



Land Use Authority

180 West 300 North, Kanab, Utah 84741
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Email planning@kane.utah.gov

PROCEDURE FOR **“COMPLIANCE REVIEW OF PREVIOUSLY DIVIDED PROPERTY”**

The following is the procedure to submit an application and obtain approval for a “Compliance Review of Previously Divided Property.” (Kane County Resolution, No. R 2015-10). The general purpose of this application process is to provide an official determination of the status of any divided property, to establish whether it was divided in compliance with state and local law or not at the time of the division. For property that was divided illegally, this process will help the applicant understand their options and limitations for moving forward and may provide a fast track approval to correct any procedural deficiencies. In general this application should not be used if the property was divided after January 1, 2005 or if there was no survey completed prior to the division.

1. If it has not been recorded already, obtain the Record of Survey Map created at the time of the division of land. The Record of Survey Map must have been completed by a licensed surveyor and must comply with Kane County Land Use Ordinance 9-21K-2.
2. If the divided land has a water and/or sewer system, or plans for a water and/or sewer system, obtain a letter of approval from the Culinary Water Authority and/or Sanitary Sewer Authority or some other evidence of approval.
3. Sign and notarize the “Agreement of Understanding” (attached below)
4. Submit an application (attached below) to the Land Use Administrator with items one, two and three above.
5. After submitting the completed application the Land Use Administrator will conduct a review of the application. You will be notified of any problems with the application.
6. The Land Use Administrator will make one of the following determinations. 1) The land contained in the application was divided legally at the time and is currently in compliance with state and local subdivision regulations. 2) The land contained in the application was divided illegally due to substantive requirements of the law. 3) The land contained in the application was divided illegally due to procedural requirements of the law only. Under number one, the Land Use Administrator issues a letter indicating that the land is in compliance. Under number two the Land Use Administrator will issue a letter indicating that the land was divided illegally and set forth the potential processes for coming into compliance under current law. The application to the Land Use Authority for final review and procedural approval.
7. Applications must be submitted no later than 10 days in advance of the next regularly scheduled Planning Commission meeting (Land Use Authority) to be considered at that meeting. If the application is heard by the Land Use Authority it is highly recommended that

the applicant or their authorized agent be present at the Land Use Authority meeting. Telephonic appearance is acceptable if prior arrangements are made.

8. The Land Use Authority after hearing the recommendation of the Land Use Administrator will approve or deny the application. Approved applications and letter issued by the Land Use Administrator indicating that the divided land is compliant with subdivision requirements may be recorded.

“COMPLIANCE REVIEW OF PREVIOUSLY DIVIDED PROPERTY” APPLICATION

Owner/Applicant _____ Date _____
Phone _____ E-Mail _____
Address _____ Fax: _____
City _____ State _____ Zip _____

Registered Engineer or Surveyor _____
Address _____ Fax _____
City _____ State _____ Zip _____
Phone _____ E-Mail _____

Name of Subdivision, if any:

Location and Legal Description of Divided Land:

Number of Lots _____ Minimum Lot Size _____

Date land was divided _____

Attached Documents:

Record of Survey Map: Y N Agreement of Understanding: Y N
Culinary Water Authority Approval: Y N N/A* Sanitary Sewer Authority Approval: Y N N/A*

(*Must show documentation that no system exists or is planned)

Additional Comments:

I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE

Signature:

Office Use Only:

Land Use Administrator Action:

Existing Zone _____ General Plan Compliance: Y N
Water/Sewer Compliance: Y N Current Subdivision Reg. Compliance: Y N
Status of Divided Land: Compliant Substantive Non-Compliance Procedural Defect Only
Record of Survey Map: Approved Denied Easements: Approved Denied N/A

Land Use Authority Action:

Approved Denied LUA Chairman _____ Date: _____

AGREEMENT OF UNDERSTANDING

STATE OF UTAH)
 :SS
COUNTY OF KANE)

I, _____, the applicant of a compliance review for parcels
_____, hereby agree and take notice that under Kane County Land Use
Ordinance 9-21K-2 in unincorporated areas of the County, dedicated roads will not be accepted,
paved or maintained by the County, until the subdivision complies with Articles A through J of
Chapter 21 of the Kane County Land Use Ordinance.

Date: _____

Signature: _____

Printed Name: _____

SUBSCRIBED AND SWORN TO before me on _____.

NOTARY PUBLIC