



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
Board Room, Kanab Center
20 N. 100 E., Kanab
February 09, 2022

Meeting held with a call-in option.

CHAIRMAN: Doug Heaton

MEMBERS PRESENT: Doug Heaton, Gwen Brown, Hal Hamblin, Jeremy Chamberlain, John Reese

MEMBERS ABSENT: Byard Kershaw, Aaron Bonham

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 Wade Heaton
Pledge of Allegiance Rob Van Dyke

GENERAL BUSINESS

1. Approval of minutes January 12, 2022

MOTION: Jeremy Chamberlain made a motion to **approve** the January 12, 2022 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 Hal Hamblin to go in and out of public hearing at the call of the chair. The motion was seconded by John Reese.

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

3. Public Meeting - Conditional Use Permit Amendment: Infra Towers LLC
An application to amend a conditional use permit for Infra Towers, LLC, successor in interest to InSite Towers LLC. Submitted by Debbie DePompei.

Debbie DePompei (via phone), Infra Towers, requested another extension on their CUP.

Shannon explained that this is a much needed tower in Duck Creek and everything is in order to move forward.

MOTION: Hal Hamblin made a motion to **approve** an amendment to the conditional use permit for a 100' Stealth Wireless Communications (co-locatable) facility, located on parcel # 8-7-7-1C, based on the findings in the staff report. Jeremy Chamberlain seconded the motion.

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

FINDINGS: This project is in compliance with:

Utah State Code: 17-27a-506

Kane County General Plan: Pages 6, 7, 10, 15, 25, 29-30, 38, 43

Kane County Land Use Ordinance: 9-7B-5 & 9-15A-(1-7): Conditional Uses

4. Public Meeting – Conditional Use Permit: Schmidt
An application for a conditional use permit for a lodge in a Residential 5 zone. Submitted by Steven L. Schmidt.

Steven Schmidt stated that he has a 6000 square foot home and would like to rent it to more than 14 people. He is a member of the HOA and will encourage others in Zion Ridge to become compliant with the CUP requirement.

Shannon explained that prior to 2018 lodges were not allowed in a residential zone. In 2019 we revised our ordinance to allow lodges in the R-5 zone. This subdivision has a sewer system and a fire house. All conditions have been mitigated. Shannon further explained that Zion Ridge is a planned unit development. The lots are approximately 2 acres but zoned R-5.

MOTION: John Reese made a motion to **approve** a conditional use permit for Steven L. Schmidt, to operate a lodge located on lot 152-7 in the Zion Ridge PUD, zoned Residential 5, not to exceed 35 occupants, based on the findings as found in this staff report. Gwen Brown seconded the motion.

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

FINDINGS: Kane County Land Use Ordinance (KCLUO) Title 9-6A-6 and 9-15A-1-7 requires a conditional use permit, subject to the Planning Commission's approval, for a lodge in a Residential 5 Zone. All uses listed in the Residential Zone Uses Table are allowed in the R-5 Zone with their appropriate designation of permitted or conditional use permit.
Utah State Code 17-27a-506.

Effective 5/5/2021

17-27a-506. Conditional uses.

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

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

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

5. Public Meeting – Conditional Use Permit: Castagna

An application for a conditional use permit for a lodge in a Residential 5 zone. Submitted by Troy Castagna.

Troy Castagna (via phone) owns lot 18 in Zion Ridge with a 7000 square foot home on it. He has plenty off-street parking. He requested to be approved to operate a lodge.

MOTION: Gwen Brown made a motion to **approve** a conditional use permit for Troy and Pamela Castagna, to operate a lodge located on lot 152-18 in the Zion Ridge PUD, zoned Residential 5, to not exceed 35 occupants, based on the findings as found in this staff report. Seconded by Jeremy Chamberlain.

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

FINDINGS: Kane County Land Use Ordinance (KCLUO) Title 9-6A-6 and 9-15A-1-7 requires a conditional use permit, subject to the Planning Commission's approval, for a lodge in a Residential 5 Zone. All uses listed in the Residential Zone Uses Table are allowed in the R-5 Zone with their appropriate designation of permitted or conditional use permit.
Utah State Code 17-27a-506.

Effective 5/5/2021

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

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

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

6. Public Hearing – Lot Line Adjustment: Conrad

An application for a lot line adjustment between lots 139 & 140. Color Country Subdivision, Plat F. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Brent Carter, New Horizon Engineering, explained that the home is built close to the original lot line. They are adjusting the lot line to allow for proper setbacks.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing

MOTION: Jeremy Chamberlain made a motion to **recommend approval** to amend a Subdivision Plat for a Lot Line Adjustment on behalf of Brenton Lee Conrad and Patricia L. Conrad as Trustees of the BC Investment Trust in the Color Country Subdivision, Plat F, consisting of new lots 139 & 140 based on the findings documented in the staff report. John Reese seconded the motion.

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

FACTS & FINDINGS: Amending (lot line adjustment) the above stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The

project has been posted in two public places, and on the county and state websites. The new lot will retain the R-1/2 zoning. Adjusting the lines between these lots is in compliance with all state and local ordinances.

7. Public Hearing – Lot Joinder: Kampshoff
An application for a lot joinder; joining lots 488 & 490, Swains Creek Pines Unit 3.
Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Brent Carter, New Horizon Engineering, stated that this is a simple lot joinder.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing

MOTION: John Reese made a motion to **approve** the amended subdivision plat for a Lot Joinder, on behalf of Devon and Michelle Kampshoff, in the Swains Creek Pines Subdivision, Unit 3 Amended Plat, consisting of lots 488 & 490, becoming new lot 488, based on the findings documented in the staff report. Hal Hamblin seconded the motion.

VOTE: Chairman Heaton called for the motion. 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.

8. Public Hearing – Road Dedication/Ordinance 2022-10: Swains Creek LOA
An application to dedicate a portion of Harris Spring Road and Primrose Path to Kane County. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Brent Carter, New Horizon Engineering, explained that this is a continuation of the road dedication that was approved last year. This plat is adding property from the owners on the other side of the road to create a full 66 foot easement.

Shannon explained that this is cleaning up the previous road dedication. She requested this be passed conditional on receiving a letter from the LOA's attorney indicating that the board has authority to transfer the ownership of the property. Everything else is in order.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing.

MOTION: Hal Hamblin made a motion to **recommend conditional approval** of O-2022-10 to the Kane County Commission, for a ROAD DEDICATION, for portions of Harris Spring Road and Primrose Path Road, on behalf of Swains Creek Pines Lot Owners Association, based on the findings documented in the staff report. Road maintenance will be accepted by Kane County since they are currently maintaining the roads. Jeremy Chamberlain seconded the motion.

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

FINDINGS: Dedicating a road conforms to the standards in the Kane County Land Use Ordinance, 9-21F-1-6. Utah Code Sections §17-27a-201, 202, 206, 208, 308 & §17-27a-607 & 608 & 609 & 609.5 requirements have all been met. The project has been posted on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project and those properties that are accessed by the public street, right-of-way, or easement. A sign was posted on or near the easement in a manner that is calculated to alert the public. Good cause exists for dedicating the right-of-way; neither the public interest nor any person will be materially injured by the proposed dedication of the above right-of-way/easement. Dedicating the Harris Spring Road and Primrose Road, right-of-way is in compliance with all state and local ordinances. Bert Harris, Kane County Roads Department, is in support of this roads dedication.

Bert Harris, Kane County Roads Department agreed that road maintenance will be accepted by Kane County since they have already been maintaining the roads.

9. Public Hearing – Zone Change/Ordinance 2022-08: Carter
An application for a zone change from R-2 to R-1 for parcels 8-6-22-1, 8-6-22-4 & 8-6-27-4.
Submitted by Brent Carter, New Horizon Engineering.

Brent Carter, the applicant, requested R-1 zoning to allow them to develop 1 and 1 ½ acre lots. This is near the state road shed at Tod's Junction.

Chairman Heaton called the commission into public hearing.

(No comments.)

Chairman Heaton called the commission out of public hearing

John asked if this request would be affected by the elimination of the R-1/2 and R-1 zones being discussed later in this meeting. Rob explained that when a complete application is submitted the applicant is entitled to the law that is in effect at the time of submittal.

Rob clarified that a zone change is a legislative action. It can 1) be denied, or 2) the P&Z can wait until there is a decision made on eliminating of the R-1 zone, or 3) it can be postponed. There is not a legal concern in this situation.

Commissioner Heaton explained that across Highway 89 from this area is a subdivision that is zoned R-1. This would be consistent with what is already in the area.

MOTION: John Reese made a motion to **recommend approving** the zone change from R-2 to R-1 for parcels 8-6-22-1, 8-6-22-4, 8-6-27-4, & Ordinance O-2022-08 to the County Commission based on the facts and findings as documented in the staff report. Jeremy Chamberlain seconded the motion.

Commissioner Heaton talked about density and municipal services in the unincorporated parts of the county. He suggested that this may be an appropriate area for higher density as this would be a good place for a potential municipality. Charee showed that there are a lot of R-1 lots across the highway from this property.

VOTE: Chairman Heaton called for the question. Hal Hamblin, John Reese and Jeremy Chamberlain voted aye. Gwen Brown abstained from voting. The motion to **recommend approval passed.**

FACTS & FINDINGS:

- Parcels 8-6-22-1, 8-6-22-4 & 8-6-27-4, meet the minimum acreage required to be zoned R-1. The parcels are currently zoned R-2.
- The developer requests R-1 zoning which requires a zone change.
- Surrounding lots and parcels are zoned AG, R-5 and R-1.
- The majority are zoned AG.
- These parcels would gain access from Highway 89.
- All property owners within 500 ft. of these parcels have been mailed a public notice and a sign was posted near the parcels. As of the date of this staff report no concerns have been voiced.
- **9-6A-1: PURPOSE:** To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- Kane County General Plan, Preamble: Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.

**10. Public Hearing – Zone Change/Ordinance 2022-09: Holt Farms LLC
An application for a zone change from AG to C-2 for parcel 2-7-26-1. Submitted by Iron Rock Engineering, holding power of attorney.**

Chris Heaton, Iron Rock Engineering, explained that his client would like to do a parcel line adjustment to separate the canyon from the mesa. As it currently sits, that action would create a parcel with a dual zoning. The property is surrounded by BLM land and commercial zoning.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing.

MOTION: Hal Hamblin made a motion to **recommend approving** the zone change for parcel 2-7-26-1 from AG to C-2 & Ordinance O-2022-9 to the County Commission based on the facts and findings as documented in the staff report. John Reese seconded the motion.

Gwen questioned what the development plans entailed. Chris explained that there is not a clear plan for development. Chairman Heaton stressed the need to make zone change decisions based on the uses allowed in the zone and not the intended use.

Tanner Chamberlain (applicant) explained that all current development is currently in the canyon. They want to move the parcel line to put all of their development on one parcel.

Hal stated that the property owners have a Title 5 access to their property; meaning the BLM has given them permission to maintain a road off Hancock Road to their property. Hal expressed concern about increased traffic on Hancock Road.

Shannon explained that growth in the canyon is limited because of well source protections zones in that area.

VOTE: Chairman Heaton called for the question. Hal Hamblin, Jeremy Chamberlain, and John Reese voted aye. Gwen Brown voted nay. They motion to **recommend approval passed**.

FACTS & FINDINGS:

- Parcel 2-7-26-1 meets the requirements to be zoned C-2. The parcel is currently zoned AG.
- The applicant requests the parcel be zoned C-2 which requires a zone change.
- If the zone change is approved all uses contained in the C-2 uses table will be allowed.
- Surrounding parcels are zoned C-2, AG, and BLM.
- The parcel currently gains access from Hancock Rd.
- 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. As of the date of this report, no concerns have been voiced by the public.
- 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

11. Public Hearing – Lot Joinder: Hales

An application for a lot joinder; joining lots 608, 609 & 610, Swains Creek Pines, Unit 3. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

Chris Heaton, Iron Rock Engineering, explained that the owner would like to go from three lots to two lots.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing.

MOTION: John Reese made a motion to **recommend approval** to amend a Subdivision Plat for a Lot Line Adjustment on behalf of David S. Hales in the Swains Creek Pines Subdivision, Unit 3, consisting of lots, 608, 609 and 610 and becoming new lots 608 & 609, based on the findings documented in the staff report. Jeremy Chamberlain seconded the motion.

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

FACTS & FINDINGS: Amending (lot line adjustment) the above stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The project has been posted in two public places, and on the county and state websites. The new lot will retain the R-1/2 zoning. Adjusting the lines between these lots is in compliance with all state and local ordinances.

12. Public Hearing – Planned Unit Development/Ordinance 2022-11: Best Friends Animal Society

An application to amend & extend a planned unit development and establish zoning through the development agreement. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.

Project postponed by staff due to an incomplete application.

13. Ordinance 2022-07: Revising KCLUO Chapters 21 & 22

An ordinance revising KCLUO Chapter 21 & 22; reassigning duties to the appropriate department.

Charee explained that this cleans up our ordinance to reflect what is actually being done.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing.

MOTION: John Reese made a motion to **recommend approval** of O-2022-07 to the Kane County Commissioners making changes to KCLUO 9-21G-3J and 9-22-3. Hal Hamblin seconded the motion.

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

14. Public Hearing – Ordinance 2022-02: Revising KCLUO Chapter 6

An ordinance revising KCLUO Chapter 6; eliminating the R-1/2 zone.

Commissioner Wade Heaton asked for engagement from the P&Z and the public on controlling density in the county through zoning. He stated that the county continues to get requests for municipal type services in unincorporated parts of the county. He would like to delineate the difference between living in a municipality and living in the unincorporated areas of the county. He feels there are three options: 1) do nothing, 2) eliminate the R-1/2 zone, or 3) eliminate both the R-1 and R-1/2 zone.

Chairman Heaton recommended that R-1/2 zone be eliminated in unincorporated areas of the county.

Chairman Heaton called the commission into public hearing for both the R-1/2 and R-1 ones.

Samantha Stadlander: She owns a business in Duck Creek. She was told by Commissioner Heaton that there would not be a vote on this tonight. She does not understand the need to

eliminate these zones. Cedar Mountain property owners pay a lot for their service through a Special Service District. There is mass density with no infrastructure in the Duck Creek area. She feels that they deserve the same services as a municipality in a high-density area.

Gail Dvorak: She was under the impression that this would not be voted on tonight. She would like to see the R-1/2 and the R-1 zones eliminated.

Brent Carter: He recommended leaving things as they are and making a decision on each individual zone change application.

Chairman Heaton called the commission out of public hearing.

Commissioner Heaton explained this is just a recommendation to the County Commissioners tonight. The final vote will happen in commission meeting on February 22nd.

It was clarified that this change would not affect any property currently zoned R-1/2 and R-1. All the uses in these zones would remain as they are today. It is essentially a prohibition on creating new R-1/2 or R-1 zones.

Hal requested that if a recommendation is made tonight that the County Commissioners allow public comment during their meeting. Commissioner Heaton indicated that would be Commissioner Gant's call and would not commit to that. He stated that he has heard from hundreds of constituents and feels that the commissioners are all available prior to the meeting through email and phone, and will continue to listen to them.

Commissioner Heaton encouraged the P&Z to make a recommendation this evening.

MOTION: Hal Hamblin made a motion to **recommend denial** of Ordinance 2022-02 to the County Commissioners. Jeremy Chamberlain seconded the motion.

Hal feels that this will not solve the problem of property owners wanting municipal services. He is for bigger lots and smaller density, however he feels that the county needs to protect the current zoning and be more cautious with zone changes.

Shannon clarified that if this is passed the option to subdivide down to ½ acre or 1 acre lots would be removed. She reminded the P&Z that any subdivision smaller than 10 acres requires infrastructure to be put in place. A Rural Unimproved Subdivision (RUS) is not a real subdivision. They are just parcels that have been divided. It is more of an AG exempt split. An RUS does not require the property owner to put in roads or infrastructure.

Rob explained that if someone wanted to subdivide a lot within a subdivision it would be treated as a new, full blown subdivision and would be required to meet today's standards. The P&Z has the discretion to deny a request for a new subdivision. He further explained that on the

administrative side of things, the P&Z does not have much discretion; however, on legislative items, such as dividing land, you can deny it if you have reasoning behind it.

Shannon explained that some subdivisions have larger parcels in them and property owners are creating small subdivisions within a subdivision. Many of the newer subdivisions in the county have CC&Rs that restrict subdividing.

Commissioner Heaton confirmed that he contacted Commissioner Gant and the County Commissioners have committed to allow the public to speak in commission meeting when this comes before them.

VOTE: Chairman Heaton called for the question. The vote was **unanimous to deny** the motion to deny this ordinance.

MOTION: John Reese made a motion to recommend approval to the Kane County commissioners to no longer accept new applications for R-1/2 zoning (Ordinance 2022-02). Hal seconded the motion.

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

15. Public Hearing – Ordinance 2022-06: Revising KCLUO Chapter 6 An ordinance revising KCLUO Chapter 6; eliminating the R-1 zone.

Chairman Heaton called the commission into public hearing.

Samantha Stadlander: She questioned if those who have larger parcels currently zoned R-1 would be allow to subdivide their property.

Chairman Heaton called the commission out of public hearing.

MOTION: Gwen Brown made a motion to **recommend approval** of O-2022-06 to eliminate the R-1 zones. John Reese seconded the motion.

Jeremy suggested that if the county wants to encourage areas to become municipalities there needs to be a way to achieve higher density in those areas.

Wade suggested that this discussion be paired with a discussion on the community zone. Shannon clarified that a community zone requires 640 acres. Canyonlands/Amangiri is the only community zone in Kane County. She informed the P&Z that a planned unit development (PUD) is another mechanism that can be used to affect density. She explained that a PUD requires a minimum of 20% open space. Rob informed the P&Z that they could structure the ordinance to prohibit future R-1 zones except within a community zone or PUD. Commissioner

Heaton suggested eliminating the R-1 with the caveat that 1-acre lots could be developed in a PUD or community zone.

VOTE: Chairman Heaton called for the question. John Reese, Hal Hamblin, and Gwen Brown voted aye. Jeremy Chamberlain voted nay. The motion to **recommend approval passed.**

**12. Public Hearing – Ordinance 2022-03: Revising KCLUO Chapter 5
An ordinance revising KCLUO Chapter 5; amending the rural zones uses table.**

Charee reviewed the uses table with the P&Z to determine what changes they would like to make.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing.

MOTION: John Reese made a motion to **recommend approval** of Ordinance 2022-03 as amended to the Kane County Commission. Hal Hamblin seconded the motion.

There was considerable discussion regarding tourist and tour guide companies or services. It was decided to bring this item back for discussion next month.

AMENDED MOTION: John amended his motion to **recommend approval** to the County Commissioners the changes made (attachment #1) and revisit “tourist and tour guide companies” next month. Jeremy seconded the motion.

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

Hal Hamblin made a motion to adjourn. John Reese seconded the motion.
Meeting was adjourned at 9:06 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.

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9-5B-6: USES TABLE:

Use	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	€	P
Bicycle shop	P	P
Building with a height greater than 35 feet	C	C
Cafe, cafeteria, catering establishment, restaurant (not a drive-through)	€	€
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 <u>incidental to permitted uses</u>	P	P
Golf courses	<u>P-C</u>	<u>P-C</u>
Group home	P	P
Guest homes	P	P
Helipad, commercial	-	C
Helipad, private	<u>C</u>	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	<u>P-C</u>	<u>P-C</u>
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	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	<u>C</u>	C

Radio/television wireless transmitting towers	€	€
Residential facilities	P	P
Rock/souvenir shops	P	P
Secondhand shop, antiques, conducted within a building or enclosure	P	P
Seed/feed store sales with no store front	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	€	€
Tourist and tour guide companies or services	C	P
Vacation rental and/or short term rental	P	P
Veterinary	€	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 _____