



February 8, 2023
Kane County Planning Commission
Land Use Authority
Board Room, Kanab Center
20 N. 100 E., Kanab, Utah

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

AGENDA

6:00 PM Call to Order
 Invocation
 Pledge of Allegiance

1. Update on Commission Decisions

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

ADMINISTRATIVE ITEM

2. Approval of Minutes

January 11, 2023

LEGISLATIVE ITEMS

Public Hearing

3. Zone Change/Ordinance 2022-02: Godfrey

An application for a zone change from Agricultural (AG) to Residential 2 (R-2), parcel 1-8-15-1, consisting of 520 acres, located off of Highway 9 on Mineral Springs Road. Submitted by Luke Godfrey.

Public Hearing

4. Zone Change/Ordinance 2022-04: Ponderosa Ranch Limited

An application for a zone change from Agricultural (AG) to Commercial 2 (C-2) by Ordinance 2023-04, on behalf of Ponderosa Ranch Limited, parcel 1-9-5-3A, located on the North Fork Road north of Zion Ponderosa Resort, Kane County, Utah. Submitted by Iron Rock Group.

Public Hearing

5. Ordinance 2023-06: KCLUO Chapter 1

An ordinance revising Kane County Land Use Ordinance Chapter 1: Provisions

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

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

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

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



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: January 23, 2023

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 23002: Zone Change Application, AG to R-2, Ordinance O-2023-02
Parcel 1-8-15-1 consisting of a total of 520 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 January 11, 2023, Luke Godfrey submitted a zone change application for parcel 1-8-15-1 from Agricultural to Residential 2 (R-2) located north of Highway 9 off of the Mineral Springs Road. On June 08, 2022, AMP ZBJ Enterprises Inc., submitted a zone change application, for a portion of parcel 1-8-15-1 at that time they requested C-2 and Residential zoning.

LEGAL DESCRIPTION: Legal THE E 1/2: THE E/2W/2: & THE SW/4SW/4 OF SEC 15 T41S R8W SLB&M UTAH. CONT 520.0 AC, M/L. LESS THE NORTH 20 ACRES OF THE N/2NE/4 & NE/4NW/4, LEAVING 500.0 AC, M/L. TOG WITH WUC #81-3695 & 81-3696.

FACTS & FINDINGS:

- Parcel 1-8-15-1 meets the requirements to be zoned R-2. The parcel is currently zoned AG.
- The applicant requests the entire parcel be zoned R-2 which requires a zone change.
- If the zone change is approved all uses contained in the R-2 uses table will be allowed.
- 9-6A-1: PURPOSE:** To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- 9-6A-6: USES TABLE:**

Use	R-1/2	R-1	R-2	R-5			
				R-1/2	R-1	R-2	R-5
Accessory buildings and uses customarily incidental to conditional uses				C	C	C	C
Accessory buildings and uses customarily incidental to permitted uses				P	P	P	P
Accredited private educational institution having a curriculum similar to that ordinarily given in public schools				C	C	C	C
Animal shelter, commercial				-	-	C	C
Animal shelter, private				P	P	P	P
Apartments				-	-	-	-

Assisted living buildings	C	P	P	P
Barndominium	-	P	P	P
Bed and breakfast	-	-	C	C
Building with a height greater than 35 feet	C	C	C	C
Campground/glamp-ground	-	-	I	-
Cemetery	C	C	C	C
Child daycare or nursery	C	C	C	C
Church	C	C	C	C
Commercial construction, storage yard	-	-	I	C
Condos	-	-	I	-
Construction equipment and supply trailer, temporary	C	C	C	C
Construction field office, temporary	C	C	C	C
Duplex (one per lot or parcel)	-	C	P	P
Electrical power substation or overhead lines with base structure greater than 70 feet in height	C	C	C	C
Group home ¹	P	P	P	P
Guest home	-	P	P	P
Home occupation	P	P	P	P
Internal Accessory Dwelling Unit (IADU)	P	P	P	P
Kennel and/or catteries (private)	P	P	P	P
Livestock	P	P	P	P
Lodges, residential	-	-	I	C
Park models	-	-	I	-
Personal agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening, personal	P	P	P	P
Planned unit developments	C	C	C	C
Private road	P	P	P	P
Public parks and playground	P	P	P	P
Public, quasi-public, and private service utility lines, pipelines, power lines overhead lines with base structure over 70 feet	P	P	P	P
Recreational vehicle park	-	-	I	-
Residential facilities	P	P	P	P
Residential facilities for persons with disabilities ¹	P	P	P	P
Residential facilities for the elderly ¹	P	P	P	P
Single family dwelling (1 per lot or parcel)	P	P	P	P
Solar panels attached to a residential home producing less than 25 kW of energy	P	P	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work	P	P	P	P
Townhomes	-	C	P	P

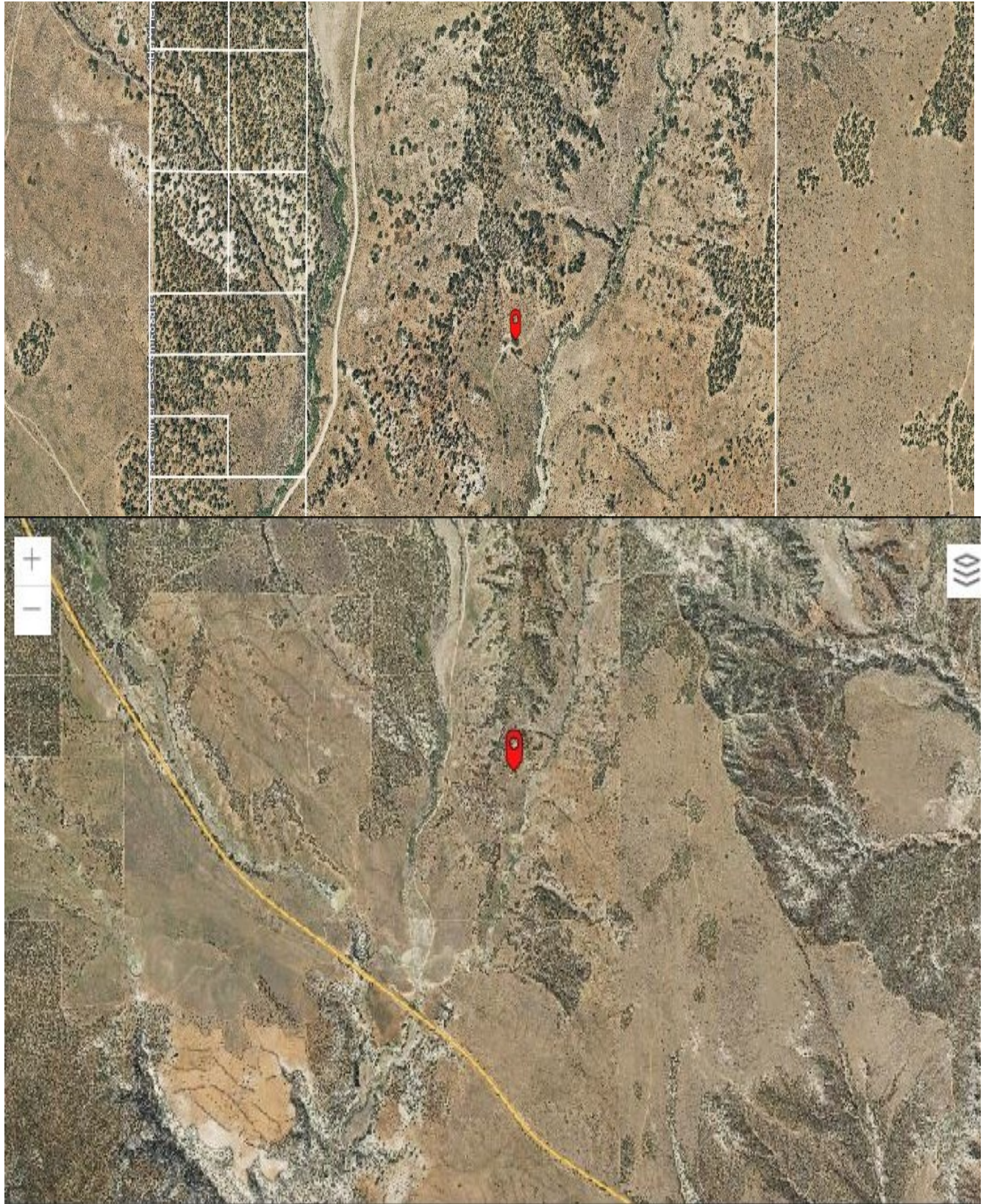
Vacation rental and/or short term rental (one per lot or parcel)	P	P	P	P
Vacation rental and/or short term rental (two per lot or parcel)	-	-	C	C

- **Zoning:** Surrounding parcels are zoned AG and BLM.
- **Kane County Land Use Ordinance 9-1-2:** It is Kane County policy to refuse to participate in spot infrastructure improvements which benefit only a localized area yet burden the taxpayers at large.
- The parcel would gain access from Highway 9.
- There are no existing turn lanes off of Highway 9 at this time.
- All property owners within 500 ft. of this parcel have been mailed a public notice. Notices are posted on the state and county websites.
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
- Mineral Springs is a County Road.

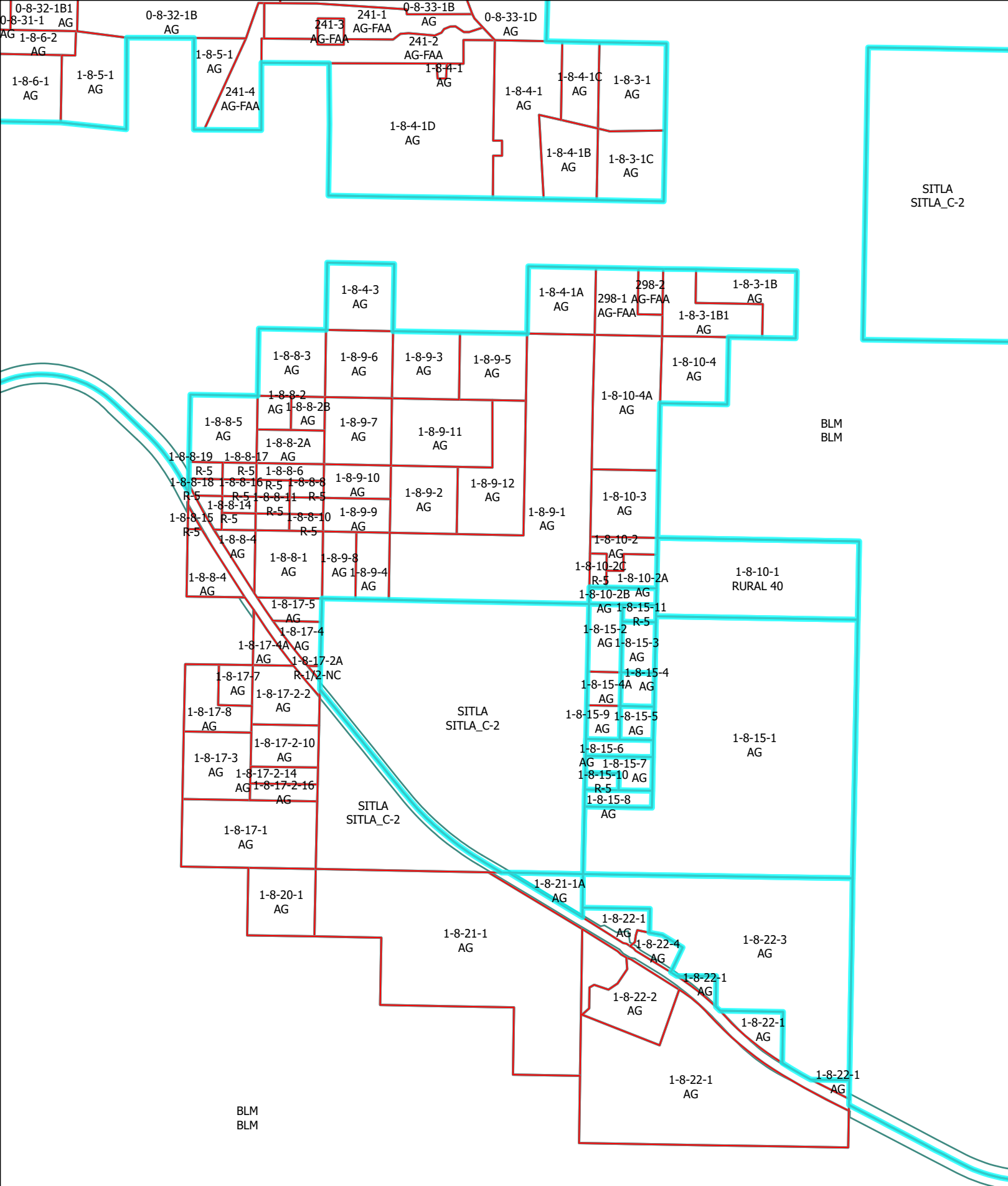
Conclusion: The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General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

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

MOTION: I move to recommend denying/approving the zone change for parcel 1-8-15-1, AG to R-2 & Ordinance O-2023-02 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



MINERAL SPRINGS

AN RV RESORT AND RESIDENTIAL PROJECT LOCATED IN KANE COUNTY, UTAH

UTILITY FEASIBILITY REPORT

Prepared for:

Luke Godfrey

Red Rock Real Estate
435-229-4126

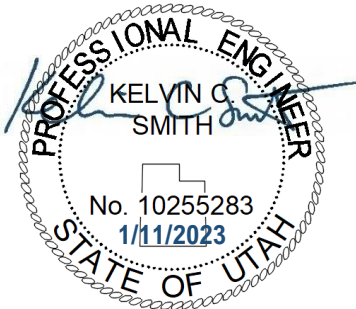
Prepared by:

Civil Science Infrastructure, Inc.

1453 S. Dixie Drive, Suite 150
St. George, UT 84770
(435) 986-0100



Kelvin C. Smith, P.E.
Utah PE #10255283-2202



JANUARY 2023

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1. PROPOSED SITE

The site is located in Kane County with access from Mineral Springs Road on parcel 1-8-15-1. Mineral Springs Road passes through the property and the existing alignment will be maintained. Figure 1 shows the location of the proposed site in relation to the access roads. There is a segment of Mineral Springs Road that is within a neighboring parcel that will require coordination if required to improve the road through the property. The white line represents the approximate location of the property boundary.



Figure 1: Site Location (Credit Kane County)

SR-9 will be the main road to transfer to Mineral Springs Road.



Figure 2: Property Sketch

The development concept will follow the natural contours of the land for the street layout and provide the best views and privacy for each lot. There is a natural drainage wash running north to south through the center of the parcel which will be preserved. Mineral Springs Road will remain as it provides egress north to the adjacent property owners and south to Highway 9.

2. SEPTIC SEWER SYSTEM ANALYSIS

Landmark Engineering is the contracted geotechnical engineer on the project and has done preliminary testing for the septic systems. The owner has reached out to and met with Southern Utah Health Department and began the coordination effort for the septic approval process. Each estate lot will have its own septic system. The soil and percolation testing required for the septic feasibility letter will be done in phases, as each phase of development starts construction.

3. POWER AVAILABILITY

There is an existing power line at the proposed project site. The owner is seeking a will-serve letter from Garkane Power to service the property.

4. WATER SYSTEM ANALYSIS

A. WATER RIGHTS

The owner has several surface water rights that they will be seeking a change application to convert those to well water rights. They have reached out to the Utah Division of Water Rights and discussed the need and process to submit and proceed with a water right change application. Once the water rights are changed to show a well as a point of diversion, this will provide sufficient water source to service the development.

B. WELL SIGHTING

In a separate effort, the owner has performed a well sighting study and came up with two potential well sites. The owner will choose with the advice of the consultants, one of the two sites and drill the well. The well pump may need to be sufficiently sized to pump water to the tank without the need for a booster pump. However, splitting the pumping effort between the well and booster pump should be considered before as a viable alternative.

C. WATER TANK

The water tank will need to be placed at the highest point on the property so that all lots within the development. Figure 3 shows the proposed location of the water tank. This is the highest point on the property and is along the northern property boundary. The elevation difference is approximately 210 feet from the highest point to the lowest point on the proposed project site. This means that the lowest point on the property will experience about 91 psi of water pressure without a pressure reducing valve. The



Figure 3: Water Tank Location

properties directly adjacent to the tank will experience low pressures without individual lot booster pumps. Figure 4 shows two different isometric views of the proposed water tank location on top of a ridge with a slight plateau. The location is approximately the back lot corner shared by lots 155 and 156. An access easement would be required to construct and maintain the tank. The proposed northern road would crest the ridge and allow a relatively easy transition to a tank access road.



Figure 4: Water Tank Location from the West (Left Image) and East (Right Image)

D. Water Distribution

A water model of the proposed site will aid in the sizing of the water mains through the development and setting the tank elevation to ensure that all properties can be serviced by allowable minimum pressures. The results of the modeling effort will be given in a report that will show the allowable fire flow of all proposed fire hydrants and if a pressure reducing valve(s) would be required for the lower areas of the development. The maximum static pressure expected on the lowest areas of the development is over 95 psi.

KANE COUNTY ORDINANCE NO. O 2023-02

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

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance **9-6A-1: PURPOSE:** To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

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

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 17-27a-201- 205, 17-27a-308, and 17-27a-505;

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 1-8-15-1, from Agriculture (AG) to Residential 2 (R-2);

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

Parcel 1-8-15-1

LEGAL DESCRIPTION:

Acres 520 acres more or less

Situs Address Mineral Springs

Legal THE E 1/2: THE E/2W/2: & THE SW/4SW/4 OF SEC 15 T41S R8W SLB&M UTAH. CONT 520.0 AC, M/L. LESS THE NORTH 20 ACRES OF THE N/2NE/4 & NE/4NW/4, LEAVING 500.0 AC, M/L. TOG WITH WUC #81-3695 & 81-3696.

Is hereby rezoned from AG to R-2 and shall from here forth be zoned.

---- END OF ORDINANCE ----

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

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

ADOPTED this _____ day of _____, 2023.

ATTEST:

Chameill Lamb
Kane County Clerk

Wade Heaton, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Kabeja voted _____
Commissioner Meyeres voted _____



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: January 24, 2023

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 23005: Zone Change Application, AG to C-2, Ordinance O-2023-04
Parcel 1-9-5-3A consisting of 206+/- 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 December 30, 2022, Ponderosa Ranch Limited, Julie Millard, submitted a zone change application, for parcel 1-9-5-3A, located east of the Zion National Park boundary and north of the Ponderosa Resort. Iron Rock Group holds power of attorney for this project. They are requesting to rezone from Agricultural (AG) to Commercial 2 (C-2). Currently the parcel is undeveloped.

Legal Description Parcel 1-9-5-3A:

Situs Address 10665 W ZION PONDEROSA RESORT RD

Legal BEG AT THE NW COR OF SEC 5 T41S R9W SLB&M; & RUN TH E ALG THE N LINE OF SEC 5, 2,342.0 FT, M/L, TO THE 1/4 COR OF SEC 32 T41S R9W SLB&M, (SHOULD BE THE S 1/4 OF SEC 32 T40S R9W) & RUN TH S 3*16' E TO THE 1/4 COR OF SEC'S 5 & 8 T41S R9W SLB&M; TH W TO THE SW COR OF SAID SEC 5; TH N TO BEG. CONT 303 AC,M/L, (AS DEEDED TO RAY LEWIS)

LESS 6.518 AC THAT WENT TO LITTLE PONDEROSA SUBD AMENDED, LEAVING 296.482 AC, M/L.

LESS 1.95 AC.M/L, THAT WENT TO COUNTY RD, LEAVING 294.532 AC, M/L.

LESS 84.778 AC THAT WENT TO PONDEROSA RESORT(1-9-5-3), LEAVING 209.754 AC, M/L.

LESS 3.45 AC THAT WENT TO 8A-B-22, LEAVING 206.304 AC,M/L.

FACTS & FINDINGS:

- Parcel 1-9-5-3A meets the requirements to be zoned C-2. The parcel is currently zoned AG.
- The applicant requests the parcel be zoned C-2 which requires a zone change.
- If the zone change is approved all uses contained in the C-2 Uses will be allowed.
- Surrounding parcels are zoned AG, Commercial 2 and Residential ½ in the dry subdivision Little Ponderosa Ranch which borders 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 and the North Fork 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)
- **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.

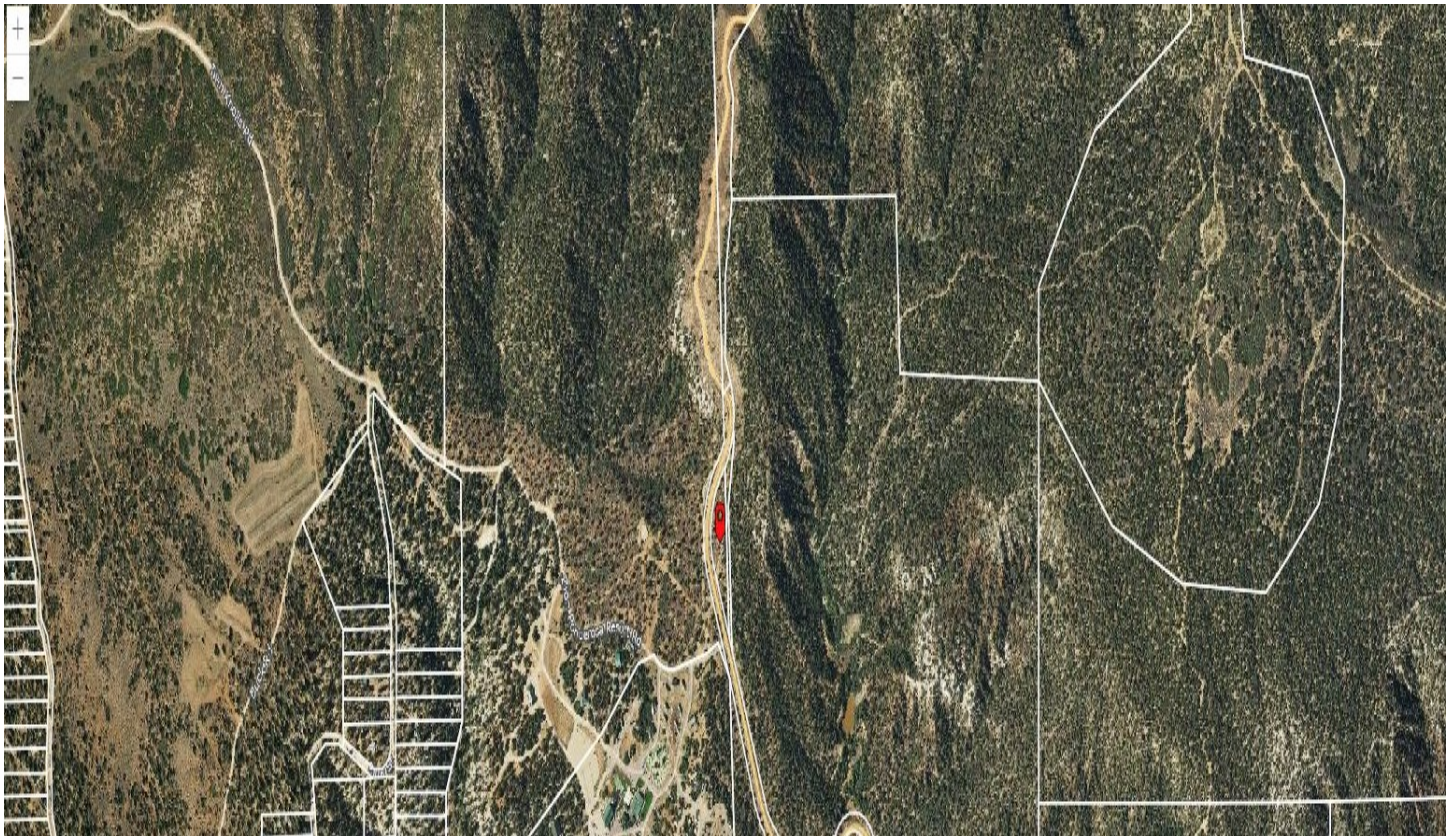
D. Other: Any use not named which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the chapter by the Kane County Planning Commission in a public hearing and approval of the County Commission. (Ord. O-2022-42, 7-26-2022)

- **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 1-9-5-3A from AG to C-2 & Ordinance O-2023-04, to the County Commission, based on the facts and findings as documented in the staff report.

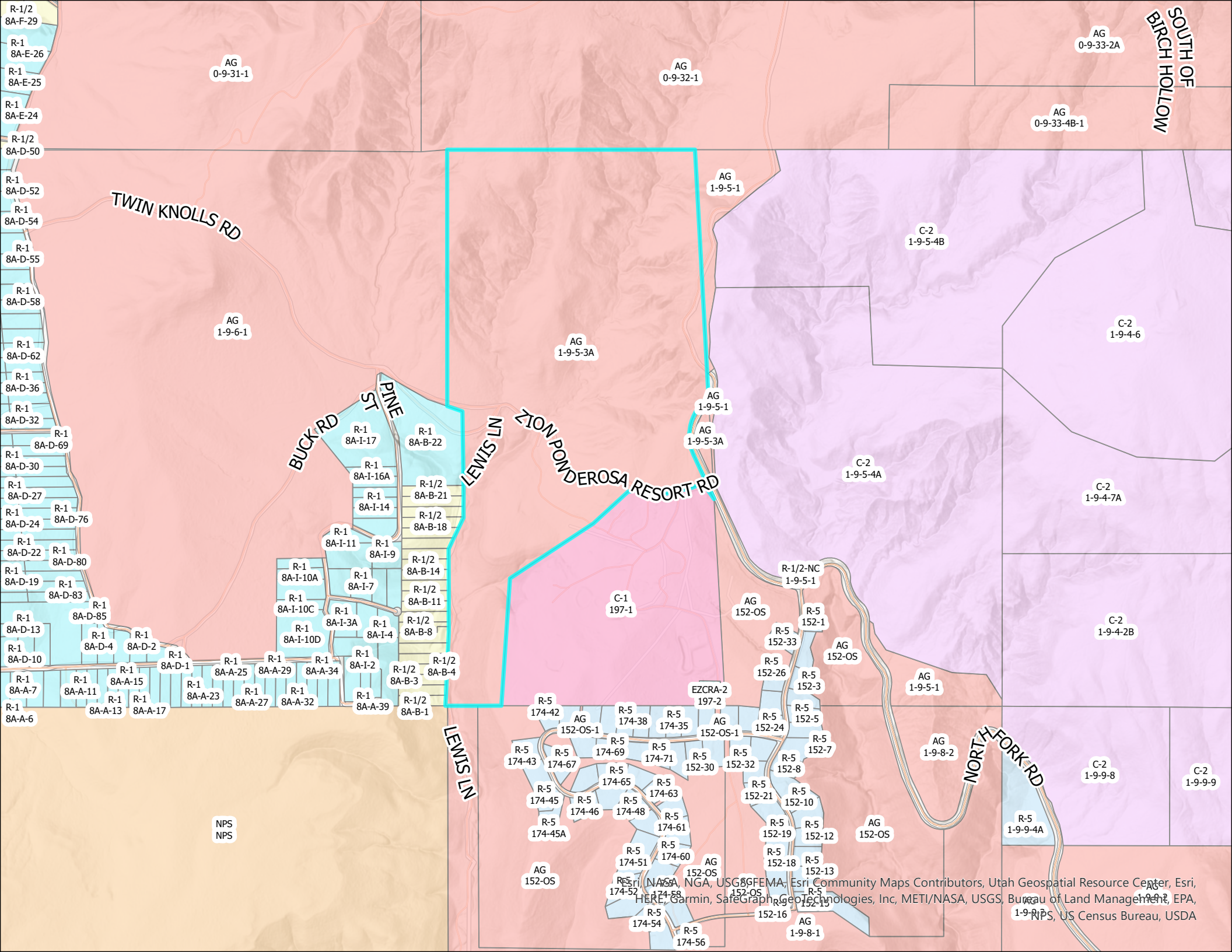




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Shannon McBride | Land Use Administrator | e-mail: smcbride@kane.utah.gov



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SOUTH OF
BIRCH HOLLOW

TWIN KNOLLS RD

BUCK RD
PINE ST

LEWIS LN

ZION PONDEROSA RESORT RD

NORTH FORK RD

NPS
NPS

LEWIS LN

KANE COUNTY ORDINANCE NO. O 2023-04

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 1-9-5-3A FROM
AGRICULTURAL 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 1-9-5-3A from Agricultural (AG) to Commercial 2 (C-2);

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

Parcel 1-9-5-3A

LEGAL DESCRIPTION: Parcel 1-9-5-3A:

Situs Address 10665 W ZION PONDEROSA RESORT RD

Legal BEG AT THE NW COR OF SEC 5 T41S R9W SLB&M; & RUN TH E ALG THE N LINE OF SEC 5, 2,342.0 FT, M/L, TO THE 1/4 COR OF SEC 32 T41S R9W SLB&M, (SHOULD BE THE S 1/4 OF SEC 32 T40S R9W) & RUN TH S 3*16' E TO THE 1/4 COR OF SEC'S 5 & 8 T41S R9W SLB&M; TH W TO THE SW COR OF SAID SEC 5; TH N TO BEG. CONT 303 AC,M/L, (AS DEEDED TO RAY LEWIS)

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LESS 84.778 AC THAT WENT TO PONDEROSA RESORT(1-9-5-3), LEAVING 209.754 AC, M/L.

LESS 3.45 AC THAT WENT TO 8A-B-22, LEAVING 206.304 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 _____, 2023.

ATTEST:

Chameill Lamb
Kane County Clerk

Wade Heaton, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Kubeja voted _____
Commissioner Meyeres voted _____

KANE COUNTY ORDINANCE NO. O 2023-06

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

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to specific sections of Chapter 1 of the Kane County Land Use Ordinance; and

WHEREAS, the purpose of amending Chapter 1 is as follows: (9-1-12) General Provisions is amended to align with Utah state code; and

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval amendments to section 9-1-12 of Chapter 1 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:**

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

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9-1-7: Definitions:

AGRICULTURAL USE: Land shall be deemed to be in agricultural use when devoted to the raising cultivation, drying, harvesting, marketing, production, or storage of agricultural products, including both crops and livestock, for sale or use in agriculture or agricultural production, or the storage of machinery or equipment used in support of agricultural production. ~~of plants and animals useful to man. , including, but not limited to: forages and sod crops; grains and feed crops; dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees, fur animals, trees, fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral and ornamental stock; or when devoted to and meeting the requirements and qualifications for payment or other compensation pursuant to a cropland retirement program under an agreement with an agency of the State or Federal government.~~

~~APARTMENT COURT: Any building or group of buildings which contain dwelling units. See definition of dwelling, multiple-family.~~

BED AND BREAKFAST: A building of residential design, in which the property owner or manager personally resides on premises, where one or more rooms, but not more than five (5) rooms are rented out by the day, with a maximum building occupancy of ~~ten fourteen (14)~~ (10) individuals, and may offer meal services to overnight guests only.

BUILDING OFFICIAL: ~~The person designated as the building official for Kane County by the County Commission.~~ The person responsible for the administration, interpretation and enforcement of the building, housing, plumbing electrical and related codes.

CHILD NURSERY: ~~An establishment for the care and/or the instruction of six (6) or more children, for compensation, other than members of the family residing on the premises, but not including a public school.~~

CLUB, PRIVATE: ~~An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.~~

COMMUNITY ZONE: A zone in the ~~unincorporated area~~ of the County that falls outside of any municipal boundary or ~~annexation zone~~ that requires a minimum of 640 acres; which the County's Land Use Authority designates as a potential municipality site.

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

CONDOMINIUM: ~~The ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property.~~ A housing or residential complex in which there are separate unit, with each unit being owned by an individual.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings. ~~The width of a court is its least horizontal dimension, measured between opposite sides in the same direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.~~

DAY-CARE: day-time care for the needs of people who cannot be fully independent, such as children or elderly people.

~~DORMITORY: A residence hall providing two (2) or more units with three (3) or more sleeping rooms per unit where meals are not served.~~

~~ELDERLY PERSON: A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.~~

EMPLOYEE HOUSING: means a dwelling unit provided for employees by an employer which is ancillary and subservient to the primary activity on the property, includes accommodation for laborers, caretakers and supervisory staff, provided that the employee housing is for the accommodation of one household only, of which at least one household member is employed on the property, is located on the same land unit on which the employment activity takes place, and may not be sold separately.

~~IMPROVEMENT ASSURANCE OR IMPROVEMENT COMPLETION ASSURANCE⁺: A surety bond, letter of credit, cash, or other security: a) to guaranty the proper completion of an improvement; b) that is required as a condition precedent to recording a subdivision plat or beginning development activity; and c) that is offered to a Land Use Authority to induce the Land Use Authority, before actual construction of required improvements to consent to the recording of a subdivision plat or issue a permit for development activity.~~

IMPROVEMENT COMPLETION ASSURANCE: means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a county to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to: recording a subdivision plat; or development of a commercial, industrial, missed use, or multifamily project.

~~(RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is either [owned by one of the residents or by an immediate family member of one of the residents, or] is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by elderly persons in a eight (8) or fewer elderly persons in a family type arrangement.~~

~~SITE: Includes any semi-permanent structure providing overnight sleeping accommodations. A site does not include facilities required and regulated by the Health Department, such as, but not limited to: restrooms, shower houses, kitchens, and culinary facilities.~~

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

~~TOURIST BASED COMPANIES: An agency engaged in selling and arranging transportation, accommodations, tours, and trips for travelers. Also called travel bureau.~~

TOWNHOME: Multi-unit building which is attached to one or more similar units by shared walls in which the owner own the land on which it sits. ~~that owns fee title to the ground beneath it.~~

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End of Ordinance

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

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

ADOPTED this 25 day of January, 2023.

ATTEST:

Chameill Lamb
Kane County Clerk

Wade Heaton, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Kubeja voted _____
Commissioner Meyeres voted _____