



May 13, 2020
Kane County Planning Commission
Land Use Authority
Commission Chambers
76 North Main Street, Kanab, Utah

Per the Governor's executive order (No. 2020-05) to facilitate the ability of public bodies to conduct meetings electronically to slow the spread of COVID-19, the meeting will be available via conference call at 435-676-9000 participant code 168030#.(This is a local call within the South Central service area.)

Agenda

6:00 PM

Call to Order
Invocation
Pledge of Allegiance

1. Approval of minutes

March 11, 2020 meeting

2. Public Comment

At this time, any member of the public may address the Commission on any subject within their jurisdiction that is not scheduled before the Commission on this agenda. Due to Open Meeting Laws, the Commission cannot discuss or act on items presented during this portion of the agenda.

Legislative
Public Hearing

3. Ordinance 2020-09/Zone Change: Chamberlain

An application for a zone change from C-1 to C-2 to allow for further development, parcel 2-6-31-3, 5.48 acres, Moqui Cave area located 5.5 miles north of Kanab, Utah. Submitted by Lee Anne Chamberlain.

Legislative
Public Hearing

4. Ordinance 2020-11/Zone Change: Mocker

An application for a zone change from R-1 to C-1 for a bed and breakfast, parcel 2-1E-32-5D, 20 acres, located at 2416 N. Waunita, Clark Bench, Utah. Submitted by Debra Mocker and Mark Gutteridge.

Legislative
Public Hearing

5. Ordinance 2020-12/Zone Change: Heaps/Broderick

An application for a zone change from R-1 to AG, for a bed and breakfast, parcel 120-2, 12.93 acres, located at 5060 West Lake Powell Boulevard, Church Wells, Utah. Submitted by Janiece Broderick, holding Attorney in Trust for Amy Heaps.

**Legislative
Public Hearing**

5. Ordinance 2020- 08/Zone Change: Stevens

An application for a zone change from AG to C-2 for ATV/UTV/eBike rentals, parcel 8-6-22-1B2, 10 acres, located at 1319 W Ranch Drive, Alton, Utah. Submitted by Vincent Stevens

**Administrative
Public Hearing**

7. Lot Line Adjustment: Harris

An application for a lot line adjustment, on behalf of The Harris Family Trust 3/1/2012, Brad & Cynthia Harris, Trustees, lots 8A-B-7 & 8A-B-8, Little Ponderosa Ranch Subdivision, Amended. Submitted by Scott Woolsey, Alpha Engineering.

**Administrative
Public Meeting**

8. Rural Unimproved Subdivision: Thunderbluff

An application for a Rural Unimproved Subdivision, Thunderbluff RUS, parcel 4-5-3-1A. Submitted by Iron Rock Engineering.

**Administrative
Public Hearing**

9. Subdivision: Swains Creek Heights, Phase 1

An application for a subdivision, Swains Creek Heights, Phase 1 parcel 8-7-27-7, ±18 acres, creating 3 lots. Submitted by Brent Carter.

**Administrative
Public Hearing**

10. Subdivision: Swains Creek Heights, Phase 2

An application for a subdivision, Swains Creek Heights, Phase 2, parcel 8-7-27-5, ±6.03 acres, creating 3 lots. Submitted by Brent Carter.

*Land Use Ordinances: kane.utah.gov; government; ordinances; title 9
Information Packets: kane.utah.gov; government; departments; planning commission; documents; general*

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

Planning Commission Meetings Statutory Authority, Rules & Procedures can be found online at kane.utah.gov; Departments; Planning Commission; General; Land Use Ordinance 9-2-1 through 10.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Shannon McBride at (435) 644-4966 or Wendy Allan at (435)644-4364.

Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate.

Definitions:

“Public Hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. “Public Meeting” means a meeting that is required to be open to the public pursuant to the requirements of Title 52, Chapter 4 Open and Public Meetings; the public may or may not be invited to participate. “Legislative” means an action taken by the County Commission or Land Use Authority; amending ordinances, adopting general plan, annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community. “Administrative” means an action taken by the Land Use Authority Commission, staff, County Commission interpreting ordinances and regulations, conditional uses, approving subdivision site plans, issuing building permits; an administrative decision must satisfy the requirements prescribed under state law or the County Land Use Code (LUC), whichever is stricter.



KANE COUNTY LAND USE AUTHORITY

SHANNON MCBRIDE
LAND USE AUTHORITY
ZONING ADMINISTRATOR

Staff Report

DATE: April 28, 2020

To: Planning Commission
From: Shannon McBride, Planning and Zoning Administrator
Subject: Project # 20012: Zone Change Application, C-1 to C-2, Ordinance O-2020-09
Parcel 2-6-31-3, consisting of 5.48 +/- acres.

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area, on public websites, and in the Southern Utah Newspaper. A public notice was posted in two public locations.*

PROPERTY PROJECT HISTORY	
Project Number	ATV/UTV rentals
20012	Current Zone is Commercial 1 (C-1)

REQUEST: On February 27, 2020, Lee Anne Chamberlain, property owner submitted a zone change application, for the above stated parcel, located about 5 miles north of Kanab adjacent to Highway 89, Moqui Cave, requesting to rezone from Commercial (C-1) to Commercial 2 (C-2). The current Commercial 1 Zone does not allow for ATVs/UTVs without a conditional use permit. The applicant would like to rent out side by sides (UTVs) while staging them on the property west of Highway 89. The access to trails works better from that location. The parcel consists of a minimum of 5 acres.

Automobile or recreation vehicle, ATVs, or side by side sales, lease, rental, service, new or used, conducted entirely within an enclosed building	C	P
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BACKGROUND: Parcel **2-6-31-3** is assigned Commercial 1 zoning. This parcel has a souvenir gift shop and food truck located on the east side of highway 89. It was verified through the Recorder's office no signed agreements were recorded between the City and State by the Chamberlains. The BLM, Childs and Mason's signed and recorded agreements. **This parcel is within the Well Source Protection area for Kanab City Wells #3, #5, #13 and #14.**

LEGAL DESCRIPTION: THEW/2E/2NE/4SW/4NW/4NE/4: THEW/2NE/4SW/4NW/4NE/4: THEE/2NW/4SW/4NW/4NE/4:THEE/2SW/4SW/4NW/4NE/4:THEW/2W/2SE/4SW/4NW/4NE/4:THE /2SW/4NW/4NW/4NE/4:&THESE/4NW/4NW/4NE/4:OFSEC31T42SR6WSLB&M,UTAH.CONT8.75 AC,M/L. EXCEPTING THEREFROM ANY PORTION THEREOF LYING WITHIN THE BOUNDS OF USHWY89. LESS 0.049 ACRES TO KANAB CITY. LEAVING 5.48 AC, M/L.

FACTS & FINDINGS:

- Parcel **2-6-31-3** meets the minimum acreage required to be zoned C-2. The parcel is currently zoned C-1.
- The developer requests the C-2 zoning which requires a zone change.
- Surrounding parcels are zoned AG, BLM and SITLA.
- The lot gains access from Highway 89.
- All property owners within 500 ft. of this lot have been mailed a public notice.
- **Kane County Land Use Ordinance: 9-7A-1 PURPOSE:** 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 Land Use Ordinance: 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, page 7:** “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. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amangiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. **They are all Planned Unit Developments and Kane County encourages this trend to continue.**”
- **All future expansion of business use will be in compliance with the Well Source Protection Zones for contaminants and the elimination of any such contaminants within this zone.**

Conclusion: The applicant’s request to rezone parcel **2-6-31-3** from C-1 to C-2 would remain consistent with the Kane County General Plan and give private property rights deference. In the interest of growth, it would be beneficial to Kane County to allow properties to be utilized for the intended use if the use fits the qualifying zone; whether Commercial, Agricultural, or Residential. The Planning Commission should vote based on behalf of Kane County’s best interest, including; future planning efforts, private property owner’s rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan.

“Because zoning ordinances are in derogation of a property owner’s common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner.”
 (Patterson v. Utah County Bd. of Adjustment, 893 P.2d 602, 606 (UT App 1995))

The business manager has been made aware of the requirements with the Well Source Protection Zone and expansion of the uses and the restrictions pertaining to any expansions of the business associated with the Moqui Cave parcel 2-6-31-3.

If the zone change amendment is adopted, the regulations of the new zone of Commercial2 (C-2) can be found in the Kane County Land Use Ordinance, Chapter 7: Commercial Zones.

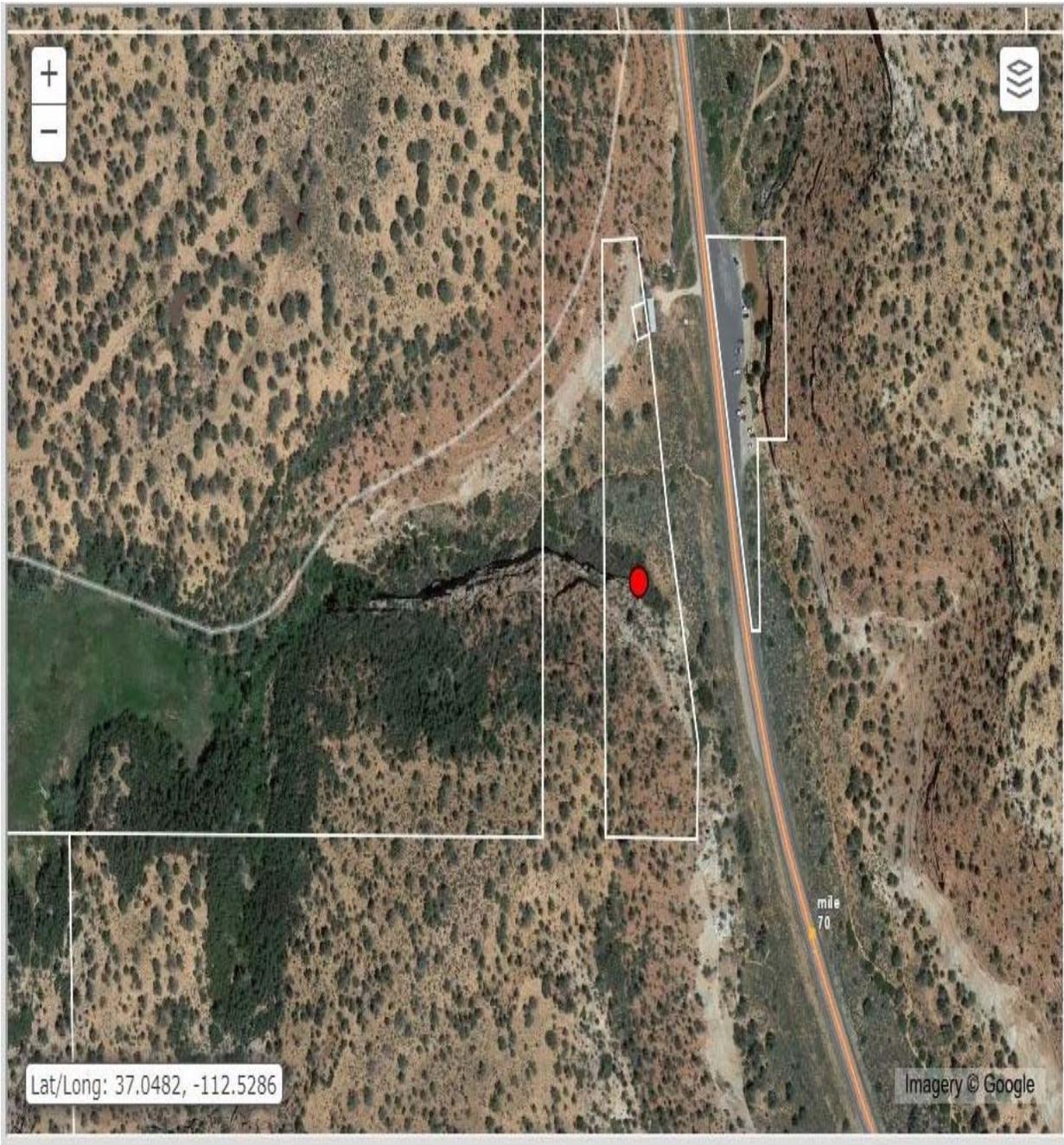
MOTION: I move to recommend/deny approval of the zone change application from C-1 to C-2 & Ordinance O-2020-09, submitted by Lee Anne Chamberlain based on the facts and findings as documents in the staff report.

Location	Owner	Value												
Parcel Number 2-6-31-3	Name CHAMBERLAIN LEX G & LEE ANNE	Market (2019) \$123,596												
Tax District 06 - COUNTY OUTSIDE	PO BOX 151	Taxable \$123,596												
Acres 5.48	KANAB, UT 84741-0151	Tax Area: 06 Tax Rate: 0.009526												
Situs Address		<table border="1"> <thead> <tr> <th>Type</th> <th>Actual</th> <th>Assessed</th> <th>Acres</th> </tr> </thead> <tbody> <tr> <td>COMMERCIAL BUILDING</td> <td>\$76,896</td> <td>\$76,896</td> <td>0.000</td> </tr> <tr> <td>COMMERCIAL LAND</td> <td>\$46,700</td> <td>\$46,700</td> <td>5.840</td> </tr> </tbody> </table>	Type	Actual	Assessed	Acres	COMMERCIAL BUILDING	\$76,896	\$76,896	0.000	COMMERCIAL LAND	\$46,700	\$46,700	5.840
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COMMERCIAL BUILDING	\$76,896	\$76,896	0.000											
COMMERCIAL LAND	\$46,700	\$46,700	5.840											
Legal THE W/2E/2NE/4SW/4NW/4NE/4 THE W/2NE/4SW/4NW/4NE/4 THE E/2NW/4SW/4NW/4NE/4 THE E/2SW/4SW/4NW/4NE/4 THE W/2W/2SE/4SW/4NW/4NE/4 THE E/2SW/4NW/4NW/4NE/4 & THE SE/4NW/4NW/4NE/4 OF SEC 31 T42S R9W S1 B5M, UTAH, CONT 8.75 AC, M/L EXCEPTING THEREFROM ANY PORTION THEREOF LYING WITHIN THE BOUNDS OF US HWY 89, LESS 0.049 ACRES TO KANAB CITY, LEAVING 5.48 AC, M/L.														
Child Accounts 0950685														
Child Parcels 2-9-31-4														
Parent Accounts														
Parent Parcels														

Recording Date	Book	Page	Doc Description
01/12/2011 02:29:12 PM	0393	0621	Warranty Deed

Tax Year	Taxes
2019	\$1,177.38
2018	\$1,187.88

Parcel: 2-6-31-3
 Account: 0050677
 Zoning: C-1
 Address: 84741
 Lat/Long: 37.1204, -112.5639
[View in Google Maps](#)
[View property records](#)
[View tax records](#)
 Zoom to



76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4964 | www.kane.utah.gov
Shannon McBride | Zoning Administrator | e-mail: smcbride@kane.utah.gov

KANE COUNTY ORDINANCE NO. O 2020-09

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 2-6-31-3 FROM
COMMERCIAL 1 TO COMMERCIAL 2**

WHEREAS, the purpose of this ordinance is to rezone parcel 8-6-31-3 from Commercial 1 to Commercial 2, on behalf of Lee Anne Chamberlain, the recorded owner; consisting of a total of 5+/- acres;

WHEREAS, the above parcel is located approximately 5 miles north of Kanab on north Highway 89 on the east and west side and meets the minimum acreage required to be zoned Commercial 2;

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance which states the purposes of properties in the Commercial 2 Zone is to provide for heavy commercial areas. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change parcel 8-6-31-3 from Commercial 1 to Commercial 2;

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 7-27a-201- 205, 17-27a-308, and 17-27a-505;

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

Parcel 8-6-31-3, more fully described by the respective legal description as given below is hereby rezoned from Commercial 1 to Commercial 2 and shall from here forth be zoned Commercial 2.

LEGAL DESCRIPTION: THEW/2E/2NE/4SW/4NW/4NE/4: THEW/2NE/4SW/4NW/4NE/4: THEE/2NW/4SW/4NW/4NE/4:THEE/2SW/4SW/4NW/4NE/4:THEW/2W/2SE/4SW/4NW/4NE/4:THE/2SW/4NW/4NW/4NE/4:&THESE/4NW/4NW/4NE/4:OFSEC31T42SR6WSLB&M,UTAH.CONT8.75AC,M/L. EXCEPTING THEREFROM ANY PORTION THEREOF LYING WITHIN THE BOUNDS OF USHWY89.

LESS 0.049 ACRES TO KANAB CITY. LEAVING 5.48 AC, M/L.

---- 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. Utah State Code 17-53-208 (3) (a)

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 _____, 2020.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Lamont Smith, Chair
Board of Commissioners
Kane County

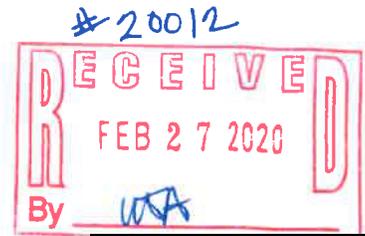
Commissioner Smith voted
Commissioner Gant voted
Commissioner Chamberlain voted



Land Use Authority

76 North Main Street
Kanab, Utah 84741
(435) 644-4964

planning@kane.utah.gov



REQUEST FOR ZONE CHANGE

FEE: \$350

Owner Name: LEE ANNE CHAMBERLAIN Date: 2/26/20
Address: [REDACTED] Email: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip: [REDACTED] Phone: [REDACTED]

PARCEL #: 2-6-31-3 LOCATION AND LEGAL DESCRIPTION OF PROPERTY:
POGGON CAVE IS AN ANCIENT HISTORY MUSEUM

CURRENT ZONE: C1 PROPOSED ZONE: C2

INTENDED USE AND REASON FOR ZONE CHANGE:
EXPANDING OPERATION, UTILIZING MORE OF OUR PROPERTY FOR MAINLY OUTDOOR RECREATIONAL PURPOSES.

I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

[REDACTED SIGNATURE]
Owner's Signature

***If acting on behalf of the property owner, please include a Power of Attorney.**

Planning Commission Action: Approve Deny

COMMENTS: _____

Signature - Planning Commission Chair _____ Date _____



KANE COUNTY LAND USE AUTHORITY

SHANNON MCBRIDE
LAND USE AUTHORITY
ZONING ADMINISTRATOR

Staff Report

DATE: April 28, 2020

To: Planning Commission
From: Shannon McBride, Planning and Zoning Administrator
Subject: Project # 20017: Zone Change Application, R-1 to C-1, Ordinance O-2020-11
Parcel 2-1E-32-5D, consisting of 20 +/- acres.

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area, on public websites, and in the Southern Utah Newspaper. A public notice was posted in two public locations.*

PROPERTY PROJECT HISTORY	
Project Number	Single Family Dwelling
20017	Current Zone is Residential 1 (R-1)

REQUEST: On April 16, 2020, Debra Mocker and Mark Gutteridge, property owners submitted a zone change application for the above stated parcel, located in the proximity of the Clark Bench Subdivision, requesting to rezone from Residential 1 to Commercial 1 (C-1). The current Residential 1 Zone does not allow for Lodges or Bed and Breakfast. The applicant would like to rent out a Bed and Breakfast style facility. The parcel consists of a minimum of 20 acres.

BACKGROUND: Parcel 2-1E-32-5D is assigned the Residential 1 zoning. This parcel has a single family dwelling.

LEGAL DESCRIPTION:

Situs Address 2416 N WAUNITA AVE

Legal BEG AT A PT 1,980.0 FT S FROM THE NE COR OF THE NW/4NW/4 OF SEC 32 T42S R1E SLB&M, SAID PT BEING ON THE 1/16TH SEC LINE & RUN TH S 660.0 FT, M/L, ALG SAID LINE TO THE 1/4 SEC LINE; TH E 1,320.0 FT, M/L, ALG SAID LINE TO THE CENTER 1/4 COR OF SAID SEC 32; TH N 660.0 FT ALG THE 1/4 SEC LINE; TH W 1,320.0 FT, M/L, TO THE PT OF BEG. CONT 20.0 AC, M/L.

FACTS & FINDINGS:

- Parcel 2-1E-32-5D meets the minimum acreage required to be zoned C-1. The parcel is currently zoned R-1.
- The owner requests the C-1 zoning which requires a zone change.
- **Surrounding parcels and lots are ALL zoned R-1.**
- All the lots gain access from Highway 89.
- All property owners within 500 ft. of this lot have been mailed a public notice.

PURPOSE: 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 Land Use Ordinance: 9-7A-1**

Uses Table: RESIDENTIAL

	R-1/2	R-1	R-2	R-5
Bed and breakfast	-	-	C	C
Lodges, residential	-	-	-	C

Uses Table: COMMERCIAL 1 and 2

	C-1	C-2		C-1	C-2
Bed and breakfast	P	P	Lodges	P	P

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 (KCGP): “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. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amangiri) is

located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. **They are all Planned Unit Developments and Kane County encourages this trend to continue.**” Page 7

The applicant’s request to rezone parcel 2-1E-32-5D from R-1 to C-1 would not be consistent with the Kane County General Plan (KCGP). KCGP states: “Zoning districts have been established to provide fundamental fairness in land use regulation and to protect property values, not the interests of those who intrude on the zone. Zone changes will be made only after those interests for which the zone was created have expired or there is no interest left to protect.” (KCGP, Page 2)

“Industrial and commercial land uses are usually located at major highway intersections and near established communities.” (KCGP, Page 7)

“A guiding principle which has been present in every Kane County plan since 1970 has been the recognition that unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses.” (KCGP, Page 10)

“Encourage and provide for commercial uses in locations with infrastructure in place to serve the public.
Objective: Develop commercial uses compatibly with the use and character of the surrounding area.” (KCGP, Page 15)

“U.S. Highway 89 is a limited-access highway, the Utah Department of Transportation restricts the number of ingresses and egresses. This is to promote safety, yet retain the capability of carrying traffic at relatively high speeds.” (KCGP, Page 18)

“Kane County will discourage development that requires municipal-type services unless such development is serviced by a special district established for that purpose. Special Service Districts in Kane County include 11 districts. Clark Bench is not serviced by those districts.” (KCGP, Page 27)

Staff Recommendation: Due to the General Plan citations, and the purpose of the commercial zone, and this particular lot being surrounded by residential lots only, I recommend staying within the General Plan guidelines as referenced above and only allowing residential zoning in this subdivision.

If the zone change amendment is adopted, the regulations of the new zone of Commercial 1 (C1) can be found in the Kane County Land Use Ordinance, Chapter 7: Commercial Zones.

MOTION: I move to recommend/deny approval of the zone change application from R-1 to C-1 for parcel 2-1E-32-5D & Ordinance O-2020-11, submitted by Debra Mocker and Mark Gutteridge based on the facts and findings as documented in the staff report.

Situs Address 2416 N WAUNITA AVE

Legal BEG AT A PT 1,980.0 FT S FROM THE NE COR OF THE NW4NW/4 OF SEC 32 T42S R1E SLB&M, SAID PT BEING ON THE 1/16TH SEC LINE & RUN TH S 660.0 FT, ML, ALG SAID LINE TO THE 1/4 SEC LINE, TH E 1,320.0 FT, ML, ALG SAID LINE TO THE CENTER 1/4 COR OF SAID SEC 32, TH N 660.0 FT ALG THE 1/4 SEC LINE, TH W 1,320.0 FT, ML, TO THE PT OF BEG. CONT 20.0 AC, ML.

Type	Assessed Value	Assessed Land	Assessed Improvements
NON-PRIMARY LAND	\$39,330	\$39,330	19.000
PRIMARY BUILDING	\$246,304	\$135,467	0.000
PRIMARY LAND	\$32,430	\$17,837	1.000

Child Accounts

Child Parcels

Parent Accounts

Parent Parcels

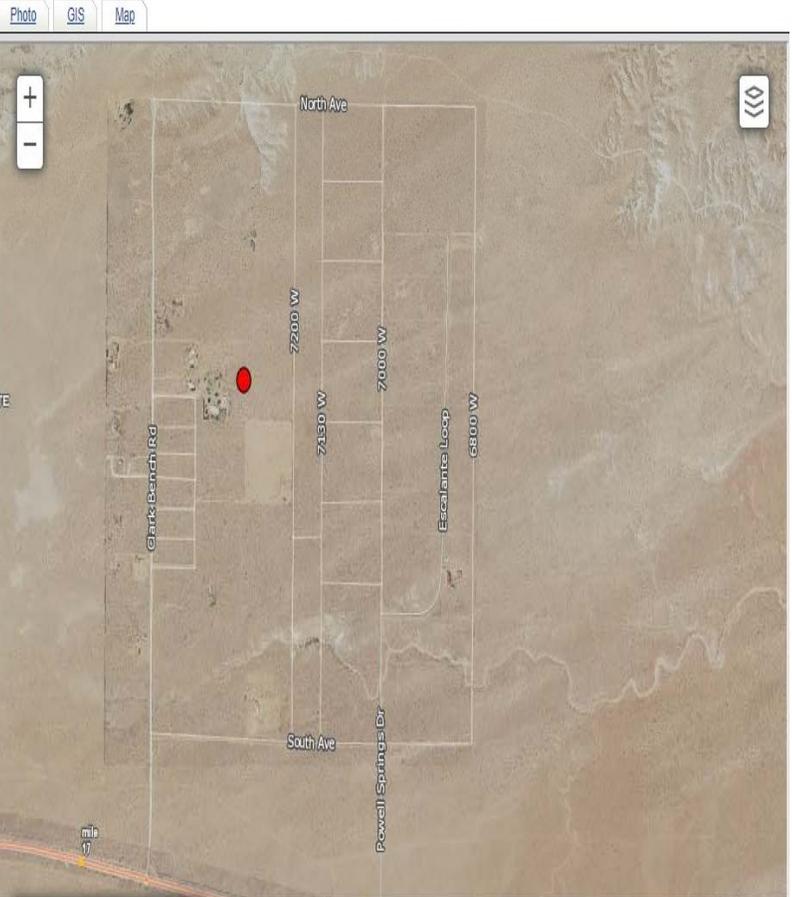
Transfers

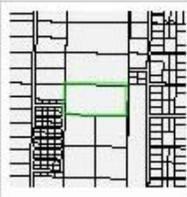
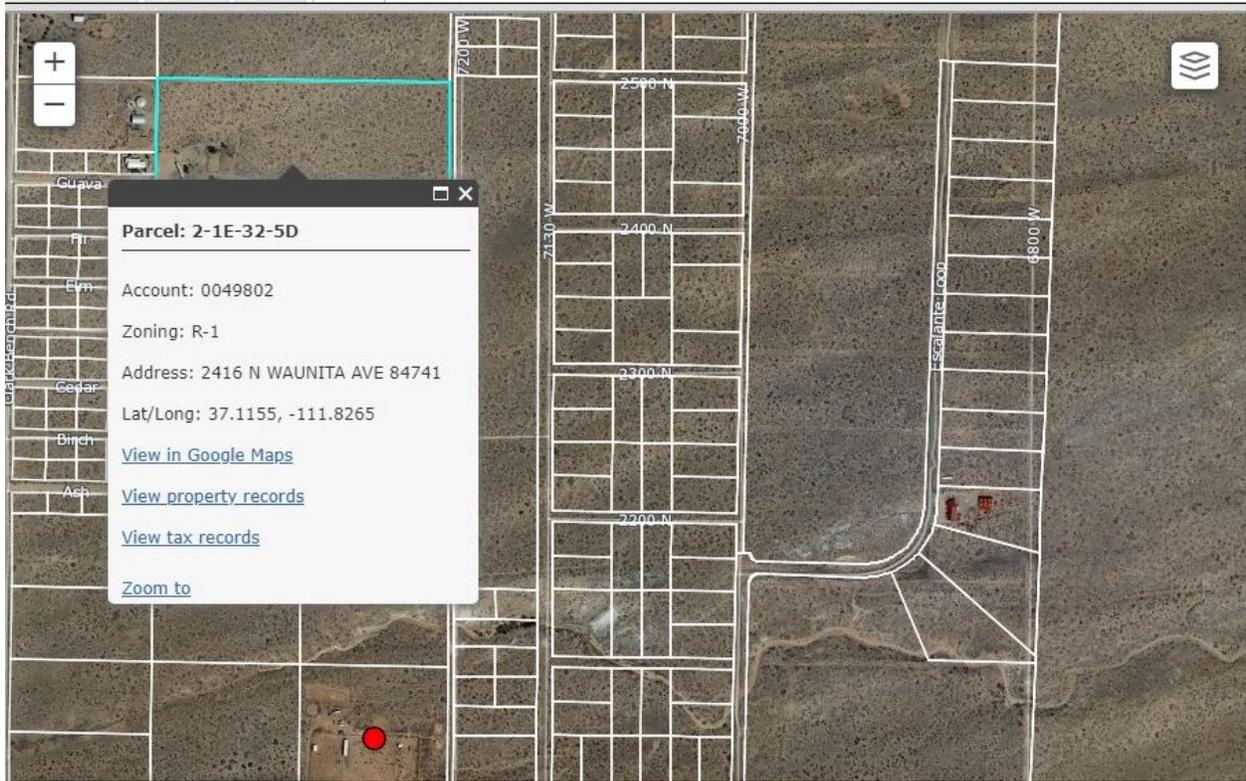
Recording Date	Book	Page	Doc Description
03/18/2020 01:12:14 PM	0526	0639	Warranty Deed
10/29/2007 11:37:34 AM	0338	0512	Certificate of Beneficial Use

Tax

Images

Tax Year	Taxes
2019	\$1,835.03
2018	\$1,759.83





76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4966 | www.kane.utah.gov
Shannon McBride | Zoning Administrator | e-mail: smcbride@kane.utah.gov

Acres 20.00

Situs Address 2416 N WAUNTA AVE

Legal BEG AT A PT 1,980.0 FT S FROM THE NE COR OF THE NW4NW1/4 OF SEC 32 T42S R1E SLB&M, SAID PT BEING ON THE 1/16TH SEC LINE & RUN TH S 660.0 FT, ML, ALG SAID LINE TO THE 1/4 SEC LINE; TH E 1,320.0 FT, ML, ALG SAID LINE TO THE CENTER 1/4 COR OF SAID SEC 32; TH N 660.0 FT ALG THE 1/4 SEC LINE, TH W 1,320.0 FT, ML, TO THE PT OF BEG. CONT 20.0 AC, ML

Tax Area: 00 Tax Rate: 0.009520

Type	Actual	Assessed	Acres
NON-PRIMARY LAND	\$39,330	\$39,330	19.000
PRIMARY BUILDING	\$246,304	\$135,467	0.000
PRIMARY LAND	\$32,430	\$17,837	1.000

Child Accounts

Child Parcels

Parent Accounts

Parent Parcels

Transfers

Recording Date	Book	Page	Doc Description
03/18/2020 01:12:14 PM	0526	0639	Warranty Deed
10/29/2007 11:37:34 AM	0338	0512	Certificate of Beneficial Use

Tax

Images

Tax Year	Taxes
2019	\$1,835.03
2018	\$1,759.83



KANE COUNTY ORDINANCE NO. O 2020-11

AN ORDINANCE AMENDING THE ZONING OF PARCEL 2-1E-32-5D FROM RESIDENTIAL 1 TO COMMERCIAL 1

WHEREAS, the purpose of this ordinance is to rezone parcel 2-1E-32-5D from Residential 1 to Commercial 1, on behalf of Debra Mocker and Mark Gutteridge, the recorded owners; consisting of a total of 20.00+/- acres;

WHEREAS, the above parcel is located in the Clark Bench Subdivision and meets the minimum acreage required to be zoned Commercial1;

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance which states the purposes of properties in the Commercial 1 Zone is to provide for light commercial areas adjacent to residential areas. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change parcel 2-1E-32-5D from Residential 1 to Commercial 1;

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 7-27a-201- 205, 17-27a-308, and 17-27a-505;

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

Parcel 2-1E-32-5D , more fully described by the respective legal description as given below is hereby rezoned from Agricultural to Commercial 1 and shall from here forth be zoned Commercial 1.

LEGAL DESCRIPTION:

Situs Address 2416 N WAUNITA AVE

Legal BEG AT A PT 1,980.0 FT S FROM THE NE COR OF THE NW/4NW/4 OF SEC 32 T42S R1E SLB&M, SAID PT BEING ON THE 1/16TH SEC LINE & RUN TH S 660.0 FT, M/L, ALG SAID LINE TO THE 1/4 SEC LINE; TH E 1,320.0 FT, M/L, ALG SAID LINE TO THE CENTER 1/4 COR OF SAID SEC 32; TH N 660.0 FT ALG THE 1/4 SEC LINE; TH W 1,320.0 FT, M/L, TO THE PT OF BEG. CONT 20.0 AC, M/L.

---- 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. Utah State Code 17-53-208 (3) (a)

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 _____, 2020.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Lamont Smith, Chair
Board of Commissioners
Kane County

Commissioner Smith voted
Commissioner Gant voted
Commissioner Chamberlain voted



Land Use Authority

76 North Main Street
Kanab, Utah 84741
(435) 644-4964
planning@kane.utah.gov



REQUEST FOR ZONE CHANGE

FEE: \$350

Owner Name: Debra Mocker Mark Butteridge Date: 3/17/2020
Address: [REDACTED] Email: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip: [REDACTED] Phone: [REDACTED]

PARCEL #: 2-1E-32-5D LOCATION AND LEGAL DESCRIPTION OF PROPERTY:

URAR, Legal Description
[Faded text describing parcel location and legal description]

CURRENT ZONE: R-1 PROPOSED ZONE: C-1

INTENDED USE AND REASON FOR ZONE CHANGE: _____

Owner occupied Bed & Breakfast

I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

[REDACTED] Owner's Signature [REDACTED]

***If acting on behalf of the property owner, please include a Power of Attorney.**

Planning Commission Action: Approve Deny

COMMENTS: _____

Signature - Planning Commission Chair

Date



KANE COUNTY LAND USE AUTHORITY

SHANNON MCBRIDE
LAND USE AUTHORITY
ZONING ADMINISTRATOR

Staff Report

DATE: April 23, 2020

To: Planning Commission
From: Shannon McBride, Planning and Zoning Administrator
Subject: Project # 2018: Zone Change Application, R-1 to Agricultural (AG), Ordinance O-2020-12
Lot 120-2, consisting of +/-12.93 acres.

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area, on public websites, and in the Southern Utah Newspaper. A public notice was posted in two public locations.*

PROPERTY PROJECT HISTORY	
Project Number	Home/Vacation Rental
20018	Current Zone is Residential-1 (R-1)

REQUEST: On April 20, 2020, Amy Broderick Heaps and Janiece Broderick-Attorney In Fact, property owner submitted a zone change application, for the above stated lot, located in the proximity of Church Wells in the West Acres subdivision, requesting to rezone from Residential 1 (R-1) to Agriculture (AG). The current Residential Zone does not allow a Lodge for 24 occupants. The applicant would like to develop a lodge/vacation rental, consisting of a minimum of 12.93 acre with one dwelling on the premises.

BACKGROUND: Lot 120-2 is assigned the Residential 1 zoning. This large home has is being rented out as a short term rental.

LEGAL DESCRIPTION: All of lot 2 West Acres Subdivision.

FACTS & FINDINGS:

- Lot 120-2 meets the minimum acreage required to be zoned AG. The lot is currently Zoned R-1.
- The developer requests the AG zoning which requires a zone change.
- Surrounding parcels are zoned AG, R-1 and R1/2, BLM and SITLA.
- All the lots gain access from Consumer Street off Highway 89.
- All property owners within 500 ft. of this lot have been mailed a public notice.

Agricultural Zones, 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) **Kane County Land Use Ordinance: 9-5-1**

A. In this chapter are tables describing uses of land or buildings that are allowed in the zone as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the Planning Commission are indicated by a "C" in the appropriate column. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013) **Kane County Land Use Ordinance: 9-5-2**

B. All uses listed in the residential uses table shall be allowed in the Agricultural Zone with the appropriate designated use of permitted, conditional or not allowed. If there is a conflict between the designated uses in the Agricultural Zone the most restrictive use shall apply. Exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-502. (Ord. O-2019-2, 1-14-2019) **Kane County Land Use Ordinance: 9-5-2**

AG

Lodges	C
--------	---

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.

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. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amangiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. They are all Planned Unit Developments and Kane County encourages this trend to continue.

The applicant's request to rezone lot 120-2 from R-1 to AG would be consistent with the Kane County General Plan (KCGP). KCGP states: "Zoning districts have been established to provide fundamental fairness in land use regulation and to protect property values, not the interests of those who intrude on the zone. Zone changes will be made only after those interests for which the zone was created have expired or there is no interest left to protect." **(KCGP, Page 2)**

"Industrial and commercial land uses are usually located at major highway intersections and near established communities." **(KCGP, Page 7)**

"A guiding principle which has been present in every Kane County plan since 1970 has been the recognition that unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses." **(KCGP, Page 10)**

"Encourage and provide for commercial uses in locations with infrastructure in place to serve the public.

Objective: Develop commercial uses compatibly with the use and character of the surrounding area.” (KCGP, Page 15)

“U.S. Highway 89 is a limited-access highway, the Utah Department of Transportation restricts the number of ingresses and egresses. This is to promote safety, yet retain the capability of carrying traffic at relatively high speeds.” (KCGP, Page18)

“Kane County will discourage development that requires municipal-type services unless such development is serviced by a special district established for that purpose. Special Service Districts in Kane County include 11 districts. Clark Bench is not serviced by those districts.” (KCGP, Page 27)

Uses Table: RESIDENTIAL

	R-1/2	R-1	R-2	R-5
Bed and breakfast	-	-	C	C
Lodges, residential	-	-	-	C

Uses Table: COMMERCIAL 1 and 2

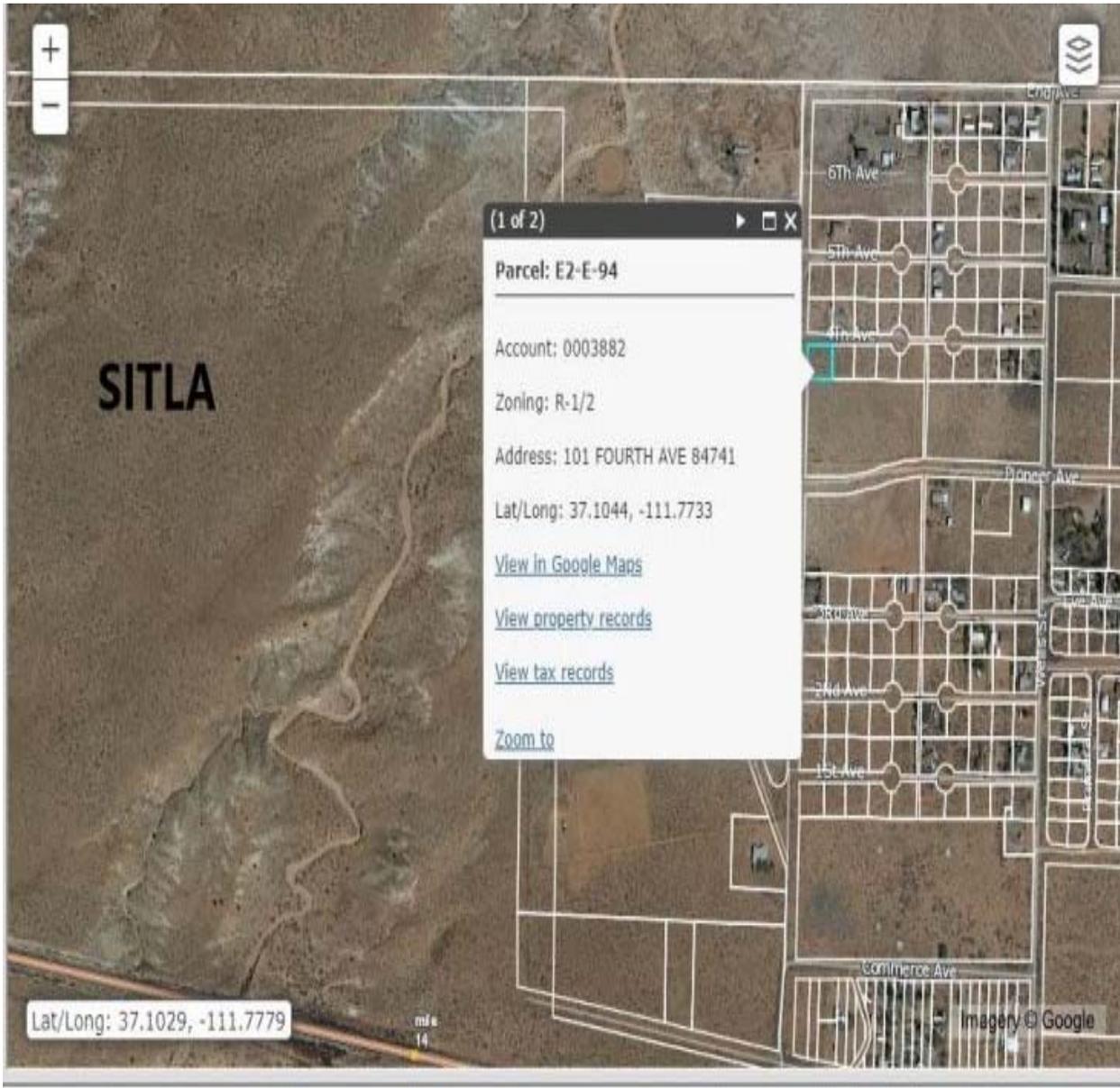
	C-1	C-2		C-1	C-2
Bed and breakfast	P	P	Lodges	P	P

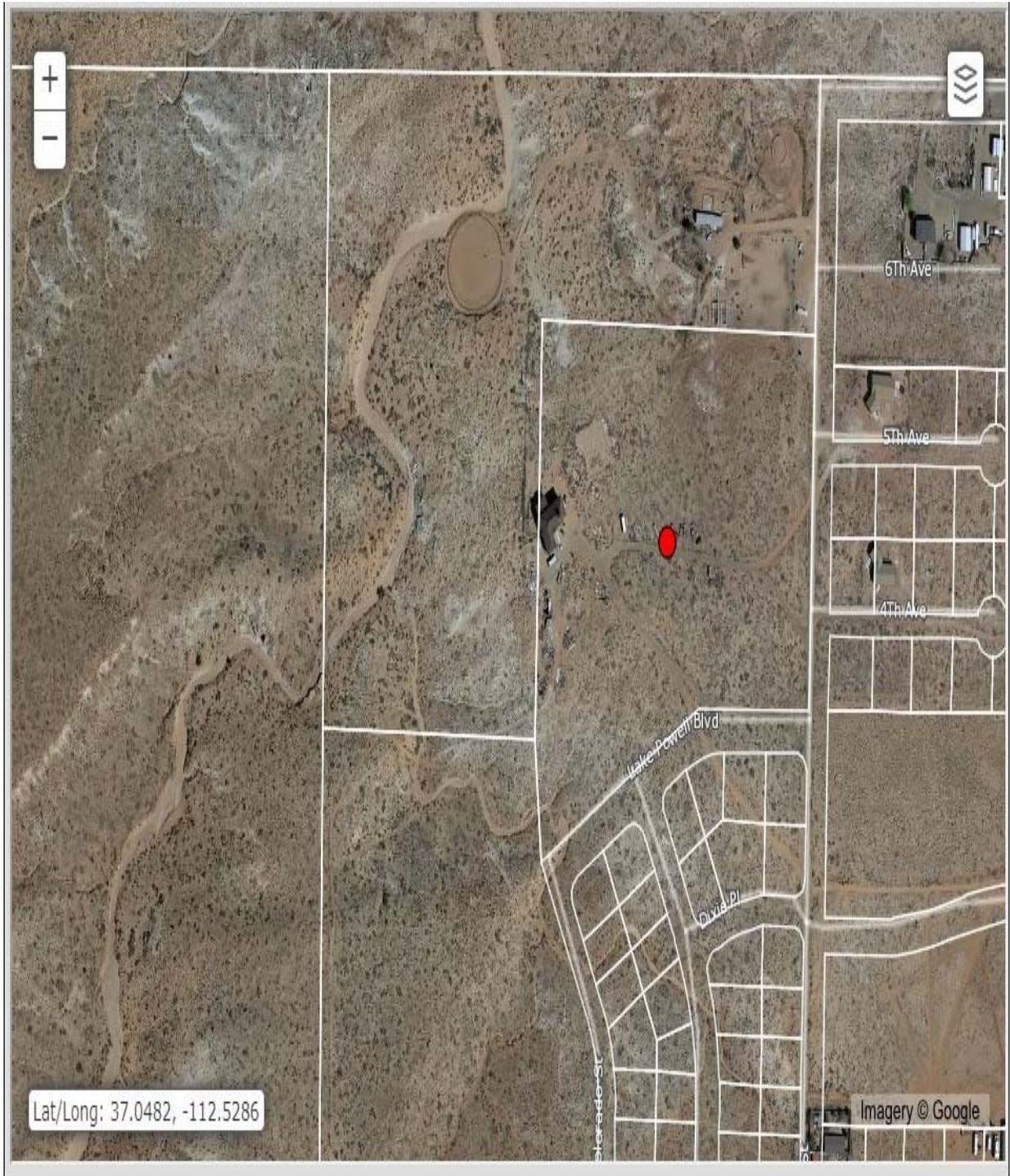
CONCLUSION: The Applicant’s request to rezone lot 120-2 from R-1 to AG would remain consistent with the Kane County General Plan and give private property rights deference. In the interest of growth, it would be beneficial to Kane County to allow properties to be utilized for the intended use if the use fits the qualifying zone; whether Commercial, Agricultural, or Residential. The Planning Commission should vote based on behalf of Kane County’s best interest, including; future planning efforts, private property owner’s rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan.

Because zoning ordinances are in derogation of a property owner’s common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner; Patterson v. Utah County Bd. of Adjustment, 893 P.2d 602, 606 (UT App 1995)

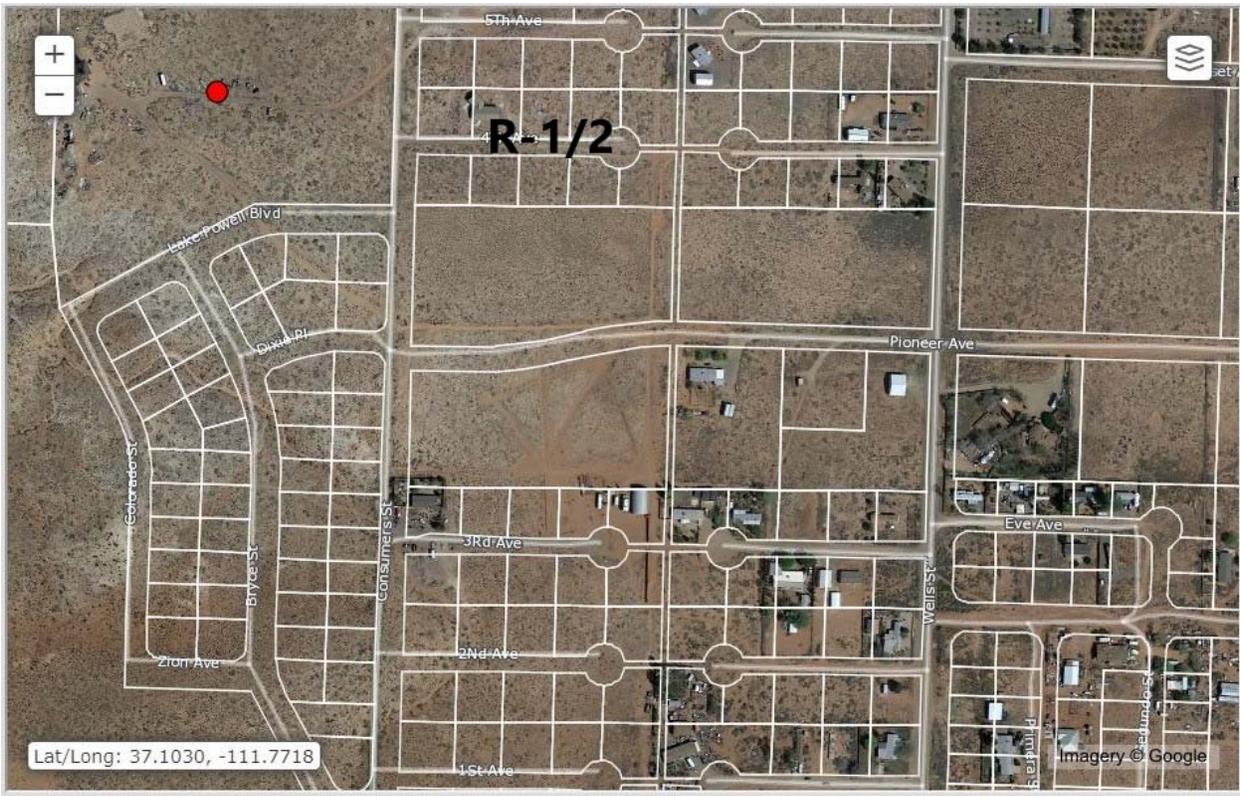
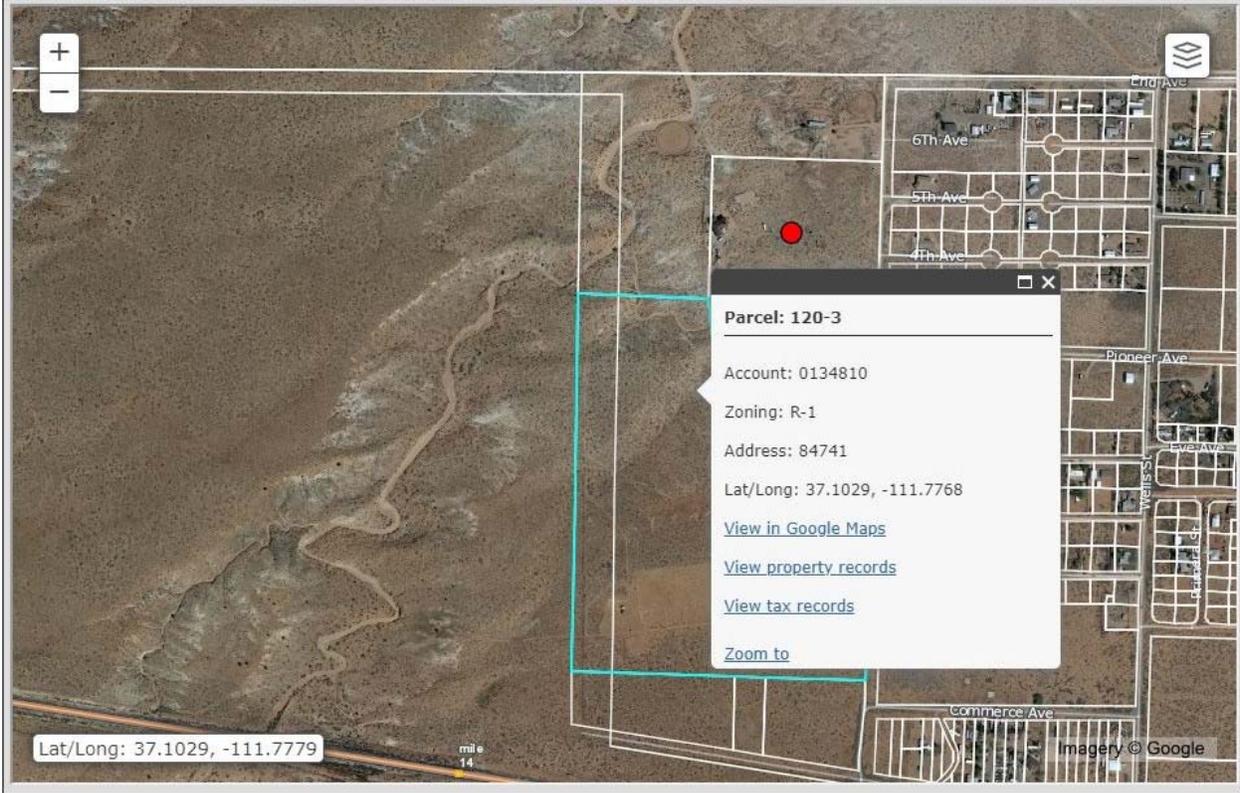
If the zone change amendment is adopted, the regulations of the new zone of Agricultural can be found in the Kane County Land Use Ordinance, Chapter 5: Agricultural Zones.

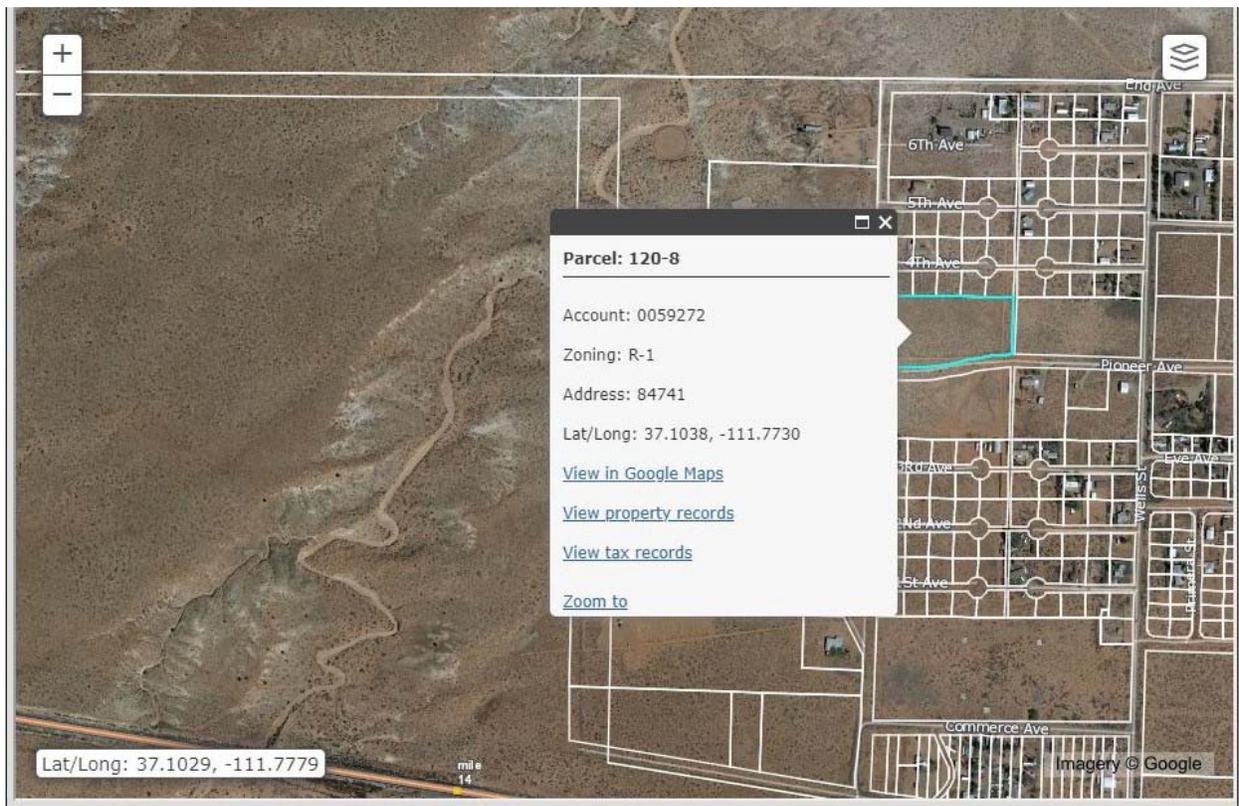
MOTION: I move to recommend/deny approval of the zone change application from R-1 to AG & Ordinance O-2020-12, submitted by Amy Broderick Heaps based on the facts and findings as documents in the staff report.



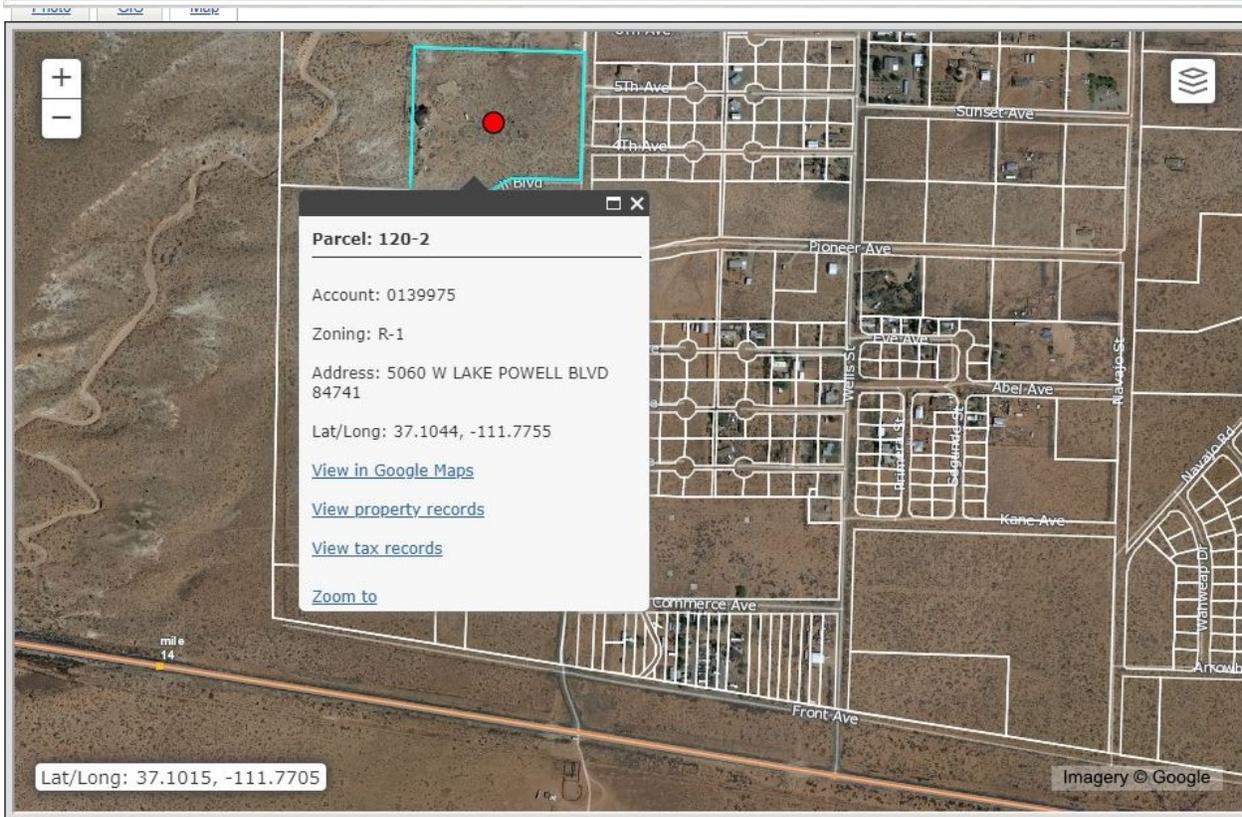


76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4964 | www.kane.utah.gov
Shannon McBride | Zoning Administrator | e-mail: smcbride@kane.utah.gov





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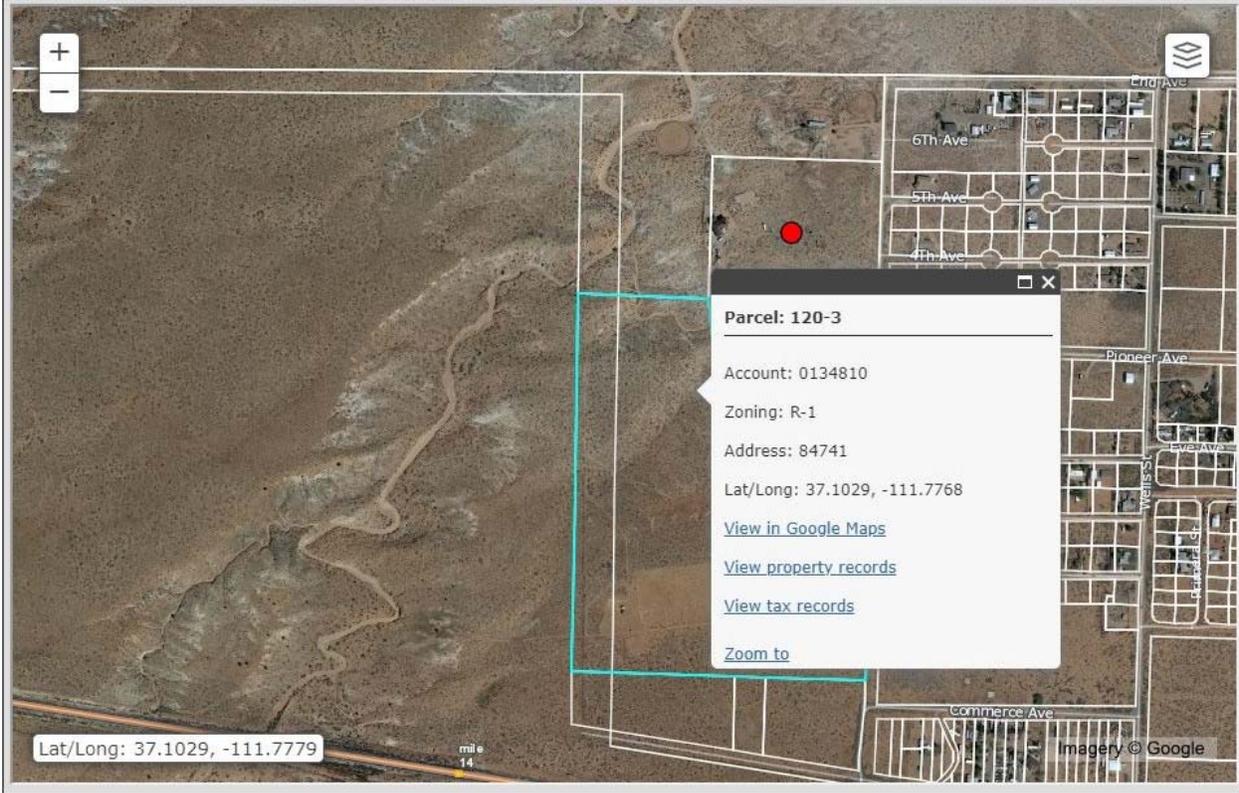
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Shannon McBride | Zoning Administrator | e-mail: smcbride@kane.utah.gov

Location	Owner	Value	
Parcel Number 120-2	Name BRODERICK AMY J	Market (2019)	\$487,711
Tax District 11 - CHURCH WELLS SSD	5050 W LAKE POWELL BLVD	Taxable	\$487,711
Acres 12.93	CHURCH WELLS, UT 84741-8181	Tax Area: 11 Tax Rate: 0.009526	
Situs Address 5060 W LAKE POWELL BLVD		Type	Actual Assessed Acres
Legal ALL OF LOT 2 WEST ACRES SUBDIVISION.		NON-PRIMARY BUILDING	\$430,579 \$430,579 0.000
Child Accounts		NON-PRIMARY LAND	\$57,132 \$57,132 12.930
Child Parcels			
Parent Accounts			
Parent Parcels 3-1E-2-4-4 3-1E-2-4-2			

Transfers				
Recording Date	Book	Page	Doc Description	
04/18/2014 10:35:54 AM	0434	0333	Warranty Deed	
02/08/2011 12:38:53 PM	0394	0495	Warranty Deed	
10/13/2010 10:40:24 AM	0390	0030	Warranty Deed	
09/03/2009 03:10:16 PM	0375	0368	Warranty Deed	
08/07/2009 08:56:39 AM	0374	0106	Warranty Deed	
04/03/2009 12:41:56 PM	0366	0549	Warranty Deed	
08/28/2006 10:02:21 AM	0310	0181	Quit Claim Deed	
12/28/2005 08:30:00 AM	0294	481	Warranty Deed	

Tax		Images	
Tax Year	Taxes	Photo	GIS
2019	\$4,645.93		
2018	\$4,595.87		





76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4964 | www.kane.utah.gov
Shannon McBride | Zoning Administrator | e-mail: smcbride@kane.utah.gov

KANE COUNTY ORDINANCE NO. O 2020-12

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 120-2 FROM
RESIDENTIAL 1 TO AGRICULTURAL**

WHEREAS, the purpose of this ordinance is to rezone lot 120-2 from Residential to Agricultural, on behalf of Amy Broderick Heaps, the recorded owner; consisting of a total of 12.93+/- acres;

WHEREAS, the above lot located in the Abel Acres Subdivision meets the minimum acreage required to be zoned Agricultural;

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-5-1, which states the purpose of Agricultural is 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)

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to lot 120-2 from Residential 1 to Agricultural;

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 7-27a-201- 205, 17-27a-308, and 17-27a-505;

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

Lot 120-2, more fully described by the respective legal description as given below is hereby rezoned from Residential 1 to Agricultural and shall from here forth be zoned Agricultural.

LEGAL DESCRIPTION: All of lot two, Abel Acres Subdivision.

---- 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. Utah State Code 17-53-208 (3) (a)

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 _____, 2020.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Lamont Smith, Chair
Board of Commissioners
Kane County

Commissioner Smith voted
Commissioner Gant voted
Commissioner Chamberlain voted



Land Use Authority

76 North Main Street
Kanab, Utah 84741
(435) 644-4964

planning@kane.utah.gov



REQUEST FOR ZONE CHANGE

FEE: \$350

Owner Name: Amy Heaps Date: 04-20-2020

Address: [Redacted] Email: [Redacted]

City: [Redacted] State: [Redacted] Zip: [Redacted] Phone: [Redacted]

PARCEL #: 120-2 LOCATION AND LEGAL DESCRIPTION OF PROPERTY:

Lot 2, West Acres

CURRENT ZONE: R-1 PROPOSED ZONE: Agriculture

INTENDED USE AND REASON FOR ZONE CHANGE: Vacation rental and horse back rides to White Hills

I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

[Redacted Signature]

***If acting on behalf of the property owner, please include a Power of Attorney.**

Planning Commission Action: Approve Deny

COMMENTS: _____

Signature - Planning Commission Chair

Date



KANE COUNTY LAND USE AUTHORITY

SHANNON MCBRIDE
LAND USE AUTHORITY
ZONING ADMINISTRATOR

Staff Report

DATE: April 29, 2020

To: Planning Commission
From: Shannon McBride, Planning and Zoning Administrator
Subject: Project # 20016: Zone Change Application, AG to C-2, Ordinance O-2020-08
Parcel 8-6-22-1B2, consisting of 10 +/- acres.

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area, on public websites, and in the Southern Utah Newspaper. A public notice was posted in two public locations.*

PROPERTY PROJECT HISTORY	
Project Number	Home/Vacation Rental
20016	Current Zone is Agriculture (AG)

REQUEST: On March 18, 2020, Vincent Stevens, property owner submitted a zone change application, for the above stated parcel, located in the proximity of the Elk Ridge Subdivision, requesting to rezone from Agriculture to Commercial 2 (C-2). The current Agricultural Zone does not allow for ATVs/UTV/E-bike rentals. The applicant would like to rent out side by sides while delivering them to the customer at a location other than the listed parcel above. The parcel consists of a minimum of 10 acres.

Automobile or recreation vehicle, ATVs, or side by side sales, lease, rental, service, new or used, conducted entirely within an enclosed building	C	P
--	---	---

BACKGROUND: Parcel 8-6-22-1B2 is assigned the Agriculture zoning. This parcel has a single family dwelling.

LEGAL DESCRIPTION:

Situs Address 1319 W RANCH DR

Legal THE NW/4SW/4NE/4 OF SEC 22 T38S R6W SLB&M. CONT 10.0 AC, M/L.
TOG WITH 0.25 AC FT OF WATER FROM WUC #61-3110.

EXCEPTING THEREFROM ALL THAT PORT OF LAND AS DEDICATED TO KANE COUNTY, UT IN THAT CERTAIN DEDICATION RECORDED SEPTEMBER 8, 1999 AS ENTRY #99996, IN BOOK 189, AT PAGE 524 OF OFFICIAL RECORDS.

TOG WITH NON-EXCLUSIVE R/W EASEMENT FOR INGRESS, EGRESS & PUBLIC UTILITIES, 66.0 FT IN WIDTH, 33.0 FT ON EACH SIDE OF THE FOLLOWING DESC

CENTERLINE:COMM AT THE SE COR OF THE NW/4NE/4 OF SEC 22 T38S R6W, SLB&M, & RUN TH N 00*13"06" W 33.01 FT ALG THE E LINE OF SAID NW/4NE/4& N 88*53'53" E PARALLEL TO THE S LINE OF SAID NW/4NE/4, 657.34 FT TO THE TRUE PT OF BEG; TH S 88*53'53" E PARALLEL TO THE S LINE OF SAID NW/4NE/4 & EXTENSION THEREOF, 1,025.14 FT TO A PT ON A CURVE CONCAVE, SE'LY IN THE NW'LY R/W LINE OF US HWY 89, BEING THE PT OF ENDING, RADIAL BEARING = N 54*31'52" W, RADIUS = 2,7559 FT.

FACTS & FINDINGS:

- Parcel 8-6-22-1B2 meets the minimum acreage required to be zoned C-2. The parcel is currently zoned AG.
- The developer requests the C-2 zoning which requires a zone change.
- Surrounding parcels are zoned AG and R-1.
- All the lots gain access from Highway 89.
- All property owners within 500 ft. of this lot have been mailed a public notice.

PURPOSE: 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 Land Use Ordinance: 9-7A-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 Land Use Ordinance 9-7B-1**

Uses Table:

C-1 C-2

Automobile or recreation vehicle, ATVs, or side by side sales, lease, rental, service, new or used, conducted entirely within an enclosed building	C	P
--	---	---

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 (KCGP): “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. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amangiri) is

located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. **They are all Planned Unit Developments and Kane County encourages this trend to continue.” (KCGP, Page)**

The applicant’s request to rezone parcel 2-1E-32-5D from R-1 to C-1 would not be consistent with the Kane County General Plan (KCGP). KCGP states: “Zoning districts have been established to provide fundamental fairness in land use regulation and to protect property values, not the interests of those who intrude on the zone. Zone changes will be made only after those interests for which the zone was created have expired or there is no interest left to protect.” **(KCGP, Page 2)**

“Industrial and commercial land uses are usually located at major highway intersections and near established communities.” **(KCGP, Page 7)**

“A guiding principle which has been present in every Kane County plan since 1970 has been the recognition that unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses.” **(KCGP, Page 10)**

“Encourage and provide for commercial uses in locations with infrastructure in place to serve the public.
Objective: Develop commercial uses compatibly with the use and character of the surrounding area.” **(KCGP, Page 15)**

“U.S. Highway 89 is a limited-access highway, the Utah Department of Transportation restricts the number of ingresses and egresses. This is to promote safety, yet retain the capability of carrying traffic at relatively high speeds.” **(KCGP, Page 18)**

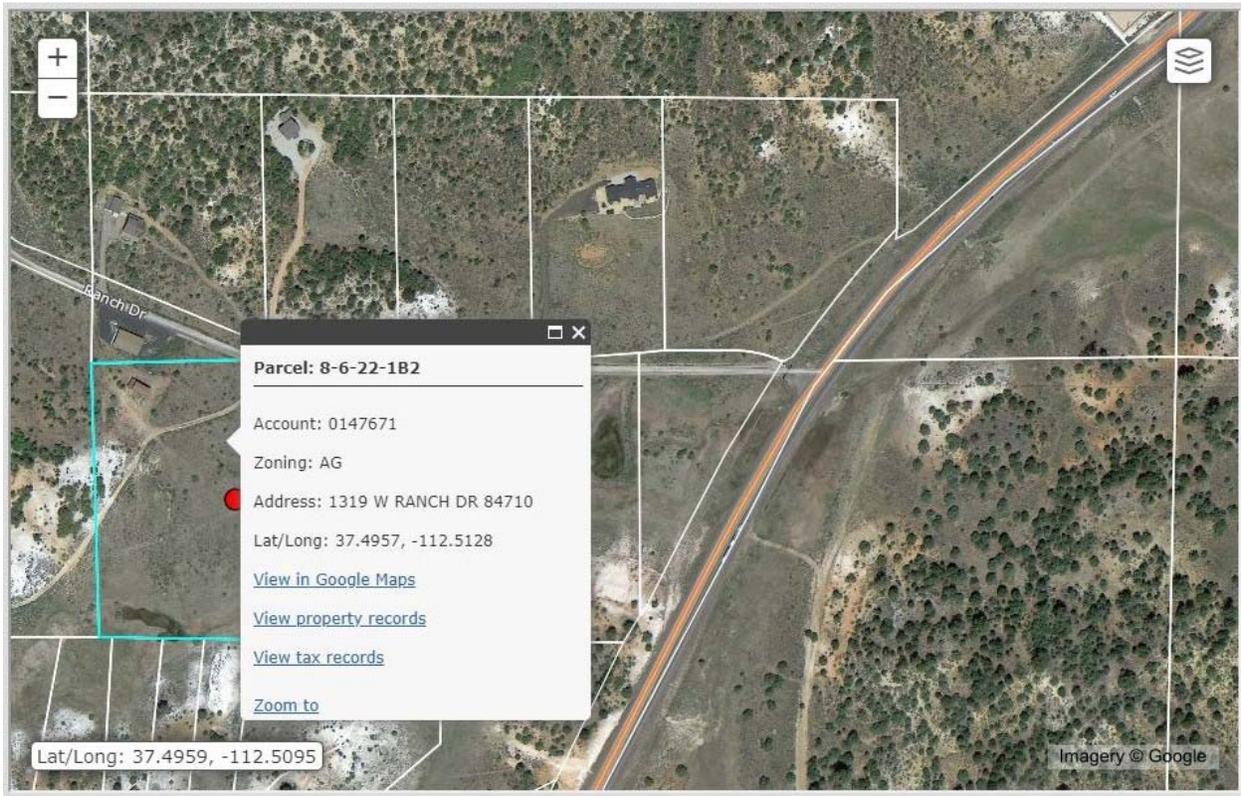
“Kane County will discourage development that requires municipal-type services unless such development is serviced by a special district established for that purpose. Special Service Districts in Kane County include 11 districts. **(KCGP, Page 27)**

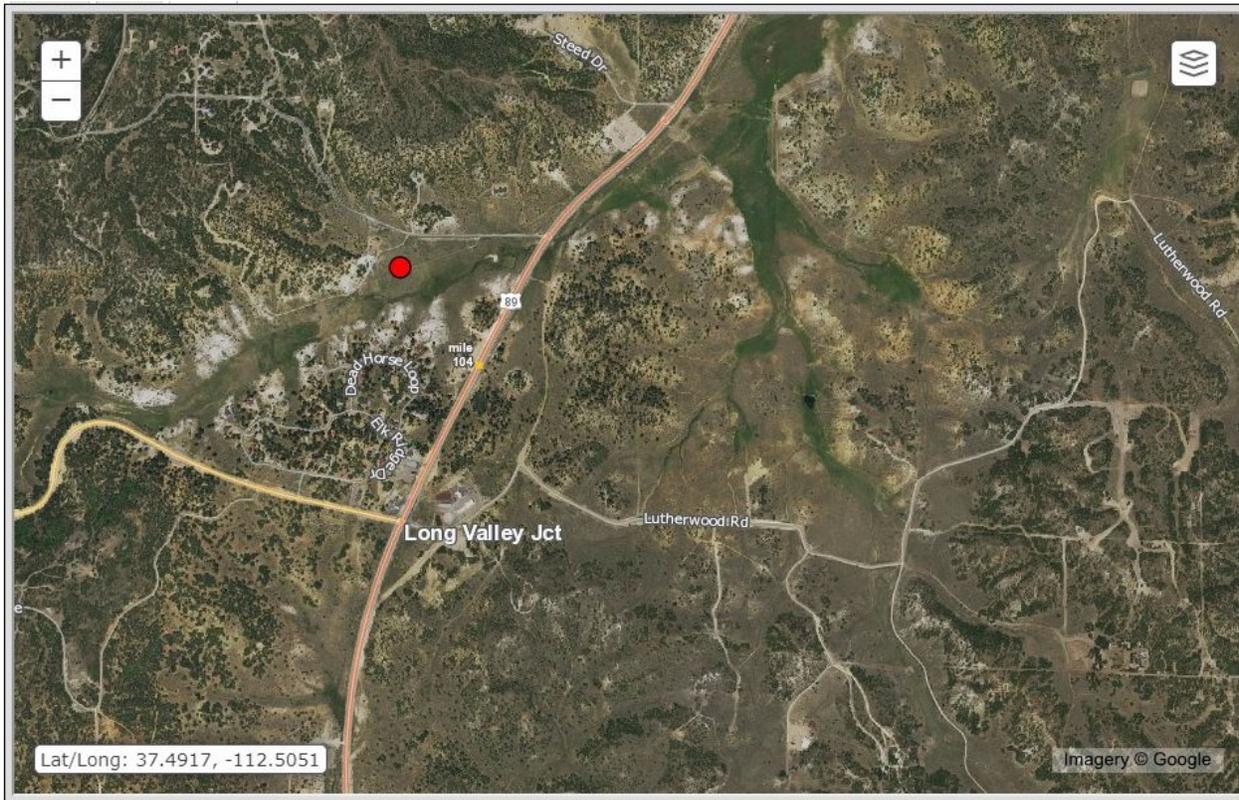
CONCLUSION: The applicant’s request to rezone parcel 8-6-22-1B2 from AG to C-2 would remain consistent with the Kane County General Plan and give private property rights deference. In the interest of growth, it would be beneficial to Kane County to allow properties to be utilized for the intended use if the use fits the qualifying zone; whether Commercial, Agricultural, or Residential. The Planning Commission should vote based on behalf of Kane County’s best interest, including; future planning efforts, private property owner’s rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan. **However, consideration should be taken that this would be the only Commercial 2 zoned parcel/lot in the area.**

“Because zoning ordinances are in derogation of a property owner’s common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner.” (Patterson v. Utah County Bd. of Adjustment, 893 P.2d 602, 606 (UT App 1995))

If the zone change amendment is adopted, the regulations of the new zone of Commercial2 (C-2) can be found in the Kane County Land Use Ordinance, Chapter 7: Commercial Zones.

MOTION: I move to recommend/deny approval of the zone change application from AG to C-2 for parcel 8-6-22-1B2 & Ordinance O-2020-08, submitted by Vincent Stevens based on the facts and findings as documents in the staff report.





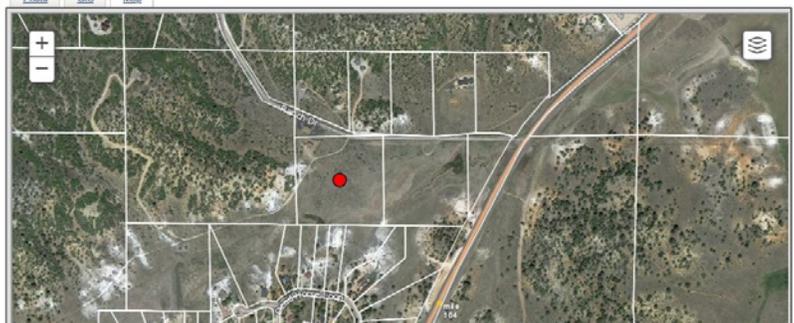
76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4964 | www.kane.utah.gov
Shannon McBride | Zoning Administrator | e-mail: smcbride@kane.utah.gov



Location	Owner	Value												
Parcel Number 8-6-22-1B2 Tax District 15 - CEDAR MTN SSD Acres 10.00 Situa Address 1319 W RANCH DR	Name STEVENS VINCENT 3133 E 4650 N LIBERTY, UT 84310	Market (2019) \$162,899 Taxable \$162,899 Tax Area: 15 Tax Rate: 0.009526												
Legal THE NW4SW4NE4 OF SEC 22 T38S R6W SLB&M, CONT 10.0 AC, ML TO S WITH 0.25 AC FT OF WATER FROM WUC #91-3110 EXCEPTING THEREFROM ALL THAT PORT OF LAND AS DEDICATED TO KANE COUNTY, UT IN THAT CERTAIN DEDICATION RECORDED SEPTEMBER 8, 1999 AS ENTRY #99996, IN BOOK 189, AT PAGE 524 OF OFFICIAL RECORDS TO S WITH NON-EXCLUSIVE ROW EASEMENT FOR INGRESS, EGRESS & PUBLIC UTILITIES, 66.0 FT IN WIDTH, 33.0 FT ON EACH SIDE OF THE FOLLOWING DESC CENTERLINE, COMM AT THE SE COR. OF THE NW1/4 OF SEC 22 T38S R6W, SLB&M, & RUN TH N 00°13'00" W 33.01 FT ALG THE E LINE OF SAID NW1/4 & N 88°53'51" E PARALLEL TO THE S LINE OF SAID NW1/4 & 667.34 FT TO THE TRUE PT OF BEG. TH S 88°53'51" E PARALLEL TO THE S LINE OF SAID NW1/4 & EXTENSION THEREOF 1,025.14 FT TO A PT ON A CURVE CONCAVE SEELY IN THE NWLY RW LINE OF US HWY 89, BEING THE PT OF ENDING, RADIAL BEARING = N 54°31'52" W, RADIUS = 2,755.9 FT.		<table border="1"> <thead> <tr> <th>Type</th> <th>Actual</th> <th>Assessed</th> <th>Acres</th> </tr> </thead> <tbody> <tr> <td>AGRICULTURAL LAND</td> <td>\$42,100</td> <td>\$42,100</td> <td>0.000</td> </tr> <tr> <td>NON-PRIMARY BUILDING</td> <td>\$120,799</td> <td>\$120,799</td> <td>0.000</td> </tr> </tbody> </table>	Type	Actual	Assessed	Acres	AGRICULTURAL LAND	\$42,100	\$42,100	0.000	NON-PRIMARY BUILDING	\$120,799	\$120,799	0.000
Type	Actual	Assessed	Acres											
AGRICULTURAL LAND	\$42,100	\$42,100	0.000											
NON-PRIMARY BUILDING	\$120,799	\$120,799	0.000											
Child Accounts														
Child Parcels														
Parent Accounts														
Parent Parcels 8-6-22-1B														

Transfers			
Recording Date	Book	Page	Doc Description
07/08/2018 02:18:48 PM	0498	0229	Warranty Deed
05/23/2018 02:28:56 PM	0481	0250	Warranty Deed
08/27/2009 01:25:27 PM	0375	0105	Water Front Deed
08/27/2009 01:25:27 PM	0375	0102	Warranty Deed
08/27/2008 02:00:00 PM	018	526	Water Out Claim Deed

Tax		Images	
Tax Year	Taxes	Photo	GIS
2019	\$1,551.78		
2018	\$1,565.82		



KANE COUNTY ORDINANCE NO. O 2020-08

AN ORDINANCE AMENDING THE ZONING OF PARCEL 8-6-22-1B2 FROM AGRICULTURE TO COMMERCIAL 2

WHEREAS, the purpose of this ordinance is to rezone parcel 8-6-22-1B2 from Agriculture to Commercial 2, on behalf of Vincent Stevens, the recorded owner; consisting of a total of 10.00+/- acres;

WHEREAS, the above parcel is located adjacent to the Elk Ridge Subdivision and meets the minimum acreage required to be zoned Commercial 2;

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance which states the purposes of properties in the Commercial 2 Zone is to provide for heavy commercial areas. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change parcel 8-6-22-1B2 from Agriculture to Commercial 2;

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended zone change; and the Kane County Board of Commissioners, in a duly noticed public meeting, received the recommended zone change and desires to enact the following recommendations;

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 7-27a-201- 205, 17-27a-308, and 17-27a-505;

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

Parcel 8-6-22-1B2, more fully described by the respective legal description as given below is hereby rezoned from Agricultural to Commercial 2 and shall from here forth be zoned Commercial 2.

LEGAL DESCRIPTION: THE NW/4SW/4NE/4 OF SEC 22 T38S R6W SLB&M. CONT 10.0 AC,M/L.TOGWITH0.25ACFTOFWATERFROMWUC#61-3110.

EXCEPTING THEREFROM ALL THAT PORT OF LAND AS DEDICATED TO KANE COUNTY, UT IN THAT CERTAIN DEDICATION RECORDED SEPTEMBER 8, 1999 AS ENTRY #99996, IN BOOK 189,ATPAGE524OFOFFICIALRECORDS.TOG WITH NON-EXCLUSIVE R/W EASEMENT FOR INGRESS, EGRESS & PUBLIC UTILITIES, 66.0 FT IN WIDTH, 33.0 FT ON EACH SIDE OF THE FOLLOWINGDESCCENTERLINE:COMM AT THE SE COR OF THE NW/4NE/4 OF SEC 22 T38S R6W, SLB&M, & RUN TH N 00*13*06" W 33.01 FT ALG THE E LINE OF SAID NW/4NE/4& N 88*53'53" E PARALLEL TO THE S LINE OF SAID NW/4NE/4, 657.34 FT TO THE TRUE PT OF BEG; TH S 88*53'53" E PARALLEL TO THE S LINE OF SAID NW/4NE/4 & EXTENSION THEREOF, 1,025.14 FT TO A PT ON A CURVE CONCAVE, SE'LY IN THE NW'LY R/W LINE OF US HWY 89, BEINGTHEPTOFENDING,RADIALBEARING=N54*31'52"W,RADIUS=2,7559FT..

---- 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. Utah State Code 17-53-208 (3) (a)

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 _____, 2020.

ATTEST:

KARLA JOHNSON
Kane County Clerk

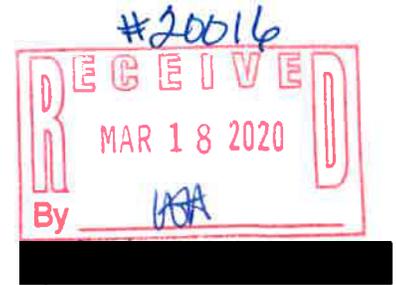
Lamont Smith, Chair
Board of Commissioners
Kane County

Commissioner Smith voted
Commissioner Gant voted
Commissioner Chamberlain voted



Land Use Authority

76 North Main Street
Kanab, Utah 84741
(435) 644-4964
planning@kane.utah.gov



REQUEST FOR ZONE CHANGE

FEE: \$350

Owner Name: Vincent Stevens Date: 3/10/2020

Address: [REDACTED] Email: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED] Phone: [REDACTED]

PARCEL #: 8-6-22-1B2 LOCATION AND LEGAL DESCRIPTION OF PROPERTY:

SEE EXHIBIT A

CURRENT ZONE: Agriculture PROPOSED ZONE: Commercial

INTENDED USE AND REASON FOR ZONE CHANGE: ATV/UTV/E-bike rental and incidental use.

I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

[REDACTED]
Owner's Signature

***If acting on behalf of the property owner, please include a Power of Attorney.**

Planning Commission Action: Approve Deny

COMMENTS: _____

Signature - Planning Commission Chair

Date



DRAFT STAFF REPORT

DATE: 03/27/2020

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Line Adjustment, on behalf of The Harris Family Trust 3/1/2020, Brad and Cynthia Harris Trustees, in the Little Ponderosa Subdivision, Amended Plat, Block "B", between lots 7 & 8, within Sections 5 & 6, T41S, R9W SLB & M. The project was submitted by Scott Woolsey, Alpha Engineering, (**holding power of attorney**). The lots are zoned Residential ½. The zoning will remain the same.

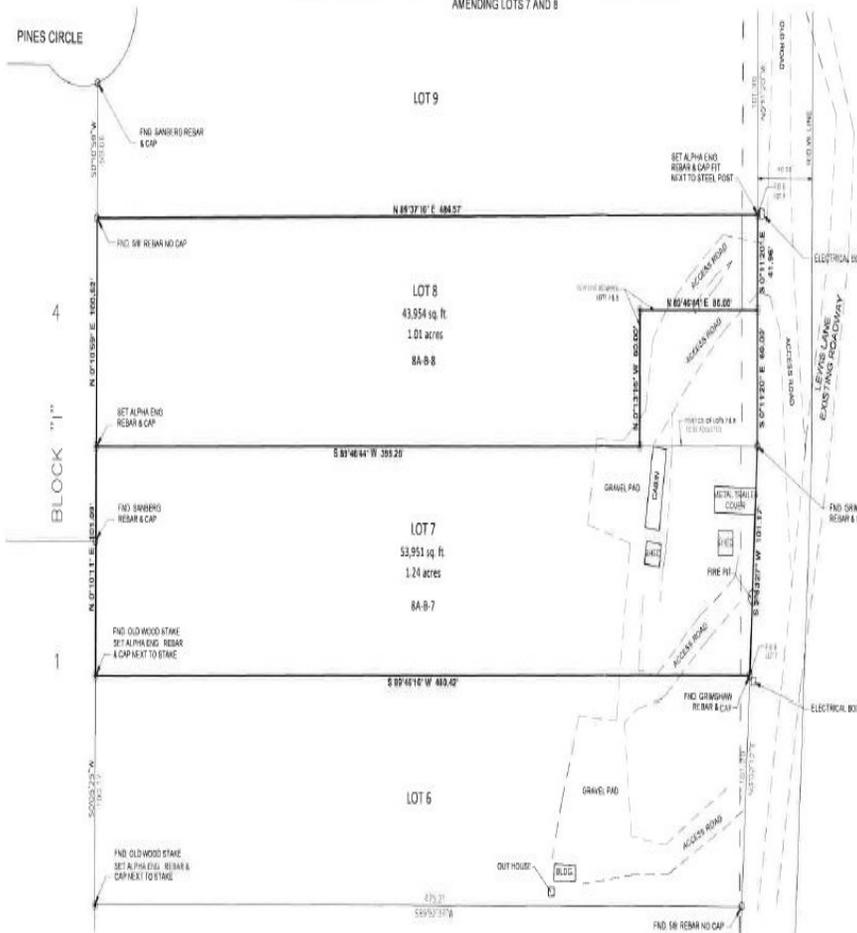
The reason for the lot line adjustment is due to the dwelling being located too close to the property line on lot 8.

FINDINGS: Amending 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, noticed in the local newspaper, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lots will retain the Residential ½ zoning (R-1/2). Changing the lot line between these lots is in compliance with all state and local ordinances.

STAFF DETERMINATIONS: Kane County Engineer, Tom Avant, recommends **CONDITIONAL** approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with County and State Ordinance requirements.

LITTLE PONDEROSA RANCH SUBDIVISION AMENDED

AMENDING LOTS 7 AND 8



SITE NOTES

OWNER/APPLICANT
BRAD AND CYNTHIA HARRIS
410 S. LEMS LANE
ORDERVILLE, UTAH 84758

PLAN PREPARER
ALPHA ENGINEERING COMPANY
43 SOUTH 100 EAST, SUITE 100
ST. GEORGE, UTAH 84770
PH: (435) 628-5500
FAX: (435) 628-5553

PROJECT LOCATION
410 S. LEMS LANE
ORDERVILLE, UTAH 84758

SECTIONS 5 & 6, TOWNSHIP 41 SOUTH
RANGE 9 WEST, S.8&M

ASSESSOR PARCELS #: BA-8-7
BA-8-8



LEGEND

- ◆ FOUND SECTION MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- ⊙ SET REBAR & CAP PLS. (THANK ALPHA ENGINEERING CO.)
- SECTION LINE
- - - - - PROPERTY LINE

SURVEYOR'S CERTIFICATE

I, SCOTT P. MOSELEY, PROFESSIONAL LAND SURVEYOR NUMBER 124918, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 23, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREIN IN ACCORDANCE WITH SECTION 10-2-10 AND HEREBY CERTIFY ALL MEASUREMENTS AND CALCULATIONS ARE CORRECT. MONUMENTS WERE SET AS REPRESENTED ON THIS PLAT.



DIST. SCOTT P. MOSELEY
1.5. 2020

BOUNDARY DESCRIPTION

LOTS 7 AND 8, BLOCK "F", LITTLE PONDEROSA RANCH SUBDIVISION AMENDED, OFFICIAL KANE COUNTY RECORDS

NEW LOT 7
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 41 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 60°02'37" EAST 80.75 FEET ALONG THE SECTION LINE AND NORTH 89°18' W EAST 84.4 FEET TO THE SOUTHWEST CORNER OF LOT 7, LITTLE PONDEROSA RANCH SUBDIVISION AMENDED AND THE POINT OF BEGINNING, AND RUNNING THENCE SOUTH 89°41'18" WEST 80.4 FEET ALONG THE SOUTH LINE OF SAID LOT 7 TO THE SOUTHWEST CORNER OF SAID LOT 7, THENCE NORTH 80°11'11" EAST 101.4 FEET ALONG THE WEST LINE OF SAID LOT 7 TO THE NORTHWEST CORNER OF SAID LOT 7, THENCE NORTH 89°18' W EAST 84.4 FEET ALONG THE NORTH LINE OF SAID LOT 7, THENCE NORTH 89°18' W WEST 80.4 FEET, THENCE NORTH 89°41'18" EAST 80.4 FEET, THENCE SOUTH 89°11'20" EAST 80.00 FEET, THENCE SOUTH 87°52'27" WEST 101.13 FEET ALONG THE EAST LINE OF SAID LOT 7 TO THE POINT OF BEGINNING.
CONTAINING 53,951 SQUARE FEET OR 1.24 ACRES, MORE OR LESS.

NEW LOT 8
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 41 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 60°02'37" EAST 80.75 FEET ALONG THE SECTION LINE AND NORTH 89°18' W EAST 84.4 FEET TO THE NORTHEAST CORNER OF LOT 7, LITTLE PONDEROSA RANCH SUBDIVISION AMENDED AND THE POINT OF BEGINNING, AND RUNNING THENCE SOUTH 89°41'18" WEST 80.4 FEET ALONG THE SOUTH LINE OF SAID LOT 7 TO THE SOUTHWEST CORNER OF SAID LOT 7, THENCE NORTH 80°11'11" EAST 101.4 FEET ALONG THE WEST LINE OF SAID LOT 7 TO THE NORTHWEST CORNER OF SAID LOT 7, THENCE NORTH 89°18' W WEST 80.4 FEET, THENCE NORTH 89°41'18" EAST 80.4 FEET, THENCE SOUTH 89°11'20" EAST 80.00 FEET, THENCE SOUTH 87°52'27" WEST 101.13 FEET ALONG THE EAST LINE OF SAID LOT 7 TO THE POINT OF BEGINNING.
CONTAINING 43,954 SQUARE FEET OR 1.01 ACRES, MORE OR LESS.

NARRATIVE

THE BASIS OF BEARING IS NORTH 89°50'00" WEST BETWEEN THE SOUTHWEST CORNER AND THE SOUTH 1/4 CORNER OF SECTION 6, TOWNSHIP 41 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN.
THE PURPOSE OF THIS SURVEY IS TO MODIFY THE BOUNDARY LINE BETWEEN LOTS 7 AND 8 AS SHOWN HEREON.

Scale of 1 inch = 30 feet
North Arrow, True and Magnetic

ACKNOWLEDGMENT

State of Utah
County of _____
On this _____ day of _____, A.D. 2020, personally appeared Brad Harris and Cynthia Harris, joined in the title of said plat, and they acknowledged to me that they executed the same as their own free will and voluntary act.
My Commission Expires: _____
My Commission Number: _____
A Notary Public Commissioned in Utah
Notary Public Signature: _____
No commission (plain text) # 9348

LOT LINE ADJUSTMENT PLAT

LOCATION: SE 1/4 SEC. 6, SW 1/4 SEC. 5, T41S, R9W, S.8&M.

PREPARED FOR: BRAD AND CYNTHIA HARRIS

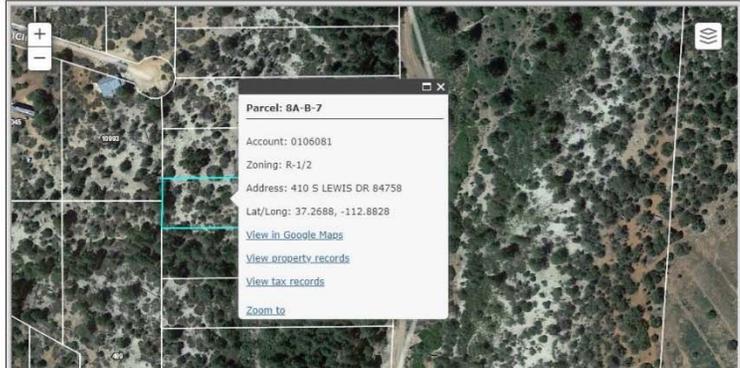
SURVEY DATE: FEBRUARY 2020

County Surveyor	Approved as to Form, Date & Day of _____, A.D. 2020	Land Use Authority Approval	Recorded in _____
The person occupying the subject premises has examined these plat and approved the same as shown on the face hereof on this _____ day of _____, 2020 with all administrative fees.		I hereby verify that the Land Use Authority reviewed the submitted and approved plat on the _____ day of _____, 2020 with all administrative fees.	STATE OF UTAH COUNTY OF KANE RECORDED AND FILED BY THE REGISTRAR
Name County Surveyor	Name County Attorney	Land Use Authority Name County	DATE _____ TIME _____ BOOK _____ PAGE _____ FILE _____ New County Number _____

Location	Owner	Value
Parcel Number 8A-B-7	Name HARRIS BRAD H & CYNTHIA K -TR-	Market (2019) \$33,609
Tax District 08_01 - NORTH FORK AREA SUBDIVISIONS	14513 S ROMAN LN B-1	Taxable \$33,609
Acres 1.10	HERRIMAN, UT 84096	Tax Area: 08_01 Tax Rate: 0.009526
Situs Address 410 S LEWIS LN		Type Actual Assessed Acres
Legal ALL OF LOT 7 BLOCK 'B' AMENDED PLAT OF LITTLE PONDEROSA RANCH.		NON-PRIMARY BUILDING \$8,284 \$8,284 0.000
"THE HARRIS FAMILY TRUST 3/1/2012"		NON-PRIMARY LAND \$25,325 \$25,325 1.100
Child Accounts		
Child Parcels		
Parent Accounts		
Parent Parcels		

Transfers			
Recording Date	Book	Page	Doc Description
03/19/2012 11:03:10 AM	0406	0586	Special Warranty Deed
09/04/2008 02:23:25 PM	0350	0246	Quit Claim Deed
09/04/2008 02:23:25 PM	0350	0245	Quit Claim Deed
09/04/2008 02:23:25 PM	0350	0244	Quit Claim Deed
09/04/2008 02:23:25 PM	0350	0243	Quit Claim Deed
09/04/2008 02:23:25 PM	0350	0242	Quit Claim Deed

Tax		Images	
Tax Year	Taxes	Photo	GIS
2019	\$320.16		
2018	\$291.27		





MOTION: I move to **approve/deny** Amending a Subdivision Plat for a Lot Line Adjustment, on behalf of The Harris Family Trust 3/1/2021, Brad and Cynthia Harris Trustees, in the Little Ponderosa Subdivision, Amended Plat, Block “B”, lots 7 & 8, based on the findings documented in the staff report.

THANK YOU.



Land Use Authority

76 North Main Street
Kanab, Utah 84741
Phone (435) 644-4966
planning@kane.utah.gov



Application for Lot Line Adjustment
Application Fee \$700.00

***In the event additional engineering costs are accrued by the County related to a specific project, the project applicant will be responsible for all additional engineering fees. (KCLUO 9-1-14)**

Property Owner's Name: The Harris Family Trust 3/1/2012, Brad and Cynthia Harris Trustees

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Location and Legal Description of Subdivision Plat:

ALL OF LOT 7 BLOCK "B" AMENDED PLAT OF LITTLE PONDEROSA RANCH

ALL of LOT 7 Block "B" Amended Plat of Little Ponderosa Ranch

Reason for Lot Line Adjustment:

Both lots are owned by applicant. Existing cabin on 9A-B-7 does not meet setback requirements and overlaps on 9A-B-8. Lot line adjustment requested to meet setback requirements and allows for an addition being made to existing cabin after lot lines are adjusted so a building permit can be obtained.

I (We) certify that the proposed subdivision plat will conform to the Kane County Subdivision Ordinance and that no changes will be made without prior approval.

[REDACTED] 2-11-2020
Signature of Owner / Trustee Date

[REDACTED] 2/10/2020
Signature of Owner / Trustee Date

***Incomplete applications will be returned.**

Land Use Authority Action:

Approve

Deny

Planning Commission Chairman

Date

Commission Approval: _____

LITTLE PONDEROSA RANCH SUBDIVISION AMENDED

AMENDING LOTS 7 AND 8

SURVEYOR'S CERTIFICATE

I, SCOTT P. WOODS, SURVEYOR, PROFESSIONAL UTAH LAND SURVEYOR NUMBER 174919, HOLD A LICENSE IN ACCORDANCE WITH THE SURVEYING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS HAVE BE SET AS REPRESENTED ON THIS PLAT.



DATE: FEBRUARY 2020
SCOTT P. WOODS, P.L.S. 174919

BOUNDARY DESCRIPTION

LOTS 7 AND 8, BLOCK "B", LITTLE PONDEROSA RANCH SUBDIVISION AMENDED, OFFICIAL KANE COUNTY RECORDS

NEW LOT 7
COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 41 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 00°03'24" EAST 602.75 FEET ALONG THE SECTION LINE AND NORTH 89°46'18" EAST 6.83 FEET TO THE SOUTHEAST CORNER OF LOT 7, LITTLE PONDEROSA RANCH SUBDIVISION AMENDED AND THE POINT OF BEGINNING AND RUNNING THENCE SOUTH 89°46'18" WEST 488.42 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING OF SAID LOT 7 TO THE NORTHWEST CORNER OF SAID LOT 7, THENCE NORTH 00°10'11" EAST 101.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, THENCE NORTH 00°13'16" EAST 399.26 FEET ALONG THE NORTH LINE OF SAID LOT 7, THENCE NORTH 00°13'16" EAST 60.00 FEET TO THE POINT OF BEGINNING OF SAID LOT 7, THENCE SOUTH 00°11'20" EAST 60.00 FEET, THENCE SOUTH 02°53'27" WEST 101.17 FEET ALONG THE EAST LINE OF SAID LOT 7 TO THE POINT OF BEGINNING CONTAINING 53,951 SQUARE FEET OR 1.24 ACRES, MORE OR LESS.

NEW LOT 8
COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 41 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 00°03'24" EAST 805.70 FEET TO THE POINT OF BEGINNING AND RUNNING THENCE SOUTH 89°46'18" WEST 488.42 FEET TO THE NORTHWEST CORNER OF LOT 8, LITTLE PONDEROSA RANCH SUBDIVISION AMENDED AND THE POINT OF BEGINNING AND RUNNING THENCE SOUTH 00°11'20" EAST 1.98 FEET ALONG THE EAST LINE OF SAID LOT 8, THENCE SOUTH 89°46'18" WEST 86.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8, THENCE SOUTH 00°11'20" EAST 1.98 FEET ALONG THE EAST LINE OF SAID LOT 8 TO A POINT ON THE SOUTH LINE OF SAID LOT 8, THENCE SOUTH 00°13'16" WEST 389.26 FEET ALONG THE SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID LOT 8, THENCE NORTH 00°10'59" EAST 100.82 FEET ALONG THE WEST LINE OF SAID LOT 8 TO THE POINT OF BEGINNING CONTAINING 43,954 SQUARE FEET OR 1.01 ACRES, MORE OR LESS.

NARRATIVE

THE BASIS OF BEARING IS NORTH 89°57'00" WEST BETWEEN THE SOUTHEAST CORNER AND THE SOUTH 1/4 CORNER OF SECTION 6, TOWNSHIP 41 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN.

THE PURPOSE OF THIS SURVEY IS MODIFY THE BOUNDARY LINE BETWEEN LOTS 7 AND 8 AS SHOWN HEREON.

ACKNOWLEDGMENT

On this _____ day of _____, A.D. 2020, personally appeared Brad Harris and Cynthia Harris, proved on the basis of satisfactory evidence to be the persons whose names are subscribed to in this document, and acknowledged they executed the same.

Notary Public full Name: _____
My Commission Expires: _____
A Notary Public Commissioned in Utah

Notary Public (Signature) _____
No Stamp required (Utah Code 46-1-16(6))

LOT LINE ADJUSTMENT PLAT

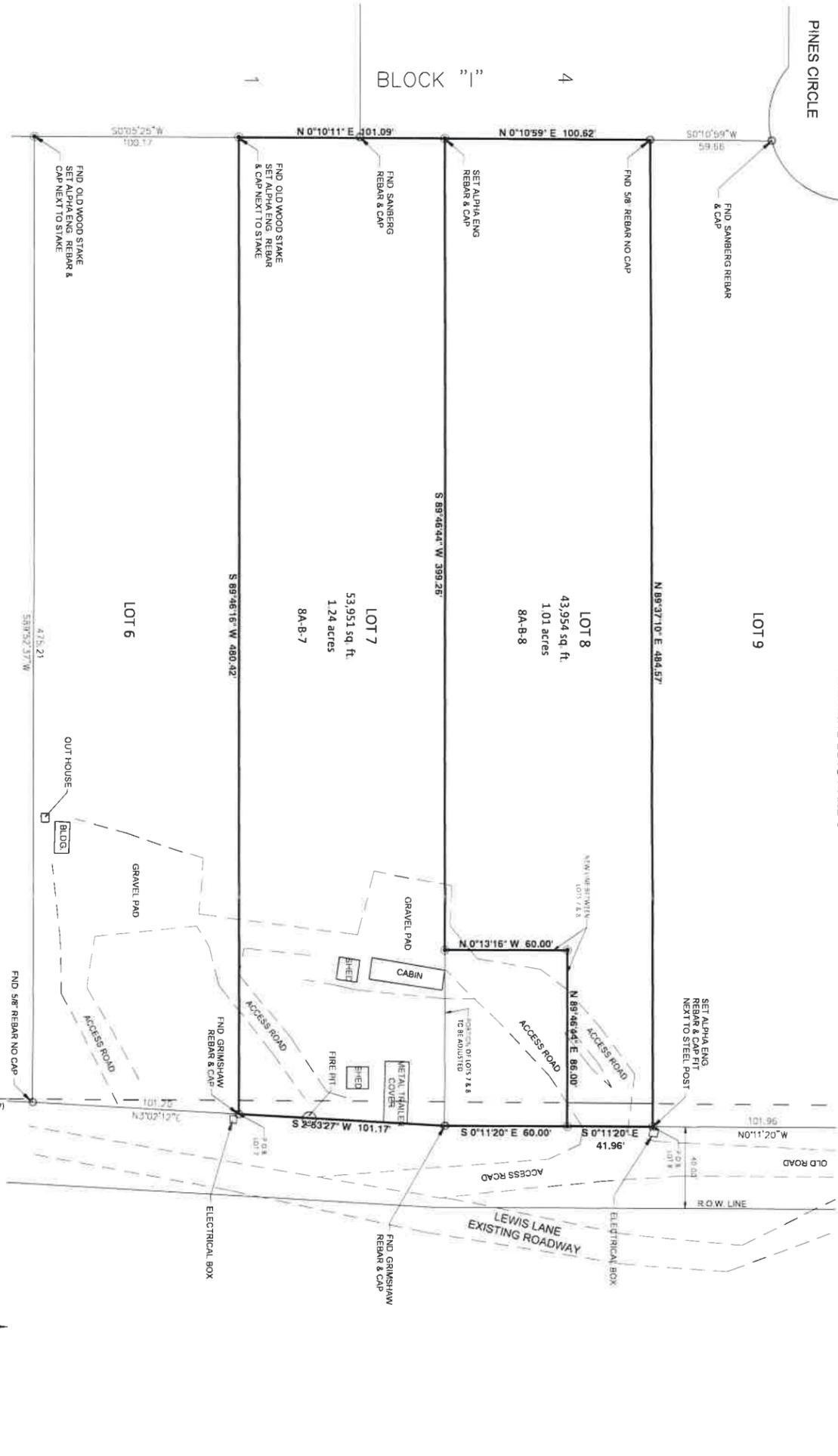
LOCATION: SE 1/4 SEC. 6, SW 1/4 SEC. 5, T41S, R9W, SLB&M.

PREPARED FOR: BRAD AND CYNTHIA HARRIS

SURVEY DATE: FEBRUARY 2020

Recorded No. _____
STATE OF UTAH
COUNTY OF KANE
RECORDED AND FILED AT THE REQUEST OF:
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____
Kane County Recorder

County Surveyor: _____ Approved as to Form: _____ Approved as to Filing: _____
The action boundary line adjustment has been reviewed and approved in accordance with the provisions of the Utah Rules of Practice, effective January 1, 2020.



SITE NOTES

OWNER/APPLICANT
BRAD AND CYNTHIA HARRIS
410 S. LEWIS LANE
ORDERVILLE, UTAH 84758

PLAN PREPARER
ALPHA ENGINEERING COMPANY
43 SOUTH 100 EAST, SUITE 100
ST. GEORGE, UTAH 84770
PH: (435) 628-6500
FAX: (435) 628-6553

PROJECT LOCATION
410 S. LEWIS LANE
ORDERVILLE, UTAH 84758
SECTIONS 5 & 6, TOWNSHIP 41 SOUTH,
RANGE 9 WEST, SLB&M
ASSESSOR PARCELS #: BA-B-7
#: BA-B-8

LEGEND

- ◆ FOUND SECTION MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- SET REBAR & CAP P.L.S. 174919
- ALPHA ENGINEERING CO.
- SECTION LINE
- PROPERTY LINE



43 South 100 East, Suite 100, St. George, Utah 84770
T 435 628 6500 • F 435 628 6553 • alphaengineering.com



STAFF REPORT

DATE: 04/24/2020

PROJECT: A complete application for the Thunderbluff, Rural Unimproved Subdivision (RUS) on behalf of “Western Hills Rocks and Gems, Inc.”, Kihara Brown Secretary, parcel #4-5-3-1a becoming parcels 1 & 2 has been submitted by Iron Rock Engineering holding Power of Attorney.

FINDINGS: The application for a Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). The Thunderbluff 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 that was visible to the public for 10 days prior on two public notice boards at the Kane County courthouse, posted in the local newspaper, 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.

STAFF RECOMMENDATION: Kane County alternate Engineer, Cody Howick, Civil Science and HAS NOT recommended approval of this project. Kane County Land Use Administrator, Shannon McBride, recommends approval to the Kane County Commission for the Thunderbluff Rural Unimproved Subdivision. The engineering review is enclosed in the Kane County Planning Commission’s packet for reference.

I move to recommend approval/denial to the Kane County Commissioners, for the Thunderbluff, Rural Unimproved Subdivision (RUS), on behalf of “Western Hills Rocks and Gems, Inc.” Kihara Brown as Trustee, parcel #4-5-3-1a becoming two new parcels based on the findings in the staff report.

Location	Owner	Value								
Parcel Number 4-5-3-1A	Name WESTERN HILLS ROCKS & GEMS INC	Market (2019) \$144,000								
Tax District 06 - COUNTY OUTSIDE	288 W CENTER ST KANAB, UT 84741-3448	Taxable \$325								
Acres 25.00		Tax Area: 06 Tax Rate: 0.009526								
Situs Address		<table border="1"> <thead> <tr> <th>Type</th> <th>Actual</th> <th>Assessed</th> <th>Acres</th> </tr> </thead> <tbody> <tr> <td>FARMLAND (FAA)</td> <td>\$144,000</td> <td>\$325</td> <td>25.000</td> </tr> </tbody> </table>	Type	Actual	Assessed	Acres	FARMLAND (FAA)	\$144,000	\$325	25.000
Type	Actual	Assessed	Acres							
FARMLAND (FAA)	\$144,000	\$325	25.000							
<p>Legal PARCEL 1: THE N/2SE/4SE/4 OF SEC 3 T44S R5W SLB&M. CONT 20.0 AC. ML. PARCEL 2: BEG AT THE SE COR OF THE NE/4SE/4 OF SEC 3 T44S R5W SLB&M & RUN TH N 89°40'43" W 1,318.05 FT ALG THE 1/16TH SEC LINE TO THE SW COR OF SAID NE/4SE/4; TH N 76°03'05" E 1,358.84 FT TO A PT ON THE E LINE OF SAID SEC 3; TH S 00°07'43" W 330.26 FT ALG THE SEC LINE TO THE PT OF BEG. CONT 5.0 AC. ML. *THIS IS A REMAINING DESCRIPTION* SUBJ TO UTILITY EASEMENT (SEE 0527-991/993)</p>										
Child Accounts 0140858										
Child Parcels 4-5-3-1B										
Parent Accounts										
Parent Parcels										

Transfers

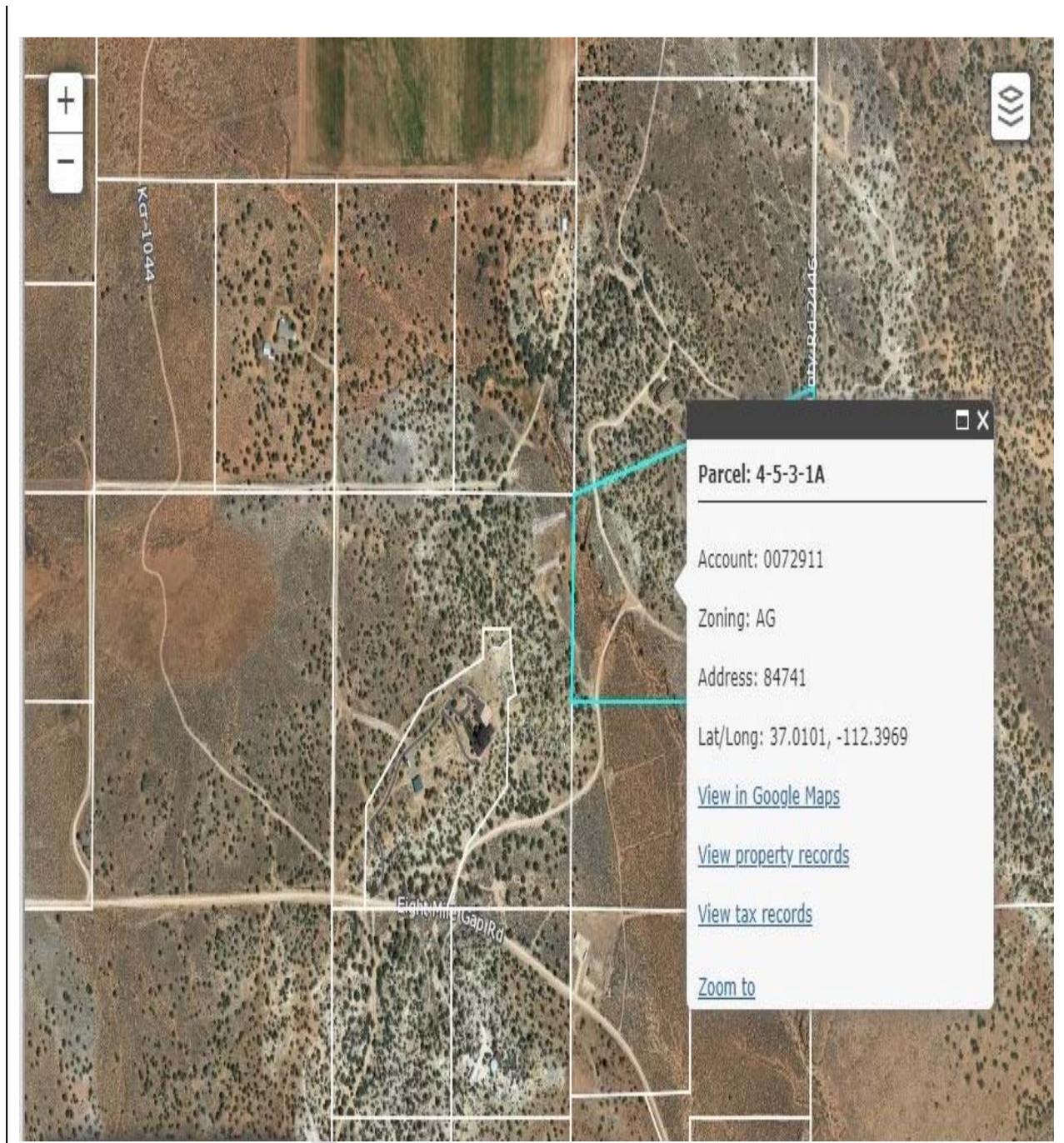
No Transfer Documents

Tax	Images
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Tax Year	Taxes
2019	\$3.10
2018	\$3.36

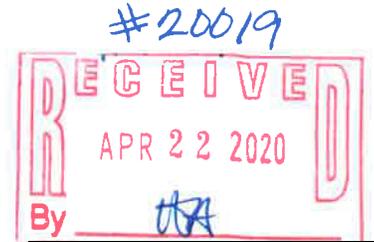








Land Use Authority
76 North Main Street, Kanab, Utah 84741
(435) 644-4966
Email planning@kane.utah.gov



APPLICATION FOR RURAL UNIMPROVED SUBDIVISION

Owner/Applicant Kihara Brown Date 03/25/2020
Phone [REDACTED]
Address [REDACTED] Fax: _____
City [REDACTED] State [REDACTED] Zip [REDACTED]
E-Mail _____

Registered Engineer or
Surveyor Iron Rock Engineering
Address P.O. Box 55 Fax _____
City Kanab State UT Zip 84741
Email tom@ireng.net

Name of Subdivision:
Thunderbluff
Location and Legal Description:
Parcel 4-5-3-1a
See attached for legal description

Number of Lots 2 Minimum Lot Size 10 Acres

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*
Land In Agricultural Use (FAA) Status Letter: Y N FAA Non-Compliance Notice: Y N N/A+
Tax Statement: Y N Lien Holder Statement Y N

(* Must show documentation that no system exists or is planned)
(+ Not required for if land is not Land In Agricultural Use, FAA)

Will the parcels divided by this Rural Unimproved land be used for anything other than agricultural uses under the FAA definitions of Utah State Code?

Yes
No

If yes, please explain:

Additional Comments:

I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE

Signature:

Printed Name:

Wanda Brown

Land Use Administrator Use Only:

Existing Zone AG

General Plan Compliance: Y N

Land Use Ordinance Compliance: Y N

Zone Change Required: Y N

Previously Divided under Article K: Y N

Engineer Review:

Record of Survey Map: Approved Denied

Easements: Approved Denied

Planning Commission Action:

Approved Denied

Planning Commission Chairman _____

Date: _____



DRAFT STAFF REPORT

DATE: 03/31/2020

PROJECT: A complete application for the Preliminary Plat for Swains Creek Heights Subdivision, Phase 1, lots, 1-3 on behalf of Swains Creek Heights, LLC, for parcel 8-7-27-7, zoned residential 5, (R-5) has been submitted by Brent Carter, property owner. Mr. Carter will be creating 3 lots, lot 1 consisting of 6.00 acres, lot 2 consisting of 6.00 acres and lot 3 consisting of 6.00 acres for a total of 18 +/- acres. This project is right outside of the Swains Creek Subdivision. Swains Creek Road is a County Class B road/Forest Service maintained by the county.

FINDINGS: The Swains Creek Heights Subdivision application and preliminary plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607, The Swains Creeks Heights Subdivision preliminary plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21C and D-Subdivision Regulations. All requirements for rights-of-way and easements conform to the standards in the Kane County Land Use Ordinance requirements and the “Kane County Standards Specifications and Drawing Details for Design and Construction” which requires 66 foot rights-of-ways. All notices are in conformance to all standards and notice requirements of 17-27a-201 & 202. A notice for the public hearing was posted in two public places; notices were mailed out to all owners within 500 feet of the project and posted in the local newspaper and on the Utah State and Kane County web sites as a public hearing.

STAFF RECOMMENDATION: Kane County Engineer, Tom Avant, Iron Rock Engineering, recommends **conditional** approval of this project; due to the final review not being done. Kane County Land Use Administrator, Shannon McBride recommends **conditional** approval.

Motion: I move to **recommend/deny** to the Kane County Commissioners the Swains Creek Heights Subdivision Preliminary Plat, parcel 8-7-27-7, consisting of 3 new lots on behalf of Brent Carter, Swains Creek Heights, LLC.

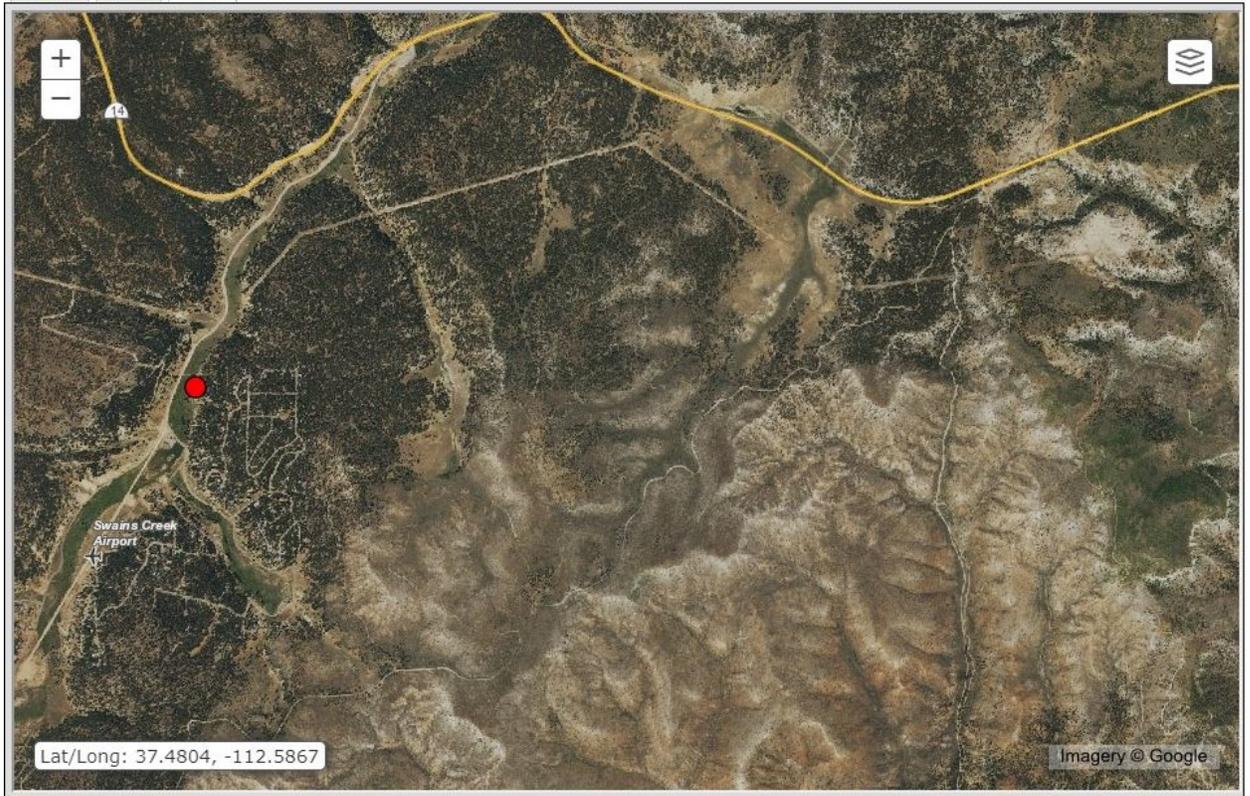
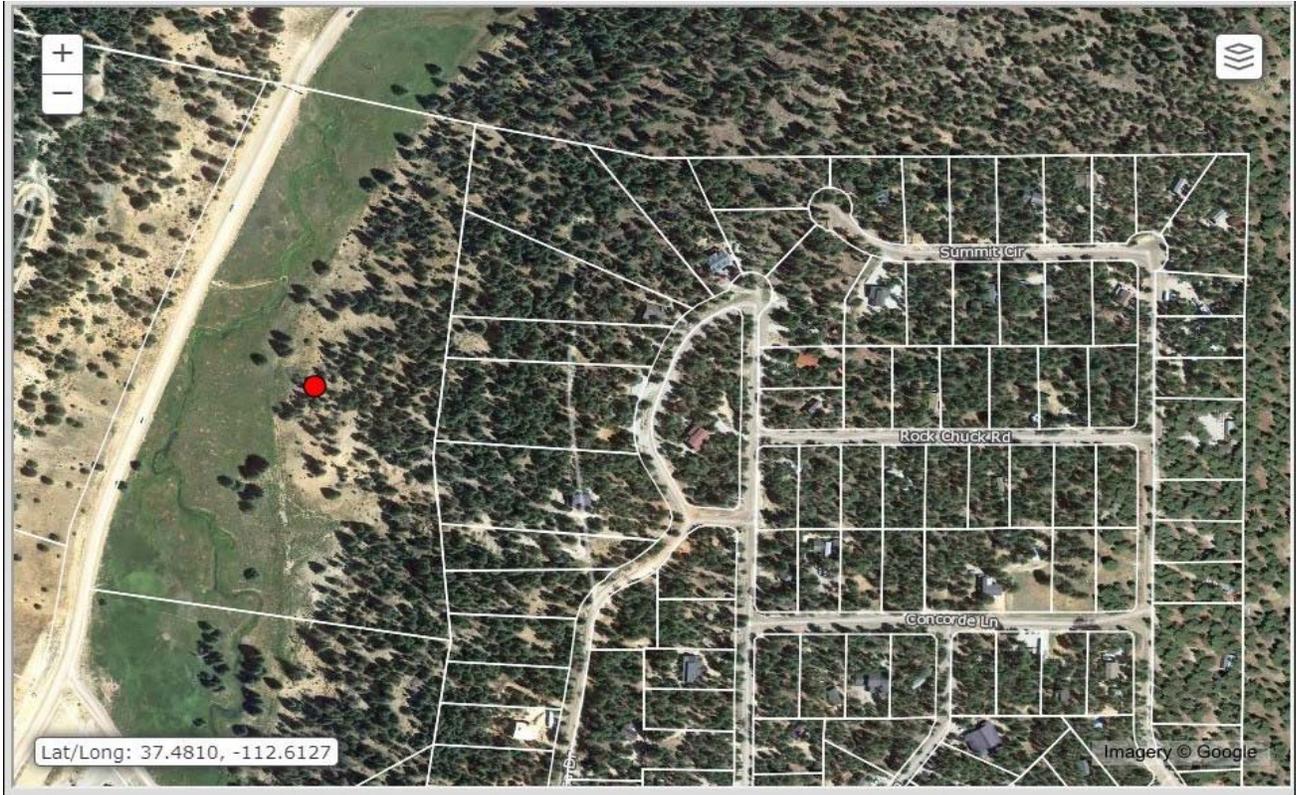
THANK YOU

9-21D-5: LAND USE AUTHORITY APPROVAL:

A. The Kane County land use administrator shall review all completed applications for preliminary plat approval and shall forward to the land use authority only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this chapter and all other ordinances and laws of Kane County and the state of Utah; including, but not limited to, land use ordinances, general plan and transportation plan.

B. At a public meeting the land use authority may recommend approval to the county commission, recommend approval to the county commission with conditions, table until additional information has been provided or disapprove the preliminary plat. In the event that the Kane County land use authority disapproves a preliminary plat, it shall state, in writing, within thirty (30) days to the developer/subdivider the reason for disapproval via certified mail, return receipt requested.

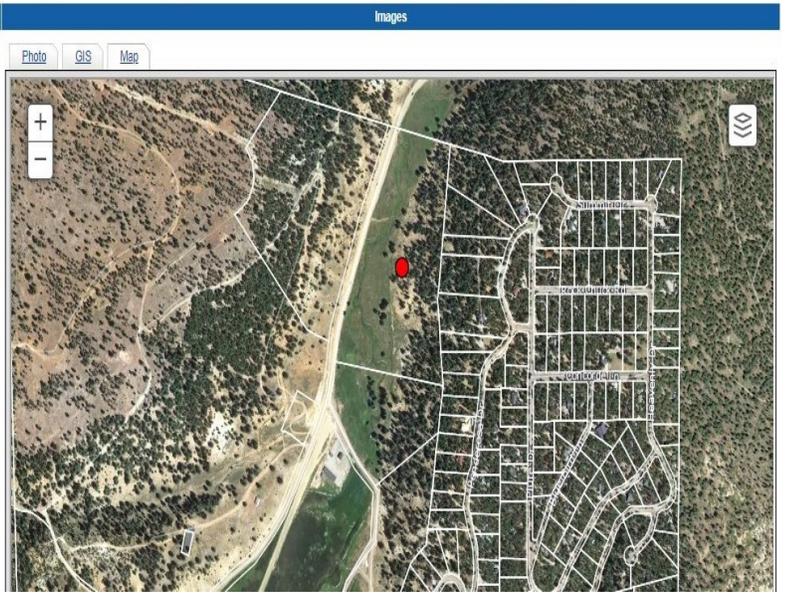
C. If recommended for approval to the county commission, the county commission shall review the application for approval, approval with conditions, or denial at the next regularly scheduled county commission meeting. (Ord. O-2016-4, 8-8-2016)



Location	Owner	Value								
Parcel Number 8-7-27-7	Name SWAINS CREEK HEIGHTS LLC	Market (2019) \$43,700								
Tax District 15 - CEDAR MTN SSD	4103 N MORGAN DR ENOCH, UT 84721	Taxable \$43,700								
Acres 18.00		Tax Area: 15 Tax Rate: 0.009526								
Situs Address		<table border="1"> <thead> <tr> <th>Type</th> <th>Actual</th> <th>Assessed</th> <th>Acres</th> </tr> </thead> <tbody> <tr> <td>AGRICULTURAL LAND</td> <td>\$43,700</td> <td>\$43,700</td> <td>10.000</td> </tr> </tbody> </table>	Type	Actual	Assessed	Acres	AGRICULTURAL LAND	\$43,700	\$43,700	10.000
Type	Actual	Assessed	Acres							
AGRICULTURAL LAND	\$43,700	\$43,700	10.000							
Legal REORGANIZED PARCEL 8-7-27-7: BEG AT A PT N 77°19'10" W 400.00 FT FROM THE NE COR OF SEC 27 T38S R7W, SLB&M, SAID PT BEING THE NW COR OF SWAINS CREEK PINES UNIT 3, RUN TH ALG THE W LINE OF SAID SUBDIVISION THE FOLLOWING COURSES: S 07°41'23" W 802.86 FT TO THE W ANGLE PT OF LOT 525, TH S 04°37'12" E 440.00 FT TO THE W ANGLE PT OF LOT 521, TH DEPARTING SAID W LINE & RUN N 80°51'43" W 845.16 FT, ML, TO THE E R/W LINE OF SWAINS CREEK RD, TH ALG SAID R/W LINE THE FOLLOWING COURSES: N 09°29'59" E 93.78 FT TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DELTA = 12°43'51", RADIUS = 444.46 FT, CHORD = N 15°51'51" E 98.55 FT, TH ALG THE ARC OF SAID CURVE 98.76 FT TO THE PT, TH N 22°13'46" E 470.94 FT TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DELTA = 03°27'22", RADIUS = 2831.79 FT, CHORD = N 23°57'27" E 170.79 FT, TH ALG THE ARC OF SAID CURVE 170.82 FT TO THE PT, TH N 25°41'08" E 373.83 FT TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DELTA = 02°38'54", RADIUS = 1876.86 FT, CHORD = N 27°00'36" E 86.74 FT, TH ALG THE ARC OF SAID CURVE 86.75 FT, ML, TO THE N LINE OF SAID SEC 27, TH S 77°19'10" E ALG THE N LINE OF SAID SEC 27, A DISTANCE OF 425.45 FT TO THE PT OF BEG & CONT 18.00 AC.										
Child Accounts										
Child Parcels										
Parent Accounts 0110877										
Parent Parcels 8-7-27-1 8-7-27-2										

Transfers			
Recording Date	Book	Page	Doc Description
09/04/2019 04:35:47 PM	0517	0048	Warranty Deed
09/01/2019 03:29:00 PM	0515	0260	Special Warranty Deed
08/01/2019 03:29:00 PM	0515	0255	Special Warranty Deed
05/21/2008 01:05:16 PM	0349	0335	Special Warranty Deed
05/23/2006 01:30:00 PM	W8	454	Water Assign & Bill of Sale

Tax		Taxes
Tax Year		
2019		\$416.29
2018		\$420.00





20014

Date Received: 3/18/2020
Check Number: [REDACTED]
Received By: [REDACTED]

Land Use Authority

76 North Main Street, Kanab, Utah 84741
(435) 644-4966 or (435) 644-4964
planning@kanab.utah.gov

Application for Subdivision & Planned Unit Development

Name of Subdivision/Planned Unit Development: SWAINS CREEK HEIGHTS
PHASE 1

Location (Legal Description) PARCEL 8-7-27-7 18.00 ACRES

Owner SWAINS CREEK HEIGHTS, LLC Phone: [REDACTED]
Address [REDACTED] Fax: [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED]
E-Mail [REDACTED]

Applicant BRENT CARTER - OWNER Phone: [REDACTED]
Address [REDACTED] Fax [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED] E-Mail [REDACTED]

Registered Engineer or Surveyor NEWELL BRENT CARTER
Address 4103 N. MOUNTAIN DRIVE Fax [REDACTED]
City ENOCH State UTAH Zip 84721
Email bcarter@gmail.com

Existing Zone <u>R-2 R-2</u>	Zone Change Require	Y <input type="radio"/>	N <input checked="" type="radio"/>
Number of Lots <u>3</u>	Total Acreage <u>18.00</u>		
Minimum Lot Size <u>6.00 AC</u>	Open Space Acres <u>0</u>		
Overall Density _____	% Open Space <u>0</u>		

Additional Comments: 3 NEW LOTS (6 ACRES IN SIZE) FRONTING
AN EXISTING COUNTY ROAD (SWAINS CREEK ROAD) POWER
WATER, PHONE & CABLE ROADWAY ARE EXISTING.

I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE

Signature: [REDACTED]

Printed Name: NEWELL BRENT CARTER Date: 2/14/2020

*It is highly recommended that the applicant or their authorized agent be present at the Land Use meeting that the Subdivision & Planned Unit is an agenda item. Electronic appearance is acceptable if prior arrangements are made.



DRAFT STAFF REPORT

DATE: 03/31/2020

PROJECT: A complete application for the Preliminary Plat for Swains Creek Heights Subdivision, Phase 2, lots, 4-6 on behalf of Swains Creek Heights, LLC, for parcel 8-7-27-5, zoned residential 2, (R-2) has been submitted by Brent Carter, property owner. Mr. Carter will be creating 3 lots, lot 4 consisting of 2.00 acres, lot 5 consisting of 2.00 acres and lot 6 consisting of 2.00 acres for a total of 6.03 +/- acres. This project is right outside of the Swains Creek Subdivision. Swains Creek Road is a County Class B road/Forest Service maintained by the county.

FINDINGS: The Swains Creek Heights Subdivision application and preliminary plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607, The Swains Creeks Heights Subdivision preliminary plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21C and D-Subdivision Regulations. All requirements for rights-of-way and easements conform to the standards in the Kane County Land Use Ordinance requirements and the “Kane County Standards Specifications and Drawing Details for Design and Construction” which requires 66 foot rights-of-ways. All notices are in conformance to all standards and notice requirements of 17-27a-201 & 202. A notice for the public hearing was posted in two public places; notices were mailed out to all owners within 500 feet of the project and posted in the local newspaper and on the Utah State and Kane County web sites as a public hearing.

STAFF RECOMMENDATION: Kane County Engineer, Tom Avant, Iron Rock Engineering, recommends conditional approval of this project; due to the final review not being done. Kane County Land Use Administrator, Shannon McBride recommends conditional approval.

Motion: I move to **recommend/deny** to the Kane County Commissioners the preliminary plat for Swains Creek Heights Subdivision, parcel 8-7-27-5, consisting of 3 new lots on behalf of Brent Carter, Swains Creek Heights, LLC.

THANK YOU

9-21D-5: LAND USE AUTHORITY APPROVAL:

A. The Kane County land use administrator shall review all completed applications for preliminary plat approval and shall forward to the land use authority only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this chapter and all other ordinances and laws of Kane County and the state of Utah; including, but not limited to, land use ordinances, general plan and transportation plan.

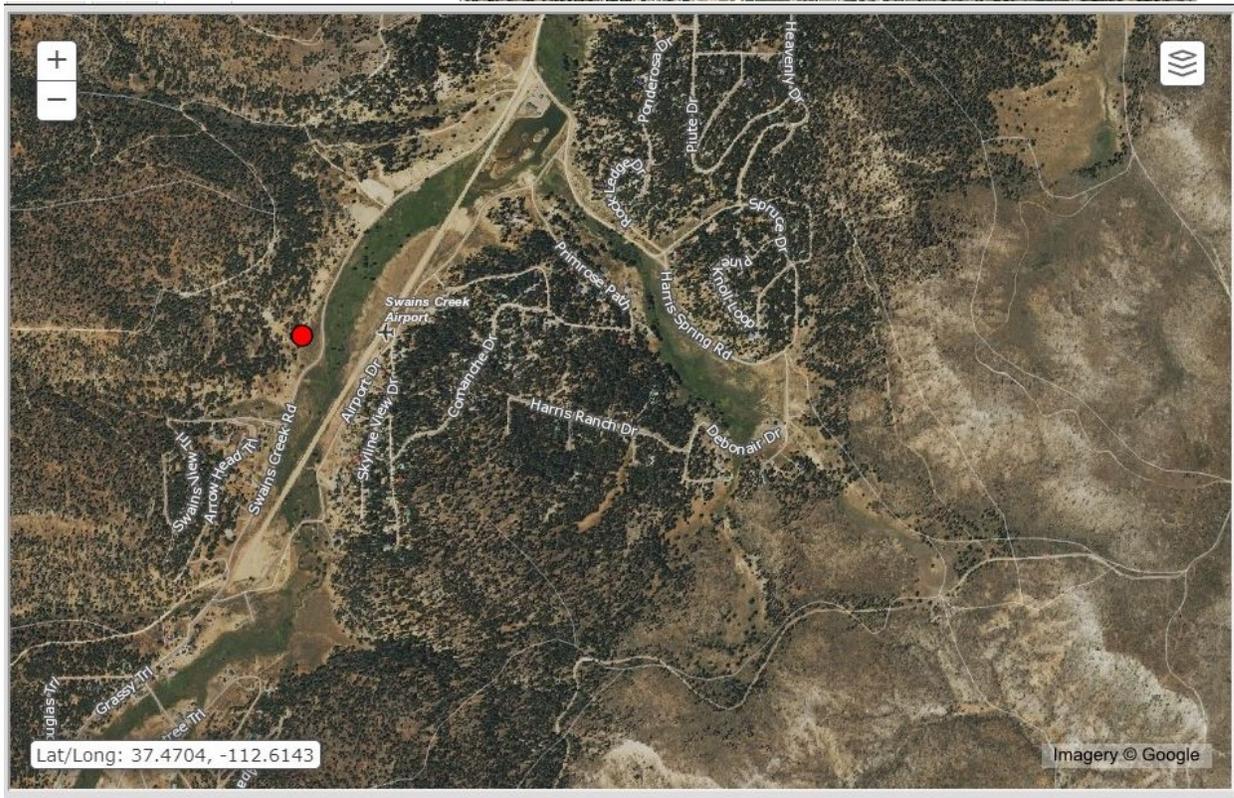
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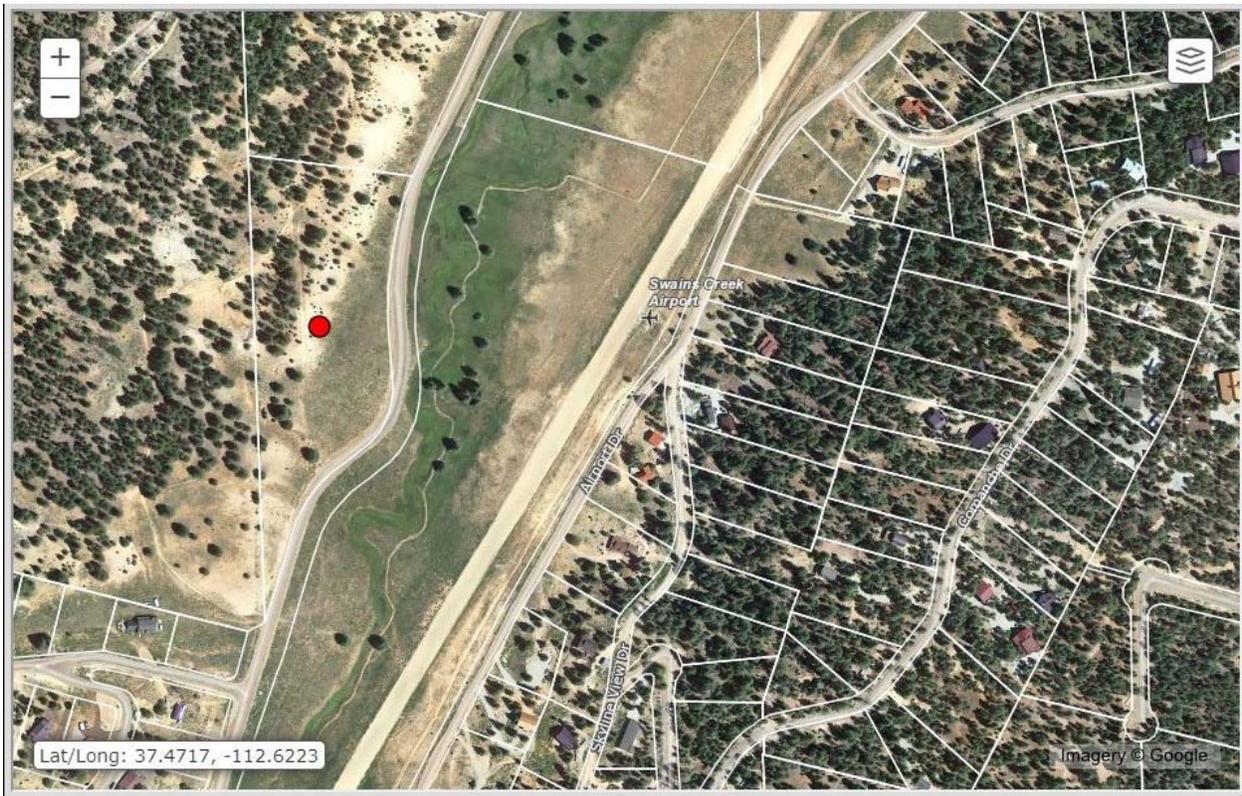
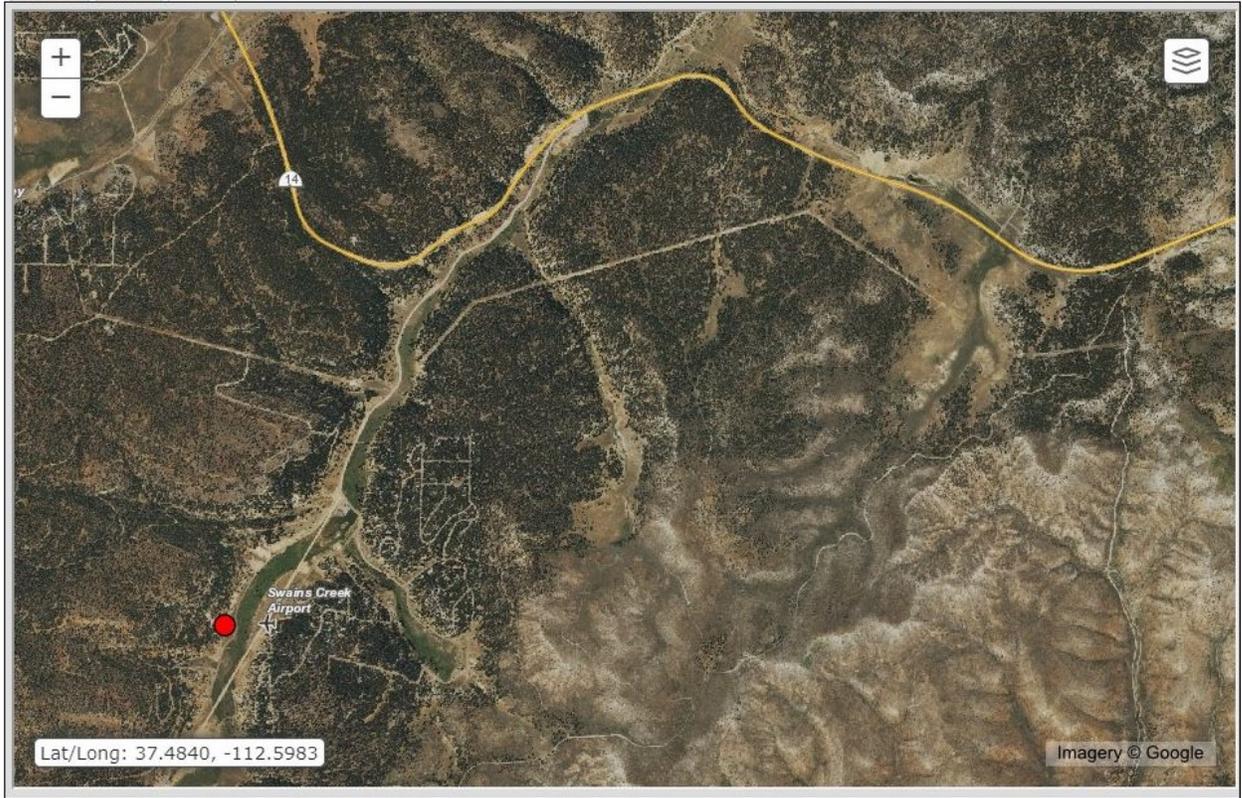
C. If recommended for approval to the county commission, the county commission shall review the application for approval, approval with conditions, or denial at the next regularly scheduled county commission meeting. (Ord. O-2016-4, 8-8-2016)

Location	Owner	Value
Parcel Number 8-7-27-5	Name SWAINS CREEK HEIGHTS LLC	Market (2019) \$43,700
Tax District 15 - CEDAR MTN SSD	4103 N MORGAN DR	Taxable \$43,700
Acres 6.03	ENOCH, UT 84721	Tax Area: 15 Tax Rate: 0.009526
Situs Address		Type Actual Assessed Acres
Legal BEG AT A PT N 75°56'00" W 1248.80 FT & N 01°20'08" W 72.33 FT FROM THE S 1/4 COR OF SEC 27 T38S R7W S183M RUN TH N 01°20'08" W 1118.35 FT TH S 82°12'22" E 388.66 FT TO A PT ON THE W R/W LINE OF SWAINS CREEK RD. SAID PT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT. SV. CURVE DATA: DELTA = 27°57'45" RADIUS = 868.34 FT CHORD = S 08°13'04" W 419.59 FT TH ALG THE ARC OF SAID CURVE & R/W LINE 423.79 FT TO THE PT TH ALG SAID W/R/W LINE THE FOLLOWING COURSES: TH S 05°45'48" E 97.26 FT TO THE PC OF A CURVE TO RIGHT. CURVE DATA: DELTA = 60°51'35" RADIUS = 189.21 FT CHORD = S 24°40'00" W 191.86 FT TH ALG THE ARC OF SAID CURVE 200.98 FT TO THE PT TH S 55°05'47" W 55.67 FT TO THE PC OF A CURVE TO LEFT. CURVE DATA: DELTA = 39°59'49" RADIUS = 317.46 FT CHORD = S 39°53'57" W 201.44 FT TH ALG THE ARC OF SAID CURVE 204.98 FT TO THE PT. TH S 18°05'58" W 225.14 FT TO THE PT OF BEG & CONT 6.03 AC.	AGRICULTURAL LAND \$43,700 \$43,700 10.000	
Child Accounts		
Child Parcels		
Parent Accounts 0110877		
Parent Parcels 8-7-27-1		

Transfers			
Recording Date	Book	Page	Doc Description
09/29/2019 11:24:45 AM	0618	0258	Warranty Deed
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08/01/2019 03:29:00 PM	0615	0254	Special Warranty Deed
05/23/2008 01:30:00 PM	118	454	Water Assn & Bill of Sale
05/05/2003 12:05:00 PM	0239	406	Quit Claim Deed

Tax		Images	
Tax Year	Taxes	Photo	GIS
2019	\$416.29		
2018	\$420.00		





76 North Main Street Kanab, Utah 84741 435-644-4966 www.kane.utah.gov



Land Use Authority

76 North Main Street, Kanab, Utah 84741
(435) 644-4966 or (435) 644-4964
planning@kanab.utah.gov

#20015
Date Received: 3/18/2020
Check Number [REDACTED]
Received By: [REDACTED]

Application for Subdivision & Planned Unit Development

Name of Subdivision/Planned Unit Development: SWAINS CREEK HEIGHTS
PHASE 2

Location (Legal Description) PARCEL 8-7-27-5
6.03 ACRES

Owner SWAINS CREEK HEIGHTS LLC Phone: [REDACTED]
Address [REDACTED] Fax: [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED]
E-Mail [REDACTED]

Applicant BRENT CARTER - OWNER Phone: [REDACTED]
Address [REDACTED] Fax: [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED] E-Mail [REDACTED]

Registered Engineer or Surveyor NEWELL BRENT CARTER
Address 4103 N. MULLAN DRIVE Fax [REDACTED]
City ENOCH State UTAH Zip 84721
Email bncarter@mail2engineer.com

Existing Zone R-2 Zone Change Require Y N
Number of Lots 3 Total Acreage 6.03 ACRES
Minimum Lot Size 2.00 AC Open Space Acres 0
Overall Density _____ % Open Space 0

Additional Comments: 3 NEW LOTS (2.00 ACRES IN SIZE) FRONTING
AN EXISTING COUNTY ROAD (SWAINS CREEK ROAD) POWER,
WATER, PHONE & GRAVEL ROADWAY ARE EXISTING

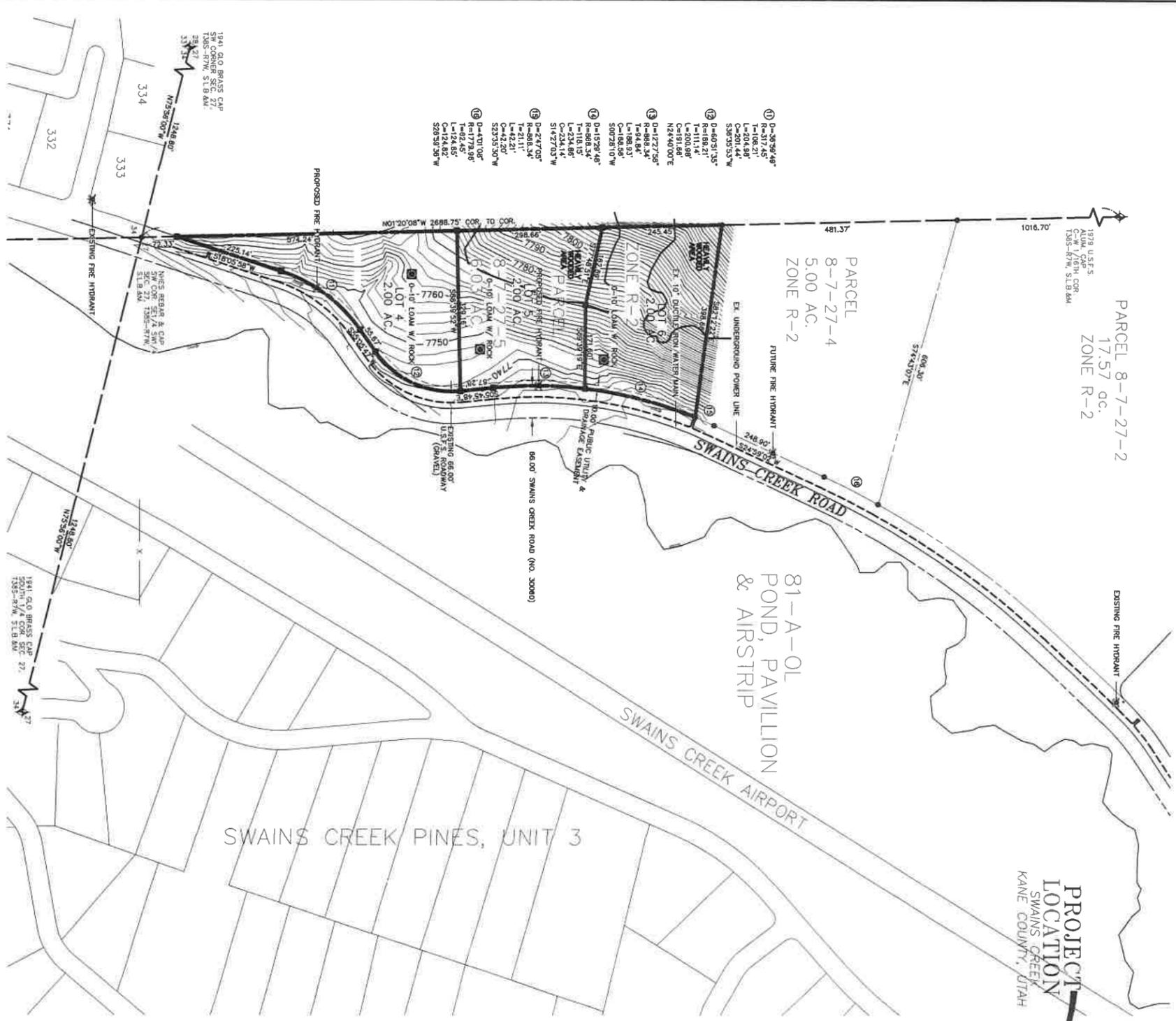
I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE

Signature: [REDACTED]

Printed Name: NEWELL BRENT CARTER Date: 3/6/2020

*It is highly recommended that the applicant or their authorized agent be present at the Land Use meeting that the Subdivision & Planned Unit is an agenda item. Electronic appearance is acceptable if prior arrangements are made.

SWAINS CREEK HEIGHTS, PHASE 2 PRELIMINARY PLAT - KANE COUNTY, UTAH WITHIN NE 1/4 OF SECTION 27, T38S-R7W S.L.B.&M.



**CALL BLUE STAKE
2 WORKING DAYS
BEFORE YOU DIG
IN UTAH
IT'S A LAW!
1-800-662-4111**

LEGEND

- SECTION CORNER
- FOUND MONUMENT
- SET REBAR & PLASTIC CAP L.S. NO. 354372
- WATER VALVE
- WATER METER
- TELEPHONE PEDESTAL
- SOILS/PERC. LOCATION
- EXISTING WATER MAIN
- EXISTING POWER LINE
- EXISTING FIRE HYDRANT
- DRAINAGE
- FENCE LINE
- SUBDIVISION BOUNDARY / LOT LINE
- UTILITY & DRAINAGE EASEMENT

BOUNDARY DESCRIPTION

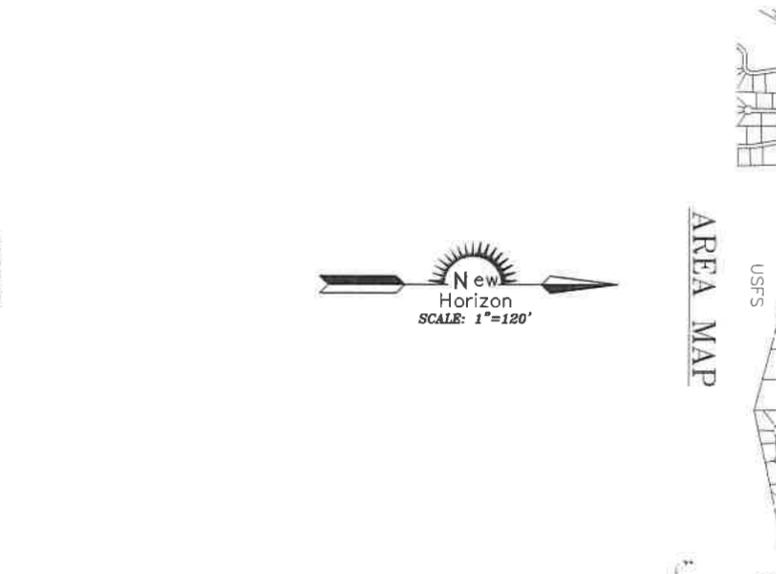
PARCEL 8-7-27-2
BEGINNING AT A POINT N27°56'00"W 1248.80 FEET AND N03°00'00"W 723.33 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 27, T38S-R7W, S.L.B.&M. RUNNING THENCE N01°20'08"W 1119.33 FEET; THENCE S82°12'22"E 388.66 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SWAINS CREEK ROAD, SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SOUTHWESTLY CURVE, SAID CURVE BEING 423.79 FEET TO THE P.I. THENCE S89°45'48"E 67.28 FEET TO THE P.C. OF SAID CURVE TO RIGHT, CURVE DATA, DELTA= 60°01'30", RADIUS= 324.40/00"W 191.61 FEET; THENCE S55°05'41"W 55.67 FEET TO THE P.C. OF A CURVE TO LEFT, CURVE DATA, DELTA= 31°45', CHORD= 518.09/98 W 225.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.03 ACRES.

NOTES

- 1- BASIS OF BEARING 577191°E BETWEEN THE NORTH 1/4 CORNER (1941 Q.L.O BRASS CAP) AND THE NE CORNER (1941 Q.L.O BRASS CAP) OF SECTION 27, T38S-R7W, S.L.B.&M.
- 2- APPROXIMATELY THE EAST 2/3 OF SUBJECT LOTS ARE MCDONALD AND THE WEST 1/3 IS WOODED CONSERVANCY DISTRICT.
- 3- THE WATER MAINS ARE EXISTING IN SWAINS CREEK ROAD, AS PART OF KANE COUNTY WATER CONSERVANCY DISTRICT.
- 4- SEWER WILL BE HANDLED BY AN ON-SITE WASTEWATER SYSTEM ON EACH LOT. (THERE IS NO SEWER SYSTEM IN THIS AREA).
- 5- THERE WILL BE A 10.00' PILE ALONG ALL LOT FRONTAGES.
- 6- POWER, WATER AND PHONE UTILITY MAINS ARE EXISTING IN SWAINS CREEK ROAD.
- 7- ALL LOTS ARE SUBJECT TO NATURAL WATER RUNOFF.
- 8- THERE ARE 2.05 TOTAL ACRES ALONG THE BOUNDS OF THIS PROPOSED SUBDIVISION.
- 9- SWAINS CREEK ROAD IS A DEDICATED 66.00 FOOT WIDE ROAD.
- 10- UTILITY AND DRAINAGE EASEMENTS SHALL BE ALONG ALL STREET FRONTAGES AND WHERE DRAINAGE IS REQUIRED.
- 11- DIVISION OF WATER RIGHTS WEBSTER 1- WMA#28426 (6" CASING 105' DEEP) 1200'-/- FEET SW OF SW CORNER SUBJECT PARCEL 2- WMA#1946 (6" CASING 118' DEEP) 1000'-/- FEET EAST OF SUBJECT PARCEL 3- WMA#28703 (6" CASING 150' DEEP) 830'-/- FEET SE OF SW CORNER OF SUBJECT PARCEL.
- 12- ESTIMATED GALLONS OF SEWAGE PER DAY = 100 GALLONS/DAY X 4 MEMBER FAMILY = 400 GALLONS/DAY.
- 13- ESTIMATED GALLONS OF WATER PER DAY = 100 GALLONS/DAY X 4 MEMBER FAMILY = 400 GALLONS/DAY.
- 14- THE BOUNDARY SURVEY UNITS, THE EASTERLY BOUNDARY OF THE SUBDIVISION ADJACENT SWAINS CREEK ROAD, THE NORTHERLY BOUNDARY ADJACENT AN EXISTING PARCEL (8-7-27-4) AND THE WESTERLY BOUNDARY FRONTS U.S.F.S.

SUMMARY STATEMENT

TOTAL DEVELOPED AREA IN THIS PHASE = 6.03 ACRES
TOTAL NUMBER OF PROPOSED DWELLINGS = 3
TOTAL NUMBER OF PROPOSED SPACES = 12
TOTAL NUMBER OF PROPOSED SPACES = 12
AMOUNT OF WATER PER LOT = 0.45 AF OR (APPROVED WATER SYSTEM ALLOWS FOR UP TO 600 GALLONS/DAY)



PROFESSIONAL LAND SURVEYOR
STATE OF UTAH
NEWELL BRENT CARTER
No. 354372
DATE 3/22/20
NEWELL BRENT CARTER

SURVEYOR'S CERTIFICATE

I, NEWELL BRENT CARTER, REGISTERED LAND SURVEYOR, AND THAT I HAVE REVIEWED THE SURVEY AND FOUND IT TO BE IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS' LICENSING ACT, UTAH CODE ANNOTATED, AND I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE HEREON SHOWN PROPERTY IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CONSTITUTION AND THE UTAH PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS' LICENSING ACT, UTAH CODE ANNOTATED, AND I HAVE FOUND THE MONUMENTS AS SHOWN ON THE HEREON SHOWN PLAT TO BE CORRECTLY LOCATED.

PROJECT LOCATION

REVISION

NO.	MM/DD/YY	REVISION
1		
2		

FILE NAME: SCH1002Phase2.DWG

**NEW HORIZON
Engineering & Surveying LLC**

4103 N. Morgan Dr. (435) 586-8897
Enoch, Utah 84721 (435) 559-4104

ENGINEERS SEAL:

PREPARED FOR:
SWAINS CREEK HEIGHTS, LLC
4103 N. MORGAN DRIVE
ENOCH, UTAH 84721

PROJECT:
SWAINS CREEK HEIGHTS, PHASE 1
825 N. SWAINS CREEK ROAD
KANE COUNTY, UTAH

SHEET TITLE:
PRELIMINARY PLAT SWAINS CREEK HEIGHTS, PHASE 2

DATE: MARCH 13, 2020
SCALE: 1"=120'
JOB NO. SCH1002Phase2.DWG
DRAWING NO. C-01
SHEET NO. 01