



Kane County Land Use Authority

76 North Main Street, Kanab, Utah 84741

(435) 644-4966 or (435) 644-4364

planning@kane.utah.gov

DEVELOPERS SUBDIVISION PACKET

Developer/Engineer **must** request a development meeting prior to submitting application.

Items Included:

1. Preliminary Plat Flow Chart
3. Application for Subdivision/Planned Unit Development
4. County/Subdivider Agreement
5. Development Agreement
6. Preliminary Plat Requirements
***Preliminary Plat must be approved prior to submitting the Final Plat.**
7. Final Plat Flow Chart
8. Final Plat Requirements
9. Post Plat Milestones
10. Kane County Land Use Ordinance; Chapter 21, Article A
Subdivisions: General Provisions
11. Inspection Requirements



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Developer's Subdivision Application Fee \$1000 + \$4000 Engineering Deposit

***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)**

Name of Subdivision: _____

Parcel #(s): _____

Legal description: _____

Owner: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Applicant: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

_____ Email: _____

Engineer or Surveyor: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Existing Zone _____
Number of Lots _____
Minimum Lot Size _____
Overall Density _____

Zone Change Require Y N
Total Acreage _____
Open Space Acres _____
% Open Space _____

Additional Comments:

I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE

Signature: _____ Date: _____

Printed Name: _____

*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.

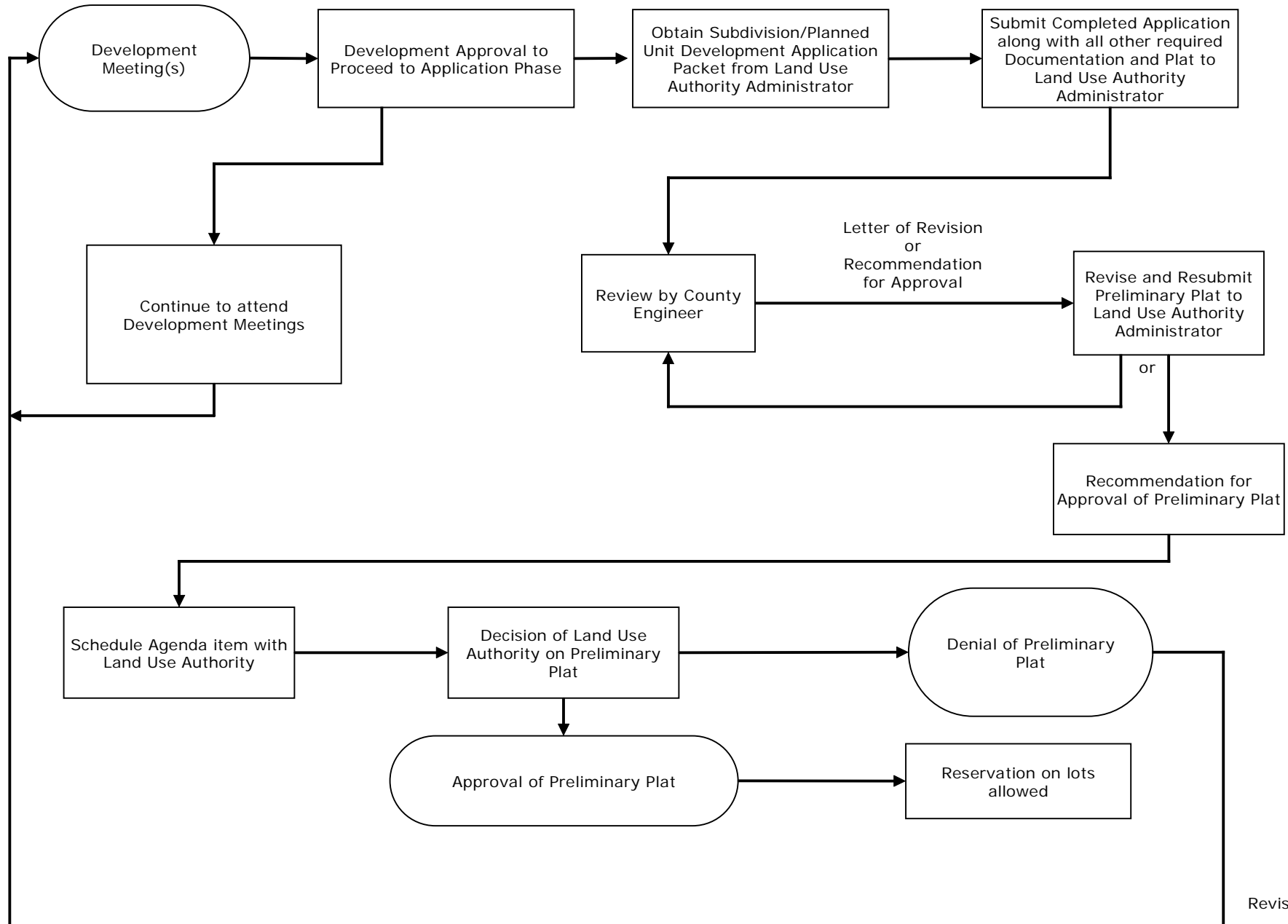
*** Application must be received in the Land Use office a minimum of 21 days prior to the scheduled Planning & Zoning Meeting. This subdivision application will be placed on the Planning Commission's agenda once approval has been received from the county engineer.**

SUBDIVISION & PLANNED UNIT DEVELOPMENT DEVELOPMENT AGREEMENT

The development agreement must be submitted with the preliminary plat to allow time to be reviewed by the Land Use Administrator, Kane County Engineer and Kane County Attorney. The development agreement must be approved by the County Commission prior to submitting the final plat.



PRELIMINARY PLAT REVIEW AND APPROVAL PROCEDURE FOR KANE COUNTY LAND USE AUTHORITY



Preliminary Plat Approval Required Items:

***Preliminary Plat must be approved prior to submitting Final Plat.**

Subdivision/Planned Unit Development Name: _____

Required General Submission Items:

- (1) 24" X 36" & (2) 11" X 17" Copies of Preliminary Plat _____
- Digital copy of Preliminary Plat _____
- (1) Copy of on-lot disposal report _____
- Kane County Agreement _____
- Application for subdivision _____
- Location and vicinity map _____
- Overall Site Plat _____
- Development Agreement _____
- Soils maps & reports _____
- Statement of taxes due _____
- Lender's Consent _____
- Signed proposed deed restrictions _____
- Summary statement (detailed on next page) _____
- Letters of feasibility (detailed on next page) _____
- Affidavit that applicant is the owner or authorized by the owner, in writing to make application for the land proposed to be subdivided _____
- Articles of Incorporation (LLC, Partnership or Corp.) _____
- Title Report _____
- Electronic Version of plat (PDF) _____

Drawing Requirements:

- Area map showing area + ½ mile _____
- Traverse map of subdivision _____
- Lot and Street Layout _____
- Dimensions of all lots _____
- Total acreage and legal description _____
- Lots numbered consecutively- include zoning label _____
- Locations & names of existing & proposed easements _____
- Existing & proposed street names _____
- Drainage direction for existing & proposed streets _____
- Drawn to scale _____
- All fence lines _____

- Heavily-wooded areas located
- Site to be reserved or dedicated for public use
- Sites listed to be used for non-single family dwellings
- Dedicated Public Space

Preliminary Plat Approval

Overall Site Plan Requirements:

- Future Street layout for area not being subdivided

-
- Water courses and proposed drainage systems
 - 100 year flood boundaries
 - Existing buildings, easements or utilities within 200 feet
 - Location and size of proposed utilities
 - Any other covenants, easements or restrictions
 - Location and spacing of proposed fire hydrants
 - Location of postal cluster box

Summary Statement Proposal

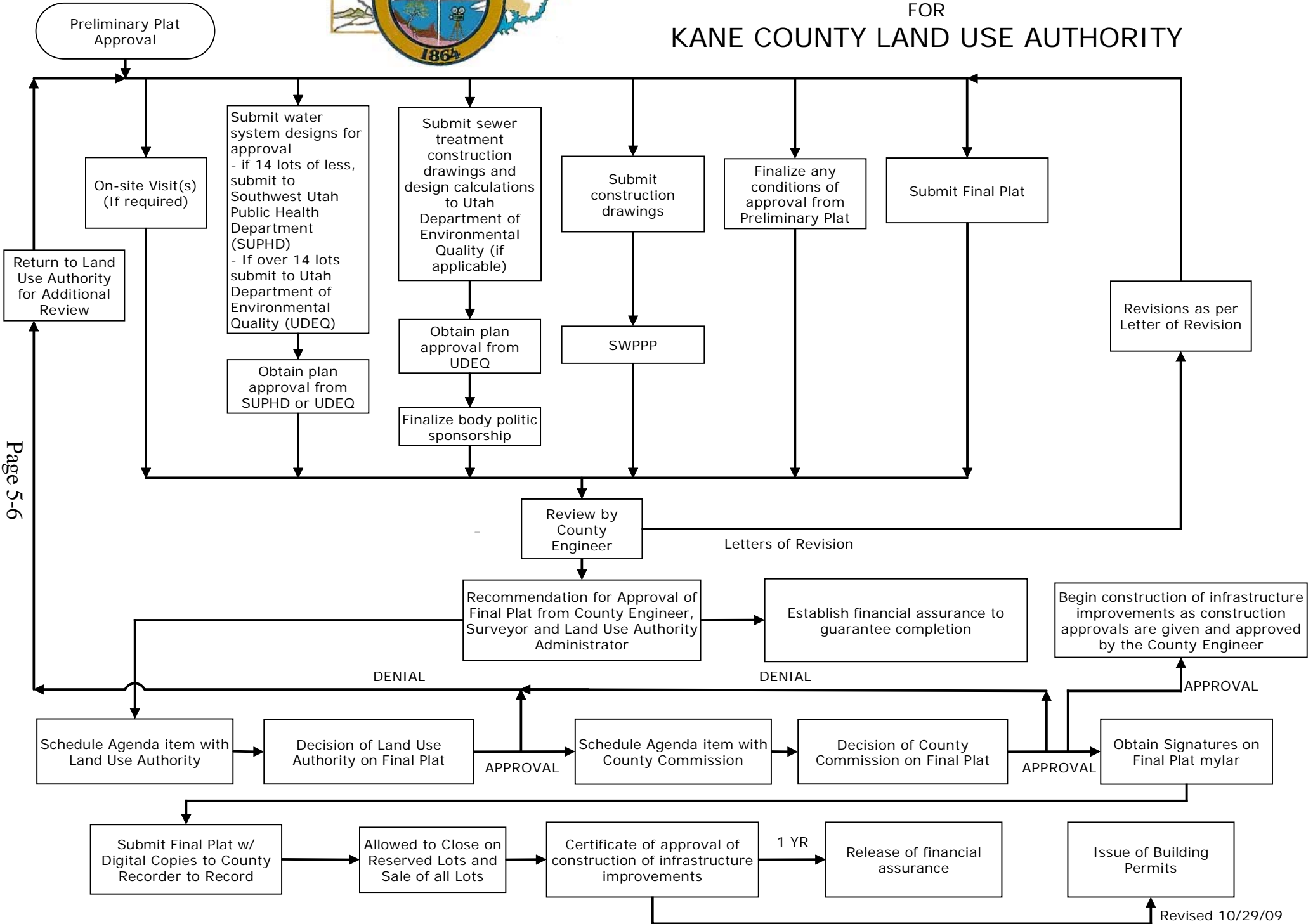
- Total development area
- Number of proposed dwelling units
- Total number of square feet in non-residential floor space
- Amount of water per lot
- Estimated gallons per day of sewage
- Survey notes of perimeter survey

Required letters of feasibility, as applicable

- Water System SWPHD or UDEQ
- Sewage Treatment from SWPHD or UDEQ
- Telephone
- Electrical
- Natural Gas System
- Solid Waste Disposal
- Access from UDOT or Kane County
- Others (as applicable)
- Preliminary Plat Approved
- Addressing & Roads- County Addressing Committee
- Roads County GIS
- Kanab Postmaster



FINAL PLAT APPROVAL PROCEDURE FOR KANE COUNTY LAND USE AUTHORITY



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Final Plat Approval Required Items

Subdivision/Planned Unit Development Name:

Required General Submission Items:

- (1) 24" X 36" & (2) 11" X 17" Copies of Approved Final Plat _____
- Mylar copy of Approved Final Plat _____
- Construction drawings & documents (1) sets each _____

- Proposed cost estimate _____
- Payment/Performance Bond, Escrow Deposit or Letter of Credit
CC&R's _____
- Digital copy of Final Plat _____

Drawing Requirements

- Boundary bearings & distances data outside boundary _____
- Lots numbered consecutively- include zoning label on each lot _____
- Curve data: radius, angle, tangent, length _____
- Excluded parcels marked as such _____
- All streets to be named _____
- Bearings & distances of all streets _____
- Parcels not included marked NAPOTS _____
- Adjacent streets shown and dimensioned _____
- Adjacent fences shown _____
- All easements to be labeled and dimensioned _____
- All land within boundaries to be accounted for _____
- All dimensions to be to 0.01' and 0'000'00 _____
- Location of perc test trenches _____
- Name of subdivision _____
- North arrow _____
- Basis of bearing _____
- Name and address of owners of record _____
- Total acreage of subdivision _____
- Total number of lots _____
- Legal description of entire subdivision _____
- Township, range, section and quarter section _____
- Graphic scale _____

- a. Auto CAD.DWG file or GIS SHPE file, submitted by surveyor;
- b. File to contain all parcel lines and reference monuments;
- c. Data file to be GEO referenced to Utah State Plane South Grid Coordinate System or ground Coordinate System including ground scale factor. (Kane County Land Use Ordinance page 21-21, (3))
- County Engineer’s recording block _____
- County GIS Administrator block _____
- County Addressing Administrator block _____
- County Surveyor’s recording block _____
- County Attorney’s recording block _____
- Land Use Authority recording block _____
- County Commission recording block _____
- Signature(s) of owner(s) (notarized) _____
- County Recorders recording block _____
- Required monuments _____
- Fire Official’s recording block *if needed* _____
- Lenders Signature Block or “Consent to Plat” form _____
- Sanitary & Culinary Water/Health Department recording block _____

Final Plat Approvals

- Addressing Committee _____
- Water Conservancy District (if applicable) _____
- County Engineer _____
- County Surveyor _____
- County Attorney _____
- County Recorder _____
- Land Use Authority (Final Plat) _____
- County Commission (Final Plat) _____
- Fire Official _____
- County Attorney approval of Payment/Performance Bond _____
- Escrow Deposit or Letter of Credit _____
- Construction Drawing/Documents _____
- Approved Final Plat to Recorder _____
- Sanitary & Culinary Water/Health Department recording block _____

Post Approved Plat Milestones

Subdivision/Planned Unit Development Name: _____

- Plat Recorded _____
- Construction Drawings (1 set) _____
- Improvements start date (i.e. water, roads & utilities) _____
- Completion of all improvements _____
- Improvement review and verification by County Engineer _____
- 1 year review and verification by County Engineer _____
- Repairs completed as required by Subdivider _____
- Release of Guarantee: No sooner than one year after completion of improvements and acceptance by County Engineer _____
- Default date subdivider has failed to install required improvements within 2 years of final plat approval _____
- County Commission declares guarantee forfeited _____
- County contracts to have improvements installed _____

**KANE COUNTY LAND USE ORDINANCE
CHAPTER 21: SUBDIVISIONS**

ARTICLE A. GENERAL PROVISIONS

SECTION:

9-21A-1: Purpose

9-21A-2: Scope

9-21A-3: Effect On Previous Ordinance

9-21A-4: Exceptions

9-21A-5: Definitions

9-21A-6: Penalties

9-21A-7: Validity

9-21A-1: PURPOSE:

The purpose of this chapter is:

- A. To promote the health, safety and general welfare of the residents of Kane County.
- B. To promote the efficient and orderly growth of Kane County.
- C. To provide policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of buildings, and improvements within Kane County including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights of way, dedication of land and streets, the granting of easements or rights of way, and to establish fees and other charges for the authorizing of a subdivision. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21A-2: SCOPE:

- A. This chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to November 16, 1982, except as provided in this section.
- B. No lot within a subdivision created and recorded prior to November 16, 1982, or approved by the Kane County land use authority and the Kane County commission and recorded in the office of the Kane County recorder under the provisions of this chapter, shall be further divided, rearranged or reduced in area, except as provided in this chapter. The boundaries of any lot shall not be altered in any manner, so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the land use authority and the Kane County commission as provided in this chapter.
- C. No amendment to this chapter that imposes a greater burden or obligation than existed immediately prior to such amendment shall affect a subdivision created prior to the effective date of the amendment. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)
- D. It is unlawful for any person, builder or developer to receive a building permit until all improvements, as specified in the development agreement and construction documents have been installed and accepted in writing by the Kane County engineer. Improvements shall include, but are not limited to: roads, water, fire suppression water, power, septic/sewer,

drainage system, and perimeter fencing requirements. Owner and/or owner's agent, prior to sale of any portion of an approved subdivision, will advise the prospective buyer/builder that building permits will not be issued until all improvements have been completed. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2015-12, 7-27-2015, eff. 8-11-2015)

9-21A-3: EFFECT ON PREVIOUS ORDINANCE:

The existing subdivision ordinance of Kane County, Utah, is hereby superseded and amended to read as set forth herein; provided however, that this chapter shall be deemed a continuation of the previous ordinance, and not a new enactment, insofar as the substance of revisions of the previous ordinance is included, whether in the same or in different language. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21A-4: EXCEPTIONS:

Where unusual topographic or other exceptional conditions exist, the Kane County commission may allow an applicant to vary from the requirements of this chapter after receiving the recommendation of the land use authority, provided that such variances shall not substantially impair the intent of this chapter. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21A-5: DEFINITIONS:

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this chapter. Words used in present tense include the future; singular numbers shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual; the word "lot" includes plot and parcel. Words used in this chapter but not defined herein shall have the meaning as defined in any other ordinance adopted by the Kane County commission.

AGRICULTURAL USE, LAND IN AGRICULTURAL USE: Land devoted to the raising of useful plants and animals with a reasonable expectation of profit.

BEGINNING OF CONSTRUCTION: Grading or removal of any vegetation or earth from a site for construction of access routes or preparation for excavation of building pads or footings.

BONA FIDE DIVISION OR PARTITION OF AGRICULTURAL LAND FOR AGRICULTURAL PURPOSES: Refer to article N of this chapter.

CAMPGROUND: A parcel designated and approved by the county for occupancy by tents, trailers, motor homes or campers on a temporary basis.

COVENANTS, CONDITIONS AND RESTRICTIONS: Limits and rules placed on a group of homes by a builder, developer, neighborhood association or homeowners' association. These restrictions will be enforced by the homeowners' association and not the county.

FRONTAGE, BLOCK: All property fronting on one side of the street between intersecting or intercepting streets or between a street and right of way, waterway, end of dead end street, or

political subdivision boundaries, measured along the street line. An intercepting street shall determine only one boundary of the frontage on the side of the street which it intersects.

FRONTAGE, LOT: The linear measurement of the front lot line.

GENERAL PLAN: A long range policy plan prepared and adopted by the Kane County commission to guide county growth.

GRADE:

Commercial: On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of twelve inches (12") plus two percent (2%). Alternate elevations are permitted subject to the approval of the Kane County building inspector, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

Residential: Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded so as to drain surface water away from foundation walls. The grade away from foundation walls shall fall a minimum of six inches (6") within the first ten feet (10').

HOMEOWNERS' ASSOCIATION (HOA): A legal organization of property owners within a subdivision, planned community condominium or other grouping of homes and/or property that makes and enforces rules for the properties within the association. The county will not enforce homeowners' association rules. The HOA will be in charge of enforcing all HOA rules. Kane County will only enforce applicable state and local laws and ordinances.

IRRIGATED LAND: Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of manmade improvements.

OFF SITE FACILITIES: Improvements not on individual lots but generally within the boundaries of the subdivision which they serve.

OFFICIAL MAP: The official map or maps adopted by Kane County pursuant to the county zoning and planning enabling legislation.

ON SITE FACILITIES: Construction or placement of the dwelling and its appurtenant improvements on a lot.

PARCEL OF LAND: Contiguous land owned by and recorded as the property of a person. Land in one ownership but physically divided by a public highway, road or street is considered contiguous under this definition.

PERSON: A firm, association, organization, partnership, company, corporation or any legal entity entitled to own property as well as an individual.

PLOT PLAN: Plat of a lot, drawn to scale, showing such information as may be required by the Kane County land use authority.

PROTECTION STRIP: A strip of land between the boundary of a subdivision and street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.

SHAPE FILES: A GIS shape file is a file format used for storing geographic information data in GIS computer programs and databases, such as ArcGIS and ArcCatalog. The file extension for shape files is ".shp".

STREETS:

A. Street: A thoroughfare which has been dedicated and accepted by the county, which the county has acquired by prescriptive right or which the county owns, or offered for dedication on an approved final plat, or a thoroughfare of at least twenty eight feet (28') in width which has been abandoned or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

B. Street, Major: A street, existing or proposed, which serves or is intended to serve as a major trafficway and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

C. Street, Collector: A street, existing or proposed, which is the main means of access to the major street system.

D. Street, Minor: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

E. Street, Marginal Access: A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

F. Street, Private: A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of Kane County and maintained by the subdivider or other private agency.

SUBDIVIDER: Any person, developer, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or others.

SUBDIVISION: Any land that is divided, resubdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other divisions of land for the purpose, whether immediate or future, for offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions.

A. Subdivision includes the division or development of land whether by deed, survey, metes and bounds description, devise of testacy, lease, map, plat, or other recorded instrument.

B. Subdivision does not include:

1. A bona fide division or partition of agricultural land for agricultural purposes;
2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - a. No new lot is created; and
 - b. The adjustment does not result in a violation of applicable zoning ordinances.
3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or
4. A bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:
 - a. An unmanned facility appurtenant to pipeline owned or operated by a gas corporation, interstate pipeline company, intrastate pipeline company; or

b. An unmanned telecommunications, microwave, fiber optic electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

C. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances.

VICINITY PLAN: A map or drawing to scale showing the physical relationship of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classification of all land within three hundred feet (300') of the property proposed for development.

WATER SYSTEM, NONPUBLIC: Any potable water system that is subject to the rules of the Southwest Utah public health department, which is any potable water system that serves less than fifteen (15) lots or less than twenty five (25) people.

WATER SYSTEM, PUBLIC: Any potable water system that is subject to the rules of the Utah department of environmental quality, which is any potable water system that serves fifteen (15) or more lots of an average of twenty five (25) or more people at least sixty (60) days per year.

ZONE CLEARANCE: Assurance by the land use authority that a proposed activity is in compliance with existing zoning regulations. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2015-12, 7-27-2015, eff. 8-11-2015)

9-21A-6: PENALTIES:

A. Any person, organization, corporation, or other entity, whether as owner, occupant, agent, real estate agent, or employee, who causes, permits or otherwise participates in any violation of any provision of this chapter shall be guilty of a class B misdemeanor upon conviction, punishable by a fine, imprisonment, or both, as determined by a court of competent jurisdiction. In addition, the provisions of this chapter may also be enforced by injunction, mandamus, abatement, merger of title, civil penalty, or any other remedy provided by law.

B. Whenever any act or omission is made unlawful under this title, every person who causes, solicits, requests, commands, encourages, aids, or abets such act or omission, which constitutes an offense, shall be criminal and civilly liable as a party for such act or omission.

C. Each day that a violation exists may be charged as a separate violation.

D. Any one, all, or any combination of penalties and remedies set forth herein may be used to enforce the provisions of the subdivision ordinance.

E. Kane County may withhold building permits and all other permits related to a violation of this chapter, until all violations are resolved.

F. Unless otherwise specified in this chapter, the civil penalties for any violation of this chapter shall be fifty dollars (\$50.00) per day per offense beginning on the ninetieth day after written notification of the violation from Kane County is sent, up to a maximum of three thousand dollars (\$3,000.00).

G. The following are violations of the subdivision ordinance, in addition to other acts or omissions that would constitute a violation:

1. Subdividing or resubdividing any land, parcel, or lot into two (2) or more lots, parcels, sites, units, plots or other divisions of land, by execution of deed to oneself or another person,

by recordation of deed, by gifting, or any other form of subdividing, without complying with the requirements of the subdivision ordinance.

2. Selling, gifting, or transferring a parcel or lot, which parcel or lot was subdivided without complying with the requirements of the subdivision ordinance, whether the selling party is the original party responsible for the subdivision or not. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

H. For property owners of any land that is currently divided improperly or illegally, the owner, their agent or assign shall be authorized to sell, gift or otherwise transfer the property regardless of any other section or subsection of this title, and will not be subject to criminal or civil action under this title, if they first receive a signed "authorization to transfer" from the land use administrator. Upon application by the landowner(s), the land use administrator may issue an "authorization to transfer" if the landowner is not the person or entity that improperly or illegally divided the property contained within the application, and the improper or illegal subdivision occurred prior to January 1, 2005. A signed "authorization to transfer" may be recorded and if recorded shall automatically transfer to any subsequent owner(s) of the property. However, if after obtaining a signed "authorization to transfer" any current or subsequent owner of the property further subdivides, or otherwise alters the size and/or shape of the property in violation of state or county law or ordinance, the "authorization to transfer" shall become immediately null and void. (Ord. O-2015-12, 7-27-2015, eff. 8-11-2015)

9-21A-7: VALIDITY:

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this chapter. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

SUBDIVISION INSPECTION REQUIREMENTS

A. All improvements shall be subject to inspection by Kane County or County's engineer. Do not cover or backfill excavations for improvements until improvements have been inspected by Kane County. If any installation is covered before being inspected and approved, Developer shall uncover installation at no cost to Kane County.

B. After improvements are completed, Kane County will conduct final inspection or "Construction Completion Inspection". Any faulty or defective work noted at final inspection shall be corrected within 30 calendar days after date of final inspection. If Developer fails to complete corrective work within 30 calendar days, then Kane County will arrange for corrective work to be completed and cost will be held in bond or letter of credit balance.

C. Requests for inspections shall be made to Kane County at least 1 week in advance of need for inspection.

D. Developer shall pay Kane County for cost of inspections that exceed the original engineering deposit.

(3.7 INSPECTION, KC Standard Specifications and Drawing Details for Design and Construction, pg. 1-23)

The following items need to be inspected:

- General
 - As built drawings, hard copy and digital
 - Street lights
 - Power acceptance letter
 - Fire access or turnaround
 - Walls installed
 - Offsite manholes or valves
 - Survey monuments marked
 - Clean up
 - Warranty bond 10%
 - Final geotechnical report
 - Landscape installed
 - Backflow certification for landscape meter
 - Storm water management plan
- Sewer (septic systems)
 - Geotech report covering each lot for septic location
 - Treatment systems to be installed and checked during building construction
- Storm drain
 - Post construction BMPs in place
 - Manholes to grade
 - Catch basins clean
 - Pipe clean and grouted
 - Offsite manholes and boxes

- Water (KCWCD)
 - Water acceptance letter
 - Water service to each lot
 - Meter box location
 - Meter yoke depth in box
 - Tracer wire in meter box
 - Water to meter
 - Valves to grade & concrete collar with size and direction
 - Valves in working order, clean and accessible
 - Tracer wire in valve box
 - Fire hydrants to grade
 - Fire hydrants working
 - Tracer wire to hydrants
 - Air-vac per design standards
 - Testing completed

- Roads
 - Joints, matting, crown, surface, edges
 - Seamless patch
 - Pavement markings
 - Street signs and end of road markers 7' height

- Concrete
 - Cracks, breaks, chips, joints, expansion joints
 - Surface appearance, finish, backfill
 - ADA ramps and accessibility requirement

- Other
 - Postal cluster box location