



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
76 N. Main St.
January 12, 2022

Meeting held with a call-in option.

CHAIRMAN: Doug Heaton

MEMBERS PRESENT: Doug Heaton, Byard Kershaw, Gwen Brown, Aaron Bonham

MEMBERS ABSENT: John Reese, Jeremy Chamberlain, Hal Hamblin,

EX-OFFICIO MEMBER: Commissioner Wade Heaton

STAFF PRESENT Shannon McBride, Land Use Administrator; Charee Shepherd, Zoning Administrator; Rob Van Dyke, Attorney; Wendy Allan, Assistant;

6:00 PM Meeting called to order Doug Heaton
Invocation Aaron Bonham
Pledge of Allegiance Gwen Brown

GENERAL BUSINESS

1. Approval of minutes December 08, 2021

MOTION: Byard Kershaw made a motion to **approve** the December 08, 2021 minutes. Gwen Brown seconded the motion.

The Chair asked for any questions or comments.

VOTE: Chairman Heaton called for a vote. The **motion passed** unanimously.

2. Public Comment

(No comment)

MOTION: A motion was made by Aaron Bonham to go in and out of public hearing at the call of the chair. The motion was seconded by Byard Kershaw.

VOTE: The Chair called for the question and the **motion passed** unanimously.

3. Public Hearing – Zone Change/Ordinance 2022-4: Johnson

An application for a zone change from Agricultural (AG) to Commercial 2 (C-2) for parcel 3-5-33-2 and a portion of parcel 4-5-4-2 totaling 104.48 acres, near Eight Mile Gap Road. Submitted by Iron Rock Group, holding power of attorney.

Tom Avant and Chris Heaton with Iron Rock Group presented the project. The applicant would like to move the parcel line and zone the newly defined 104 acres C-2. They plan to put in tiny cabins. There is a lot of blue clay in the area that limits where they can build and put their septic. They want to put the cabins in the trees and they need a larger area to allow them to put in a septic. Robert (Bob) Johnson does not want the range area developed. The commercial parcel would run about 400-500 feet south from the highway. They plan to access the cabins from Boulder Bluff Blvd. and/or Panorama Ave. There are already turn lanes on Highway 89 in that area.

Charee showed a map of the surrounding zones. This parcel borders against some commercial lots as well as some lots in Sunflower Estates and Vermillion Cliffs Estates.

The applicant is requesting C-2 to eliminate the need for a conditional use permit for a hotel/motel. Chairman Heaton reminded the P&Z that they are not permitting a business but all the uses in the C-2 zone.

Chairman Heaton called the commission into public hearing.

Cindy Romrell: She questioned what road would be used for access. She also questioned how many cabins and when they would start construction.

Jon Lauderbaugh: He questioned the maximum number of cabins allowed. He is concerned about what could go in the C-2 zone if they do not build out. He expressed concern about increased traffic and light pollution. He is worried that they will sell or lease some of the property for commercial development.

Jeff Roth: He owns Dark Sky RV Park. He does not feel that this should be zoned C-2 because of the allowed uses. He is concerned the roads are not wide enough to support more traffic. He is also concerned about noise and light pollution

Ken Hodson: He lives in Vermilion Cliffs, 300 feet from this project. He is concerned about rezoning 105 acres. He is worried about all the uses allowed in the C-2 zone. He talked about the narrow roads. He stated he would be okay with C-1.

Ally Route: She lives on Eight Mile Gap Road. She is concerned about light pollution. She bought property in the area because of the night skies. She opposes the C-2 zone. Traffic is an issue. She feels that last month's decisions should set a precedence.

Dave Jones: He lives in Palomar Estates. He is concerned about light pollution. He wants to know how many cabins. He is worried about what else will be put on this parcel.

Matt Fisher. He lives on Palomar Lane. He is worried about the uses allowed in the C-2 zone. He is also worried about noise pollution and water consumption. He stated that property rights do not end at the property line as pollutions of all kinds travel beyond the property line. He is concerned about growth changing the quality and fabric of the community. He stated that more transient populations coming through the area is not beneficial to the town.

Peggy Stone: She agreed with all that has been said. She indicated that 600 feet from Highway 89 is not next to the highway. She feels there needs to be a tighter limit on commercial zoning.

Gayle Dvorak: She questioned if the county will be putting in a frontage road in the near future. (Tom informed her that the traffic will be entering the project from Boulder Bluff and Panorama.)

Larry Crutchfield: He is opposed to this project. He is opposed to AG property being converted to any commercial use. This rezoning would allow for a big box store to come in. The county does not have a lighting ordinance and commercial in this area will affect the night skies.

Amy Auffeld: She lives on Eight Mile Gap road. She is concerned about traffic entering the highway from Eight Mile Gap Road and wonders if there are plans for a traffic light or round about at that intersection.

Chairman Heaton called the commission out of public hearing

Tom stated that the applicant has agreed to grant an easement to the county to tie Mountain View to Boulder Bluff Boulevard. The first phase of the project will include 7 cabins. They have not decided on a final total. They are trying to place the cabins in the trees so as to not be seen by others.

Tom requested that the P&Z consider rezoning this parcel to C-1 instead of C-2. All of the concerns that have been expressed will be governed under a CUP that would be required under the C-1 zone. Phase one would access off of Boulder Bluff but future phases would access off of Eight Mile Gap Road.

Shannon explained that a conditional use permit (CUP) is used to mitigate concerns in the area. The CUP addresses lighting/dark sky, road and access safety, scenery and landscaping, etc. Feasibility letters are required from affected entities. There are 28 items in ordinance that will be addressed in the CUP.

Gwen requested a comparison of the uses in the C-1 and the C-2 zone. Doug reminded the applicant that the P&Z is not approving a project. They are approving a zone. Gwen stressed that

there is not a lot of difference in the uses between C-1 and C-2. Gwen implored the P&Z to look at the big picture and what could be developed down the road.

Danny Johnson (applicant) stressed that they want to preserve the dark sky in the area. He does not feel that 7 units will have much of an impact on the area. Matt Johnson (applicant) stressed that this is family land and they do not want the land parceled and sold off.

MOTION: Aaron Bonham made a motion to **modify the zone change request** from C-2 to C-1. Byard Kershaw seconded the motion.

VOTE: Chairman Heaton called for the question. Byard and Aaron voted aye. Gwen opposed. The **motion passed** to consider C-1 zoning.

Chairman Heaton called the commission into public hearing on the C-1 zone.

Jon Lauderbaugh: He is still concerned about the size of the total number of cabins. The applicant presented the idea of phases.

Chairman Heaton stressed that the P&Z is not approving a project; they are approving a zone.

Ken Hodson: The access on Panorama is too narrow for increased traffic. Access would be better served off of the old highway.

Ali Route: She is concerned about allowing the applicant to change what zone they are applying for.

Larry Crutchfield: He is opposed to a C-1 zone. He stated that there is already property in the area designated commercial. This zone change will have long term effects on the neighbors and surrounding community.

Matthew Fisher: He is opposed to the C-1 zone. Lighting is already a problem in the area. Potential uses in the commercial zones will contribute to that problem.

Danny Johnson (applicant): There is a Garkane substation on the parcel. Garkane is planning to expand their footprint. Commercial zoning makes sense due to the fact that the parcel abuts storage units and Highway 89, with a hair salon in the area and other commercial zoning across the highway.

Jeff Roth: He is against the C-1 zone because the county does not enforce a dark sky ordinance.

Dianna Zimmerer: She lives in Vermilion Cliffs. She is opposed to this for the same reasons that have been stated. She questioned why the applicant needs to rezone more than just the footprint of the project.

Dave Jones: He agreed that it would be best to rezone just a small area for the cabins.

Bob Johnson (applicant): The reason for the number of acres was solely to square up the property. He understands the concerns. He plans to keep most of the land agricultural and run his cattle on the land.

Mark Romrell: He lives on Panorama Ave. He chose to live there because of the secluded area. He is opposed to this zone change.

Chairman Heaton called the commission out of public hearing

Commissioner Heaton stressed that the public can always contact a P&Z member or commissioner to express their voice on a conditional use permit. Rob clarified that on legislative items (zone changes) the P&Z can speak with whoever they would like. On Administrative items, such as a CUP, the P&Z cannot seek information on their own. Input on administrative items should be directed to Shannon and she will disseminate it to the commission.

Tom addressed the public questions, pointing out that a third of the area in this project contains blue clay and cannot be developed. Chris stressed that there is commercial property in the area and highway frontage along the whole parcel. They are trying to avoid spot zoning.

MOTION: Aaron Bonham made a motion to **recommend approving** the zone change for parcel 3-5-33-2 & a portion of parcel 4-5-4-2 from AG to **C-1** & Ordinance O-2022-4 to the County Commission based on the facts and findings as documented in the staff report. Byard Kershaw seconded the motion.

Gwen feels that this is too big of a parcel to rezone commercial. They say they do not plan to sell but that can change at any time. Aaron feels that this is a good fit because of the highway frontage with commercial already in the area.

VOTE: Chairman Heaton called for the question. Byard Kershaw and Aaron Bonham voted aye. Gwen voted no. Motion to **recommend approval** of C-1 zoning **passed**.

FACTS & FINDINGS:

- Parcel 3-5-33-2 & a portion of parcel 4-5-4-2 meet the requirements to be zoned C-2. The parcels are currently zoned AG.
- Upon approval of the zone change a parcel line adjustment will be recorded and parcel 3-5-33-2 and the said portion of parcel 4-5-4-2 will both become parcel 3-5-33-2
- The applicant requests the parcels be zoned C-2 which requires a zone change.
- If the zone change is approved all uses contained in the C-2 uses table will be allowed.
- Surrounding parcels are zoned C-2, C-1, AG, R-2 and R-1.
- The parcel currently gains access off of 8 Mile Gap Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice. A sign has been posted near the parcel, and notice was posted on public websites. We have received some phone calls and emails with concerns regarding this zone change.

- **9-5A-1: PURPOSE:** To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **9-7B-1: PURPOSE:** The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- Kane County General Plan, Preamble: Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
- Kane County General Plan, Industrial and Commercial Land Use: **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

4. Public Meeting – Conditional Use Permit Amendment: Elohi

An application to amend a conditional use permit for Elohi Camp Zion, requesting a larger unit size. Submitted by Keith Sullivan.

Shannon explained that 500 feet is the maximum unit size for a glamping tent. The Conditional Use Permit (CUP) allows the P&Z to designate the size limitation and/or permit a larger unit size.

MOTION: Aaron Bonham made a motion to **approve** the amendment to the conditional use permit application, submitted by Elohi Camp Zion LLC, for an exception to the 500 sq. ft. for the 32 tents structures, increasing the size limit to 774 feet, located on parcel 1-8-10-1. Byard Kershaw seconded the motion.

VOTE: Chairman Heaton called for the question. The vote was **unanimous to approve.**

FINDINGS:

The above application complies with the Kane County Land Use Ordinance, 9-15A-1-6: Conditional Uses and the Kane County Land Use Ordinance 9-5B-6, (Rural-40) and the Rural Zone, (Uses Table); which allows the use of glamp-grounds through a conditional use permit. The CUP has the conditions to mitigate safety issues and must be implemented at the time of the building permit application. No single tent will be over 500 square feet. This glamp-ground is accessed off of the Mineral Springs road, which is a Class B County road.

Kane County Land Use Ordinance: 9-1-7: DEFINITIONS: (KCLUO): CAMPGROUND: A parcel designated commercial or agricultural with improvements for the occupancy by semi-permanent structures providing overnight sleeping accommodations, such as tents, yurts, etc., on a temporary basis; which includes, day use areas, recreation camps, modern camps, semi-developed campgrounds, primitive, and semi-primitive campgrounds as defined in Utah Administrative Code R393-300. Exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-50

GLAMPING: Shall be defined in Kane County as a semi-permanent structure placed on a permanent/semi-permanent foundation providing overnight sleeping accommodations.

KCLUO: 9-5-3: USES TABLE:

Campground/glamp-ground with up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more	C	
Cafe, cafeteria, catering establishment, restaurant (not a drive-through)	C	C

KCLUO: 9-5A-5:

F. A conditional use permit shall regulate the size of the structure, not including the foundation; to be no larger than five hundred (500) square feet (such as, but not limited to: tents/covered wagons/tee-pees/tree houses/yurts).

5. Public Hearing – Lot Joinder: Loth

An application for a lot joinder; joining lots 95 & 114, Church Wells Plat “B” Amended, becoming new lot 95 containing 0.65 acres. Submitted by Iron Rock Group, holding power of attorney.

Tom Avant, Iron Rock Group, explained that they want to join their two lots to allow them to build a garage on the same lot as the cabin.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing.

MOTION: Gwen Brown made a motion to **approve** the amended subdivision plat for a lot joinder, on behalf of Cynthia Loth, in the Church Wells Subdivision, Block “E”, Plat “B” Amended Plat, consisting of lots 95 & 114, becoming new lot 95, based on the findings documented in the staff report. Aaron Bonham seconded the motion.

VOTE: Chairman Heaton called for the question. The vote was **unanimous to approve**.

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

6. Public Hearing – Rural Unimproved Subdivision: Cluett
An application for a rural unimproved subdivision; Kanab Hideouts Ranch RUS, parcel 3-5-31-2B, creating 2 parcels. Submitted by Iron Rock Group, holding power of attorney.

Tom Avant, Iron rock Group, explained that the parcel currently has three homes on the property. By splitting the property, it will bring the applicant into compliance with the current land use ordinance which allows for a maximum of 2 homes on a parcel.

Chairman Heaton called the commission into public hearing.

Gayle Dvorak: She is in favor of this project.

Chairman Heaton called the commission out of public hearing

MOTION: Byard Kershaw made a motion to **recommend approval** of the Kanab Hideouts Ranch, Rural Unimproved Subdivision (RUS) on behalf of Torrey & Shellie Cluett, parcel #3-5-31-2B becoming new parcels 1 & 2 to the Kane County Commissioners, based on the findings in the staff report. Aaron Bonham seconded the motion.

VOTE: Chairman Heaton called for the question. The vote was **unanimous to recommend approval**.

FACTS & FINDINGS: The application for a Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). The Kanab Hideouts Ranch RUS complies with Kane County Land Use Ordinance, Title 9, Chapter 21, Article K, 1-3. 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 RUS process. All notices are in conformance to all standards and notice requirements of §17-27a-202. A notice was posted on two public notice boards at the Kane County courthouse, on the Utah State web site, and the Kane County website. This RUS contains 2 new parcels. The surrounding parcels are zoned AG.

17-27a-308 (1-3). 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.

**7. Public Hearing – Platted Unimproved Subdivision: Bramble Investment Group LLC
An application for a platted unimproved subdivision; Stagwood Platted Unimproved
Subdivision, parcel 8-6-15-2D2, creating 2 parcels. Submitted by Iron Rock Group, holding
power of attorney.**

Shannon explained that this property is split by a county road. Ordinance allows a lot under 10 acres in this circumstance.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing.

MOTION: Aaron Bonham made a motion to **recommend approval** to the Kane County Commissioners the Stagwood Platted Unimproved Subdivision for parcel #8-6-15-2D2 becoming two properly subdivided parcels, based on the findings in the staff report. Byard Kershaw seconded the motion.

VOTE: Chairman Heaton called for the question. The vote was **unanimous to recommend approval.**

FACTS & FINDINGS: The application for the Stagwood Platted Unimproved Subdivision complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). Stagwood PLUS complies with Kane County Land Use Ordinance, Title 9, Chapter 21, Article M, 1-4. 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 process. All notices are in conformance with all standards and notice requirements of §17-27a-202. A notice was posted that was visible to the public for 10 days prior, on two public notice boards at the Kane County courthouse and Utah State and Kane County websites. This PLUS contains two parcels, one 1.41 acre parcel and old parcel 8-6-15-2D2 with 13.68 acres. Ranch Drive splits the 1.41 acre parcel from the parent parcel 8-6-15-2D2 which will become Parcel 1 with 12.27 acres. The 1.41 acre parcel was split off in 2005. With Ranch Drive splitting the parcel in half the PLUS is a mechanism to record the parcels legally without further issues.

- (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.

8. Public Hearing – Ordinance 2022-1: Revising KCLUO Chapter 5

An ordinance revising KCLUO Chapter 5: addressing the size of glamping units.

Charee suggested that the P&Z strike out the 500 square foot limit for glamping units. It would still be possible to regulate the size of the units through a conditional use permit.

Tom clarified that there are a lot of structures that look like tents but are really framed building with a canvas cover. If they have fabric walls, the building department considers them a tent. If they have framed walls, the building department considers them a building and requires sprinklers.

Gwen suggested changing the size limit to 774 feet. Rob questioned the definition of glamping in our ordinance. He does not feel like a building with a fabric facade constitutes a glamping unit. Tom explained that parts of the structure, such as the canvas roof, are a semi-permanent product and would eventually need to be replaced.

Chairman Heaton called the commission into public hearing.

Matt Fischer: He asked for the P&Z to designate a definite size limit.

Rachel Bettencourt: She thinks of glamping as tents. She feels that (7) 774 square foot units on one parcel would have an impact on the neighbors.

Lorraine Sheridan: She asked if there is a distinction between yurts, domes and glamping tents.

Peggy Stone: She questioned if the ordinance is still at 7 sites for 10 acres.

Charee clarified that a total of 7 sites are allowed in the AG zone. If someone would like more than 7 sites they would need a zone change.

Chairman Heaton called the commission out of public hearing.

Tom explained that a standard hotel room is 450 square feet and the 500 square feet requirement is just larger than that. Aaron suggested taking out a size limit and addressing the size through the CUP. Gwen expressed the need to have a number so as to treat everyone equally. Tom recommended a designated size with a statement that says “unless approved by the CUP”.

MOTION: Gwen Brown made a motion to **recommend approval** to the County Commissioners increasing the glamping unit size from 500 square feet to 774 square feet with the ability to increase the size through a conditional use permit. Aaron Bonham seconded the motion.

VOTE: Chairman Heaton called for the question. The vote was **unanimous to recommend approval.**

9. Public Hearing – Ordinance 2022-03: Revising KCLUO Chapter 5

An ordinance revising KCLUO Chapter 5: amending the Rural Zones uses table.

Charee stated that the rural zone was developed to be a bridge between AG and Commercial. It was intended for uses of a recreational nature, uses that the public would not mind having closer to them.

Wade explained that the uses tables was put together very quickly with the idea of coming back and reviewing the uses. This zone was created to be a less impactful zone than commercial and the uses table needs to reflect that.

Charee reminded the P&Z that everything listed in the Residential and Agricultural uses tables are also allowed in the Rural zone and do not need to be included in the Rural zone uses table.

It was suggested that some of the uses be restricted by size rather than totally removed.

The P&Z decided to remove all the redlined items this evening and bring the rest back for review next month. (Attachment #1). Commissioner Heaton requested they leave a private helipad conditional in the RU-40 zone. "Gift shop" will also remain on the uses table.

Chairman Heaton called the commission into public hearing.

Rocel Bettencourt: She feels this is a step in the right direction

Gayle Dvorak: She likes this. She asked if it is possible for the public to get more information prior to the next meeting.

Chairman Heaton called the commission out of public hearing.

MOTION: Aaron Bonham made a **motion to postpone** this item to next month. Byard Kershaw seconded the motion.

VOTE: Chairman Heaton called for the question. The vote was **unanimous to postpone**.

10. Ordinance 2022-05: Revising Chapters 1 & 21

An ordinance revising KCLUO Chapter 1: aligning public notice requirements with state code and Chapter 21: clarifying notification requirements when amending a plat.

Charee explained that we are amending the public notice requirements to match with state code notice requirements, as well as changing the notice requirement for amending a plat to read "within 500 feet of the affected property".

Chairman Heaton called the commission into public hearing.

Peggy Stone: She is concerned that with larger properties there is a limited number of people getting notified.

Chairman Heaton called the commission out of public hearing.

MOTION: Byard Kershaw made a motion to **recommend approval** to the County Commissioners, revising KCLUO Chapter 1; aligning public notice requirements with state code and Chapter 21; clarifying notification requirements when amending a plat. Aaron Bonham seconded the motion.

VOTE: Chairman Heaton called for the question. The vote was **unanimous to recommend approval**.


**11. Discussion regarding eliminating the Residential ½ and Residential 1 zones.
A discussion, led by Commissioner Wade Heaton, on eliminating the R-1/2 and R-1 zones in the county.**

Commissioner Heaton expressed the concern that people are moving into unincorporated areas in the county and expecting municipal services. They do not understand the difference between city and county services. The county is struggling to sustain the services already being provided. He presented the idea of not allowing the creation of new ½ acre and 1 acre lots. The ½ acre and 1 acre lots that currently exist would be grandfathered in.

Gwen and Aaron are in favor of eliminating the ½ and 1 acre zones. Doug is agreeable to eliminating the R-1/2 zone. Tom asked about ½ acre lots in a PUD where density is addressed. Rob stated that PUDs are still in the unincorporated county. Aaron suggested clarifying expectations in the subdivision ordinance.

Staff was directed to put this on next month's agenda for further discussion.

Byard Kershaw made a motion to adjourn. Gwen Brown seconded the motion.
Meeting was adjourned at 8:59 pm.


Land Use Authority Chair
Doug Heaton


Administrative Assistant
Wendy Allan

KANE COUNTY ORDINANCE NO. O 2022-3**AN ORDINANCE AMENDING TITLE 9 CHAPTER 5 OF THE KANE COUNTY LAND USE ORDINANCE TO REVISE USES TABLE FOR RURAL ZONES**

WHEREAS, the Kane County Planning Commission held a duly noticed public hearing and then voted to recommend changes to the Kane County Land Use Ordinance to the Kane County Board of Commissioners; and

WHEREAS, the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended changes to the Kane County Land Use Ordinance and desires to enact the recommendations; and

WHEREAS, the purpose of this amendment to the Kane County Land Use Ordinance is to revise the uses in the RU-10 and RU-40 zones; and

WHEREAS, the purpose of this change is to revise the allowed uses in the Rural Zones, removing some of the higher impact commercial uses so as to allow for economic growth and development in otherwise low density, rural, agricultural land using the Rural Zones for larger tourism developments of a commercial nature; and

WHEREAS, the statutory authority for this ordinance is found in Utah State Code, §17-27a-102, §17-27a-302, §17-27a-501 through 506, §17-27a-505.5 and § 17-53-201;

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

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.

(Instructions to Codifiers:

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**Title 9
Land Use
Chapter 5**

AGRICULTURAL ZONE AND RURAL ZONES

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9-5B-6: USES TABLE:

Use	Rural 10	Rural 40	
	Rural 10	Rural 40	
Accessory buildings and uses customarily incidental to permitted uses	P	P	

Animal shelter, commercial	C	C
Animal shelter, private	P	P
Bed and breakfast	C	P
Bicycle shop	P	P
Building with a height greater than 35 feet	C	C
Cafe, cafeteria, catering establishment, restaurant (not a drive-through)	C	C
Campground/glamp-ground with up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more	C	C
Carbonated and purified water sales	P	P
Construction equipment and supply trailer, temporary	C	C
Construction field office, temporary	C	C
Dance hall; dancing	P	P
Drive-ins; refreshment stand, eating and/or drinking place (nonalcoholic)	P	P
Duplexes	P	P
Electrical power substation or overhead lines with base structure greater than 70 feet in height	C	C
Flea market, or swap meet	C	C
Fruit, fruit juice store; fruit and/or vegetable stand, or store; natural health food store	P	P
Garage; public	C	C
Gift shop; hobby	P	P
Golf courses	P	P
Group home	P	P
Guest homes	P	P
Helipad, commercial	-	C
Helipad, private	-	C
Home occupation	P	P
Kennel and/or catteries (private)	P	P
Livestock	P	P
Lodges, residential	C	C
Miniature golf course	P	P
Parks and other recreational areas	P	P
Parking lot incidental to a use conducted on the premises	P	P
Parking lot not incidental to a use conducted on the premises	C	C
Park models	C	C
Personal agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening, personal	P	P

Public parks and playground	Maybe Accessory Use?	P	P
Public, quasi public, and private service utility lines, pipelines, power lines overhead lines with base structure over 70 feet		P	P
Radio/television wireless transmitting towers		C	C
Reception center and/or wedding chapel		P	P
Recreational center, recreational camp, facilities or area that is private and/or commercial		P	P
Recreational vehicle park		C	C
Radio/television wireless transmitting towers		C	C
Residential facilities		P	P
Rock/souvenir shops		P	P
Secondhand shop, antiques, conducted within a building or enclosure		P	P
Seed/feed store		P	P
Single family dwelling (1 per lot or parcel)		P	P
Solar panels attached to a residential home producing less than 25 kW of energy		P	P
Swimming pool, not accessory use		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
Tiny homes		C	C
Tourist and tour guide companies or services		C	P
Vacation rental and/or short term rental		P	P
Veterinary		C	P

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End of Ordinance

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

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

ADOPTED this ____ day of _____ 2021.

ATTEST:
Kane County

KARLA JOHNSON
Kane County Clerk

Andy Gant, Chair
Board of Commissioners

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

DRAFT