

501 or more citations or cases filed per month

- HOURS:

Court Open: Full time

Judge: Full time

- FACILITY:

Dedicated Courtroom (with juror deliberation room)

Judge's Chambers

Clerk Office

Co-located in the same facility

(Meet the Master Plan Guidelines adopted by the Judicial Council)

- CLERICAL RESOURCES:

At least three full-time clerks

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Fine Schedule
- f. Other legal resources as required under 78A-7-103.

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for cost of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically (via the internet).

CLASS II

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

201 to 500 citations or cases a month.

- **HOURS:**

Court Open:

201-300 filings At least 4 hours per day

301-400 filings At least 5 hours per day

401-500 filings At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

- **FACILITY:**

Courtroom (configuration is permanent but may be shared)

Judge's Office

Clerk Office

(Courtroom and office must be co-located in the same building)

- **CLERICAL RESOURCES:**

201-275 filings At least one full-time clerk

276-350 filings 1.5 FTEs

351-425 filings 2.0 FTEs

426-500 filings 2.5 FTEs

- **PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code

b. Local ordinances

c. Justice Court Manual

d. Code of Judicial Administration

e. Uniform Fine Schedule

f. Other legal resources as required under 78A-7-103

- **LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

- **REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS III

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court, it may be necessary for your court to exceed the minimum requirements.]

- **FILINGS:**

61-200 citations or cases per month

- **HOURS:**

Court Open

61-150 filings At least 2 hours a day

151-200 filings At least 3 hours a day

Judge available as needed. Trial calendar set at least every other week.

- **FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's /clerk office

(Meets minimum requirements)

- **CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- **PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code

- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Fine Schedule
- f. Other legal resources as required under 78A-7-103

- **LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

- **REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS IV

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court, it may be necessary for your court to exceed the minimum requirements.]

- **FILINGS:**

0-60 citations and/or cases per month

- **HOURS:**

Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

- **FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc.)
 Judge's/clerk office (can be a shared resource but court has priority when needed.)
 (Meets minimum requirements)

- **CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- **PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Fine Schedule
- f. Other legal resources as required under 78A-7-103

- **LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

- **REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

MINIMUM STANDARDS FOR THE COURTROOM AND OFFICE

Utah Justice Courts handle a very high volume of cases. With this magnitude of cases, it is likely that any contact an average citizen will have with the Utah Judicial System will be through the justice courts. In many instances, this contact will be a citizen's only impression of Utah's system of justice and, even in minor cases, is likely to leave a lasting impression. Regardless of the gravity of a matter before the court, citizens take their appearances as a defendant, witness or juror very seriously and form judgments on the entire judicial system on the basis of their personal experience. As such, it is essential that justice courts convey a sense of justice, dignity and concern for the citizens who interact with them. The facilities which house the courts play an instrumental role in forming these opinions and it is incumbent upon the judicial system to provide appropriately appointed forums in both the largest urban courts and the smallest rural communities.

The following space standards recommend courtroom designs that promote these goals. The courtroom sizes and support staff space are intended to allow for the expeditious administration of justice. They also allow for growth in judicial workloads and unforeseen changes in practice and procedure. In general terms, there are great similarities between the higher courts and justice courts in courtroom configuration and space dynamics. For example, the principles of bench elevation sight lines, witness-jury-judge proximity, and spectator-well orientation are all consistent between courts. Therefore, most of the design recommendations suggested for district courts apply to justice courts. The following discussion emphasizes these similarities and notes exceptions due to statutory and procedural differences as well as resource limitations.

- GENERAL COURTROOM DESIGN:

As stated above, justice court courtrooms should convey the same impressions of dignity, justice, and authority as those serving a court of higher jurisdiction. The appearance of the courtroom should reflect the fact that they are forums for justice. In applying design principles of the higher court to justice courts, the absence of court reporters and full-time bailiffs should be noted. Therefore, the following guidelines are presented in areas that are materially affected by the unique nature of the justice courts.

1. Courtrooms should be at least 1,300 square feet in Class I jurisdictions, 1,100 square feet in Class II jurisdictions and 800 square feet in Class III and Class IV jurisdictions. Walls and ceilings should have appropriate finishes and the well should be illuminated to prevent reading eye strain. The room should be sound insulated from outside noise. All courtrooms should be fully carpeted and adequate ventilation and temperature controls should be installed.
2. The judge's bench should be elevated at least one riser above the well floor level. As in the district court, judges' benches should be elevated above the eye level of persons who approach the bench, usually three risers. It is recognized however, those low ceiling heights in some justice courts do not allow for three-riser elevation. Benches elevated 18 inches or more in smaller courts can bring the judge too close to the ceiling when standing and puts the bench out of proportion to the room size. One riser should be the minimum standard and additional elevation is desirable as the dimensions of the room permit. Sufficient space should be provided

on the bench for limited file and personal storage and the necessary audio/visual and technology systems to facilitate court proceedings. A concealed duress alarm should be located at the bench in case of emergencies. Other space design considerations may be considered and implemented as necessary to facilitate court proceedings.

3. The witness box should be placed adjacent to the judge's bench. All courtroom participants must have a clear line of sight to the witness box. The box should be large enough to accommodate two people and be enclosed on two to three sides, depending on the entry location. The height of the witness box should shield the witness only from the waist down so that all non-verbal gestures can be easily viewed.
4. The jury box should be placed near the witness box and also have a clear line of sight to all participants. The standard jury box should accommodate five jurors. This will accommodate four jurors with an option for an alternate juror and space for a disabled juror. The jury box should consist of a single row of stationary swivel seats.

The jurors themselves should be in view of the court as well as the spectators to ensure the perception of an open and public trial. However, the jury box should be sufficiently distanced from the spectator area to inhibit any physical or verbal contact. Seven feet from the center of the first juror's chair to the bar is adequate. This leaves an additional two to three feet from the edge of the bar to the center of the nearest spectator's seat.

A "modesty rail" should be placed in front of the jurors with enough depth to rest documents and files.

A clerk's station should be provided by the judge's bench opposite from the witness stand. This will accommodate different in-courtroom practices and procedures. It should also have storage and required technology systems and controls to facilitate court proceedings. The clerk's station should be located to facilitate conversation between the clerk and the judge from the judge's bench.

5. Tables for the defense and prosecution should be provided to comfortably seat three persons each. The tables' distance from each other, the spectators, and the jury should be such that private conversations cannot be overheard. This usually requires at least five feet between tables and eight feet from the nearest juror or spectator.
6. Judge's chambers should be at least 120-160 square feet with direct access to the judge's bench and to the clerk's area. Chambers should be equipped with adequate shelving for law texts, a desk and chair for the judge and visitor seating for small meetings or conferences.

7. A jury room no smaller than 150 square feet should be integrated into each justice court. This space can serve as a conference room for attorneys and clients or as flexible space when not in use by a jury. A table and chairs should be provided and a telephone outlet should be installed for conference use. A toilet room should be conveniently available to the conference room and a drinking fountain should be in close proximity.

The Clerk's area should include a reception area for visitors and a counter to receive people with business before the court. The reception area should be no less than 150 square feet and the counter space should comprise 60 square feet (e.g. a seven-foot counter with a depth of three feet and approximately three feet of open area on each side).

A restroom for the public and a separate restroom for the judge, staff and jurors should be provided.

Clerical staff should be afforded 75 square feet per person to accommodate a desk, chair, computer and other equipment and perimeter space. Staff space should be open landscape type. A small storage and print/copier area should also be provided.

- CLERICAL/SUPPORT SPACE:

The clerical and support space listed in the general court standards can also be applied to the justice courts. Actual justice court staff will vary widely depending on location, workload and county support.

COURT CERTIFICATION AFFIDAVIT

Court Location: _____

Judge: _____

Address: _____

Telephone: _____

Level of Court (Circle one): I II III IV

Average Case Filings Per Month: _____

Daily Court Hours: _____

Number of Full-time Clerks: _____
Hours Worked Per Week Per Clerk: _____

Number of Part-time Clerks: _____
Hours Worked Per Week Per Clerk: _____

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Comes now Judge _____,

Justice Court Judge for _____,

and, except as specifically noted below, certifies as follows:

SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS
MET.**

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. _____
2. Court is open daily. _____
3. The hours of court operation are posted conspicuously. _____
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. _____
5. The judge is compensated at a fixed rate, within the statutory range. _____
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. _____
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. _____
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. _____
9. The responsible governmental entity provides the Court with:
 - a. Sufficient prosecutorial support _____
 - b. Funding for attorneys for indigent defendants, as appropriate _____
 - c. Sufficient local law enforcement officers to attend court as provided by statute _____
 - d. Security for the court as provided by statute _____
 - e. Witness and juror fees _____
 - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials _____
10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. _____

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).

12. All required reports and audits are filed as required by law or Rule of the Judicial Council.

13. A record of all court proceedings is maintained by an appropriate audio recording system.

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate **YES or NO** to each of the following:

1. Court is open each day as appropriate for the classification of the court. _____
2. The judge is available to attend court and to conduct court business as needed. _____
3. Minimum furnishings in the courtroom include:
 - a. Desk and chair for the judge _____
 - b. A six-inch riser _____
 - c. Desk and chair for the court clerk _____
 - d. Chairs for witnesses _____
 - e. Separate tables and appropriate chairs for plaintiffs and defendants _____
 - f. A Utah State flag _____
 - g. A United States flag _____
 - h. A separate area and chairs for at least four jurors _____
 - i. A separate area with appropriate seating for the public _____
 - j. An appropriate room for jury deliberations _____
 - k. An appropriate area or room for victims and witnesses which is separate from the public _____
 - l. A judicial robe _____
 - m. A gavel _____
 - n. Current fine schedules _____
 - o. A copy of the Code of Judicial Administration _____
 - p. Necessary forms and supplies _____

- q. Office space for the judge _____
 - r. Office space for the court clerk _____
 - s. Secure filing cabinets _____
 - t. Appropriate office supplies _____
 - u. A cash register or secured cash box _____
 - v. At least one computer with internet access _____
 - w. Access to a copy machine _____
4. The appropriate number of clerks as required by the classification of the court are present during the time court is open each day and as needed during court sessions. _____
5. Does the applicant have a law enforcement department? _____
6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: _____

7. A security has been submitted consistent with C.J.A. Rule 3-414. _____
8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. _____
9. If the court is a **Class I** court:
- a. Judge is employed on a full-time basis _____
 - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council _____
 - c. Court has a jury deliberation room _____
 - d. Judge's chambers, clerk's office, and courtroom are in the same building _____
 - e. Judge has his or her own private chambers _____
 - f. Clerk's office is separate from any other entity _____
 - g. Court is open during normal business hours _____

10. If the court is a **Class II** court:

a. Court is open (check one)

_____ 201-300 average monthly filings: at least 4 hours/day

_____ 301-400 average monthly filings: at least 5 hours/day

_____ 401-500 average monthly filings: at least 6 hours/day

b. Trial calendar is set at least weekly _____

c. Courtroom configuration is permanent _____

d. Courtroom, judge's chambers, and clerk's office are within the same building _____

e. Judge has his or her own private chambers _____

11. If the court is a **Class III** court:

a. Trial calendar is set at least every other week _____

b. Court is opened (check one):

_____ 61-150 average monthly filings: at least 2 hours/day

_____ 151-200 average monthly filings: at least 3 hours/day

12. If the court is a **Class IV** court:

a. Trial calendar is set at least monthly _____

b. Court is open at least 1 hour per day _____

13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request. If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).**

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this _____ day of _____, 20____.

Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this _____ day of _____, 20____.

CHECKLIST

Please be sure that your application for recertification includes each of the following:

1. ____ Court Certification Affidavit completed and signed by the judge.
2. ____ A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.
3. ____ A copy of a duly passed resolution of the sponsoring governmental entity that
 - a. requests recertification of the court, and
 - b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.
4. ____ A copy of your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since it was last submitted.

**ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE BOARD OF
JUSTICE COURT JUDGES AT THE ADDRESS BELOW BY:
DECEMBER 2, 2022.**

Board of Justice Court Judges
Attention: James M. Peters
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241

SAMPLE RESOLUTION

**A RESOLUTION REQUESTING THE RECERTIFICATION OF
THE _____ JUSTICE COURT**

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the _____ day of _____ 20____; and

WHEREAS, the members of the _____ (City Council or County Commission) have received an opinion letter from _____, City/County Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the _____ (City Council or County Commission) have determined that it is to the best interests of _____ (Municipality or County) to continue to provide for a Justice Court.

BE IT RESOLVED, the _____ (name of Commission, Council or Board) hereby requests recertification of the _____ Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

BE IT FURTHER RESOLVED, the _____ (name of Commission, Council, Board) of (Municipality or County) hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the _____ Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this _____ day of _____, 20____.

(Municipality or County)

by _____
(Title)

ATTEST: _____

ITEM # 7

Kanab City: Proposed Annexation of Unincorporated
Areas Around the Airport

ITEM # 8

Consideration for Adoption of Kane County Resolution No. R-2022-31 a Resolution of the County Commission of Kane County, Utah, Authorizing and Approving the Execution of an Annually Renewable Master Lease Agreement, By and Between the County and the Municipal Building Authority of Kane County, Utah and a Ground Lease Agreement; Authorizing the Issuance and Sale by the Authority of its Lease Revenue Bonds, Series 2022, in the Aggregate Principal Amount of Not to Exceed \$3,500,000 and Related Matters

Kanab, Utah

November 22, 2022

The County Commission (the "Commission") of Kane, Utah (the "County") met in regular session at the regular meeting place of the Commission in Kanab, Utah on November 22, 2022 at 2:00 p.m., with the following members present:

Andy Gant	Chair
Brent Chamberlain	Commissioner
Wade Heaton	Commissioner

Also present:

Karla Johnson	Clerk/Auditor
---------------	---------------

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, a Certificate of Compliance with Open Meeting Law with respect to this November 22, 2022, meeting was presented to the Commission, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by _____ and seconded by _____, adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Chair in open meeting and recorded by the Clerk/Auditor in the official records of Kane County, Utah. The resolution is as follows:

RESOLUTION NO. R-2022-31

A RESOLUTION OF THE COUNTY COMMISSION OF KANE COUNTY, UTAH (THE "COUNTY") AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, BY AND BETWEEN THE COUNTY AND THE MUNICIPAL BUILDING AUTHORITY OF KANE COUNTY, UTAH (THE "AUTHORITY"), AND A GROUND LEASE AGREEMENT; AUTHORIZING THE ISSUANCE AND SALE BY THE AUTHORITY OF NOT MORE THAN \$3,500,000 AGGREGATE PRINCIPAL AMOUNT OF LEASE REVENUE BONDS, SERIES 2022 (THE "BONDS"); AUTHORIZING THE EXECUTION BY THE AUTHORITY OF A MASTER RESOLUTION, SECURITY DOCUMENTS, AND OTHER DOCUMENTS NECESSARY FOR THE ISSUANCE OF THE BONDS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, Kane County, Utah (the "County") is a political subdivision and body politic duly organized and existing under the Constitution and laws of the State of Utah; and

WHEREAS, the County Commission (the "Commission") of the County has previously authorized and directed the creation of the Municipal Building Authority of Kane County, Utah (the "Authority"); and

WHEREAS, under the Articles of Incorporation of the Authority (the "Articles"), the objects and purposes for which the Authority has been founded and incorporated include to acquire, improve or extend one or more projects and to finance their costs on behalf of the County in accordance with the procedures and subject to the limitations of the Act (defined below) in order to accomplish the public purposes for which the County exists; and

WHEREAS, pursuant to the provisions of the Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended, and the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (collectively, the "Act"), the Governing Board of the Authority has the power to issue its Lease Revenue Bonds, Series 2022 (the "Series 2022 Bonds") (to be issued in one or more series and with such other series or title designation(s) as may be determined by the Authority) for the purpose of (a) financing the construction of (i) renovation improvements to the historic school building known as the Kanab Center, Building B and all related improvements and (ii) renovation improvements to the Kane County Administration Building and all related improvements (collectively, the "Series 2022 Project") and (b) paying costs of issuance of the Series 2022 Bonds; and

WHEREAS, there has been presented to the Commission at this meeting the form of (a) a Master Resolution and a Supplemental Master Resolution (together, the "Master Resolution"), (b) a Master Lease Agreement (the "Master Lease"), (c) a Ground Lease Agreement or any amendment thereto, as necessary (the "Ground Lease") and (d) one or more Deeds of Trust and Assignment of Rents, or any amendment thereto, as necessary (the "Deed of Trust"); and

WHEREAS, the Authority by its Resolution dated the date hereof (the "Authority Resolution") has or is expected to authorize, approve and direct the execution of the Master Resolution, Master Lease, the Ground Lease and Deed of Trust and to authorize the issuance of the Series 2022 Bonds and the financing of the Series 2022 Project; and

WHEREAS, under the Articles, the Authority may not exercise any of its powers without prior authorization by the Commission and, therefore, it is necessary that the Commission authorize certain actions by the Authority in connection with the transactions contemplated hereby in connection with the issuance of the Series 2022 Bonds; and

WHEREAS, there has been presented to the Commission the Master Lease, the Master Resolution, the Ground Lease and the Deed of Trust for the purpose of obtaining the approval and authorization of the Commission of the terms and provisions thereof and for the purpose of confirming the execution thereof (where required) as the official act of the Commission.

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

Section 1. The Commission hereby finds and determines that it is in the best interests of the County and its residents to authorize the issuance by the Authority of not more than Three Million Five Hundred Thousand (\$3,500,000) aggregate principal amount of the Authority's Lease Revenue Bonds, Series 2022, to bear interest at a rate of not to exceed one percent (1.00%) per annum, to mature in not more than thirty-three (33) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof for the purpose of (a) financing the Series 2022 Project and (b) paying costs of issuance, all pursuant to this resolution (this "Resolution"), the Master Resolution to be entered into at the time of issuance of the Series 2022 Bonds substantially in the form attached hereto as Exhibit B, the Master Lease substantially in the form attached hereto as Exhibit C, the Ground Lease substantially in the form attached hereto as Exhibit E and the Deed of Trust, substantially in the form attached hereto as Exhibit D,

Section 2. The Commission hereby authorizes the financing of the Series 2022 Project and the delegation by the Authority to certain officers of the Authority, the ability to set the final terms of the Series 2022 Bonds within the parameters established by the Authority in the Authority Resolution.

Section 3. The Commission hereby authorizes and approves the leasing of the Series 2022 Project by the Authority to the County in the manner provided in the Master Lease.

Section 4. The Master Resolution, the Ground Lease, the Master Lease and the Deed of Trust are hereby authorized, approved, and confirmed. The Chair or Chair pro tem and the Clerk/Auditor of the County are hereby authorized to execute and deliver the Master Lease and Ground Lease, in substantially the same forms and with substantially the same content as the forms presented at this meeting and attached hereto as exhibits for and on behalf of the County with final terms as may be established for the Series 2022 Bonds by the Authority and with such alterations, changes or additions as may be necessary or as may be authorized by Section 5 hereof. When authorized by the Governing Body of the Authority, the County hereby approves and authorizes the execution and delivery by the Authority of the Master Resolution, the Master Lease, the Ground Lease and the Deed of Trust, in substantially the same form and with substantially the same content as the forms presented at this meeting for and on behalf of the Authority with final terms as may be established for the Series 2022 Bonds by the Authority and with such alterations, changes or additions as may be necessary or as may be authorized by Section 6 hereof.

Section 5. The Chair or Chair Pro tem or other appropriate officials of the County are hereby authorized to make any alterations, changes or additions to the Master Lease, the Ground Lease or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2022 Bonds (within the parameters set by this Resolution), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Commission or to the provisions of the laws of the State of Utah or the United States.

Section 6. The Chair/President or Vice Chair/President or other appropriate officials of the Authority are hereby authorized to make any alterations, changes or additions to the Master Resolution, the Master Lease, the Ground Lease, the Deed of Trust, the Series 2022 Bonds, or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2022 Bonds (within the parameters set by this Resolution), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution, the Authority Resolution or any resolution adopted by the Authority or to the provisions of the laws of the State of Utah or the United States.

Section 7. The form, terms, and provisions of the Series 2022 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Master Resolution. The Chair/President or Vice Chair/President and Secretary-Treasurer of the Authority are hereby authorized to execute and seal the Series 2022 Bonds and to deliver said Series 2022 Bonds to the State of Utah Permanent Community Impact Fund Board, the purchaser (the "Purchaser"). The signatures of the Chair/President or Vice Chair/President and the Secretary-Treasurer may be by facsimile or manual execution.

Section 8. Upon their issuance, the Series 2022 Bonds will constitute special limited obligations of the Authority payable solely from and to the extent of the sources set forth in the Series 2022 Bonds and the Master Resolution. No provision of this Resolution, the Master Resolution, the Master Lease, the Ground Lease, the Deed of Trust, the Series 2022 Bonds, or any other instrument, shall be construed as creating a general obligation of the Authority, or of creating a general obligation of the County, the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the County or its taxing powers. The obligation of the County to pay any rentals and the obligation of the Authority to pay the Series 2022 Bonds will not constitute a general obligation or a debt of the County, the State of Utah or any political subdivision of the State of Utah. The Series 2022 Bonds are not an indebtedness or a liability of the County or the State of Utah. The Authority has no taxing power.

Section 9. The Chair/President or Vice Chair/President or other appropriate officials of the Authority and the Chair or Chair Pro tem or other appropriate officials of the County, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Authority and the County, respectively, any or all additional certificates, documents and other papers (including, but not limited to, a sublease with the District, tax compliance procedures and security documents related to the Series 2022 Project) and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 10. After the Series 2022 Bonds are delivered to the Purchaser, and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the Series 2022 Bonds are deemed to have been duly discharged in accordance with the terms and provisions of the Master Resolution.

Section 11. The Commission hereby expresses its intent that funds of the County or the Authority may be advanced for Series 2022 Project costs and that the Commission intends to reimburse such costs from proceeds of the Series 2022 Bonds.

Section 12. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

PASSED BY THE COUNTY COMMISSION OF THE KANE COUNTY, UTAH,
THIS NOVEMBER 22, 2022.

(SEAL)

By: _____
Chair

ATTEST AND COUNTERSIGN:

By: _____
Clerk/Auditor

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

Chair

ATTEST:

Clerk/Auditor

STATE OF UTAH)
 : ss.
COUNTY OF KANE)

I, Karla Johnson, the duly appointed and qualified Clerk/Auditor of Kane County, Utah, (the "County") do hereby certify according to the records of the County Commission of the County in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of said Commission held on November 22, 2022, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession. I further certify that the Resolution was deposited in my office on November 22, 2022.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said County, this November 22 2022.

Clerk/Auditor

(SEAL)

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Karla Johnson, the undersigned Clerk/Auditor of Kane County, Utah (the "County") do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the November 22, 2022, public meeting held by the County Commission as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the County at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Southern Utah News, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2022 Annual Meeting Schedule for the County Commission (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the County Commission to be held during the year, by causing said Notice to be (i) posted on _____, at the principal office of the County, (ii) provided to at least one newspaper of general circulation within the geographic jurisdiction of the County on _____, and (iii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this November 22, 2022.

Clerk/Auditor

(SEAL)

SCHEDULE 1
NOTICE OF MEETING

SCHEDULE 2
ANNUAL MEETING SCHEDULE

EXHIBIT B

FORM OF SUPPLEMENTAL MASTER RESOLUTION

(See Transcript Document Nos. __ and __)

EXHIBIT C

FORM OF MASTER LEASE

(See Transcript Document No. __)

EXHIBIT D

FORM OF DEED OF TRUST

(See Transcript Document No. __)

EXHIBIT E

FORM OF GROUND LEASE

(See Transcript Document No. __)

ITEM # 9

Lot Joinder: Gann

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: November 22, 2022

Dept. /Business Name: Land Use

Topic/Re: Lot Joinder: Gann

Description: 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.

Attachments: Info Packet

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.



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.

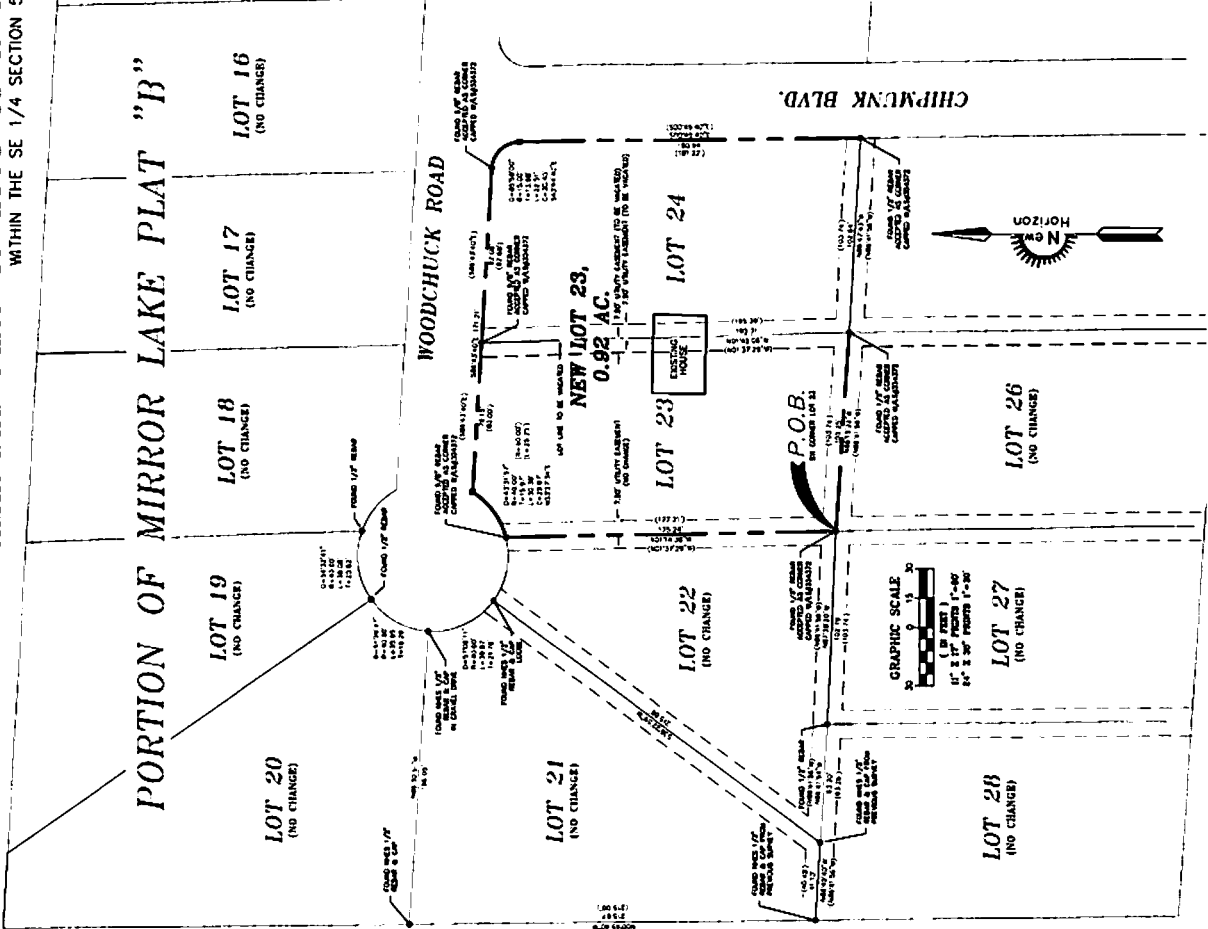
FINDINGS: Amending (joining) the two lots and vacating two 7.5 foot public utility easements for the above stated lots conforms to the standards in the Kane County Land Use Ordinance, 9-21E-9, (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have 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.



LAND USE AUTHORITY APPROVAL

THE LAND USE AUTHORITY HAS REVIEWED THE ABOVE SUBMITTED AMENDMENT TO THE PLAT AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE LAND USE ORDINANCES OF THE COUNTY OF KANE. THE LAND USE AUTHORITY HAS REVIEWED THE PLAT AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE LAND USE ORDINANCES OF THE COUNTY OF KANE.

PORTION OF MIRROR LAKE PLAT "B"

LOT 16 (NO CHANGE)
 LOT 17 (NO CHANGE)
 LOT 18 (NO CHANGE)
 LOT 19 (NO CHANGE)
 LOT 20 (NO CHANGE)
 LOT 21 (NO CHANGE)
 LOT 22 (NO CHANGE)
 LOT 23 (NO CHANGE)
 LOT 24 (NO CHANGE)
 LOT 26 (NO CHANGE)
 LOT 27 (NO CHANGE)
 LOT 28 (NO CHANGE)

COUNTY SURVEYOR CERTIFICATE

I, the undersigned, County Surveyor of the County of Kane, Arizona, do hereby certify that this plat has been examined and found to conform with the requirements of the laws of the State of Arizona and the County of Kane, and that the same is a true and correct copy of the original plat on file in my office.

COUNTY COMMISSION APPROVAL

I, the undersigned, County Commissioner of the County of Kane, Arizona, do hereby certify that this plat has been examined and found to conform with the requirements of the laws of the State of Arizona and the County of Kane, and that the same is a true and correct copy of the original plat on file in my office.

WOODCHUCK ROAD

NEW LOT 23, 0.92 AC.
 LOT 24
 LOT 26
 LOT 27
 LOT 28

LOT 23
 LOT 24
 LOT 26
 LOT 27
 LOT 28

LOT 23
 LOT 24
 LOT 26
 LOT 27
 LOT 28

LOT 23
 LOT 24
 LOT 26
 LOT 27
 LOT 28

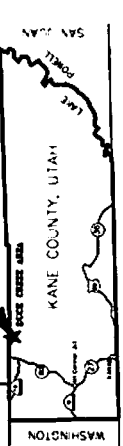
LOT 23
 LOT 24
 LOT 26
 LOT 27
 LOT 28

LOT 23
 LOT 24
 LOT 26
 LOT 27
 LOT 28

LOT 23
 LOT 24
 LOT 26
 LOT 27
 LOT 28

LOT 23
 LOT 24
 LOT 26
 LOT 27
 LOT 28

PROJECT LOCATION



SURVEYOR'S CERTIFICATE

I, the undersigned, County Surveyor of the County of Kane, Arizona, do hereby certify that this plat has been examined and found to conform with the requirements of the laws of the State of Arizona and the County of Kane, and that the same is a true and correct copy of the original plat on file in my office.

COUNTY COMMISSION APPROVAL

I, the undersigned, County Commissioner of the County of Kane, Arizona, do hereby certify that this plat has been examined and found to conform with the requirements of the laws of the State of Arizona and the County of Kane, and that the same is a true and correct copy of the original plat on file in my office.

GENERAL NOTES

1. THERE ARE NO FENCES ON THE SUBJECT LOTS.
 2. THE PROPERTY IS CONNECTED TO THE KANE COUNTY WATER CONSERVANCY DISTRICT UNDER EASES.

OWNERS INFORMATION

USA M. GARDNER TRUSTEE OF THE LOTUS ROSE TRUST DATED MARCH 14, 2018
 2000 CANTON HIGHWAY DRIVE
 HENDERSON, NEVADA 89003

OWNERS CONSENT

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY DESCRIBED IN THE FOREGOING DESCRIPTION, HEREBY CONSENT TO THE AMENDMENT OF THE PLAT AND TO THE RECORDING OF THE AMENDED PLAT.

ACKNOWLEDGEMENT

STATE OF ARIZONA
 COUNTY OF KANE
 I, the undersigned, County Surveyor of the County of Kane, Arizona, do hereby certify that this plat has been examined and found to conform with the requirements of the laws of the State of Arizona and the County of Kane, and that the same is a true and correct copy of the original plat on file in my office.

COUNTY ATTORNEY CERTIFICATE

I, the undersigned, County Attorney of the County of Kane, Arizona, do hereby certify that this plat has been examined and found to conform with the requirements of the laws of the State of Arizona and the County of Kane, and that the same is a true and correct copy of the original plat on file in my office.

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF LOTUS ROSE TRUST TO ESTABLISH THE BOUNDARY AND ADJACENT THE CORNERS OF THE LOTS SHOWN HEREON. TO SATISFY THE REQUIREMENTS OF A LOT CORNER WHEN A POINTED SURVEYOR AND TO PROVIDE A RECORD OF THE SURVEY. THE SURVEY WAS DONE BY THE SURVEYOR AND THE RESULTS OF THE SURVEY ARE SHOWN ON THE PLAT. THE SURVEY WAS DONE BY THE SURVEYOR AND THE RESULTS OF THE SURVEY ARE SHOWN ON THE PLAT.

CERTIFICATE OF RECORDING

I, the undersigned, County Recorder of Kane County, Utah, do hereby certify that this plat has been examined and found to conform with the requirements of the laws of the State of Arizona and the County of Kane, and that the same is a true and correct copy of the original plat on file in my office.

KANE COUNTY AMENDED PLAT OF LOTS 23 & 24, MIRROR LAKE PLAT "B"

PREPARED FOR: LOTUS ROSE TRUST
 LOCATION: SE 1/4 SECTION 5, T38S-R7W, S.L.B.&M.
 DATE: 11/13/2022
 REVISION: 1



NEW HORIZON
 Engineering & Surveying LLC
 4103 N. Morgan Drive
 Ench UT, 84721
 (435) 559-4104
 bcooper@newhorizonengineer.com

ITEM # 10

Lot Joinder: Cook

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: November 22, 2022

Dept. /Business Name: Land Use

Topic/Re: Lot Joinder: Cook

Description: 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.

Attachments: Info Packet

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.



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 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 ½ 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 ½ zoning (R-1/2). Combining these two lots is in compliance with all state and local ordinances.

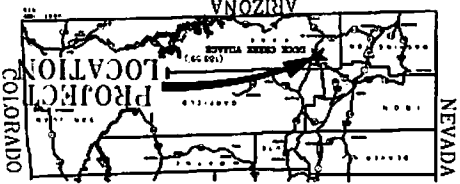
STAFF DETERMINATIONS: Kane County Engineer, Kelvin Smith, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends **CONDITIONAL** approval. The project complies with County and State Ordinance requirements.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

AMENDED PLAT OF LOTS 4 & 5, MEADOW VIEW ESTATES, PLAT "C"

WITHIN SE 1/4 SECTION 6, 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

COUNTY COMMISSION APPROVAL

KANE COUNTY COMMISSION

do hereby certify that this plat of "AMENDED PLAT OF LOTS 4 & 5, MEADOW VIEW ESTATES, PLAT "C" was submitted and approved by the KANE County Commission on this the _____ day of _____, 20____.

Chairman of the County Commission of Kane County

GENERAL NOTES

1- THERE ARE NO RECORDS ON THE SUBDIVISION OF THE SUBJECT LOTS

2- THERE IS AN EXISTING WATER SYSTEM IN PLACE INCLUDING FIRE HYDRANTS AND WATER METERS

THE SURVEY WAS DONE AT THE REQUEST OF THE COOK FAMILY LIVING TRUST TO ESTABLISH A RECORD OF TWO PARCELS

THE BOUNDARY AND DIMENSIONS OF THE LOTS SHOWN HEREON, AND TO PROVIDE A RECORD OF TWO PARCELS

THE BASES OF BOUNDS IS 1/4 OF FEET BETWEEN THE TWO CORNER LOTS 3 (1/4) AND 2 (1/4) OF FEET

THE OFFICIAL PLAT THEREOF

SURVEY NARRATIVE

THE ABOVE SUBDIVISION AMENDMENT PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS DAY OF _____, 20____.

BOOK _____ PAGE _____ FILE _____

ENTRY NO. _____ DATE _____ TIME _____

RECORDED AT THE REQUEST OF _____

KANE COUNTY RECORDER

CERTIFICATE OF RECORDING

KANE COUNTY RECORDER

OWNER INFORMATION

OWNER

ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

LAND USE AUTHORITY APPROVAL

LAND USE AUTHORITY APPROVAL

COUNTY SURVEYOR CERTIFICATE

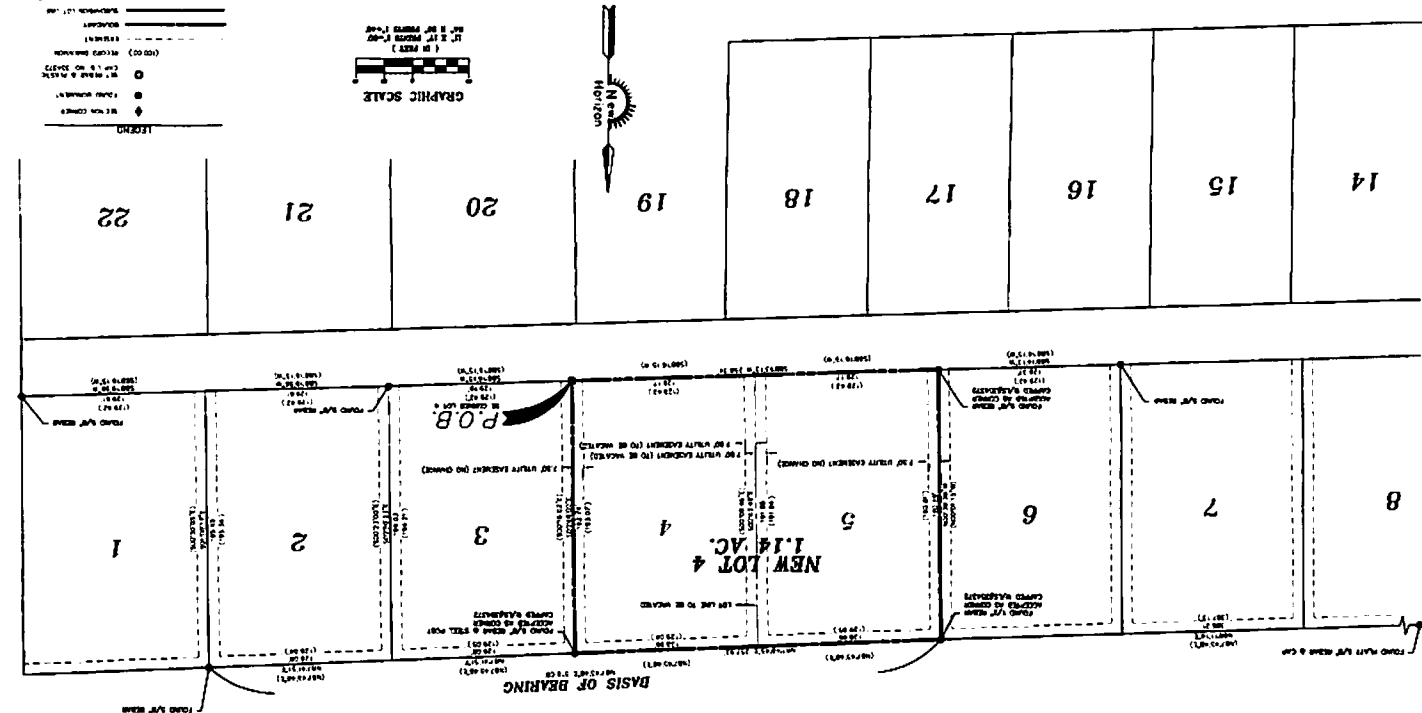
COUNTY SURVEYOR CERTIFICATE

NEW HORIZON

NEW HORIZON

Engineering & Surveying LLC

4103 N. Morgan Drive
(435) 559-4104
boerter@newhorizonengr.com
boerter@newhorizonengr.com



SURVEYOR'S CERTIFICATE

I, _____, SURVEYOR, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 20412, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF ARIZONA. I HAVE MADE THIS PLAT OF LOTS 4 & 5, MEADOW VIEW ESTATES, PLAT "C", LOCATED IN KANE COUNTY, ARIZONA, AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LOT 4, BEING NEW ESTATES PLAT "C", DIVIDED BY THE

NEW LOT 4, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

ESTATES, PLAT "C", BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 5, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 6, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 7, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 8, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 9, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 10, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 11, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 12, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 13, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 14, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 15, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 16, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 17, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 18, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 19, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 20, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 21, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 22, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE PREPARATION AND RECORDING OF THIS AMENDED PLAT AND ALSO TO THE VACATING OF LOT 4, MEADOW VIEW ESTATES, PLAT "C", AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LOT 4, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 5, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 6, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 7, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 8, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 9, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 10, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 11, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 12, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 13, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 14, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 15, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 16, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 17, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 18, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 19, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 20, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 21, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

LOT 22, BEING NEW ESTATES PLAT "C", MORE PARTICULARLY

ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

NOTARY PUBLIC

NOTARY PUBLIC

ITEM # 11

Amended Plat/Ordinance 2022-58: Harris

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: November 22, 2022

Dept. /Business Name: Land Use

Topic/Re: Amended Plat/Ordinance 2022-58: Harris

Description: 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.

Attachments: Info Packet

Ordinance 2022-58

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.

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 _____

ITEM # 12

Amended Plat/Ordinance 2022-59: Morely/Bean

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: November 22, 2022

Dept. /Business Name: Land Use

Topic/Re: Amended Plat/Ordinance 2022-59: Morely/Bean

Description: 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

Attachments: Info Packet

Ordinance 2022-59

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.



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.



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 _____

SQUARE ONE A RURAL UNIMPROVED SUBDIVISION, AMENDED

LOCATED IN THE NE 1/4, NW 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

SQUARE ONE A RURAL 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

SQUARE ONE, A RURAL 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

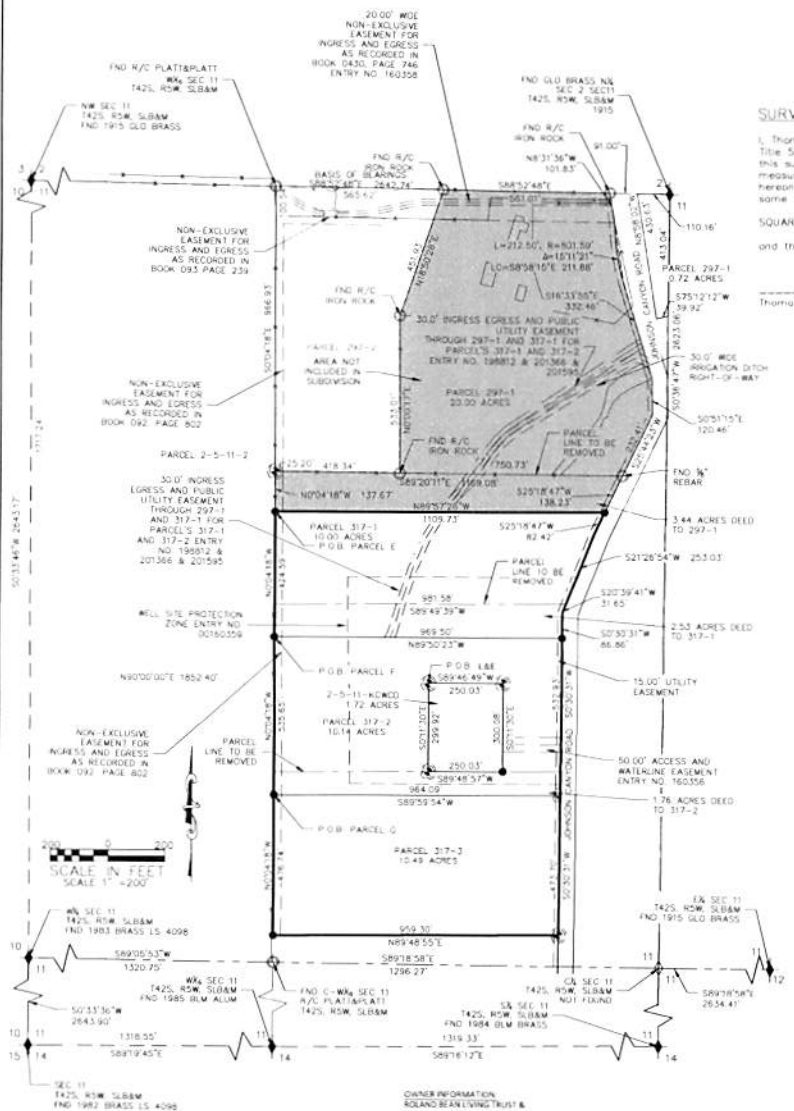
Legal Descriptions Continued

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 North 89° 57' 26" West 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 82.43 feet, thence South 31° 16' 32" West 253.03 feet, thence South 20° 19' 41" West 11.65 feet, thence South 00° 30' 31" West 86.86 feet, thence along 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 532.93 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 10.49 acres (more or less).

LESS AND EXCEPTING the KEWCO property, Parcel number 2-5-11-KEWCO, more particularly described as follows:
COMMENCING at the northeast corner of Section 11, Township 42 South, Range 5 West, Salt Lake Base and Meridian, thence South 00° 33' 46" West, along the section line a distance of 1,717.24 feet, thence North 90° 00' 00" East, a distance of 1,852.40 feet to the POINT OF BEGINNING, thence North 90° 00' 00" East, a distance of 250.00 feet, thence South 00° 00' 00" East, a distance of 300.00 feet, thence North 90° 00' 00" West, a distance of 250.00 feet, thence North 00° 00' 00" East, a distance of 300.00 feet to the POINT OF BEGINNING.

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 Patted 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).



Referenced Documents:
Square One A Rural Unimproved Subdivision, Book 0406 Page 304
Square One A Rural Unimproved Subdivision, AMENDED, Book 0517 Page 251
Johnson Canyon Estates a Patted Unimproved Subdivision Book 0311 Page 434
Warranty Deed, Book 0440 Page 917
Warranty Deed, Book 0438 Page 549
Warranty Deed, Book 0438 Page 545
Warranty Deed, Book 0438 Page 540
Warranty Deed, Book 0438 Page 536
Warranty Deed, Book 0438 Page 532
Warranty Deed, Book 0436 Page 522
Warranty Deed, Book 0270 Page 157
Quit Claim Deed, Entry No. 00298533
Quit Claim Deed, Entry No. 00298532
Quit Claim Deed, Entry No. 00298531

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 317-1, 317-2, and 317-3 and mark on the ground the laws 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 1/4 of Section 11 with a bearing of South 89° 52' 48" East 2642.74 feet.

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

LEGEND

- 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

DATE	10/07/2022
DESCRIPTION	COUNTY REVIEW
INITIAL SUBMITTAL	
REV#	
DATE	10/27/2022
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3RD	
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DRAWN BY CJM
SCALE 1"= 200'
SHEET

ITEM # 13

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

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: November 22, 2022

Dept. /Business Name: Land Use

Topic/Re: Zone Change/Ordinance 2022-53: Gateway Land Holdings LLC

Description: 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.

Attachments: Info Packet

Ordinance 2022-53

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.



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.

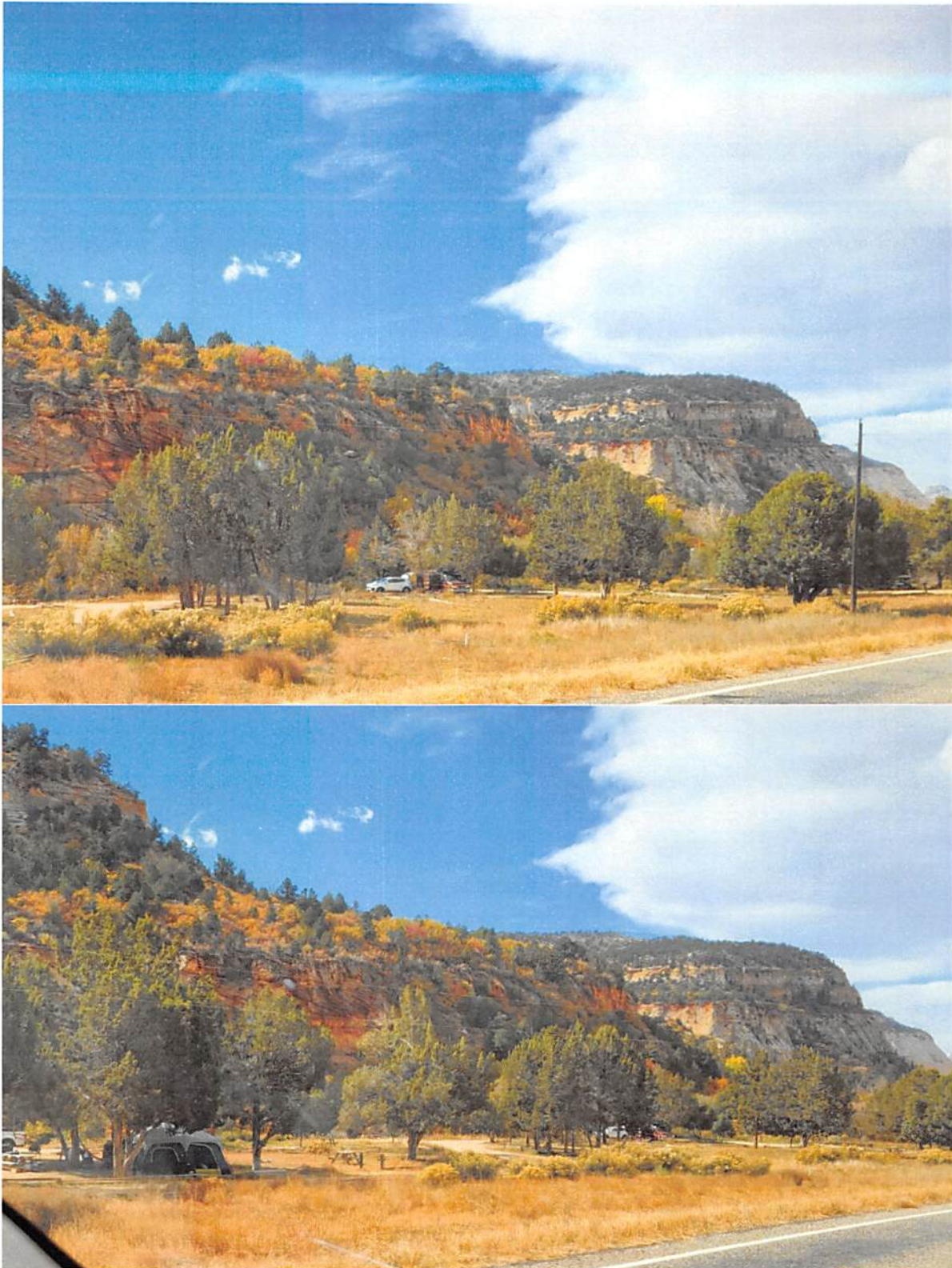
Commercial Land Uses Goal #1: Encourage and provide for commercial uses in locations with infrastructure in place to serve the public. Objective: Develop commercial uses compatibly with the use and character of the surrounding area. Policy: The Land Use Ordinance and associated zoning map will determine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

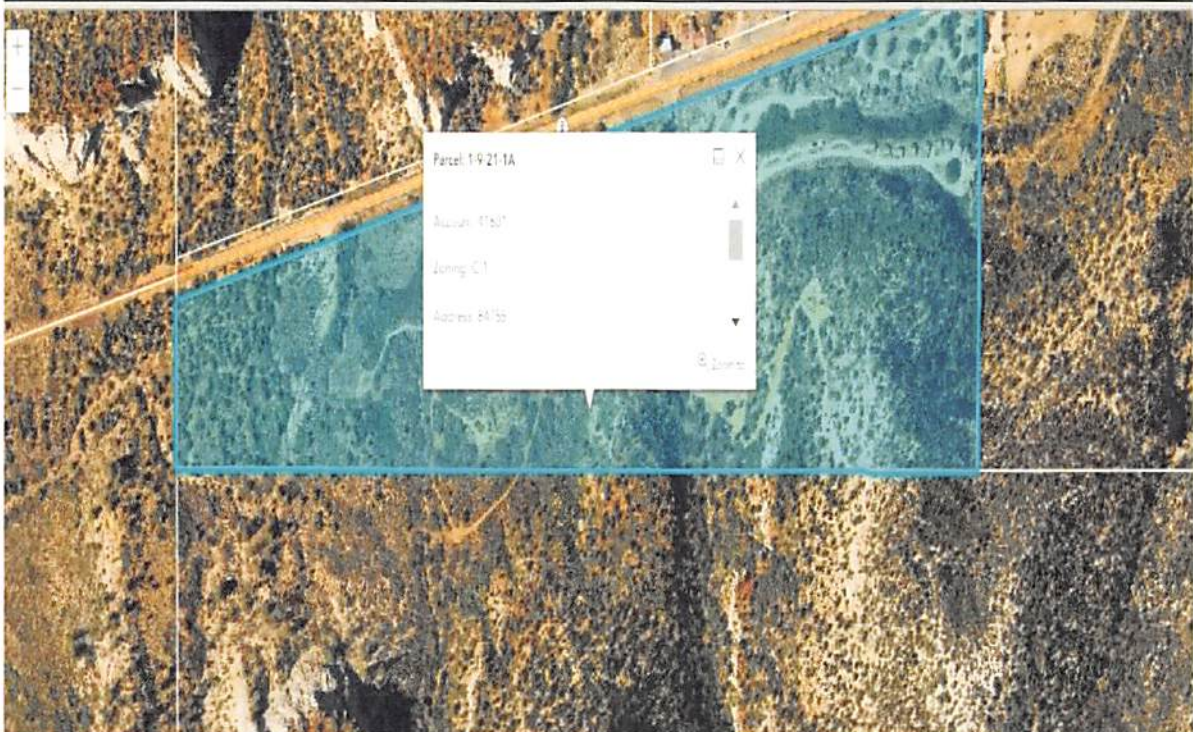
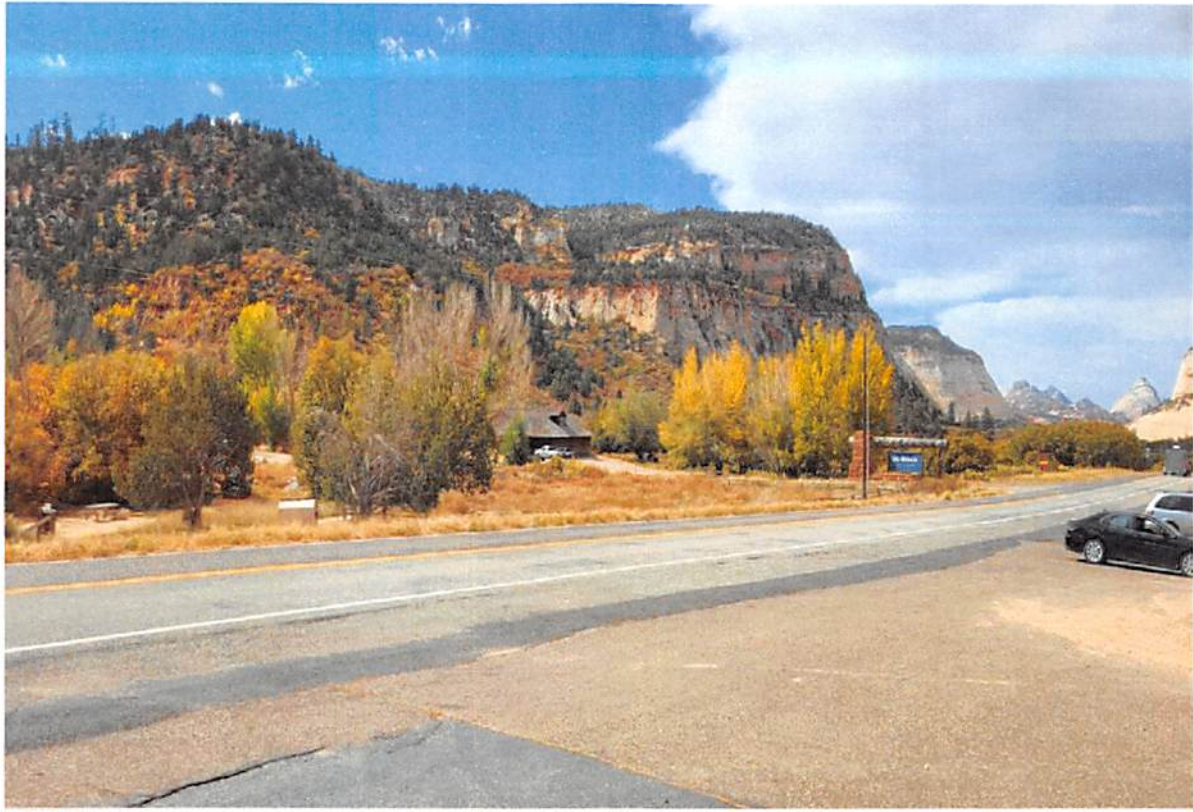
Conclusion: The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General 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.

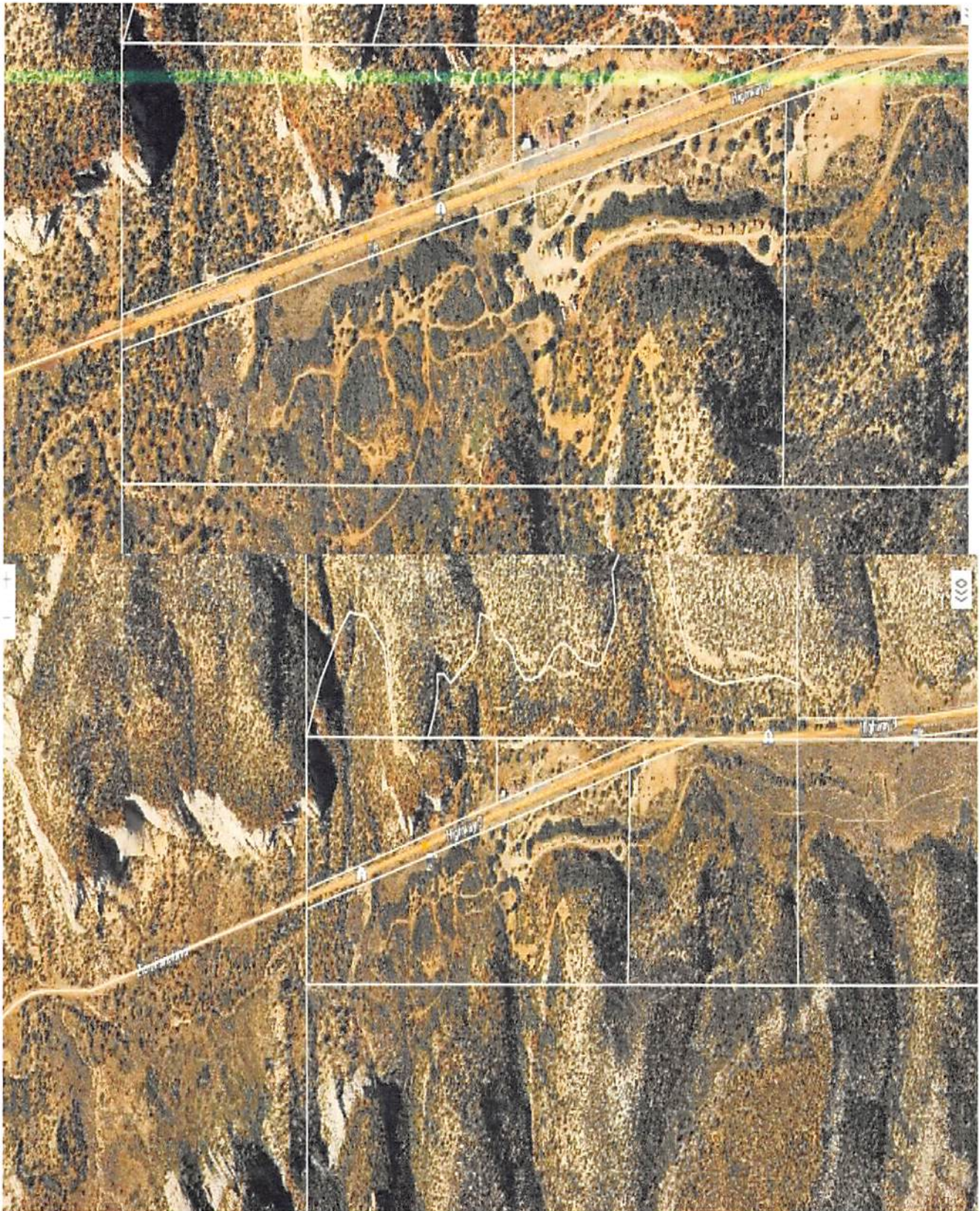
MOTION: I move to recommend denying/approving the zone change for parcel 1-9-21-1A from C-1 to C-2 & Ordinance O-2022-53, to the County Commission, based on the facts and findings as documented in the staff report.



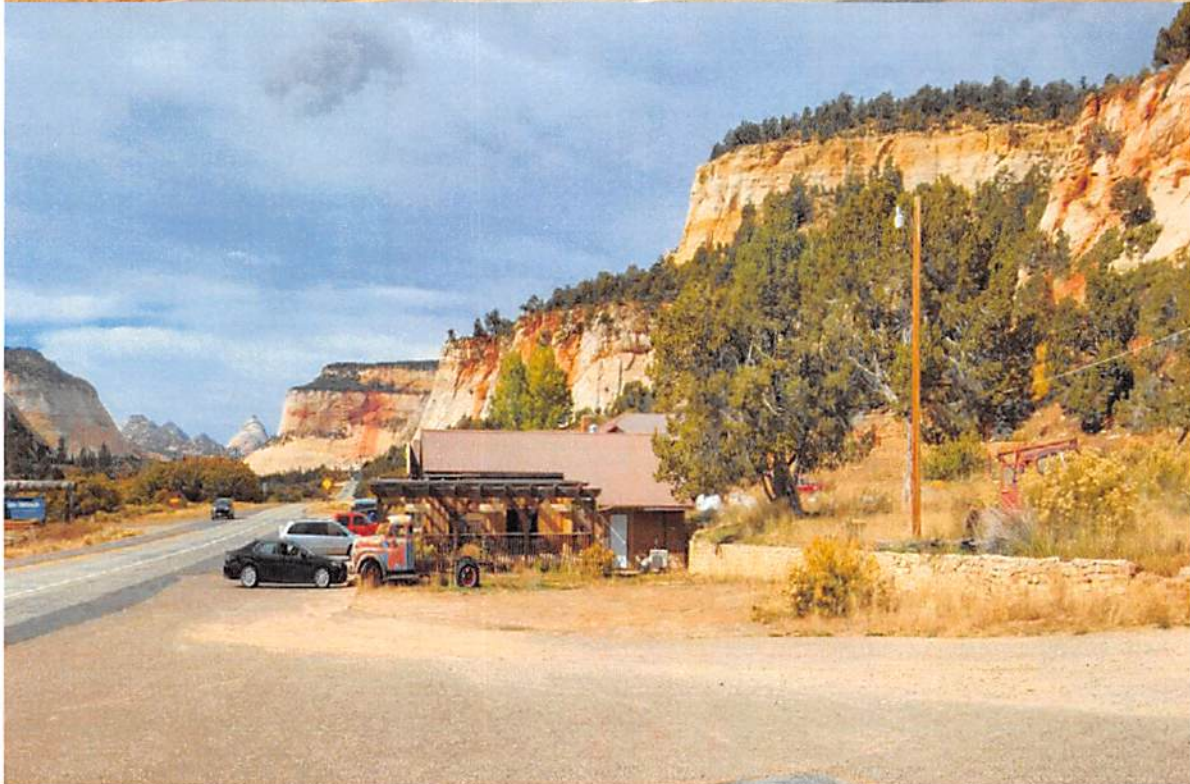
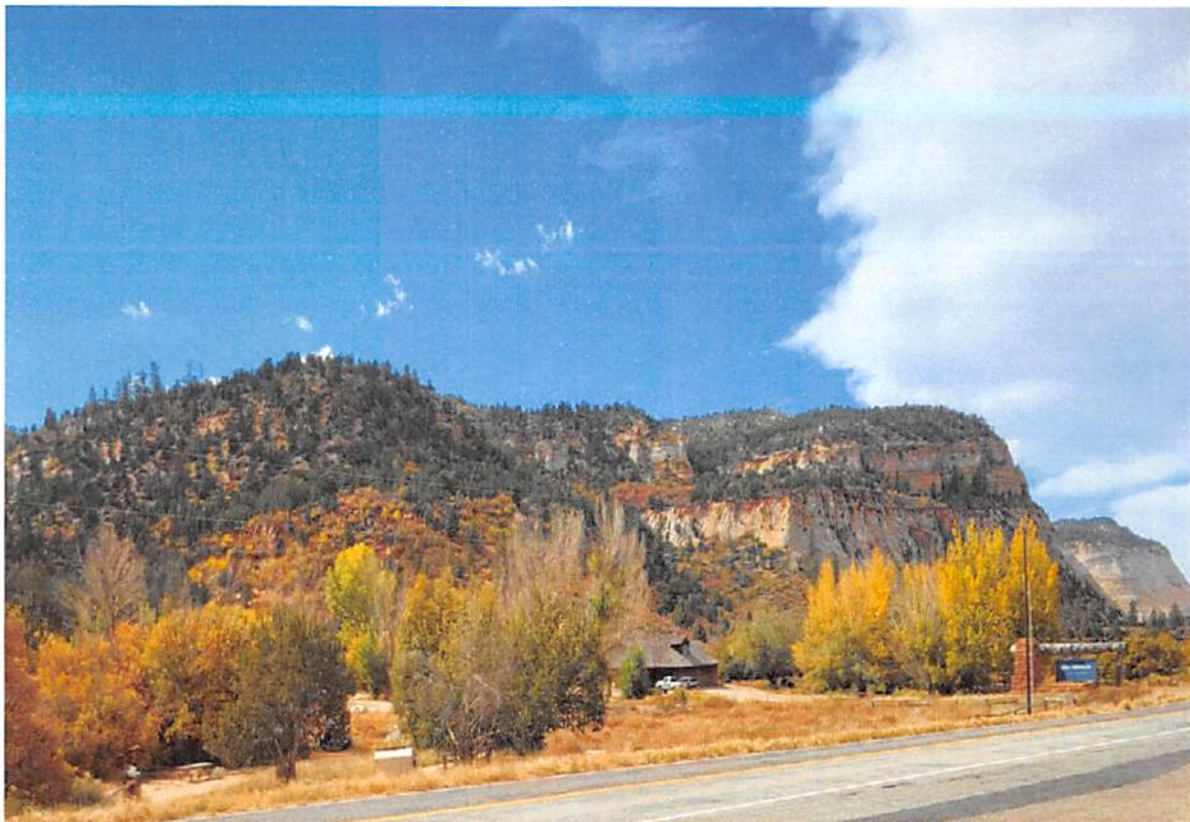
76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4966 | www.kane.utah.gov
Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov



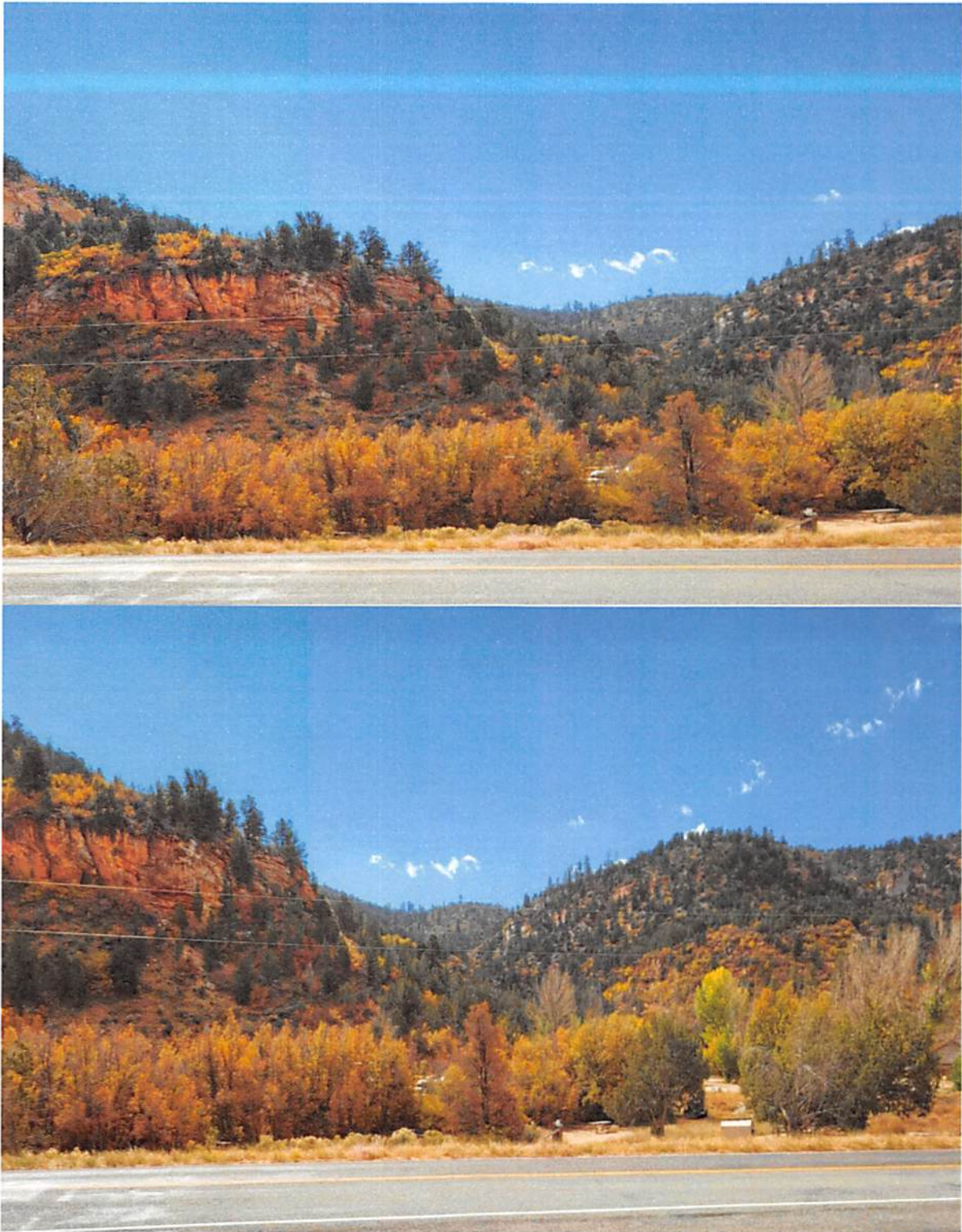
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Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov



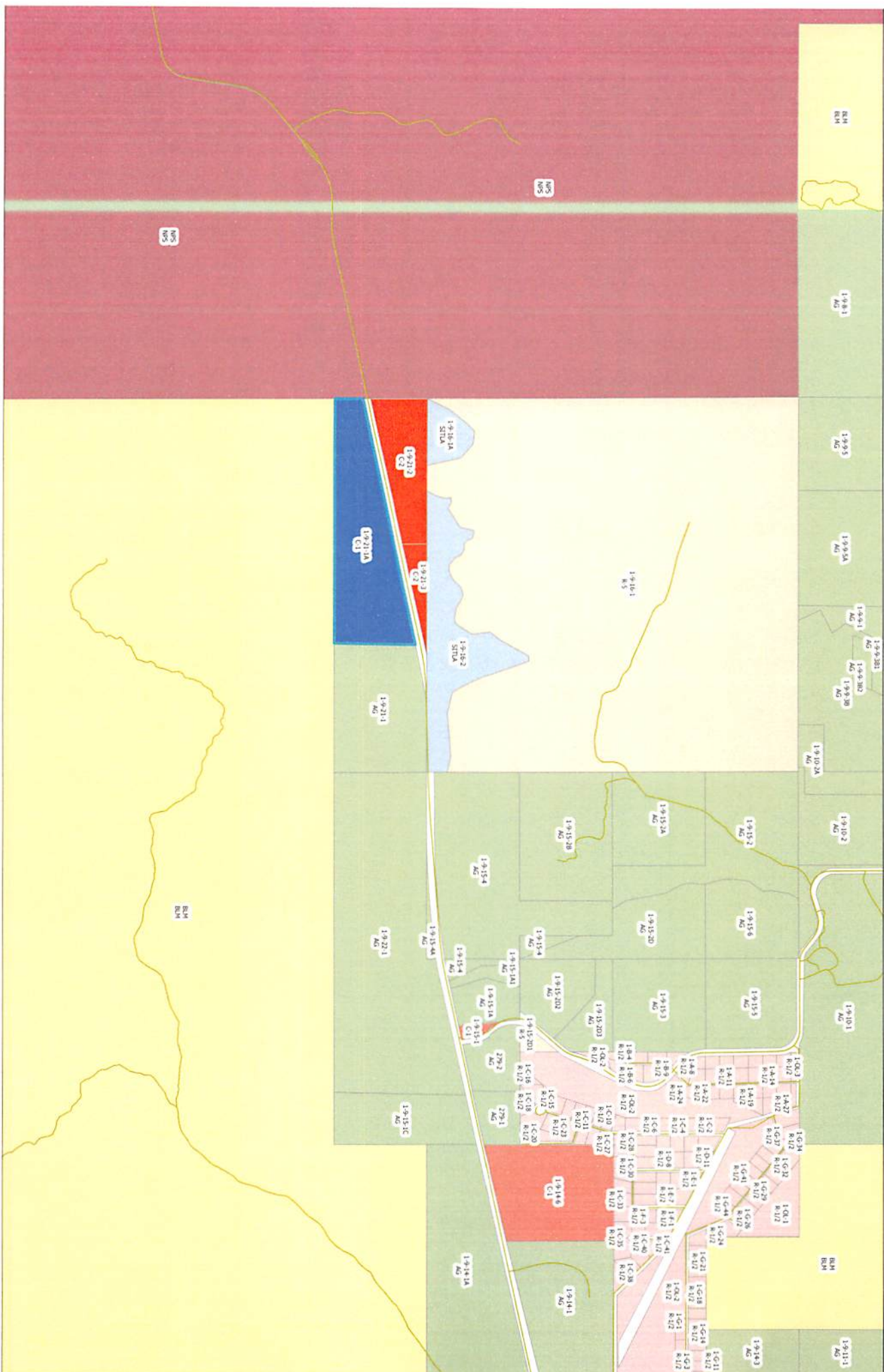
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Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov



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 _____

Aviary	P
Beer sales at public recreational facilities where it has been approved and granted by the Board of County Commissioners	C
Commercial uses	C
Commercial dwelling or residential facilities for elderly or disabled persons	P
Construction equipment and supply trailer, temporary	P
Cottage industry that may be permitted to employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property	C
Dams, reservoirs and hydroelectric facilities	C
Dude ranch, family vacation ranch	C
Dwelling	P
Electrical Power Substation or overhead line with base structure greater than 70 feet in height	C
Farms devoted to raising of chickens, turkeys or other fowl or poultry, fish and frogs	P
Forestry	P
Home occupation	C
 kennel and/or Cattery	C
Lodges, bed and breakfast	C
Logging and lumber harvesting	C
Park Model	P
Personal agriculture, including crop production, grazing and pasturing of animals	P
Plant materials nursery or green house	C
Power generation for on-site use under 50 KVA	P
Private air strip	C
Private cemetery	C
Private roads	P
Processing and composting of state regulated Class A, B, and C bio-solids and other acceptable organic waste such as chicken manure	C
Production agriculture, including crop production, grazing and pasturing of animals	P
Public, quasi-public, and private service utility lines, pipelines, power lines,	P

ITEM # 14

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

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: November 22, 2022

Dept. /Business Name: Land Use

Topic/Re: Zone Change/Ordinance 2022-54: Zion High Ground LLC

Description: 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.

Attachments: Info Packet

Ordinance 2022-54

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.



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 1321.87 FT, TO THE E 1/16 OF SAID SEC; TH S 89°06'08" E 1321.96 FT, TO THE PT OF BEG; CONT 48.31 AC (M/L).

PARCELC:

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" 253.94 FT; TH S 24°45'53" W 328.75 FT, TO THE PT OF BEG; CONT 9.77 ACM/LRESERVATIONS&EXCEPTIONS.1.2 (A)SITLARESERVESTO THE STATE.FORTHE BENEFIT OF THE TRUST LAND BENEFICIARIES: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

EXPLORE FOR, DEVELOP, & EXTRACT THOSE MINERAL DEPOSITS; ALL ORDINARY SAND & GRAVEL LOCATED IN OR ON THE PROP, ALG WITH THE RIGHT TO REASONABLY ACCESS & USE THE PROP TO EXPLORE FOR, DEVELOP, & EXTRACT THOSE SAND & GRAVEL DEPOSITS; 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 DESCRIBED IN EXHIBIT B & DEPICTED IN EXHIBIT C. 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.

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

- (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.

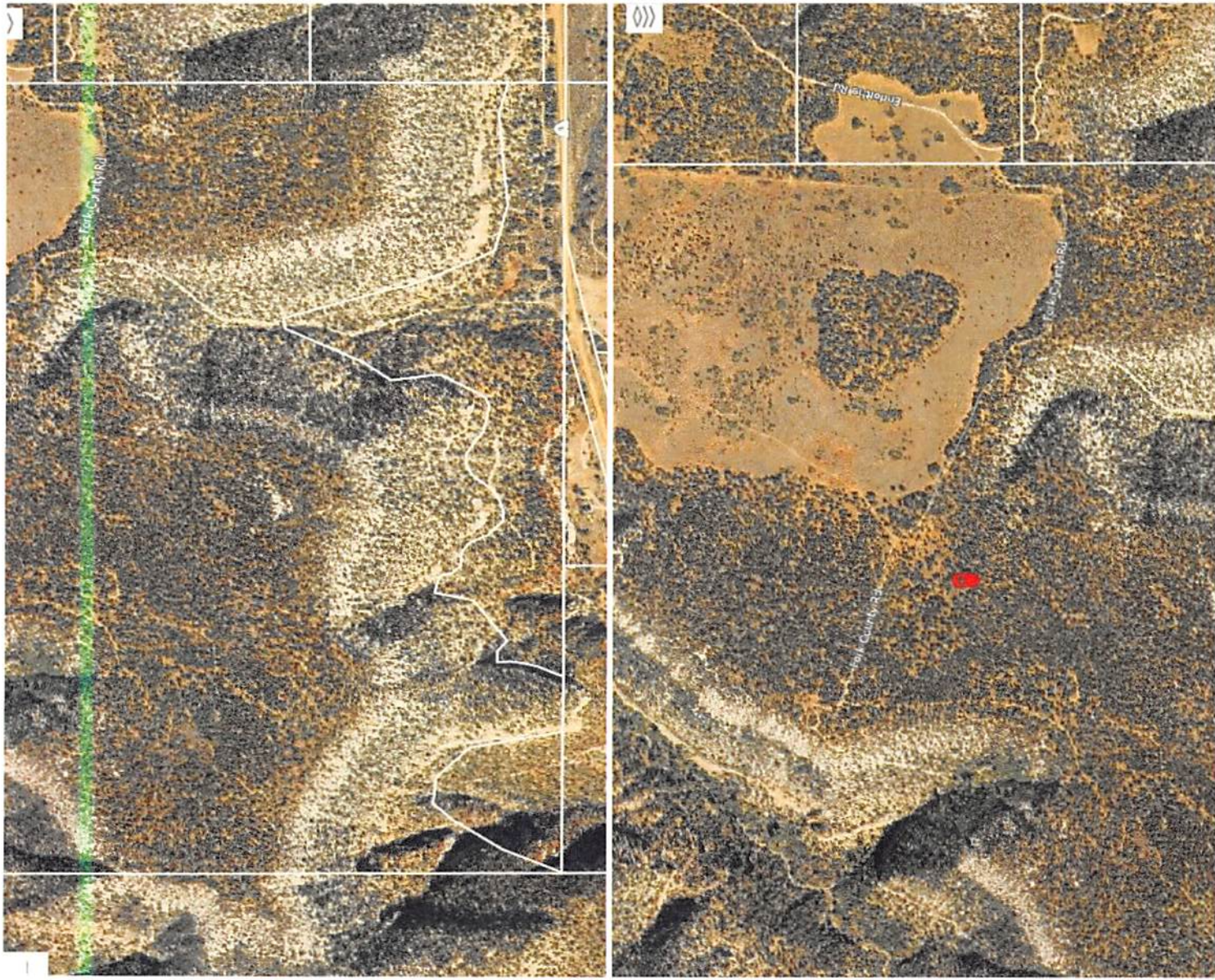
Kane County General Plan: Industrial and commercial land uses are usually located at major highway intersections and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities. However, there are exceptions to this trend. For example: 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.

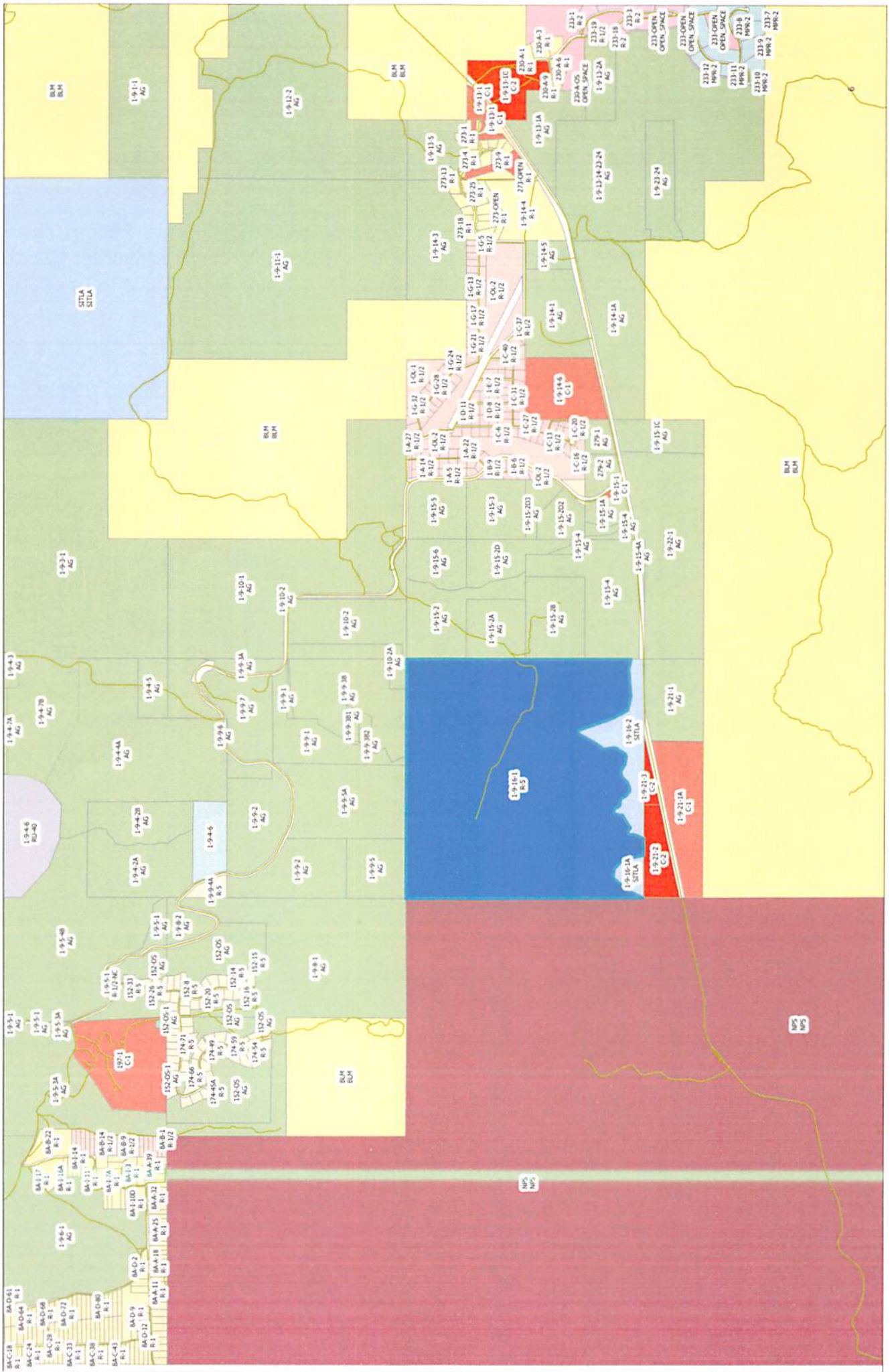
Commercial Land Uses Goal #1: Encourage and provide for commercial uses in locations with infrastructure in place to serve the public. **Objective:** Develop commercial uses compatibly with the use and character of the surrounding area. **Policy:** The Land Use Ordinance and associated zoning map will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

LEGALDESCRIPTION: Legal Description:S16T41SR9WSEC 16: ALL (LESS METES & BOUNDS) (SOLD 58.08 AC)CONT581.92ACM/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 1321.87 FT, TO THE E 1/16 OF SAID SEC; TH S 89°06'08" E 1321.96 FT, TOTHEPTOFBEG;CONT48.31AC(M/L).

PARCELC:

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, TOTHEPTOFBEG;CONT9.77ACM/LRESERVATIONS&EXCEPTIONS.1.2(A)SITLARESERVESTOTHESTATE.FORTHEBENEFITOFTHETRUSTLANDBENEFI

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, & 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 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 _____

ITEM # 15

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

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: November 22, 2022

Dept. /Business Name: Land Use

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

Description: 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.

Attachments: Info Packet

Ordinance 2022-55

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.



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.

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

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

Parcel 1-9-15-2D3: Legal Parcel 1 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC 68.2% & 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 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:
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; 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 PT OF BEG, & RUN TH CONTINUING ALG SAID R/W N 40°33'31" E 312.12 FT TO THE E 1/16 LINE; TH DEPARTING SAID R/W N 40°33'31" E 87.06 FT; TH S 48°38'50" E 5.69 FT TO THE CENTERLINE OF SAID R/W; TH ALG CENTERLINE S 18°13'38" W 37.15 FT TO THE BEG OF A CURVE; TH ALG THE CURVE TO THE RIGHT 171.90 FT, HAVING A RADIUS OF 468.70 FT, A CENTRAL ANGLE OF 21°00'51" & WHOSE LONG CHORD BEARS S 28°44'04" W 170.94 FT; TH S 41°09'28" W 200.42 FT; TH N 46°11'49" W 52.83 FT TO THE PT OF BEG; CONT 0.42 AC (M/L). LEAVING 14.42 AC, M/L.

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

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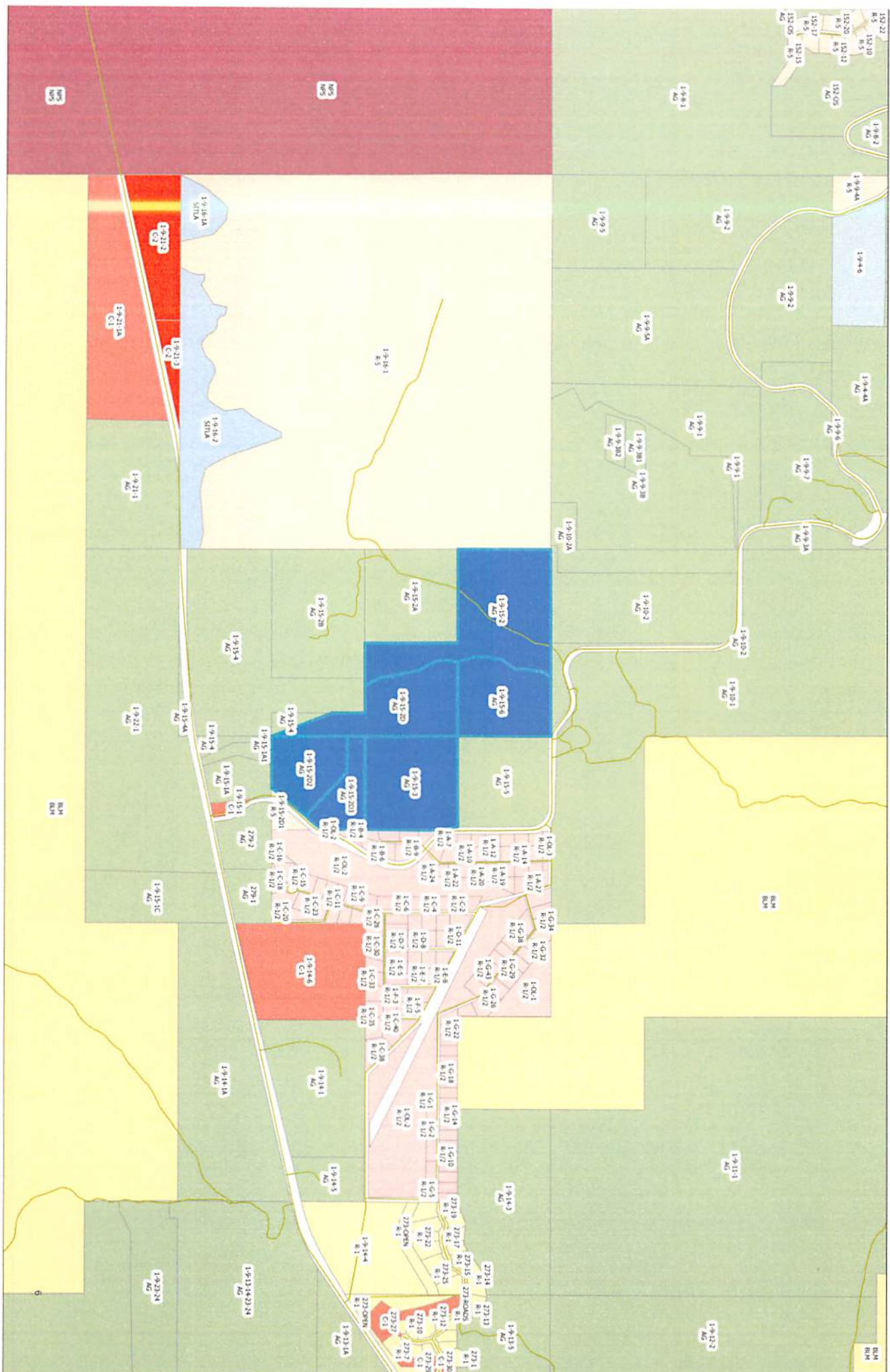
the use and character of the surrounding area. Policy: The Land Use Ordinance and associated zoning map will determine the standards for commercial uses at appropriate locations. (Pg.18)

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 least 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%:

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.

---- END OF ORDINANCE ----

Are hereby rezoned from AG to C-2 and shall from here forth be zoned.

Total acreage: 203.04

FT TO THE PT OF BEG; CONT 0.42 AC (M/L). LEAVING 14.42 AC, M/L.

CHORD BEARS S 28°44'04" W 170.94 FT; TH S 41° 09'28" W 200.42 FT; TH N 46°11'49" W 52.83 FT, HAVING A RADIUS OF 468.70 FT, A CENTRAL ANGLE OF 21°00'51" & WHOSE LONG S 18°13'38" W 37.15 FT TO THE BEG OF A CURVE; TH ALG THE CURVE TO THE RIGHT 171.90 87.06 FT; TH S 48°38'50" E 5.69 FT TO THE CENTERLINE OF SAID R/W; TH ALG CENTERLINE R/W N 40°33'31" E 312.12 FT TO THE E 1/16 LINE; TH DEPARTING SAID R/W N 40°33'31" E 16.54 FT; TH N 40°33'31" E 395.69 FT TO THE PT OF BEG, & RUN TH CONTINUING ALG SAID W/LY R/W OF NORTH FORK ROAD; TH ALG SAID R/W N 36°47'41" E 215.77 FT; TH N 88°21'39" 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 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" PARCEL 1-9-15-2D3:

PARCEL 2 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC; ROAD VACATION ADDED TO LESS 0.65 AC IN ROAD, LEAVING 14.0 AC, M/L.

E 199.56 FT TO THE PT OF BEG, CONT 14.65 AC M/L.

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" 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 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 FROM THE SE COR OF THE NW/4SE/4 OF SEC 15 T41S R9W SLB&M; & RUN TH N 0°03'37" E 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 PARCEL 1-9-15-2D3 Legal

PARCEL 1 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC 68.2% & 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 W/LY 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 2 AS TO: CHAMBERLAIN RANCH HOLDINGS LLC FOR ROAD VACATION ADDED 16.55 FT; TH S 36°02'06" W 215.21 FT TO THE PT OF BEG, CONT 20.97 AC, M/L.

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 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 NW/4SE/4 OF SEC 15 T41S R9W SLB&M & RUN TH N 89°59'36" W ALG THE 1/16 SEC LINE BEG AT PT N 89°59'36" W ALG THE 1/16 SEC LINE 596.08 FT FROM THE SE COR OF THE

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 _____

ITEM # 16

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

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: November 22, 2022

Dept. /Business Name: Land Use

Topic/Re: Zone Change/Ordinance 2022-56: The Ranch at Zion LLC

Description: 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.

Attachments: Info Packet

Ordinance 2022-56

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.



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.

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

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.
- **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

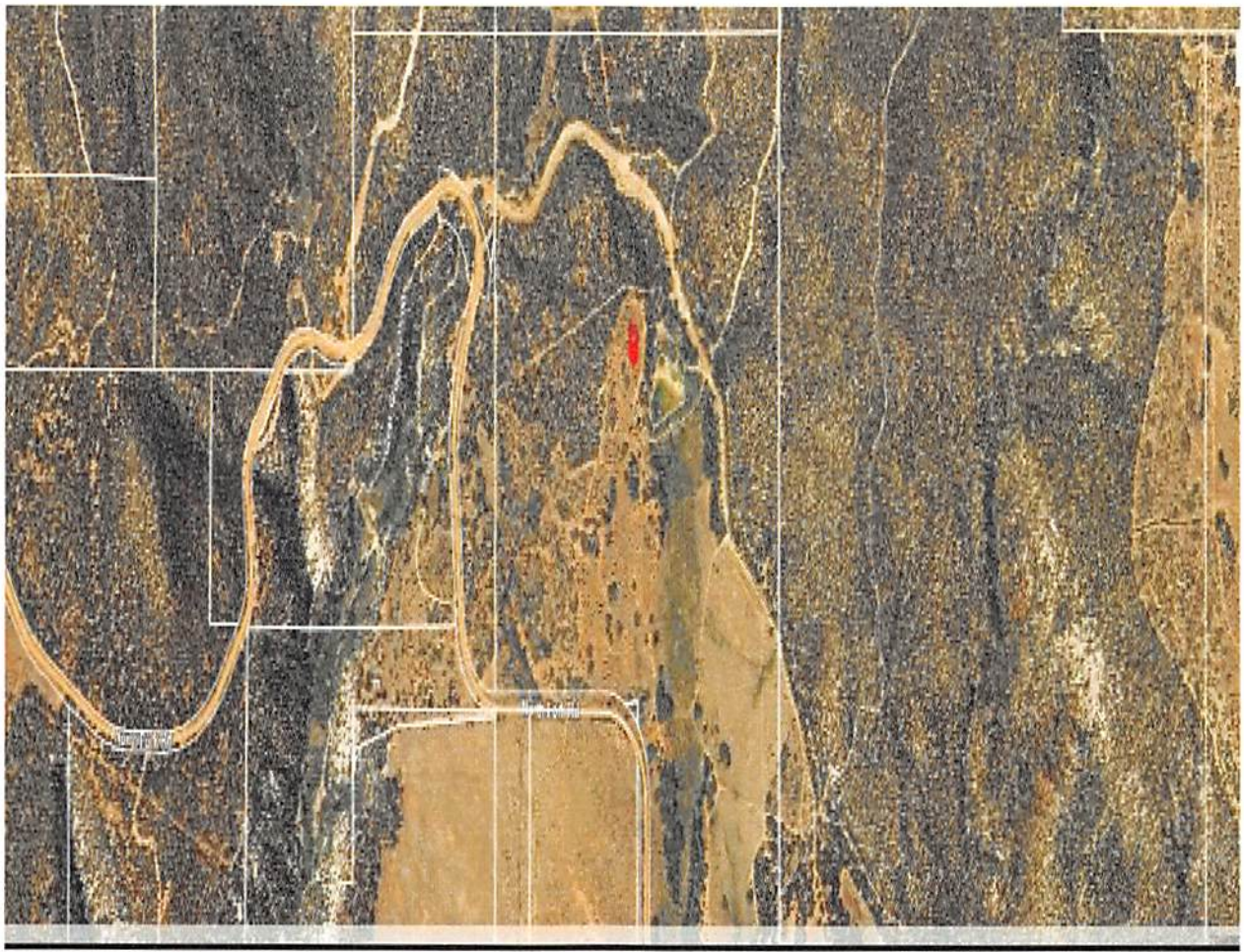
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Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov

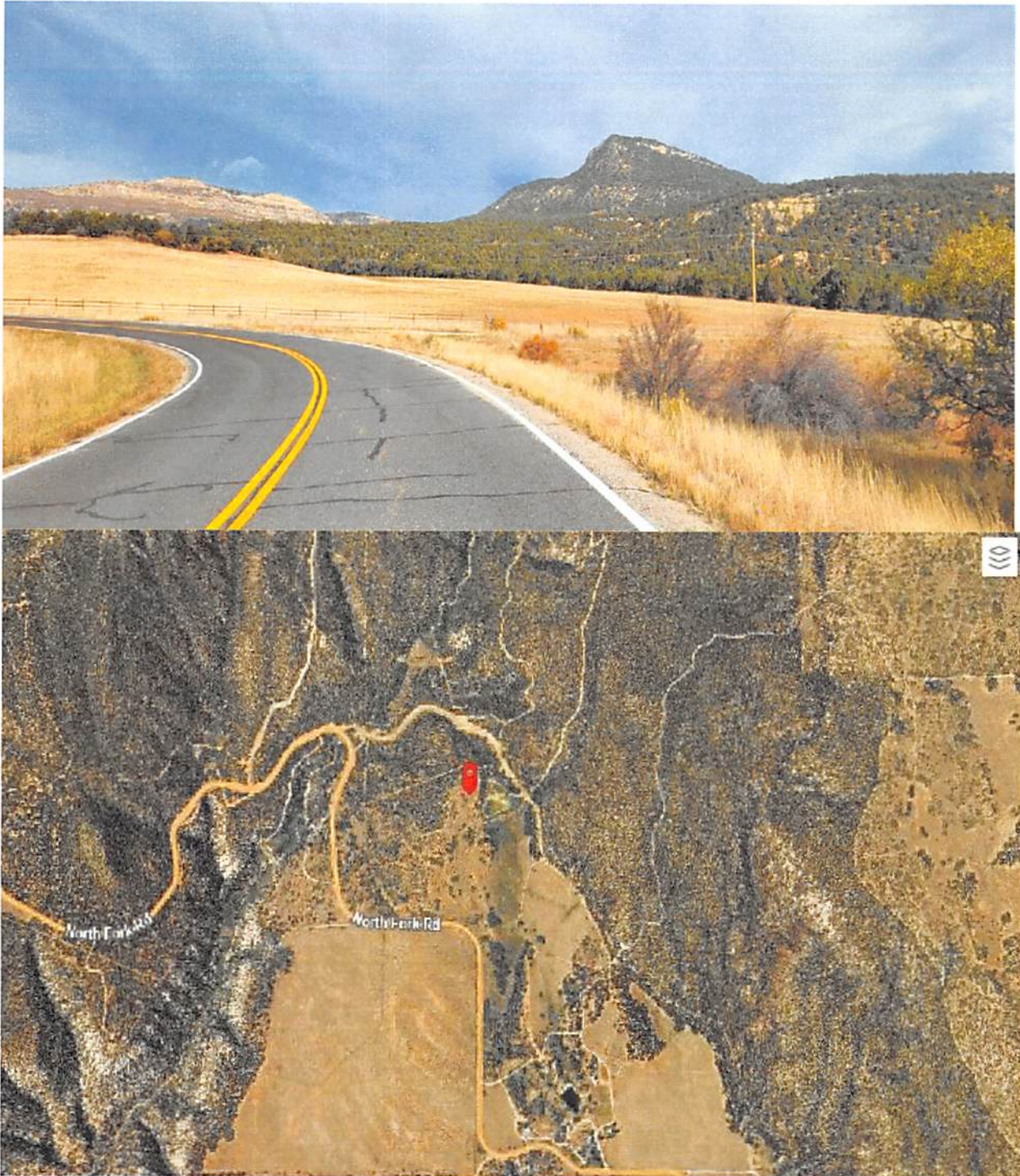
services. Kane County will discourage development in unincorporated areas unless such development is serviced by a special district established for that purpose. (Pg. 31)

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 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.

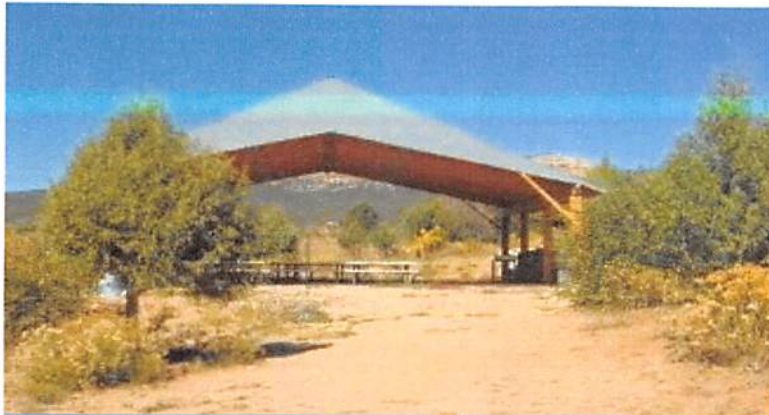




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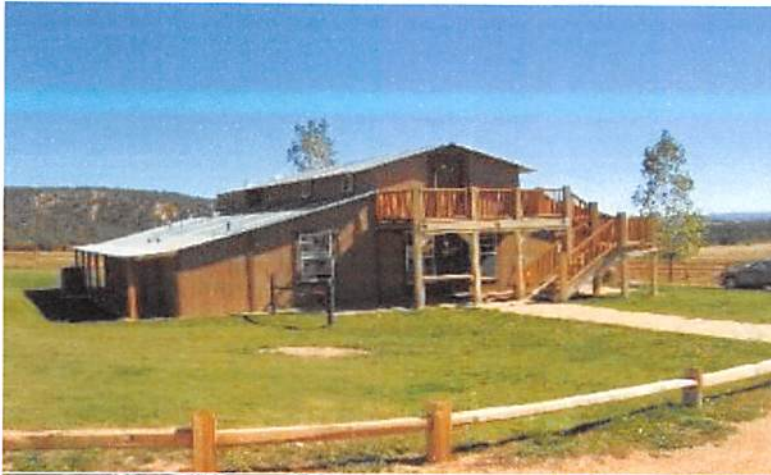
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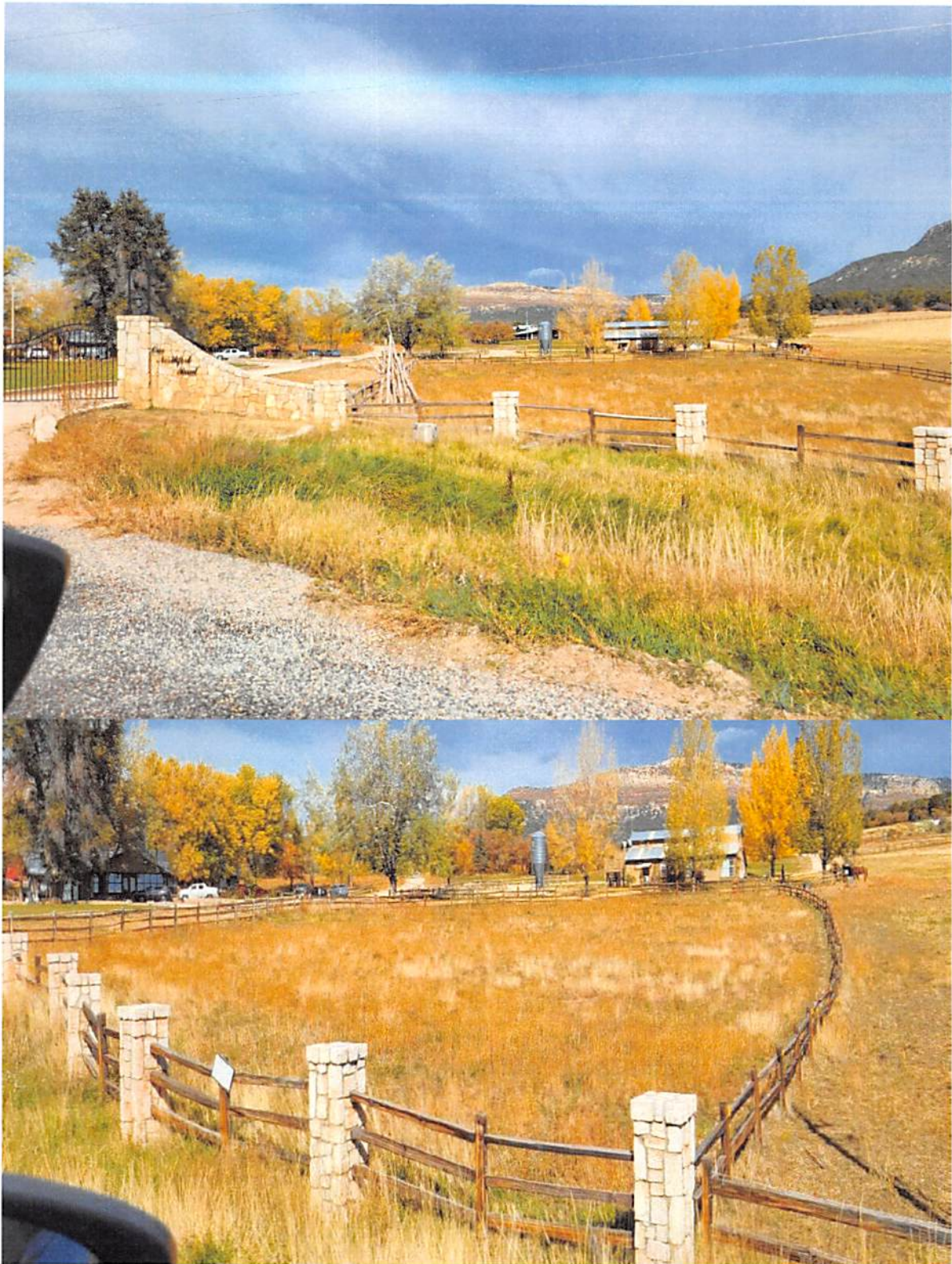
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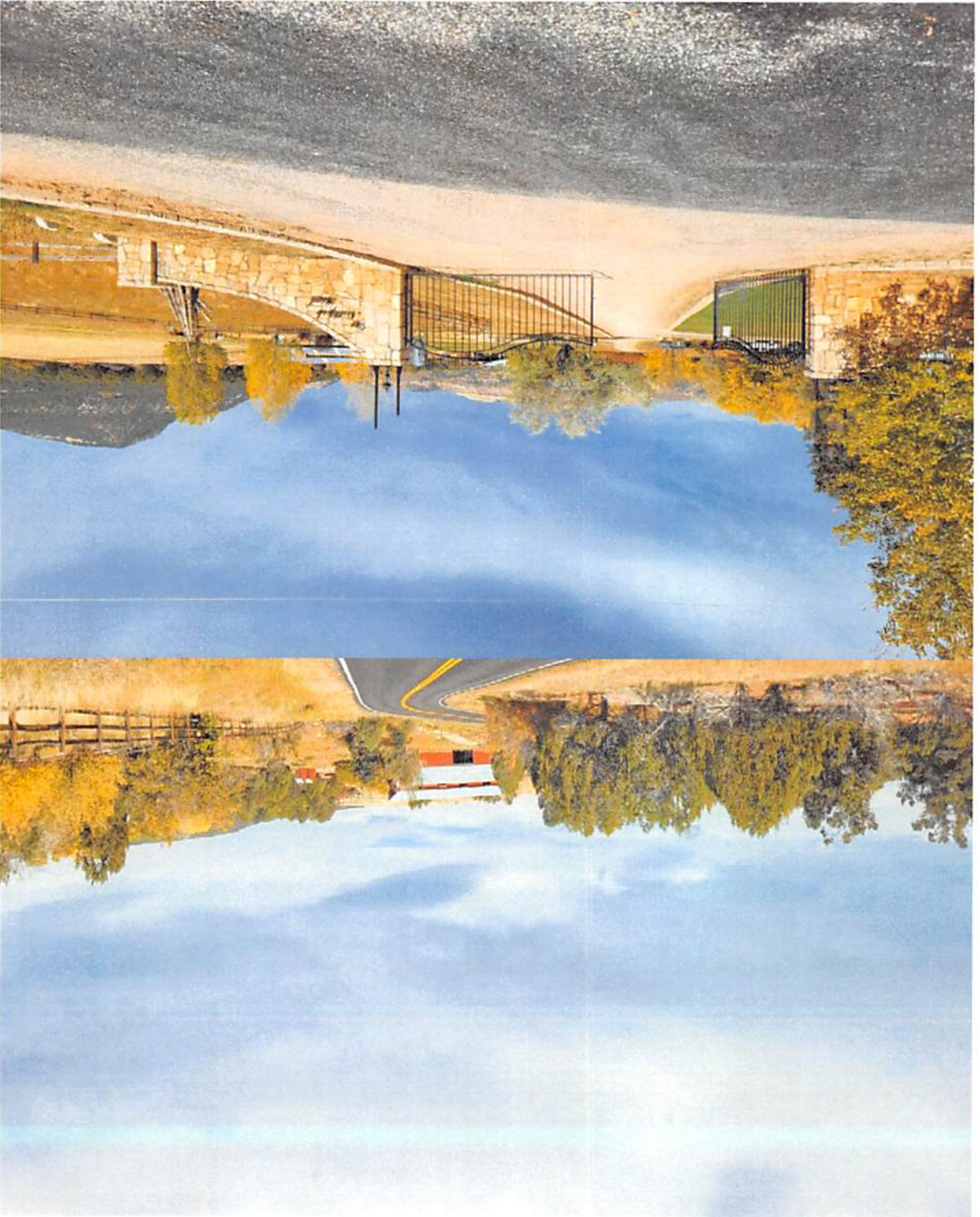
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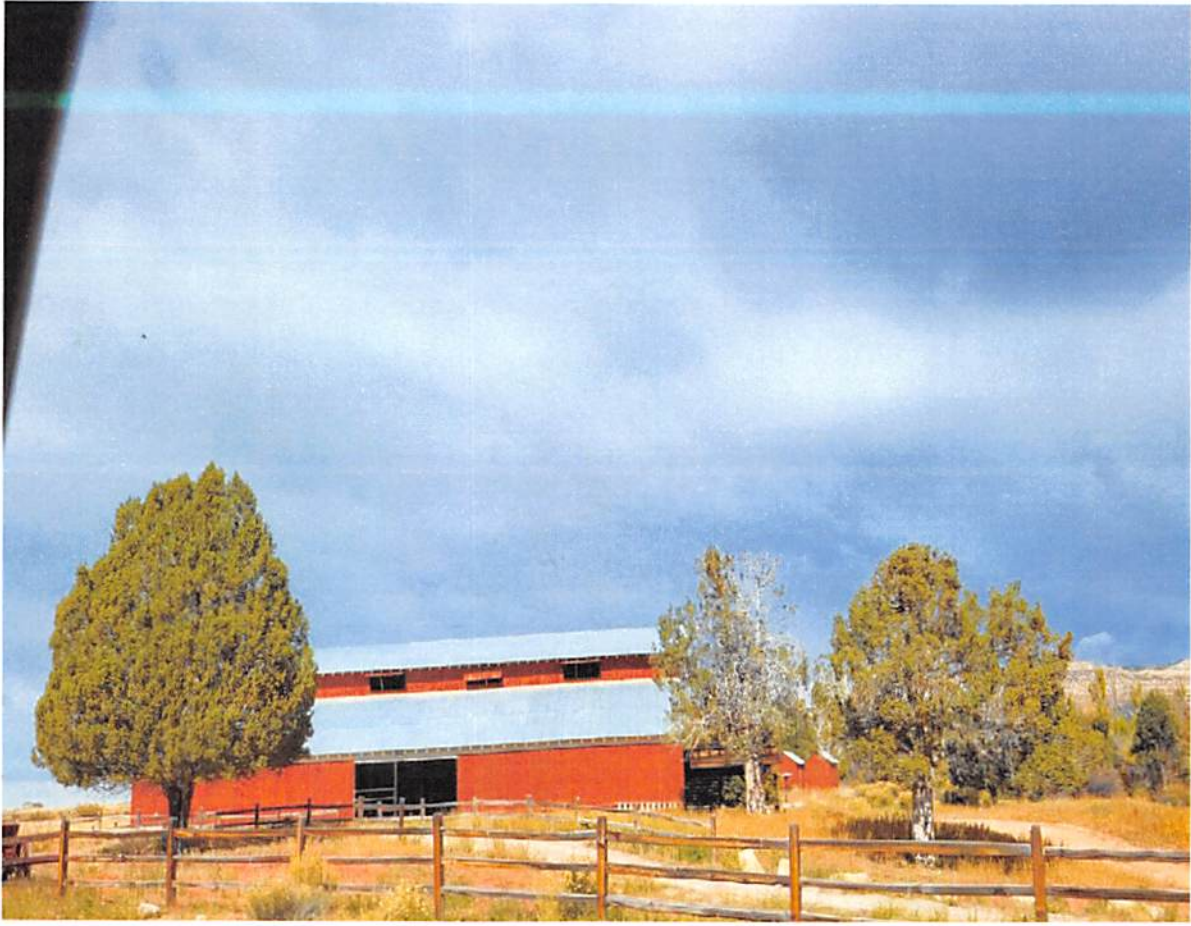
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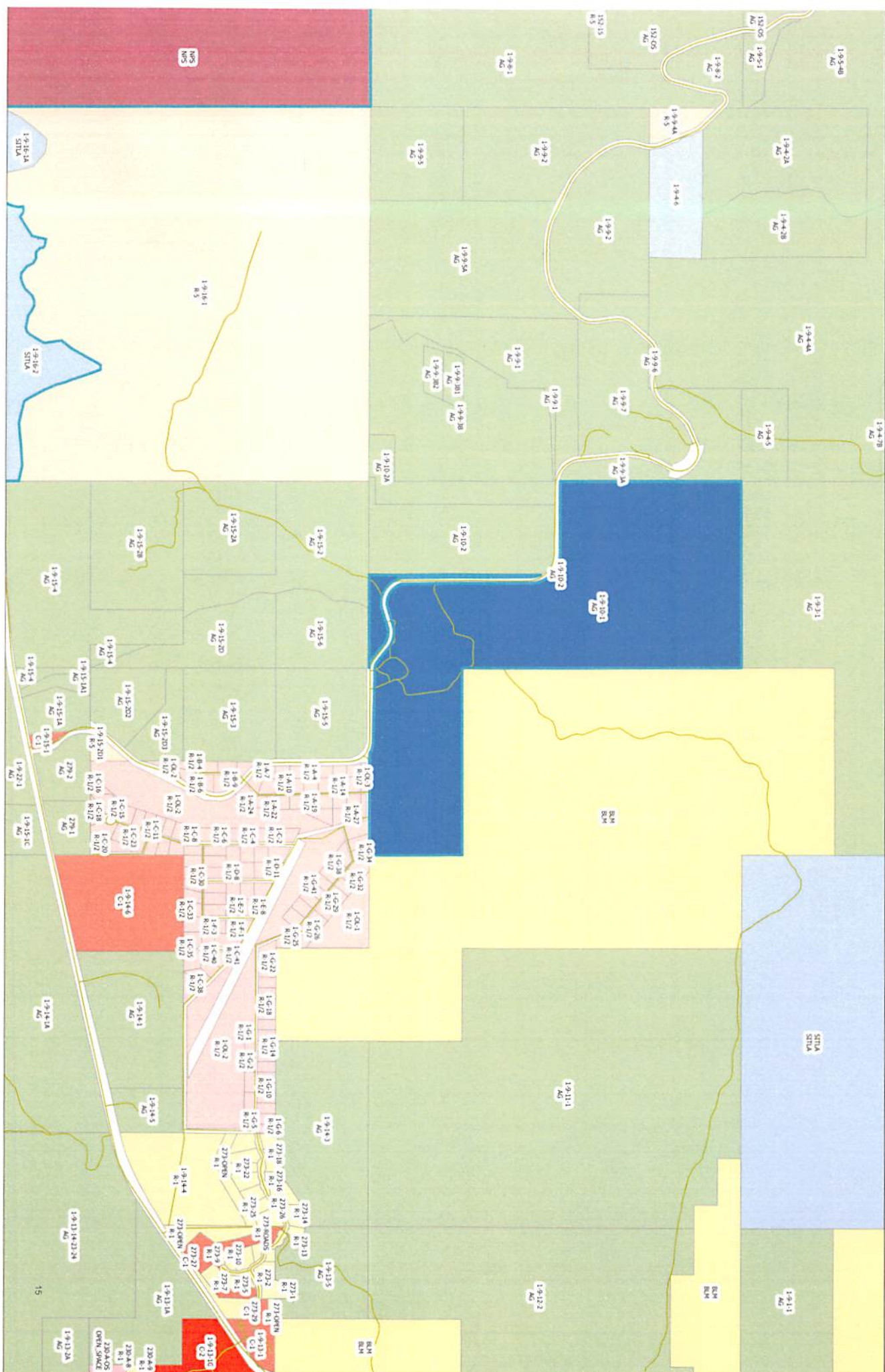
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KANE COUNTY ORDINANCE NO. O 2022-56

**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/4: THE E/2SW/4: & THE S/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

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 _____

ITEM # 17

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

KANE COUNTY COMMISSION AGENDA REQUEST

Date of Commission Meeting Requested: November 22, 2022

Dept. /Business Name: Land Use

Topic/Re: Ordinance 2022-60: Revising KCLUO Chapters 1, 6, 7 & 15

Description: 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 approval residential conditional use permits.

Attachments: Info Packet

Ordinance 2022-60

Dept. Head/Owner: Wade Heaton

Contact Information: Shannon McBride x4966

Meeting Requested by: Wendy Allan X4364

Internal Notes: P&Z recommends APPROVAL.

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.

//

//

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.

//

//

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.

//

//

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 _____

ITEM # 18

Approval of Application for LATCL Grant for 2022 & 2023

State	Recipient Name	FY22 Allocation	FY23 Allocation
Utah	Iron County	\$2,980,703.36	\$2,980,703.36
Utah	Juab County	\$2,442,515.83	\$2,442,515.83
Utah	Kane County	\$2,397,600.00	\$2,397,600.00
Utah	Millard County	\$3,949,200.00	\$3,949,200.00
Utah	Morgan County	\$50,000.00	\$50,000.00
Utah	Piute County	\$446,100.00	\$446,100.00
Utah	Rich County	\$177,027.86	\$177,027.86
Utah	Salt Lake County	\$80,177.71	\$80,177.71
Utah	San Juan County	\$4,346,700.00	\$4,346,700.00
Utah	Sanpete County	\$1,282,926.45	\$1,282,926.45
Utah	Sevier County	\$1,547,599.38	\$1,547,599.38
Utah	Summit County	\$425,388.04	\$425,388.04
Utah	Tooele County	\$1,646,248.83	\$1,646,248.83
Utah	Uintah County	\$2,931,479.21	\$2,931,479.21
Utah	Utah County	\$548,911.07	\$548,911.07
Utah	Wasatch County	\$369,453.24	\$369,453.24
Utah	Washington County	\$1,832,319.52	\$1,832,319.52
Utah	Wayne County	\$767,400.00	\$767,400.00
Utah	Weber County	\$54,153.88	\$54,153.88
Virginia	Accomack County	\$76,680.22	\$76,680.22
Virginia	Albemarle County	\$50,000.00	\$50,000.00
Virginia	Alleghany County	\$340,325.62	\$340,325.62
Virginia	Amherst County	\$76,596.70	\$76,596.70
Virginia	Appomattox County	\$50,000.00	\$50,000.00
Virginia	Arlington County	\$50,000.00	\$50,000.00
Virginia	Augusta County	\$162,811.76	\$162,811.76
Virginia	Bath County	\$278,554.11	\$278,554.11
Virginia	Bedford County	\$50,000.00	\$50,000.00
Virginia	Bland County	\$184,288.19	\$184,288.19
Virginia	Botetourt County	\$72,273.92	\$72,273.92
Virginia	Buchanan County	\$50,000.00	\$50,000.00
Virginia	Caroline County	\$50,000.00	\$50,000.00
Virginia	Carroll County	\$50,000.00	\$50,000.00
Virginia	Charles City County	\$50,000.00	\$50,000.00
Virginia	Charlotte County	\$50,000.00	\$50,000.00
Virginia	Chesterfield County	\$50,000.00	\$50,000.00
Virginia	Clarke County	\$50,000.00	\$50,000.00
Virginia	Craig County	\$188,544.63	\$188,544.63
Virginia	Dickenson County	\$68,426.74	\$68,426.74
Virginia	Dinwiddie County	\$50,000.00	\$50,000.00

ITEM # 19

2023 Utah Association of Counties Representative

Item # 20

County Consent for Early Dissolution of the Big Water
Justice Court

ITEM # 21

Discussion on Fire Districts