



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
Kanab Center, Ballroom A
20 N. 100 E., Kanab, UT
March 09, 2022

Meeting held with a call-in option.

CHAIRMAN: Doug Heaton

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

MEMBERS ABSENT: Byard Kershaw

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

GENERAL BUSINESS

1. Approval of minutes February 9, 2022

MOTION: John Reese made a motion to **approve** the February 9, 2022 minutes. Jeremy Chamberlain 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 Comments

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 Jeremy Chamberlain.

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

3. Public Hearing – Rural Unimproved Subdivision: Porter

An application for the Makana Place Rural Unimproved Subdivision, parcel 3-5-23-2, creating 3 parcels. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

Tom Avant, Iron Rock Group, explained that this is at the mouth of Johnson Canyon. They would like to divide the 40 acres into three parcels. This property is currently zoned AG.

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 conditional approval** of the Makana Place Rural Unimproved Subdivision (RUS) on behalf of Robert Charles and Gay Porter, parcel #3-5-23-2 becoming new parcels 1, 2 & 3 to the Kane County Commissioners, based on the findings in the staff report. Seconded by Aaron Bonham.

Shannon indicated that the applicant needs to submit septic feasibility prior to recording.

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

FINDINGS: The application for a Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). The Makana Place 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. 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 3 new parcels. The three new parcel will be zoned AG-FAA. 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.

4. 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 Group, holding power of attorney.

Tom Avant, Iron Rock Group, explained that Best Friends is defining the lots creating order to their current PUD. The original PUD was only for the houses on the hill. This amendment will expand the PUD to include the whole property. They are assigning zoning to fit with the current use. They have worked with the Department of Water Quality to obtain an operating permit for the septic systems throughout the sanctuary. The development agreement will be revised to state what they would like to do that deviates from the ordinance.

Tom requested that the county agree that; 1) the fire line out to the lake house does not currently meet required fire flow. It will be upgraded if there are any changes made to that building and 2) all current uses, buildings and infrastructure roads are grandfathered as they currently are. Any changes will require upgrading to county standards.

It was clarified that this PUD addresses the main campus of Best Friends on the east side of Highway 89. If they choose to develop the Three Lakes area they will need to create another PUD.

Tom explained that some buildings that were residences are now used as offices and are being zoned commercial.

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 the Best Friends Animal Society Planned Unit Development Amended and Extended plat, containing 2,208.44 acres, and Kane County Ordinance O-2022-11 establishing zoning for the PUD to the County Commissioners, based on the findings documented in the staff report. This also includes the understanding that there is not adequate fire flow to the lake house and that all current uses including roads, buildings, and other structures be grandfathered “as is” with the understanding that they will need to meet current requirements if changes are made. These conditions will be included in a development agreement provided by the county legal department. Jeremy Chamberlain seconded the motion.

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

FACTS & FINDINGS: Amending and extending a Planned Unit Development/subdivision plat for the above stated Planned Unit Development conforms to the standards in the Kane County Land Use Ordinance, 9-21D-2 and 3, 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.

5. Public Hearing – Lot Joinder: Kashka

An application for a lot joinder; joining lots 141 & 142, Meadow View Estates, Plat “D”, and vacating (2) 7.5 foot utility easements. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Shannon explained that this is a simple lot joinder, vacating the utility easements between the lots.

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 Vacating and Amending a Subdivision Plat for a lot joinder, and vacating two 7.5 foot public utility easements, on behalf of Russell A. and Sandra K. Kashka, in the Meadow View Estates Subdivision, Plat “D”, combining lots 141 and 142, becoming new lot 141, based on the findings documented in the staff report. Gwen Brown seconded the motion.

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

FINDINGS: Amending (joining) the two lots and vacating two 7.5 foot public utility easements for the above stated lots conforms to the standards in the Kane County Land Use Ordinance, 9-21E-9, (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The project has been posted in two public places and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. A sign was posted between the two lots showing the vacating of two 7.5 foot public utility easements. The new lot will retain the Residential ½ zoning (R-1/2). Combining these two lots is in compliance with all state and local ordinances.

6. Public Hearing – Zone Change/Ordinance 2022-17: Base Leg 45 LLC

An application for a zone change from AG to RU-10 for parcel 8-7-21-14A, near Strawberry Point Road and Meadow Lane. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

POSTPONED due to improper notification.

7. Public Hearing – Zone Change/Ordinance 2022-13: Armstrong

An application for a zone change from R-1 to C-1 for lot 159-1A, and from R-1/2 to C-1 for lot 42-1, near the Strawberry Pines and Ponderosa Villa Subdivisions. Submitted by Angela Powers-Armstrong.

Angela Powers-Armstrong stated she would like to build storage units with a bathroom in each unit on lot 159-1A and a commercial office building for a real estate office on lot 42-1. She does not plan to have signage.

Charee showed a map of the surrounding zones and informed the P&Z that these lots are part of a subdivision. She also reminded them to consider all of the uses in the Commercial zones uses table.

Charee read an email received from 3 members of the public. (Attachment #1)

Chairman Heaton called the commission into public hearing.

Linda Lara: She owns property in the Ponderosa Villa Subdivision. She opposes this change.

Anna Hogan: She opposed this change. She is a neighbor who has owned her property for 30 years. She is concerned about the increase of traffic that commercial property will bring.

Peggy Stone: She reminded the P&Z that they have recently denied some spot zoning and asked that they stay consistent and deny this zone change.

Arcadia Lara: He owns property in the Ponderosa Villa Subdivision. He opposes this zone change.

Linda Stinar: She owns property in Strawberry Valley. She represents the Strawberry Valley Property Owners Association. They oppose this zone change. They are concerned about increased traffic.

Tom McLaughlin: The P&Z has recently denied a zone change in this area. Commercial zoning in this area will open the door to other types of businesses, increasing traffic in the area.

Wayne Bassal: He is a property owner in the area. He is opposed to this zone change.

Jack Polnisch: He lives on Gulf Stream. He is in favor of a storage place in the area.

Chairman Heaton called the commission out of public hearing

Angela stated that her intention is to improve the community. She does not feel that this would increase traffic in the area. She stated that many of those making comment tonight do not live full time on the mountain. Her project is next to the dump (dumpster site) and she feels it will not affect the view in the area.

Charee stressed that there are no commercial lots in Strawberry Valley. She reminded the P&Z that everything on the uses table is permitted in the zone and they need to vote on the zone and not the project.

MOTION: Gwen Brown made a motion to **recommend denying** the zone change for lots 159-51A & 42-1 from R-1 and R-½ to C-1 & Ordinance O-2022-13 to the County Commission based on the facts and findings as documented in the staff report. Hal Hamblin seconded the motion.

Gwen stressed that it is not a good idea to put commercial zoning in the middle of residential zones. Hal is concerned about spot zoning..

VOTE: Chairman Heaton called for the question. Aaron, Gwen and Hal voted aye. Jeremy and John voted nay. Motion to **recommend denial passed.**

FACTS & FINDINGS:

- Lots 159-51A and 42-1 meets requirements to be zoned C-1. The lots are currently zoned R-1 and R-½.
- The applicant requests the lots be zoned C-1 which requires a zone change.
- If the zone change is approved all uses contained in the C-1 uses table will be allowed.
- Surrounding lots are zoned R-1 and R-½.
- The lots would gain access from Strawberry Point Road.
- All property owners within 500 ft. of these lots have been mailed a public notice, and a sign has been posted near the lots. As of the date of this report no concerns have been voiced by the public.

- **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)
- **9-7A-1: PURPOSE:** The purpose of the C-1 Zone is to provide for light commercial areas located in or near Residential Zones to meet the day to day needs of area residences. (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

8. Public Hearing – Zone Change/Ordinance 2022-14: Nelson

An application for a zone change from Ag-FAA to AG for parcels 287-1 and 278-5, located on Alton Road near Highway 89. Submitted by Greg Nelson.

Greg Nelson explained that they would like to develop two camping/yurt sites on their property. He wants to maintain the beauty of the land and the dark sky. He is surrounded by AG and AG-FAA zoning. He is working to secure a 28 foot access easement.

John asked about an access plan. Greg explained that there is a road on parcel 278-5 to the side of his house that he can widen to meet code.

Charee explained that AG-FAA zoning is established through a Rural Unimproved Subdivision (RUS) or Platted Unimproved Subdivision (PUS). It has nothing to do with the FAA green belt tax designation. Non-AG commercial ventures are not allowed in AG-FAA because we do not require any infrastructure when the AG-FAA parcels are created.

Chairman Heaton called the commission into public hearing.

Whit Bunting: He is opposed to this zone change. He does respect the right of people to go through the process. Whit has a spring on his property that they use for their cabin. They are concerned about contamination getting into their spring water. He acknowledged that could be mitigated through the CUP. He requested that his personal property rights be respected.

Rory McDonald: He is concerned about increased foot traffic as many tourists do not respect private property boundaries. He requested the P&Z deny this zone change.

Charee showed the uses table, explaining that anything of a commercial nature is not allowed in the AG-FAA zone. Shannon explained the AG-FAA zone stemmed from an AG exemption split. The RUS and PUS are not true subdivisions.

Bart Battista: He suggested developing an AG-FAA uses table.

Charee stated that staff is working on developing an AG-FAA uses table.

Angel Powers-Armstrong: She questioned how many acres this affects. Greg stated 25 acres.

Fred Johnson: He is a neighbor to the Nelsons. He is in support of this zone change.

Chairman Heaton called the commission out of public hearing.

MOTION: Jeremy Chamberlain made a motion to **recommend approving** the zone change for parcels 287-1 & 278-5 from AG-FAA to AG & Ordinance O-2022-14 to the County Commission based on the facts and findings as documented in the staff report. John Reese seconded the motion.

Aaron questioned if the spring is the primary water source for the Bunting's cabin. He suggested looking closer into that situation. Tom stated the CUP process will address how the water source will be protected. Jeremy stressed that all surrounding properties in the area are zoned AG.

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

FACTS & FINDINGS:

- Parcels 287-1 and 278-5 meet requirements to be zoned AG. The parcels are currently zoned AG-FAA.
- The applicant requests the parcel be zoned AG which requires a zone change.
- If the zone change is approved all uses contained in the AG uses table will be allowed.
- Surrounding parcels are zoned AG & AG-FAA
- The parcel would gain access from Alton Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice, and a sign has been posted near the parcel. 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.
- 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.

9. Public Meeting – Conditional Use Permit: Bradshaw

An application for a conditional use permit for a glampground with 5 sites, parcel 3-5-35-8 located at 6178 E. Antelope Trail. Submitted by Bart Battista, holding power of attorney.

Bart Battista, representing Lincoln Bradshaw, presented the project as a 5 site glampground with membrane structure tents. He stated that all feasibility letters have been obtained. Lincoln (via phone) proposed trees for screening instead of a 6 foot privacy fence. He feels that, due to the height of the trees, they would provide better visual screening for the neighbors. Lincoln said his neighbors feel that the fence would be more of an eye sore than the tents. He has submitted statements from his neighbors requesting trees instead of a fence.

Shannon explained that this property is located behind the Color Country Subdivision across from the Goodfellow airstrip. She further explained that access will be gained through the subdivision.

Bart reviewed the site plan showing that access to the sites will be obtained through the current driveway. He stated that there will be an onsite manager.

MOTION: Aaron Bonham made a motion to **approve** the Conditional Use Permit application, submitted by Lincoln Bradshaw, for a 5 site glamp-ground located on parcel 3-5-35-8. Jeremy Chamberlain seconded the motion.

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

It was clarified that the motion to approve included the trees in place of the fence.

FACTS & 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 9-5-3 (F-I) Agricultural 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. This glamp-ground is accessed off of Antelope Trail Road. The 10 acre parcel is surrounded on each side by AG zoned parcels. To the north, the lots are zoned Residential 1 and are part of Canyon Country Subdivision.

Kane County Land Use Ordinance, (KCLUO)

9-5A-3: USES TABLE:

Campground, glamp-ground, up to 7 sites	C
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Kane County Land Use Ordinance: 9-15A-2-F-1-3:

F: Findings: In approving a conditional use permit, the Land Use Authority shall find:

1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community;
2. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity;
3. That the proposed use is in harmony with the intent of the general plan and the zone in which it is located. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

All notices are in conformance with all standards and notice requirements of §17-27a-201-205. The agenda was noticed in three different public places and posted on the Kane County and Utah State websites.

This CUP complies with Utah State Code section unannotated § 17-27a-506, Conditional Uses.

- (1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

- (2) (a) A conditional use shall be approved 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.
- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

**10. Public Hearing – Ordinance 2022-12: Revising KCLUO Chapter 15
An ordinance revising KCLUO Chapter 15; allowing the Land Use Administrator to approve Residential Conditional Use Permits.**

Shannon explained that staff is requesting that she be able to approve residential Conditional Use Permits (CUP). We currently have 15 CUP applications for lodges waiting for approval. Shannon shared that Commissioner Heaton is concerned about some of the other conditional uses in the residential zone. Shannon reviewed the conditional uses in the residential zone and reassured the P&Z that she would be comfortable approving those CUP applications.

Jeff Stott, deputy county attorney, suggested rewording the ordinance to say “zone” instead of “use” as there are commercial activities allowed in a residential zone. It was clarified that CUPs do not require public notices or mailers.

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 **recommend approval** of Ordinance O-2022-12 with the recommended changes, amending the CUP process of residential conditional use permits, with the recommended changes, to the County Commission. Hal Hamblin seconded the motion.

Tom stated that the county has an ordinance with 28 items to be addressed in a conditional use permit. Once an applicant mitigates those items the use is a permitted use. He acknowledged that Shannon does an excellent job at going through those items and making sure that code it met.

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

**11. Ordinance 2022-15: Revising KCLUO Chapter 20
An ordinance revising KCLUO Chapter 20; addressing the ownership of internal subdivision roads.**

Jeff Stott explained that the county commissioners would like to get away from owning roads within private subdivisions. Jeff reviewed the revised ordinance with the P&Z (attachment #2). He added some factors to consider when looking at the roads on a preliminary plat. He also clarified the steps required for the county to accept roads. This ordinance requires that all roads are built to county standards. It states that “all roads in a subdivision are typically to remain private.” Subdivision road maintenance can be addressed through an HOA and CC&Rs. Tom stressed that the county does not have the funding to maintain internal subdivision roads. He recommended changing the wording in the first statement to read “roads internal to a subdivision”.

Commissioner Heaton reported that the commissioners keep getting requests for more municipal services in residential subdivisions in the unincorporated county; things such as better drainage, more maintenance, dust control, and hard surface roads. The county is not in a position to provide that level of service. He feels those services should be provided on a local level, specifically within the subdivision.

Chairman Heaton called the commission into public hearing.

(No Comments)

Chairman Heaton called the commission out of public hearing.

Shannon stated that this requirement will be stressed in all predevelopment meetings for new subdivisions.

MOTION: Jeremy Chamberlain made a motion to **recommend approval** of O-2022-15 with the recommended changes, amending Chapter 21 to the Kane County Commission. John Reese seconded the motion.

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

**12. Public Hearing – Ordinance 2022-16: Revising KCLUO Chapter 5
An ordinance revising KCLUO Chapter 5; amending the agricultural and rural zones uses table.**

Charee recommended the Planning Commission add “seed/feed sales” to the agricultural zone and take it out of the Rural zone uses table. She reviewed the different types of tour companies that could be permitted in the Rural zone and requested the P&Z decide what they want to allow. She reminded the P&Z that the purpose of this is to make the Rural zone more palatable.

Chairman Heaton called the commission into public hearing.

Bart Battista: He feels it is unusual to separate the different types of tours out. He feels the recommendations are too itemized and over regulated.

Chairman Heaton called the commission out of public hearing.

Tom presented the idea of low, medium, and high impact to adjacent property owners, stressing that the Rural zone should be medium impact.

MOTION: John Reese made a motion to take the tour company items one by one and make a decision on them. Jeremy Chamberlain seconded the motion.

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

MOTION: Jeremy Chamberlain made a motion to make ATV, Helicopter, and 4x4 companies not permitted in the Rural Uses Table.

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


MOTION: Aaron Bonham made a motion to make tour companies conditional in RU-10 and permitted in RU-40. John Reese seconded it.


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

John suggested looking into agro tourism companies.

John made a motion to adjourn.

Meeting was adjourned at 9:04 pm.


Land Use Authority Chair
Doug Heaton


Administrative Assistant
Wendy Allan

March 8, 2022

Land Use Authority
76 N. Main Street, Kanab, Utah, 84741

Dear Hearing Members:

I discovered this morning that there is a public hearing tomorrow for a proposed zoning change from R-1 to C-1, parcel 159-51A containing 1.96 acres and from R-1/2 to C-1, parcel 42-1 containing 0.53 acres, on behalf of Angela Powers-Armstrong & Anthony S. Armstrong, near Strawberry Pines and Ponderosa Villa Subdivision, Kane County Utah.

We did not receive any notification by mail of this proposed zoning change. I was told that it is our duty to register with the state of Utah to receive any public notices. Unfortunately, I was not registered with the Utah website.



I am strongly opposed to this zoning change which seems to be a spot zoning change. This zoning change request applies to a specific parcel or parcels of land within a larger zoning area which would give an unjustified benefit to the particular property owners while undermining the pre-existing rights and uses of

adjacent property owners. All of the developed properties in this area are zoned as R-1/2 or R-1. We do not need or want Commercial Property in our valley. There is already developed Commercial Property within 1½ miles of our valley which meets the needs of our community. This zoning change will not enhance our property or bring with it services that are not already provided in our community. This zoning change would set the precedent for future negative zoning changes and further entice the development of non-residential properties. This would destroy the peaceful and serene nature of our surroundings. We are committed to doing all that we can to avoid unnecessary development and maintain the character of our neighborhood.

Other negative impacts to the adjoining properties of a this zoning change are visual blight, noise, dust, increased traffic, loss of view, threat of increased crime, fire hazards, fewer wildlife sightings and diminished residential property values. Crimes statistics in Duck Creek are also reported to be higher in the Commercial areas.

It appears that these properties were purchased in 2021. If the owners choose to develop Commercial Property, they should purchase Commercial Property to begin with and not encroach on the property enjoyment of their neighbors in a neighborhood of R-1/2 and R-1 properties.

Please do not approve this zoning change.

Thank you for your consideration of my views as a current property owner.

Kim Roth
34755 Garlock Road
Acton, CA 93510
661-733-7303

March 8, 2022
Land Use Authority
76 N Main Street, Kanab, Utah 84741

Dear Hearing Members:

We learned this morning that there is a public hearing tomorrow for a proposed zoning change from R-1 to C-1, parcel 159-51A containing 1.96 acres and from R-1/2 to C-1, parcel 42-1 containing 0.53 acres, on behalf of Angela Powers-Armstrong & Anthony S. Armstrong, near Strawberry Pines and Ponderosa Villa Subdivision, Kane County Utah.

We did not receive any notification by mail of this proposed zoning change. Our neighbor informed us of this request and that she was informed it is our duty to register with the state of Utah to receive any public notices. We will do this for the future.

I am strongly opposed to this zoning change which seems to be a spot zoning change. This zoning change request applies to a specific parcel or parcels of land within a larger zoning area which would give an unjustified benefit to the particular property owners while undermining the pre-existing rights and uses of adjacent property owners. All of the developed properties in this area are zoned as R-1/2 or R-1. We do not need or want Commercial Property in our valley.

There is already developed Commercial Property within 1½ miles of our valley which meets the needs of our community. It appears that these properties were purchased in 2021. If the owners choose to develop Commercial Property, they should purchase Commercial Property to begin with and not encroach on the property enjoyment of their neighbors in a neighborhood of R-1/2 and R-1 properties.

This zoning change will not enhance our property or bring with it services that are not already provided in our community. This zoning change would set the precedent for future negative zoning changes and further entice the development of non-residential properties. This would destroy the peaceful and serene nature of our surroundings. We are committed to doing all that we can to avoid unnecessary development and maintain the character of our neighborhood.

Other negative impacts to the adjoining properties of a this zoning change are visual blight, noise, dust, increased traffic, loss of view, fire hazards, fewer wildlife sightings, diminished residential property values and threat of increased crime. Already crime statistics in Duck Creek are reported to be higher in the Commercial areas.

Please do not approve this zoning change.

Thank you for your consideration of my views.

Anna Hogan
PO BOX 804
Redlands, CA 92373
(909) 792-0263

March 8, 2022
Land Use Authority
76 N Main Street, Kanab, Utah 84741

Dear Hearing Members:

We learned this morning that there is a public hearing tomorrow for a proposed zoning change from R-1 to C-1, parcel 159-51A containing 1.96 acres and from R-1/2 to C-1, parcel 42-1 containing 0.53 acres, on behalf of Angela Powers-Armstrong & Anthony S. Armstrong, near Strawberry Pines and Ponderosa Villa Subdivision, Kane County Utah.

We did not receive any notification by mail of this proposed zoning change. Our neighbor informed us of this request and that she was informed it is our duty to register with the state of Utah to receive any public notices. We will do this for the future.

I am strongly opposed to this zoning change which seems to be a spot zoning change. This zoning change request applies to a specific parcel or parcels of land within a larger zoning area which would give an unjustified benefit to the particular property owners while undermining the pre-existing rights and uses of adjacent property owners. All of the developed properties in this area are zoned as R-1/2 or R-1. We do not need or want Commercial Property in our valley.

There is already developed Commercial Property within 1½ miles of our valley which meets the needs of our community. It appears that these properties were purchased in 2021. If the owners choose to develop Commercial Property, they should purchase Commercial Property to begin with and not encroach on the property enjoyment of their neighbors in a neighborhood of R-1/2 and R-1 properties.

This zoning change will not enhance our property or bring with it services that are not already provided in our community. This zoning change would set the precedent for future negative zoning changes and further entice the development of non-residential properties. This would destroy the peaceful and serene nature of our surroundings. We are committed to doing all that we can to avoid unnecessary development and maintain the character of our neighborhood.

Other negative impacts to the adjoining properties of a this zoning change are visual blight, noise, dust, increased traffic, loss of view, fire hazards, fewer wildlife sightings, diminished residential property values and threat of increased crime. Already crime statistics in Duck Creek are reported to be higher in the Commercial areas.

Please do not approve this zoning change.

Thank you for your consideration of my views as a current property owner.

Arcadio Lara
1021 Tribune Street,
Redlands, CA 92374
(951) 203-2511

KANE COUNTY ORDINANCE NO. O 2022 - 15

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 21 OF THE KANE COUNTY
LAND USE ORDINANCE REGARDING ROADS IN SUBDIVISIONS**

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to specific sections of Chapter 21 of the Kane County Land Use Ordinance; and

WHEREAS, the purpose of amending this chapter is as follows: Chapter 21, Subdivision Regulations is amended to clarify the dedication of subdivision roads; and

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval amendments to section 9-21F-1 of Chapter 21 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 21 of the Kane County Land Use Ordinance is amended as set forth below. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

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**9-21F-1: DEDICATION OF IMPROVEMENTS AND COUNTY OWNERSHIP OF
SUBDIVISION ROADS:**

Subdividers are put on notice that the majority of roads (if not all) internal to a subdivision are typically to remain private. At the time the final plat is approved, the subdivider may dedicate the roads, easements and other public improvements to Kane County and the Kane County Commission will determine which improvements to preliminarily accept. All subdivision roads must adhere to county standards, including a minimum 28 foot width comprised of 24 feet of travel lanes (two twelve foot travel lanes) with two foot shoulders on each side of the travel lanes.

In determining which roads to preliminarily accept, the Kane County Commission may look at the following factors:

- i) If the road could eventually be a Collector or Arterial Road;

- ii) How the road fits into the overall transportation system of the County;
- iii) Whether the road is internal to the subdivision, meaning that it only allows access to residents within the subdivision;
- iv) Whether the road has historically been open to the public, or allows access to public areas;
- v) The overall traffic expected by both residents, visitors, and those just passing through

~~The subdivider shall dedicate the streets, easements and other public improvements to Kane County at the time the final plat is approved and recorded by the County.~~ The subdivider shall notify the County in writing once ~~that~~ all improvements are completed, at which time the Kane County Engineer will perform a final improvement inspection. ~~of the roads. The dedication~~ Any dedicated improvements shall be deemed an offer by the subdivider which shall be irrevocable until one year after all of the improvements are completed. After one year, a final inspection will take place before officially accepting any preliminarily accepted improvements, and before releasing any bonds from any improvements. The County Commission may, at its option, accept the offer of dedication only if it finds that the subdivider has constructed, installed and maintained the public improvements required by this chapter and that the improvements comply with the minimum standards and requirements of this chapter and the "Kane County Standard Specifications and Drawing Details for Design and Construction" at the time of acceptance.

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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 _____, 2022.

ATTEST:

 Andy Gant, Chair
 Board of Commissioners
 Kane County

 Commissioner Gant voted _____

KARLA JOHNSON
Kane County Clerk

Commissioner Chamberlain voted _____
Commissioner Heaton voted _____