



## Land Use Authority

76 North Main Street, Kanab, Utah 84741

(435) 644-4966 or (435) 644-4951

Email: [smcbride@kane.utah.gov](mailto:smcbride@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.
3. Sign and notarize the "Agreement of Understanding" (attached)
4. Submit an application (attached) to the Land Use Administrator with the following documentation:
  - a. Signed "Agreement of Understanding"
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 No. 1, the Land Use Administrator issues a letter indicating that the land is in compliance. Under No.'s 2 and 3, 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 will then go to the Land Use Authority (Planning Commission) 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. After hearing the recommendation of the Land Use Administrator, the Land Use Authority 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: \_\_\_\_\_

**Certificate of Written Approval**

On \_\_\_\_\_ 20\_\_, the Kane County Land Use Authority voted to approve the division of land as set forth herein. Under Utah Code 17-27A-605 the following described land meets the requirements to be exempt from a plat. Furthermore, at the time of the division of the land it was in compliance with County Ordinances. As of the date signed below, the land contained herein is in compliance with State and County laws and ordinances regarding the subdivision of land. Any document previously recorded or recorded here with that effectuates the division of land as described herein is legal as of the date that this document is recorded.

Owner(s) of the Property: \_\_\_\_\_  
Parcel ID: \_\_\_\_\_  
Legal Description of Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF UTAH    )  
                                  :ss  
COUNTY OF KANE)

I, Tony Chelewski or Wade Heaton the Chair or Vice Chair of the Kane County Land Use Authority, hereby certify that the property contained herein has applied for subdivision and has been approved by the Land Use Authority.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_ \_\_\_\_\_  
Tony Chelewski, Chair or Danny Brown, Vice Chair  
Kane County Land Use Authority

SUBSCRIBED AND SWORN TO before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC