



September 13, 2023
Kane County Planning Commission
Land Use Authority
Board Room, Kanab Center
20 N. 100 E., Kanab, Utah

Google Meet joining info:
Video call link: <https://meet.google.com/ruh-dhye-ohk>
Or dial: (US) +1 413-438-2527 PIN: 161 340 164#

AGENDA

6:00 PM Call to Order
 Invocation
 Pledge of Allegiance

1. Update on Commission Decisions

Commissioner Heaton will relay the County Commission's decisions on last month's projects.

ADMINISTRATIVE

2. Approval of Minutes

August 9, 2023

Public Meeting

3. Lot Joinder: Hyland

An application to amend a subdivision plat for a lot joinder; joining lots 12 & 15, Movie Ranch Subdivision, Unit A-Amended & Extended. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing

4. Lot Joinder: Grosvenor

An application to amend a subdivision plat for a lot joinder; joining lots 148 & 149 North Fork Estates, Unit 2 and vacating (2) 7.5' utility and drainage easements. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing

5. Lot Line Adjustment: Pollock

An application to amend a subdivision plat for a lot line adjustment between lots 51 & 52 and vacating (2) 7.5' utility and drainage easements in the Elk Ridge Estates Subdivision, Unit 1. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing

6. Amended Plat/Ordinance 2023-35: Emter

An application to vacate, amend and extend a subdivision plat; vacating lot 668 out of Swains Creek Pines, Unit 3 and joining it with lot 1, Block 1, Swains Creek Pines, Unit 1. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Meeting

7. Lot Joinder: Burr

An application to amend a subdivision plat for a lot joinder; joining lots 60 & 61, Ponderosa Villa Subdivision, Plat "C". Submitted by Chris Heaton, Iron Rock Group, holding power of attorney.

Public Hearing

8. Amended Plat/Ordinance 2023-34: McCann

An application to vacate, amend and extend a subdivision plat by Ordinance 2023-34; vacating lot 8 out of Ponderosa Villa Subdivision, Plat "B" and joining it with lot 47, Ponderosa Villa Subdivision, Plat "A". Submitted by Chris Heaton, Iron Rock Group, holding power of attorney.

Public Meeting

9. Conditional Use Permit: Rodriguez

An application for a conditional use permit for an off-premise sign/billboard to be placed on lot 6, New Paria Subdivision. Submitted by Ferdinand Rodriguez.

Public Meeting

10. Conditional Use Permit: Camp Kaia JV LLC

An application for a conditional use permit for cabins/glampground containing 60 sites, a restaurant, employee parking and welcome center on parcel 2-5-33-1 and a delivery building, employee parking and storage on parcel 2-5-25-2B. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

LEGISLATIVE

Public Hearing

11. Ordinance 2023-31: Cemeteries in Residential zones

An ordinance revising Kane County Land Use Ordinance Chapter 6 Residential Zones and Chapter 15 Conditional and Temporary Uses; adding modifying regulations to cemeteries within a Residential zone.

DISCUSSION

Public Meeting

12. Discussion: Agricultural zone

A discussion on the Agricultural zone uses table led by County Commissioner Wade Heaton.

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

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

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.

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.



STAFF REPORT

DATE: 09/07/2023

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of John P. and Stephanie M. Hyland in the Movie Ranch Subdivision, Amended and Extended, Unit A, consisting of lots 12 & 15 becoming new lot 15, containing 1.07 acres within NW ¼, Section 8, T38S, R7W SLB & M. The project was surveyed and submitted by Brent Carter, New Horizon Engineering, holding power of attorney. These lots are zoned Residential 1/2 (R-1/2), as are most surrounding lots in the area. The zoning will remain the same.

The reason for the lot joinder is to save on taxes.

FINDINGS: Amending (joining) 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, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

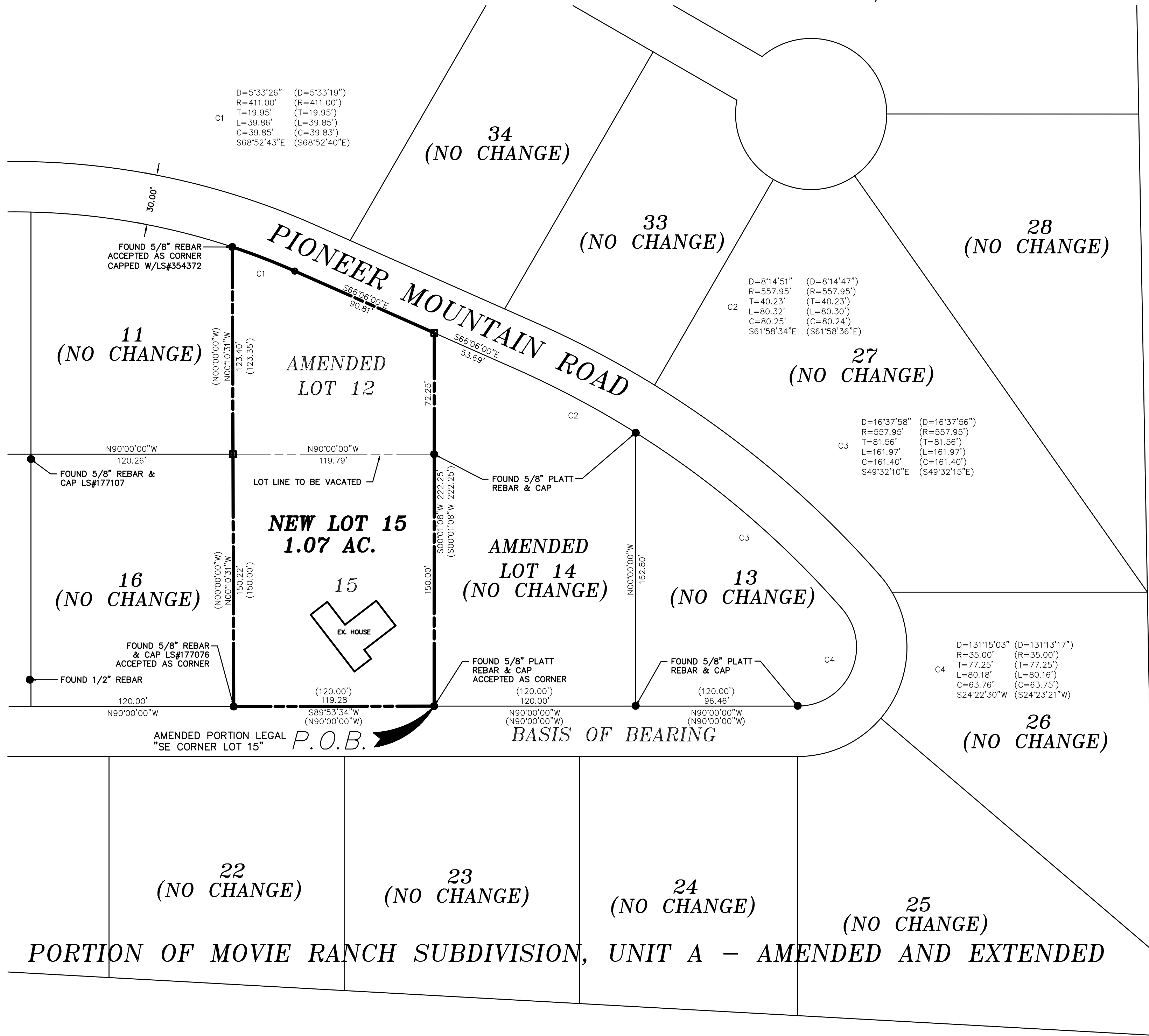
STAFF DETERMINATIONS: Kane County alternate Engineer, Kelvin Smith, Civil Science, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with County and State ordinance requirements.

MOTION: I move to **approve/deny** the amended subdivision plat for a Lot Joinder, on behalf of John P. and Stephanie M. Hyland in the Movie Ranch Subdivision, Amended and Extended, Unit A, consisting of lots 12 & 15 becoming new lot 15, based on the findings documented in the staff report.

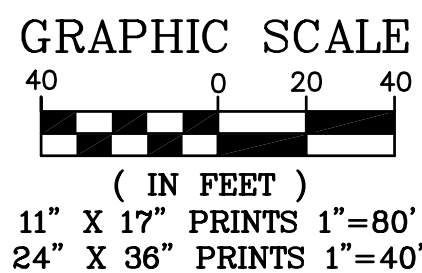
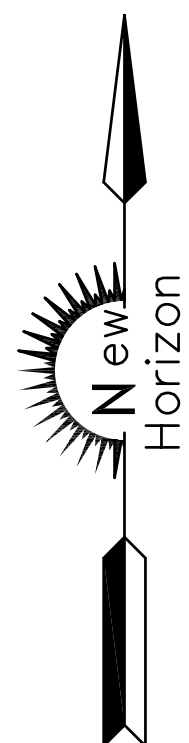
THANK YOU.

AMENDED PLAT OF LOTS 15, & AMENDED LOT 12, MOVIE RANCH SUBDIVISION, UNIT A – AMENDED AND EXTENDED

WITHIN NW1/4 SECTION 8, T38S–R7W, S.L.B.&M., KANE COUNTY, UTAH.



- LEGEND**
- SECTION CORNER
 - FOUND MONUMENT
 - SET REBAR & PLASTIC CAP L.S. NO. 354372
 - (100.00') RECORD DIMENSION
 - SUBDIVISION LOT LINE
 - LOT BOUNDARY
 - UTILITY EASEMENT
 - LOT LINE TO BE VACATED
 - FENCE



COUNTY ATTORNEY CERTIFICATE

I, _____ ATTORNEY FOR KANE COUNTY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ABOVE SUBDIVISION AMENDMENT PLAT AND SAID PLAT MEETS THE REQUIREMENTS OF KANE COUNTY AND IS HEREBY RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 20____.

KANE COUNTY ATTORNEY

COUNTY COMMISSION APPROVAL

I, _____ CHAIRMAN OF THE COUNTY COMMISSION OF KANE COUNTY, DO HEREBY CERTIFY THAT THIS PLAT OF "AMENDED PLAT OF LOTS 15, & AMENDED LOT 12, MOVIE RANCH SUBDIVISION, UNIT A – AMENDED AND EXTENDED", WAS ACCEPTED AND APPROVED BY THE KANE COUNTY COMMISSION ON THIS THE _____ DAY OF _____ AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE KANE COUNTY RECORDER. IN WITNESS WHEREOF, I HAVE SET MY HAND BY AUTHORITY OF A RESOLUTION OF THE COUNTY COMMISSION.

ATTEST:

CHAIRMAN – KANE COUNTY COMMISSION

KANE COUNTY CLERK

LAND USE AUTHORITY APPROVAL

ON THIS THE _____ DAY OF _____, 20____, THE LAND USE AUTHORITY OF KANE COUNTY, UTAH, HAS REVIEWED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE LAND USE ORDINANCES, DO HEREBY RECOMMEND FOR APPROVAL BY KANE COUNTY COMMISSIONERS.

LAND USE AUTHORITY CHAIRMAN – KANE COUNTY

COUNTY SURVEYOR CERTIFICATE

I, _____ THE KANE COUNTY SURVEYOR, DO HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVE DETERMINED THAT IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE AND RECOMMEND IT FOR APPROVAL THIS _____ DAY OF _____, 20____.

KANE COUNTY SURVEYOR

GENERAL NOTES:

- 1–THERE ARE NO FENCES ON SUBJECT LOTS
- 2–THE WATER SUPPLIED BY THE KCWCD VIA AN EXISTING SYSTEM.

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE PREPARATION AND RECORDING OF THIS AMENDED PLAT, ABANDONING AMENDED LOT 12 AND ADDING THAT AREA TO LOT 15, AS PER THIS PLAT. IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS P.O.A. FOR JOHN P. HYLAND

NEWELL BRENT CARTER AS P.O.A. FOR STEPHANIE M. HYLAND

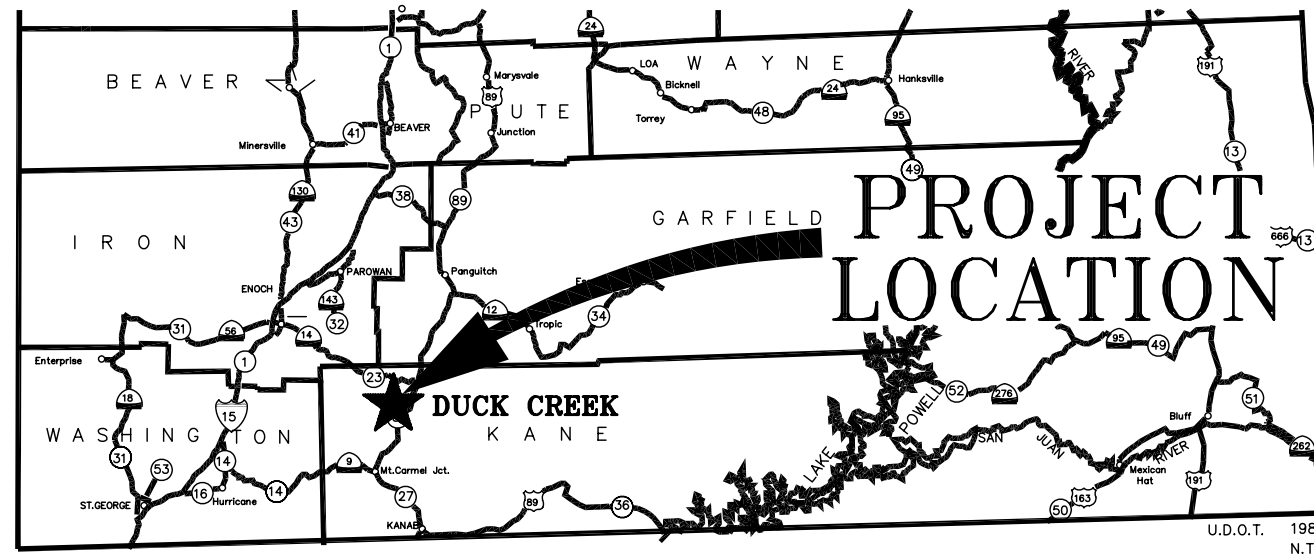
ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR JOHN P. HYLAND AND STEPHANIE M. HYLAND, THE SIGNERS OF THE OWNERS CONSENT WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, NEWELL BRENT CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 354372, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE THIS PLAT OF "AMENDED PLAT OF LOTS 15, & AMENDED LOT 12, MOVIE RANCH SUBDIVISION, UNIT A – AMENDED AND EXTENDED", LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 15 & AMENDED LOT 12, MOVIE RANCH SUBDIVISION, UNIT A – AMENDED AND EXTENDED AFFECTED BY THIS AMENDMENT:
(NEW LOT 15) LOTS 15 & AMENDED LOT 12, MOVIE RANCH SUBDIVISION, UNIT A – AMENDED AND EXTENDED. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SE CORNER LOT 15, MOVIE RANCH SUBDIVISION, UNIT A – AMENDED AND EXTENDED; RUNNING THENCE S89°53'34"W 119.28 FEET TO THE ORIGINAL SW CORNER OF LOT 15; THENCE N00°10'31"W 150.22 FEET TO THE ORIGINAL NW CORNER OF LOT 15; THENCE N00°10'31"W 123.40 FEET TO THE NW CORNER OF AMENDED LOT 12; SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SOUTHEASTERLY, CURVE DATA: DELTA= 05°33'26", RADIUS= 411.00', CHORD= S68°52'43"E 39.85', THENCE ALONG THE ARC OF SAID CURVE 39.86 FEET TO THE PT; THENCE S66°06'00"E 90.81 FEET TO THE NE CORNER OF AMENDED LOT 12; THENCE S00°01'08"W 222.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.07 ACRES.

OWNER INFO:
JOHN P. HYLAND AND STEPHANIE M. HYLAND
4117 HIGHLAND CASTLE COURT
LAS VEGAS, NEVADA 89129–3663

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF JOHN P. HYLAND AND STEPHANIE M. HYLAND TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, TO SATISFY THE REQUIREMENTS OF A PLAT AMENDMENT, AND TO PROVIDE A RECORD OF SAID SURVEY.
THE BASIS OF BEARING IS N90°00'00"W BETWEEN THE SE CORNER LOT 13 (5/8" PLATT REBAR & CAP) AND THE SW CORNER LOT 15 (5/8" REBAR & CAP, L.S.#177076) MOVIE RANCH SUBDIVISION, UNIT A – AMENDED AND EXTENDED. AS PER THE OFFICIAL PLAT THEREOF.

CERTIFICATE OF RECORDING

I, _____ COUNTY RECORDER OF KANE COUNTY, UTAH DO HEREBY CERTIFY THAT THE ABOVE SUBDIVISION AMENDMENT PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS THE _____ DAY OF _____, 20____.

BOOK _____ PAGE _____ FEE _____ KANE COUNTY RECORDER
ENTRY NO.: _____ DATE _____ TIME _____
RECORDED AT THE REQUEST OF: _____

KANE COUNTY
AMENDED PLAT OF LOTS 15, & AMENDED LOT 12,
MOVIE RANCH SUBDIVISION,
UNIT A – AMENDED AND EXTENDED

PREPARED FOR: JOHN P. HYLAND AND STEPHANIE M. HYLAND

LOCATION: NW1/4 SECTION 8, T38S–R7W, S.L.B.&M.
MOVIE RANCH SUBDIVISION, UNIT A – AMENDED AND EXTENDED

DATE: 6/1/2023 REVISION #0

NEW HORIZON
Engineering & Surveying LLC
4103 N. MORGAN DRIVE (435) 559–4104
ENOCH UT, 84721 bcarter@mail2engineer.com



STAFF REPORT

DATE: 9/7/23

PROJECT: A complete application for Amending a Subdivision Plat for a lot joinder, and vacating (2) 7.5 ft. public utility and drainage easements, on behalf of James & Raedell Grosvenor, in the North Fork Estates Subdivision, Unit 2, lots 148 & 149 becoming new lot 149, consisting of 1.43 acres, within the SE ¼, Section 30, T38S, R8W SLB & M. The project was submitted by Brent Carter, New Horizon Engineering, holding power of attorney. Both lots are zoned Residential ½ as are all surrounding lots. The zoning will remain the same.

The reason for the lot joinder request is to save on taxes.

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

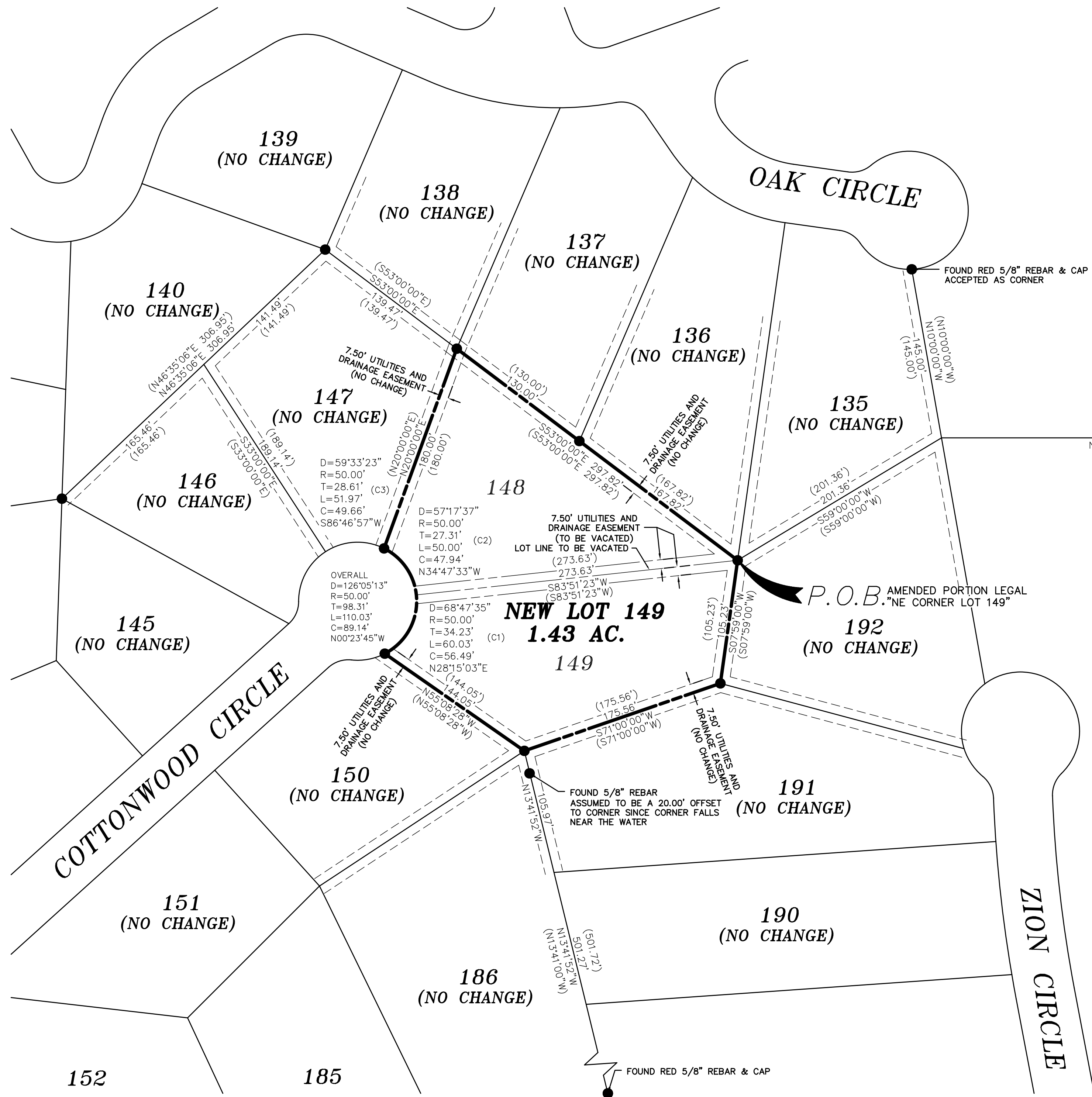
STAFF DETERMINATIONS: Kane County Engineer, Kelvin Smith, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with County and State ordinance requirements.

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners Vacating and Amending a Subdivision Plat for a lot joinder, and vacating (2) 7.5 ft. public utility and drainage easements, on behalf of James & Raedell Grosvenor, in the North Fork Estates Subdivision, Unit 2, lots 148 & 149 becoming new lot 149, consisting of 1.43 acres, based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT OF LOTS 148 & 149, NORTH FORK ESTATES, UNIT 2

WITHIN SE1/4 SECTION 30, T38S-R8W, S.L.B.&M., KANE COUNTY, UTAH.



PORTION OF NORTH FORK ESTATES, UNIT 2

NEW HORIZON REBAR & CAP
AT STEEL POST
EAST 1/4 CORNER
SECTION 30,
T38S-R8W, S.L.B.&M.

NOTCHED ROCK
SE CORNER
SECTION 30,
T38S-R8W, S.L.B.&M.

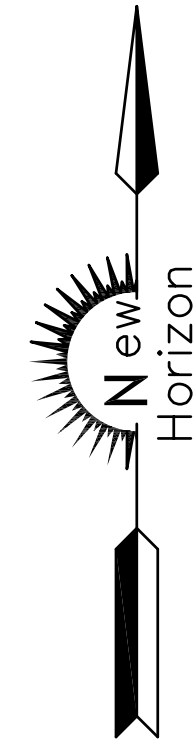
29

526.90'

S00°03'00"E 2534.47'
(360.03'00"E)

2307.57'

30 29
31 32



GRAPHIC SCALE
60 0 30 60
(IN FEET)
11" X 17" PRINTS 1"=120'
24" X 36" PRINTS 1"=60'

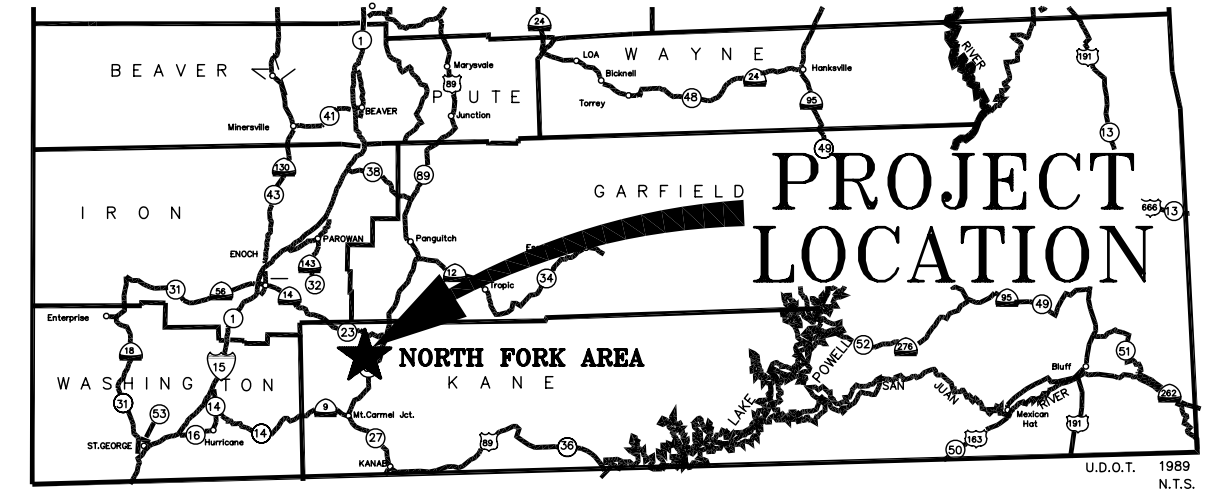
OWNER INFO:
JAMES & RAEDELL GROSVENOR
1782 EAGLEHELM PLACE
HENDERSON, NEVADA 89074

GENERAL NOTES:

- 1-THERE ARE NO FENCES ON SUBJECT LOTS
- 2-THERE IS NO WATER SYSTEM.

LEGEND

- SECTION CORNER
- FOUND NHES 1/2" REBAR & CAP UNLESS OTHERWISE NOTED
- SET REBAR & PLASTIC CAP L.S. NO. 354372
- (100.00') RECORD DIMENSION
- SUBDIVISION LOT LINE
- LOT BOUNDARY
- UTILITY EASEMENT
- LOT LINE TO BE VACATED
- FENCE



SURVEYOR'S CERTIFICATE

I, NEWELL BRENT CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 354372, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE THIS PLAT OF "AMENDED PLAT OF LOTS 148 & 149, NORTH FORK ESTATES, UNIT 2", LOCATED IN KANE COUNTY, UTAH, AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 148 & 149, NORTH FORK ESTATES, UNIT 2 AFFECTED BY THIS AMENDMENT:
(NEW LOT 149) LOTS 148 & 149, NORTH FORK ESTATES, UNIT 2, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NE CORNER LOT 149, NORTH FORK ESTATES, UNIT 2; RUNNING THENCE S07°59'00"W 105.23 FEET TO THE ORIGINAL SE CORNER OF LOT 149; THENCE S71°00'00"W 175.56 FEET TO THE ORIGINAL SOUTH CORNER OF LOT 149; THENCE N55°08'28"W 144.05 FEET TO THE ORIGINAL SW CORNER OF LOT 149; SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, NORTHWESTERLY, CURVE DATA: DELTA= 126°05'13", RADIUS= 50.00', CHORD= N00°23'45"W 89.14', THENCE ALONG THE ARC OF SAID CURVE 39.86 FEET TO THE ORIGINAL WEST CORNER OF LOT 148; THENCE N20°00'00"E 180.00 FEET TO THE ORIGINAL NW CORNER OF LOT 148; THENCE S53°00'00"E 297.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.43 ACRES.

NEWELL BRENT CARTER

DATE

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF JAMES & RAEDELL GROSVENOR TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, TO SATISFY THE REQUIREMENTS OF A PLAT AMENDMENT, AND TO PROVIDE A RECORD OF SAID SURVEY. THE BASIS OF BEARING IS S00°03'00"E BETWEEN THE EAST 1/4 CORNER (1/2" NEW HORIZON ENGINEERING & SURVEYING REBAR & CAP) AND THE SE CORNER (FOUND NOTCHED ROCK) NORTH FORK ESTATES, UNIT 2, AS PER THE OFFICIAL PLAT THEREOF.

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE PREPARATION AND RECORDING OF THIS AMENDED PLAT, ABANDONING AMENDED LOT 148 AND ADDING THAT AREA TO LOT 149, AS PER THIS PLAT.

IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS ____ DAY OF _____, 20____

NEWELL BRENT CARTER AS P.O.A. FOR JAMES GROSVENOR

NEWELL BRENT CARTER AS P.O.A. RAEDELL GROSVENOR

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

ON THE ____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR JAMES & RAEDELL GROSVENOR, THE SIGNERS OF THE OWNERS CONSENT WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

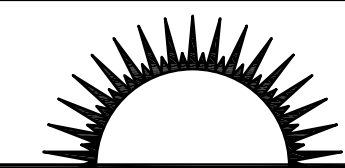
KANE COUNTY

AMENDED PLAT OF LOTS 148 & 149,
NORTH FORK ESTATES, UNIT 2

PREPARED FOR: JAMES & RAEDELL GROSVENOR

LOCATION: SE1/4 SECTION 30, T38S-R8W, S.L.B.&M

DATE: 8/22/2023 REVISION #0



NEW HORIZON
Engineering & Surveying LLC
4103 N. MORGAN DRIVE (435) 559-4104
ENOCH UT, 84721 bcarter@mail2engineer.com

COUNTY ATTORNEY CERTIFICATE

I, _____ ATTORNEY FOR KANE COUNTY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ABOVE SUBDIVISION AMENDMENT PLAT AND SAID PLAT MEETS THE REQUIREMENTS OF KANE COUNTY AND IS HEREBY RECOMMENDED FOR APPROVAL THIS ____ DAY OF _____, 20____.

KANE COUNTY ATTORNEY

COUNTY COMMISSION APPROVAL

I, _____ CHAIRMAN OF THE COUNTY COMMISSION OF KANE COUNTY, DO HEREBY CERTIFY THAT THIS PLAT OF "AMENDED PLAT OF LOTS 148 & 149, NORTH FORK ESTATES, UNIT 2", WAS ACCEPTED AND APPROVED BY THE KANE COUNTY COMMISSION ON THIS THE ____ DAY OF _____, AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE KANE COUNTY RECORDER. IN WITNESS WHEREOF, I HAVE SET MY HAND BY AUTHORITY OF A RESOLUTION OF THE COUNTY COMMISSION.

CHAIRMAN - KANE COUNTY COMMISSION

ATTEST:
KANE COUNTY CLERK

LAND USE AUTHORITY APPROVAL

ON THIS THE ____ DAY OF _____, 20____, THE LAND USE AUTHORITY OF KANE COUNTY, UTAH, HAVING REVIEWED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE LAND USE ORDINANCES, DO HEREBY RECOMMEND FOR APPROVAL BY KANE COUNTY COMMISSIONERS.

LAND USE AUTHORITY CHAIRMAN - KANE COUNTY

COUNTY SURVEYOR CERTIFICATE

I, _____ THE KANE COUNTY SURVEYOR, DO HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVE DETERMINED THAT IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE AND RECOMMEND IT FOR APPROVAL THIS ____ DAY OF _____, 20____.

KANE COUNTY SURVEYOR

(C1)
(D=68°47'35")
(R=50.00')
(T=34.23')
(L=60.03')
(C=56.49')
(N28°15'03"E)

(C2)
(D=57°17'37")
(R=50.00')
(T=27.31')
(L=50.00')
(C=47.94')
(N34°47'33"W)

(C3)
(D=59°33'23")
(R=50.00')
(T=28.61')
(L=51.97')
(C=49.66')
(S86°46'57"W)



STAFF REPORT

DATE: 9/7/2023

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Line Adjustment between lots 51 & 52 and vacating (2) 7.5 ft. utility drainage easements on behalf of James Edwin Pollock and Bonnie Carole Pollock, as Trustees of the Pollock Revocable Living Trust, in the Elk Ridge Estates Subdivision, Unit 1, consisting of new lots 51 consisting of 1.84 acres and 52 consisting of 2.99 acres, within the NE ¼ SECTION 22 T38S, R6W SLB & M. The project was submitted by Brent Carter (holding power of attorney). These lots are zoned Residential 1 (R-1), as are all surrounding lots. The zoning will remain the same.

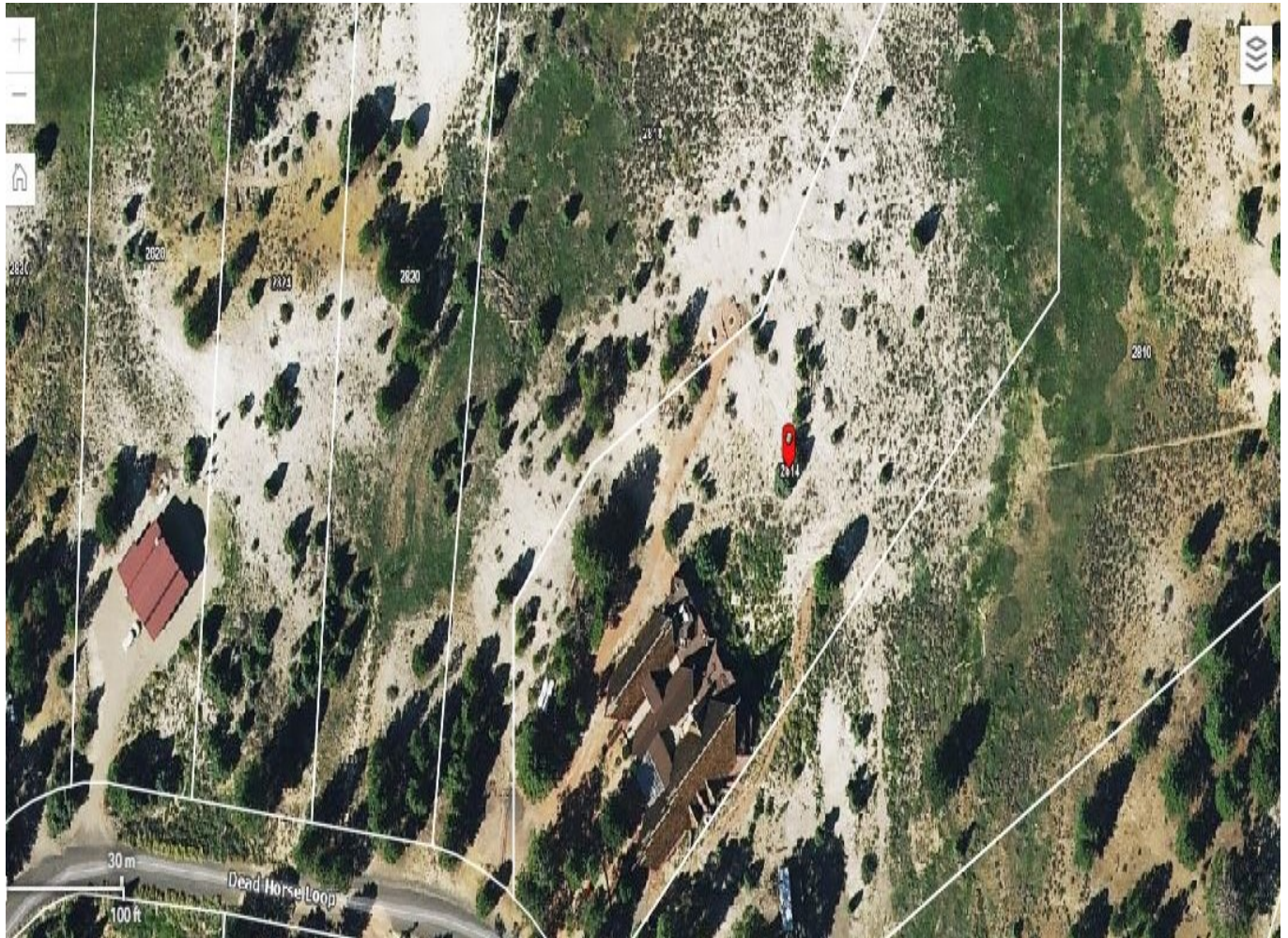
The reason for the lot line adjustment is they are getting improvements on lot 51 and they want to include the existing fire pit in lot 51.

FINDINGS: Amending (lot line adjustment) the above-stated lots conforms to the standards in the Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The project has been posted in two public places, and on the county and state websites. A sign was located at the site of the easements being vacated. The new lot will retain the R-1 zoning. Adjusting the lines and vacating the two utility and drainage easements between these lots is in compliance with all state and local ordinances.

STAFF DETERMINATIONS: Kane County Engineer, Kelvin Smith, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The termination agreements are missing and there is a lien holder. The project complies with County and State Ordinance requirements.

MOTION: I move to **recommend approval/denial to the Commission** the amended Subdivision Plat for a Lot Line Adjustment between lots 51 & 52 and vacating (2) 7.5 ft. utility easements on behalf of James Edwin Pollock and Bonnie Carole Pollock, in the Elk Ridge Estates Subdivision, Unit 1, consisting of new lots 51 and 52, based on the findings documented in the staff report.

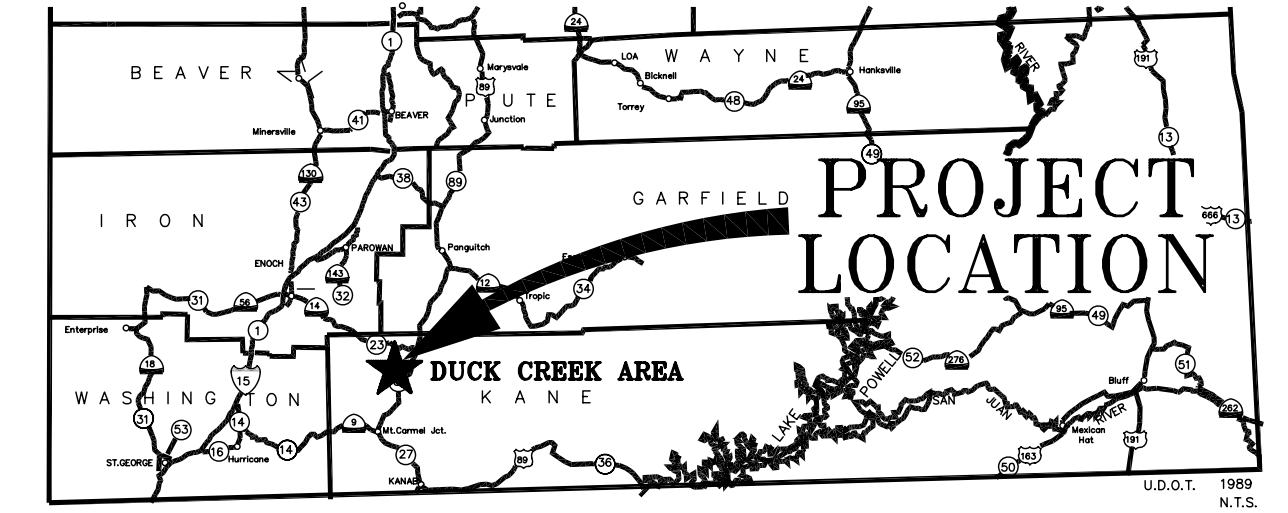
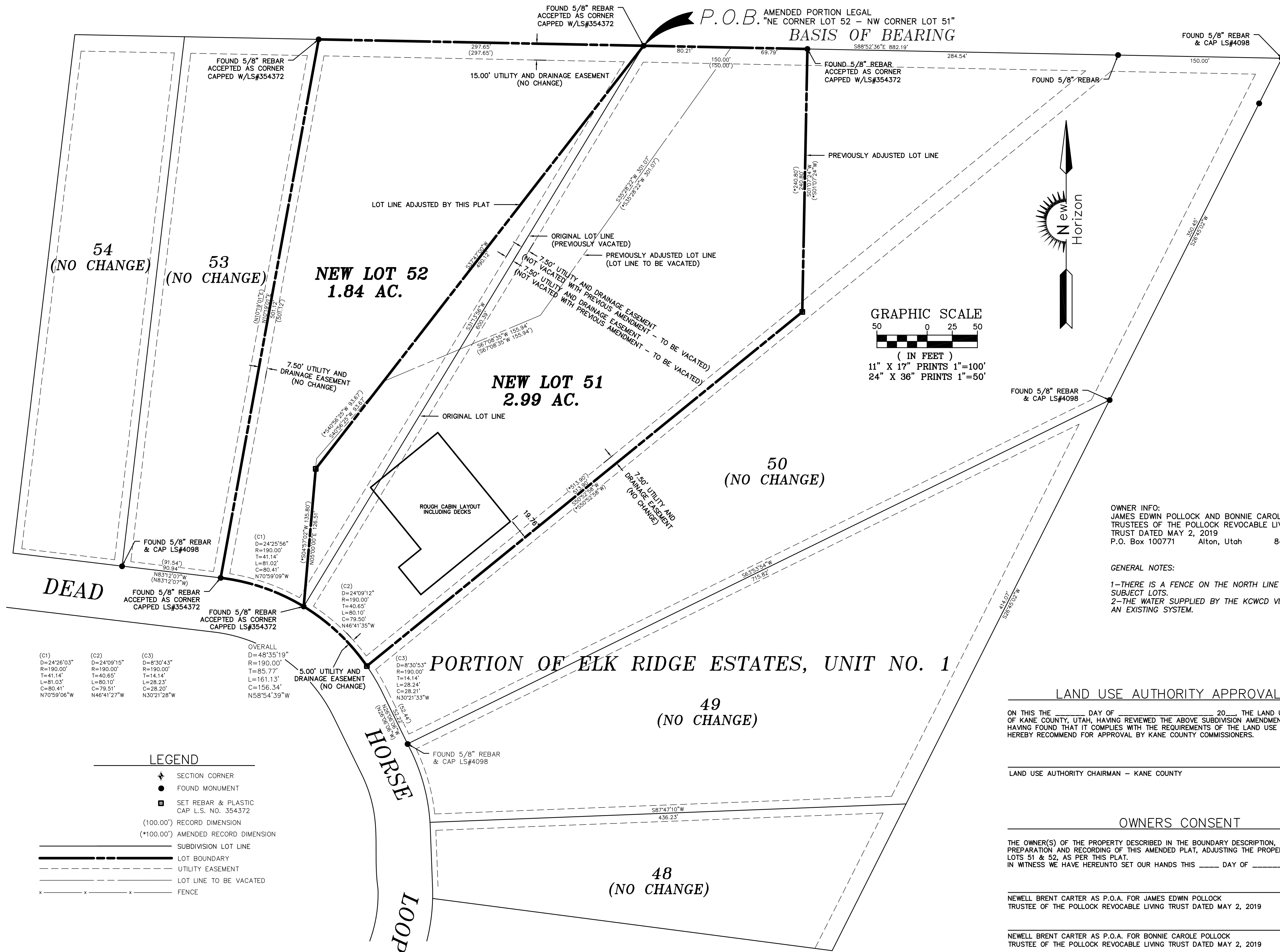
THANK YOU.



76 North Main Street, Kanab, Utah 84741

AMENDED PLAT OF LOTS 51 & 52, ELK RIDGE ESTATES, UNIT NO. 1

WITHIN NE1/4 SECTION 22, T38S-R6W, S.L.B.&M., KANE COUNTY, UTAH.



SURVEYOR'S CERTIFICATE

I, NEWELL BRENT CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 354372 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE THIS PLAT OF "AMENDED PLAT OF LOTS 51 & 52, ELK RIDGE ESTATES, UNIT NO. 1", LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF AMENDED PLAT OF LOTS 51 & 52, ELK RIDGE ESTATES, UNIT NO. 1 AFFECTED BY THIS AMENDMENT:

(NEW LOT 51) AMENDED PLAT OF LOTS 51 & 52, ELK RIDGE ESTATES, UNIT NO. 1. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NW CORNER LOT 52, ELK RIDGE ESTATES, UNIT NO. 1; THENCE THENCE S88°52'36"E 150.00 FEET TO THE AMENDED NE CORNER OF LOT 51 (PREVIOUS AMENDMENT); THENCE S01°07'24"W 240.80 FEET TO A POINT ON THE ORIGINAL SOUTHEASTERLY LINE OF LOT 51; THENCE S50°52'58"W ALONG SAID LINE 513.90 FEET TO THE ORIGINAL SE CORNER OF LOT 51; SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, NORTHWESTERLY, CURVE DATA: DELTA= 24°09'12", RADIUS= 190.00', CHORD= N46°41'35"W 79.50', THENCE ALONG THE ARC OF SAID CURVE 80.10 FEET TO THE ORIGINAL SW CORNER OF LOT 51; THENCE N05°00'00"E 126.51 FEET TO A PREVIOUSLY AMENDED CORNER OF LOT 51; THENCE N37°47'00"E 490.12 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.99 ACRES.

AND (NEW LOT 52) AMENDED PLAT OF LOTS 51 & 52, ELK RIDGE ESTATES, UNIT NO. 1. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NE CORNER LOT 51, ELK RIDGE ESTATES, UNIT NO. 1; RUNNING THENCE S37°47'00"W 490.12 FEET; THENCE S05°00'00"W 126.51 FEET TO THE ORIGINAL SE CORNER OF LOT 51; SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, NORTHWESTERLY, CURVE DATA: DELTA= 24°25'56", RADIUS= 190.00', CHORD= N70°59'09"W 80.41', THENCE ALONG THE ARC OF SAID CURVE 81.02 FEET TO THE PT; SAID POINT BEING THE ORIGINAL SW CORNER OF LOT 51; THENCE N01°19'01"E 501.12 FEET TO THE ORIGINAL NW CORNER OF LOT 51; THENCE S88°52'36"E 297.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.84 ACRES.

NEWELL BRENT CARTER

DATE

COUNTY COMMISSION APPROVAL

I, _____, CHAIRMAN OF THE COUNTY COMMISSION OF KANE COUNTY, DO HEREBY CERTIFY THAT THIS PLAT OF "AMENDED PLAT OF LOTS 51 & 52, ELK RIDGE ESTATES, UNIT NO. 1", WAS ACCEPTED AND APPROVED BY THE KANE COUNTY COMMISSION ON THIS THE _____ DAY OF _____, AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE KANE COUNTY RECORDER. IN WITNESS WHEREOF, I HAVE SET MY HAND BY AUTHORITY OF A RESOLUTION OF THE COUNTY COMMISSION.

ATTEST:

CHAIRMAN - KANE COUNTY COMMISSION

KANE COUNTY CLERK

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF THE POLLOCK REVOCABLE LIVING TRUST TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, TO SATISFY THE REQUIREMENTS OF A PLAT AMENDMENT, AND TO PROVIDE A RECORD OF SAID SURVEY.

THE BASIS OF BEARING IS S89°52'36"E 882.19 FEET BETWEEN THE NW CORNER LOT 52 (5/8" PLATT REBAR & CAP) AND THE NE CORNER LOT 50 (5/8" REBAR & CAP L.S.#177076) ELK RIDGE ESTATES, UNIT NO. 1. AS PER THE OFFICIAL PLAT THEREOF.

CERTIFICATE OF RECORDING

I, _____, COUNTY RECORDER OF KANE COUNTY, UTAH DO HEREBY CERTIFY THAT THE ABOVE SUBDIVISION AMENDMENT PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS THE _____ DAY OF _____, 20____.

BOOK _____ PAGE _____ FEE _____

ENTRY NO.: _____ DATE _____ TIME _____ KANE COUNTY RECORDER

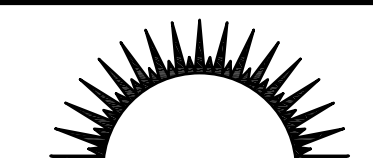
RECORDED AT THE REQUEST OF: _____

KANE COUNTY AMENDED PLAT OF LOTS 51 & 52, ELK RIDGE ESTATES, UNIT NO. 1

PREPARED FOR: THE POLLOCK REVOCABLE LIVING TRUST

LOCATION: WITHIN NE1/4 SECTION 22, T38S-R6W, S.L.B.&M.

SURVEY DATE: 8/22/2023 REVISION #0



NEW HORIZON
Engineering & Surveying LLC
4103 N. MORGAN DRIVE (435) 559-4104
ENOCH UT, 84721 bcarter@mail2engineer.com



STAFF REPORT

DATE: 9/07/23

PROJECT: A complete application for Amending a Subdivision Plat for a lot joinder; vacating lot 668 out of the Swains Creek Pines Subdivision, Unit 3, by Ordinance 2023-35 and adding lot 668 to lot 1, Swains Creek Pines Subdivision Unit 1, joining the two lots together to create new lot 1, consisting of 1.14 acres, on behalf of Kenneth M. Emter and Bonnie R. Emter, Co-Trustees for the Kenneth M. Emter and Bonnie R. Emter Revocable Trust, within the S1/4, Section 26, T38S, R7W SLB & M. The project was submitted by Brent Carter, New Horizon Engineering, holding power of attorney. Both lots are zoned Residential ½ as are all surrounding lots. The zoning will remain the same.

The reason for the lot joinder request is to save on taxes and to rectify the home built over the property line.

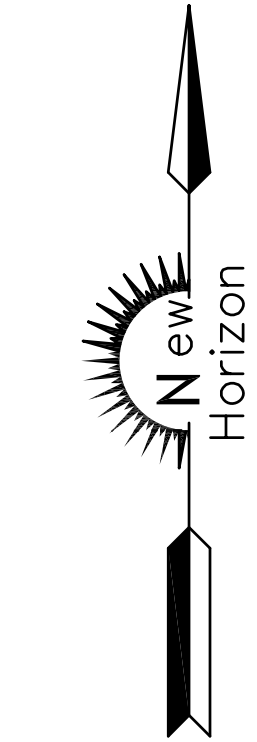
FINDINGS: Amending, vacating and joining the two lots stated above conforms to the standards in Kane County Land Use Ordinance, 9-21E-9, (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The project has been posted in two public places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

STAFF DETERMINATIONS: Kane County Engineer, Kelvin Smith, recommends 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.

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners Vacating and Amending a Subdivision Plat, for a lot joinder; and Ordinance 2023-35 vacating lot 668 out of the Swains Creek Pines Subdivision, Unit 3, and adding it to lot 1, Swains Creek Pines Subdivision Unit 1, joining the two lots together to create new lot 1, consisting of 1.14 acres, based on the findings documented in the staff report.

THANK YOU.

WITHIN SW 1/4 SECTION 26, T38S-R7W, S.L.B.&M., KANE COUNTY, UTAH.



24" X 36" PRINTS 1"=40'

I, _____, ATTORNEY FOR KANE COUNTY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ABOVE SUBDIVISION AMENDMENT PLAT AND SAID PLAT MEETS THE REQUIREMENTS OF KANE COUNTY AND IS HEREBY RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 20____.

I, _____, THE KANE COUNTY SURVEYOR, DO HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVE DETERMINED THAT IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE AND RECOMMEND IT FOR APPROVAL THIS _____ DAY OF _____, 20__

ON THIS THE _____ DAY OF _____, 20____, THE LAND USE AUTHORITY OF KANE COUNTY, UTAH, HAVING REVIEWED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE LAND USE ORDINANCES, DO HEREBY RECOMMEND FOR APPROVAL BY KANE COUNTY COMMISSIONERS.

OWNER INFO:
KENNETH M. EMTER AND BONNIE R. EMTER – AS TRUSTEES OF
THE KENNETH M. EMTER AND BONNIE R. EMTER REVOCABLE
TRUST DATED NOVEMBER A, 2012
2433 SKYWATCHER STREET HENDERSON, NEVADA 89044

1-THERE IS A FENCE ALONG THE EAST LINE OF THE SUBJECT LOTS.
2-THE WATER SUPPLIED BY THE KCWCD VIA AN EXISTING SYSTEM.

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE PREPARATION AND RECORDING OF THIS AMENDED PLAT AND TO THE VACATING OF LOT 668, SWAINS CREEK, UNIT 1 AND ADDING (EXTENDING) THAT AREA TO LOT 1, BLOCK 1, SWAINS CREEK, UNIT 1, AS PER THIS PLAT.

NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR KENNETH M. EMTER – AS TRUSTEE OF THE KENNETH M. EMTER AND BONNIE R. EMTER REVOCABLE TRUST DATED NOVEMBER A, 2012.

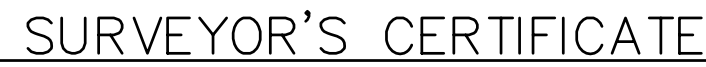
NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR BONNIE R. EMTER – AS TRUSTEE OF
THE KENNETH M. EMTER AND BONNIE R. EMTER REVOCABLE TRUST DATED NOVEMBER A, 2012.

STATE OF _____
COUNTY OF _____

ON DAY OF , 20 , PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR KENNETH M. EMTER AND BONNIE R. EMTER – AS TRUSTEES OF THE KENNETH M. EMTER AND BONNIE R. EMTER REVOCABLE TRUST DATED NOVEMBER A, 2012, THE SIGNERS OF THE OWNERS CONSENT WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC



I, NEWELL BRENT CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 354372, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE THIS PLAT OF "AMENDED AND VACATED PLAT OF LOT 668, SWAINS CREEK PINES, UNIT 3", LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

(NEW LOT 1, BLOCK 1) LOT 1, BLOCK 1, SWAINS CREEK, UNIT 1 AND LOT 668, SWAINS CREEK PINES, UNIT 3, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SE CORNER LOT 1, BLOCK 1, SWAINS CREEK, UNIT 1; RUNNING THENCE S00°34'58"W 170.93 FEET TO THE ORIGINAL SE CORNER OF LOT 668, SWAINS CREEK PINES, UNIT 3; THENCE N89°25'01"W 235.37 FEET TO THE ORIGINAL NW CORNER OF LOT 668; SAID POINT BEING ON A CURVE OF RADIUS 125.00 FEET, THE LEFT, NORTHEASTERLY, CURVE DATA: DELTA = 507°6'34" (ARC LENGTH = 325.00 FT., CHORD = 145.21 FT., BEARING ALONG TANGENT ARC OF SAID CURVE 285.18 FEET TO THE PT.; THENCE N00°36'58"E 90.93 FEET TO THE ORIGINAL NW CORNER OF LOT 1, BLOCK 1, SWAINS CREEK, UNIT 1; THENCE S83°23'02"E 120.00 FEET TO THE ORIGINAL NE CORNER OF SAID LOT 1; THENCE S00°36'58"W 169.97 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.14 ACRES.

DATE _____

THIS SURVEY WAS DONE AT THE REQUEST OF KENNETH R. AND BONNIE M. EMTER TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, AND TO PROVIDE A RECORD OF SAID SURVEY.

THE BASIS OF RECORD IS S00°36'58"W 349.95 FEET BETWEEN THE NE CORNER LOT 2 (NHES 1/2 REBAR & CAP) AND THE SE CORNER LOT 1 (GLO BRASS CAP), BLOCK 1 SWAINS CREEK, UNIT 1. AS PER THE OFFICIAL PLAT THEREOF.

I, _____, COUNTY RECORDER OF KANE COUNTY, UTAH DO HEREBY CERTIFY THAT THE ABOVE SUBDIVISION AMENDMENT PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS THE ____ DAY OF _____, 20____.

BOOK_____ PAGE_____ FEE_____ KANE COUNTY RECORDER
ENTRY NO.:_____ DATE_____ TIME_____
RECORDED AT THE REQUEST OF: _____

PREPARED FOR: KENNETH R. AND BONNIE M. EMTER

LOCATION: SWAINS CREEK, UNIT 1

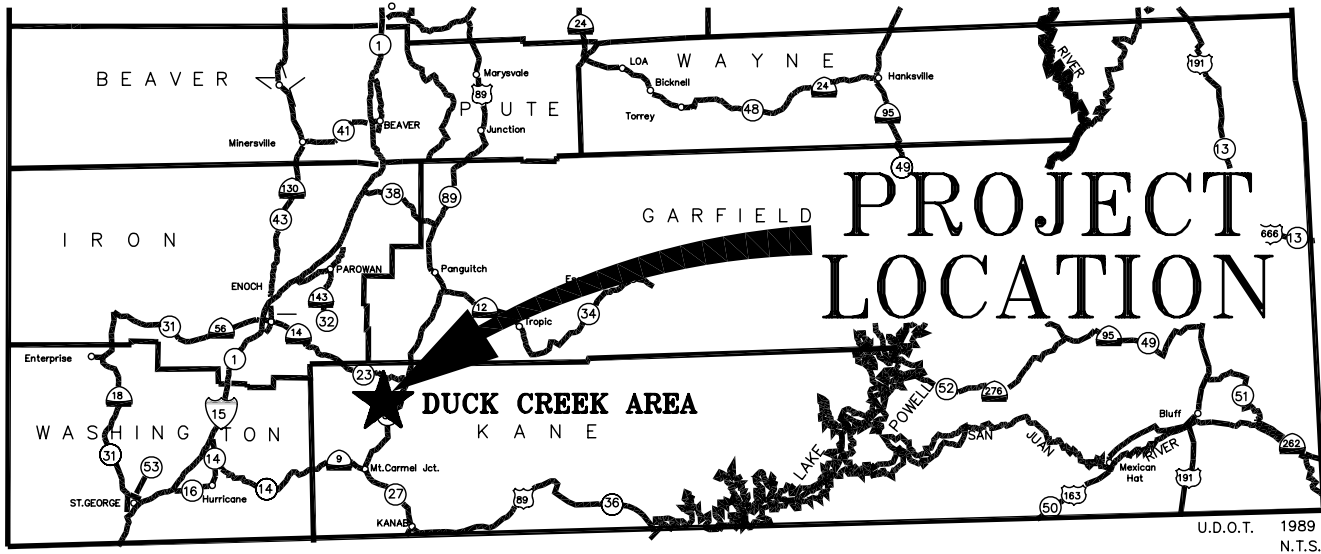
DATE: 8/22/2023 REVISION#0:



Engineering & Surveying LLC

4103 N. MORGAN DRIVE (435) 559-4104
ENOCH UT, 84721 bcarter@mail2engineer.com

AMENDED AND VACATED PLAT OF LOT 668, SWAINS CREEK PINES, UNIT 3
WITHIN SW 1/4 SECTION 26, T38S-R7W, S.L.B.&M., KANE COUNTY, UTAH.



SURVEYOR'S CERTIFICATE

I, NEWELL BRENT CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 354372, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE THIS PLAT OF "AMENDED AND VACATED PLAT OF LOT 668, SWAINS CREEK PINES, UNIT 3", LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF SWAINS CREEK, UNIT 1 AND SWAINS CREEK PINES, UNIT 3, EFFECTED BY THIS AMENDMENT:
LOT 668, VACATED FROM SWAINS CREEK PINES, UNIT 3, (SEE NEW LOT 1, BLOCK 1, AMENDED AND EXTENDED PLAT OF LOT 1, BLOCK 1, SWAINS CREEK, UNIT 1)

(NEW LOT 1, BLOCK 1) LOT 1, BLOCK 1, SWAINS CREEK, UNIT 1 AND LOT 668, SWAINS CREEK PINES, UNIT 3, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SE CORNER LOT 1, BLOCK 1, SWAINS CREEK, UNIT 1; RUNNING THENCE S00°34'58"W 170.93 FEET TO THE ORIGINAL SE CORNER OF LOT 668, SWAINS CREEK PINES, UNIT 3; THENCE N89°25'01"W 235.37 FEET TO THE ORIGINAL SW CORNER OF LOT 668; SAID POINT BEING ON THE ARC OF A CURVE TO THE LEFT, NORTHEASTERLY, CURVE DATA: DELTA= 50°18'34", RADIUS= 325.00', CHORD= N25°17'31"E 276.12', THENCE ALONG THE ARC OF SAID CURVE 285.18 FEET TO THE PT; THENCE N00°36'58"E 90.13 FEET TO THE ORIGINAL NW CORNER OF LOT 1, BLOCK 1, SWAINS CREEK, UNIT 1; THENCE S89°23'02"E 120.00 FEET TO THE ORIGINAL NE CORNER OF SAID LOT 1; THENCE S00°36'58"W 169.97 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.14 ACRES.

COUNTY ATTORNEY CERTIFICATE

I, _____, ATTORNEY FOR KANE COUNTY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ABOVE SUBDIVISION AMENDMENT PLAT AND SAID PLAT MEETS THE REQUIREMENTS OF KANE COUNTY AND IS HEREBY RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 20____.

KANE COUNTY ATTORNEY

COUNTY SURVEYOR CERTIFICATE

I, _____, THE KANE COUNTY SURVEYOR, DO HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVE DETERMINED THAT IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE AND RECOMMEND IT FOR APPROVAL THIS _____ DAY OF _____, 20____.

KANE COUNTY SURVEYOR

LAND USE AUTHORITY APPROVAL

ON THIS THE _____ DAY OF _____, 20____, THE LAND USE AUTHORITY OF KANE COUNTY, UTAH, HAVING REVIEWED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE LAND USE ORDINANCES. DO HEREBY RECOMMEND FOR APPROVAL BY KANE COUNTY COMMISSIONERS.

LAND USE AUTHORITY CHAIRMAN - KANE COUNTY

OWNER INFO:
KENNETH M. EMTER AND BONNIE R. EMTER - AS TRUSTEES OF
THE KENNETH M. EMTER AND BONNIE R. EMTER REVOCABLE
TRUST DATED NOVEMBER A, 2012
2433 SKYWATCHER STREET HENDERSON, NEVADA 89044

GENERAL NOTES:

1-THERE IS A FENCE ALONG THE EAST LINE OF THE SUBJECT LOTS.
2-THE WATER SUPPLIED BY THE KCWCD VIA AN EXISTING SYSTEM.

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE PREPARATION AND RECORDING OF THIS AMENDED PLAT AND TO THE VACATING OF LOT 668, SWAINS CREEK, UNIT 1 AND ADDING (EXTENDING) THAT AREA TO LOT 1, BLOCK 1, SWAINS CREEK, UNIT 1, AS PER THIS PLAT.

IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR KENNETH M. EMTER - AS TRUSTEE OF THE KENNETH M. EMTER AND BONNIE R. EMTER REVOCABLE TRUST DATED NOVEMBER A, 2012.

NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR BONNIE R. EMTER - AS TRUSTEE OF THE KENNETH M. EMTER AND BONNIE R. EMTER REVOCABLE TRUST DATED NOVEMBER A, 2012.

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR KENNETH M. EMTER AND BONNIE R. EMTER - AS TRUSTEES OF THE KENNETH M. EMTER AND BONNIE R. EMTER REVOCABLE TRUST DATED NOVEMBER A, 2012, THE SIGNERS OF THE OWNERS CONSENT WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF KENNETH R. AND BONNIE M. EMTER TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, AND TO PROVIDE A RECORD OF SAID SURVEY.
THE BASIS OF BEARING IS S00°36'58"W 349.95 FEET BETWEEN THE NE CORNER LOT 2 (NHES 1/2 REBAR & CAP) AND THE SE CORNER LOT 1 (GLO BRASS CAP), BLOCK 1 SWAINS CREEK, UNIT 1. AS PER THE OFFICIAL PLAT THEREOF.

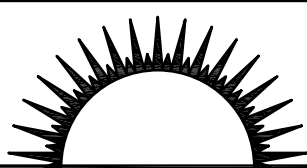
CERTIFICATE OF RECORDING

I, _____, COUNTY RECORDER OF KANE COUNTY, UTAH DO HEREBY CERTIFY THAT THE ABOVE SUBDIVISION AMENDMENT PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS THE _____ DAY OF _____, 20____.

BOOK _____ PAGE _____ FEE _____ KANE COUNTY RECORDER
ENTRY NO.: _____ DATE _____ TIME _____
RECORDED AT THE REQUEST OF: _____

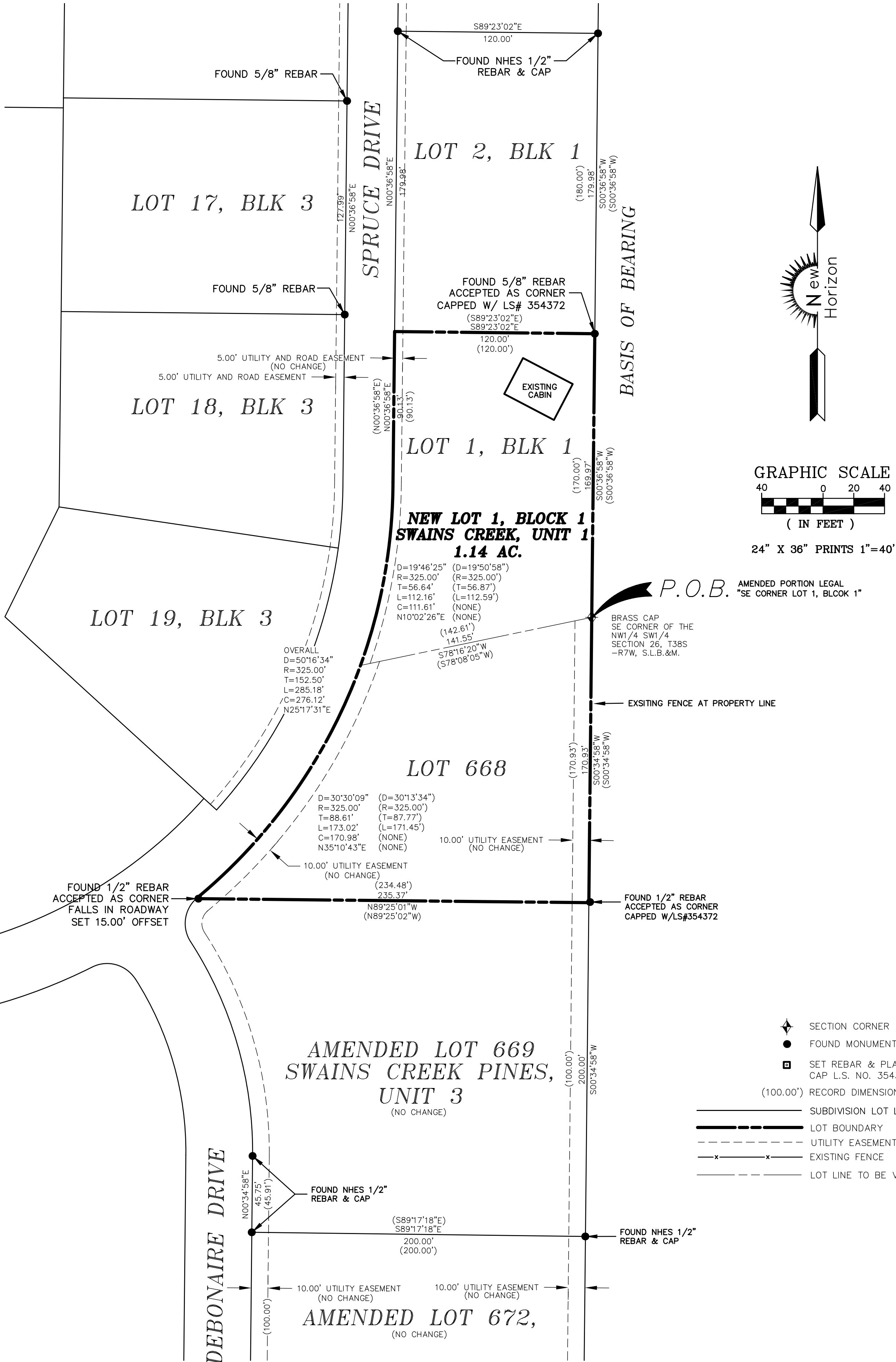
KANE COUNTY
AMENDED AND VACATED PLAT OF LOT 668,
SWAINS CREEK PINES, UNIT 3

PREPARED FOR: KENNETH R. AND BONNIE M. EMTER
LOCATION: SWAINS CREEK PINES, UNIT 3
DATE: 8/22/2023 REVISION#0:



NEW HORIZON
Engineering & Surveying LLC
4103 N. MORGAN DRIVE (435) 559-4104
ENOCH UT, 84721 bcarter@mail2engineer.com

PORTION OF SWAINS CREEK PINES, UNIT 1





STAFF REPORT

DATE: 08/22/2023

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Blake A. and Lori A. Burr, in the Ponderosa Villa Subdivision, Plat "C", consisting of lots 60 & 61, becoming new lot 60, containing .91 acres within NW ¼, NW ¼ Section 21, T38S, R7W SLB & M. The project was surveyed by Iron Rock, holding power of Attorney. These lots are zoned Residential 1/2 (R-1/2), as are most surrounding lots in the area. The zoning will remain the same.

The reason for the lot joinder is to save on taxes.

FINDINGS: Amending (joining) 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, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lot will retain the R-1/2 zone.

STAFF DETERMINATIONS: Kane County Engineer, Kelvin Smith, recommends 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.

MOTION: I move to **approve/deny** the amended subdivision plat for a Lot Joinder, on behalf of Blake A. and Lori A. Burr, in the Ponderosa Villa Subdivision, Plat "C", consisting of lots 60 & 61, becoming new lot 60, based on the findings documented in the staff report.

THANK YOU.



Building on Solid Foundations

460 E. 300 SOUTH
KANAB, UTAH 84741
435-644-2031
www.ironrockeng.com

BURR
LOT JOINDER
AMENDED LOT 60 & 61 PONDEROSA VILLIS PLAT "C"
KANE COUNTY, UT

AMENDED LOTS 60 & 61 PONDEROSA VILLA SUBDIVISION PLAT "C"

LOCATED IN THE NW 1/4, NW 1/4 SECTION 21,
TOWNSHIP 38 SOUTH, RANGE 7 WEST
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, License No. 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the Property described hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this plat. I certify that by authority of the hereon owners, I have made a survey of the tract of land as shown on this Plat and have the 2 lots combined into 1 lots as well as Public Utility and Ingress & Egress Easements, as shown, which are herein after known as

"AMENDED LOTS 60 & 61 PONDEROSA VILLA SUBDIVISION PLAT "C"
and that the same has been correctly surveyed and staked on the ground as sown on this plat.

Thomas W. Avant, PLS # 5561917 Date:

Legal Description:
All of Lots 60 and 61 of Ponderosa Villa Plat "C as recorded as Plat 22 in the Office of the Kane County Recorder, Utah, more particularly described as follows:

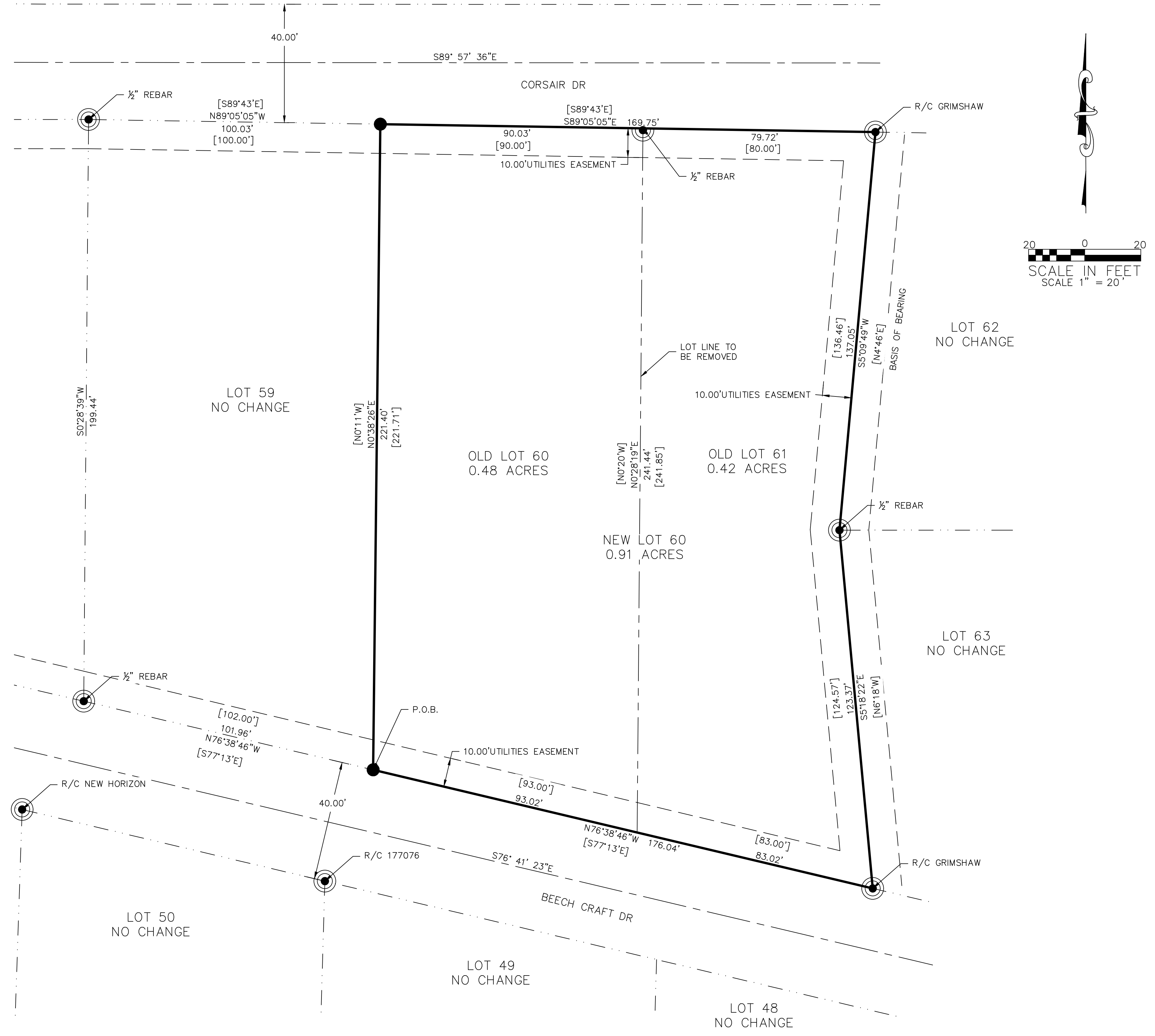
BEGINNING at the Southwest Corner of said lot 60, and running; thence, the West Lot Line, North 00° 38' 26" East 221.40 feet, to the northwest corner of said lot; thence, along the north line of said lots, South 89° 05' 05" East 169.75 feet, to the northeast corner of said Lot 61; thence, along the east line of said lot, South 05° 09' 49" West 137.05 feet, to an angle point on said line; thence, continuing along said line, South 05° 18' 22" East 123.37 feet, to the southeast corner of said lot; thence, along the south line of said lots, North 76° 38' 46" West 176.04 feet, to the POINT OF BEGINNING; containing 0.91 acres (more or less).

NARRATIVE

The purpose of this survey was to retrace and mark on the ground the lines as shown on this Record of Survey at the request of the client. The purpose of the survey is to delineate the boundaries for Lots 60 & 61 of Ponderosa Villa Subdivision Plat "C" Subdivision and combine the two lots into one lots. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone as measured between the Northwest Corner of lot 62 and the Southwest Corner of lot 62, being South 5°09'49" West 137.05 feet, as shown on this plat.

LEGEND

- SET 5/8" x 24" REBAR WITH PLASTIC CAP MARKED IRON ROCK PLS 5561917
- FOUND POINT AS NOTED
- PROPERTY LINE
- ADJACENT PROPERTY
- LOT LINE TO BE REMOVED
- PUBLIC UTILITY EASEMENT
- SURVEY BOUNDARY
- STREET CENTER LINE
- SECTION LINE
- RECORD BEARING AND DISTANCE (THIS PARCEL)



STATE OF UTAH ,) s.s. <u>ACKNOWLEDGMENT</u> COUNTY OF) On this _____ day of _____, 20____, personally appeared before me Lori A. Burr, Trustee of the BLB Nevada Trust, dated December 5, 2011, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Amended Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) _____ No Stamp required (Utah Code 46-1-16(6))	STATE OF UTAH ,) s.s. <u>ACKNOWLEDGMENT</u> COUNTY OF) On this _____ day of _____, 20____, personally appeared before me Blake A. Burr, Trustee of the BLB Nevada Trust, dated December 5, 2011, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Amended Plat. Notary Public Full Name: _____ Commission Number: _____ My Commission Expires: _____ A Notary Public Commissioned in Utah Notary Public (signature) _____ No Stamp required (Utah Code 46-1-16(6))	<u>OWNER'S DEDICATION</u> The Owner(s) of the real property described in the Boundary Description, does consent to the preparation and recording of this Amended Plat and Subject to any conditions and restrictions stated hereon, have caused the same to be combined. IN WITNESS WHEREOF, we have hereunto set our hands this this _____ day of _____, 20____. Blake A. Burr, Trustee of the BLB Nevada Trust, dated December 5, 2011 10709 Fairfield Ave Las Vegas, NV 89183 Lori A. Burr, Trustee of the BLB Nevada Trust, dated December 5, 2011 10709 Fairfield Ave Las Vegas, NV 89183
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<u>COUNTY SURVEYOR CERTIFICATE</u> I, _____, Kane County Surveyor, do hereby certify that this office has examined the above Amended Plat and by authorization of said Kane County recorded in the minutes of it's meeting of the _____ day of _____, 20____, hereby accept the said Amended Plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder. Chairman— Kane County Land Use Authority	<u>APPROVAL AND ACCEPTANCE</u> by the Kane County Land Use Authority We the Kane County Land Use Authority have reviewed the hereon Amended Plat and by authorization of said Kane County recorded in the minutes of it's meeting of the _____ day of _____, 20____, hereby accept the said Amended Plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder. Chairman— Kane County Land Use Authority	<u>COUNTY ATTORNEY CERTIFICATE</u> I, _____, Attorney for Kane County, do hereby certify that I have examined the above Amended Plat and said plat meets the requirements of Kane County and is hereby recommended for approval this _____ day of _____, 20____. KANE COUNTY ATTORNEY	<u>CERTIFICATE OF RECORDING</u> I, _____, Recorder of Kane County, do hereby certify that above Plat was filed for recording in my office this _____ day of _____, 20____. KANE COUNTY RECORDER ENTRY NO. _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDED AND FILED AT THE REQUEST OF: _____
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DATE:	8/18/2023
DESCRIPTION:	
INITIAL SUBMITTAL	
REV#	
DATE:	

DRAWN BY: CM

SCALE: 1" = 20'

SHEET:



DRAFT STAFF REPORT

DATE: 8/22/23

PROJECT: A complete application for Amending a Subdivision Plat for a lot joinder; vacating lot 8 out of the Ponderosa Villa Subdivision, Plat "B" by Ordinance 2023-34 and adding lot 8 to lot 47, Ponderosa Villa Subdivision Plat "A", joining the two lots together to create new lot 47, consisting of .86 acres, on behalf of The Douglas and Diana McCann Family Trust, within the S1/2, Section 16, T38S, R7W SLB & M. The project was submitted by Chris Heaton, Iron Rock Engineering, holding power of attorney. Both lots are zoned Residential ½ as are all surrounding lots. The zoning will remain the same.

The reason for the lot joinder request is to save on taxes and to rectify the home built over the property line.

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

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

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners Vacating and Amending a Subdivision Plat, vacating lot 8 out of the Ponderosa Villa Subdivision, Plat "B" and adding it to lot 47, Ponderosa Villa Subdivision Plat "A", by Ordinance 2023-34 and joining the two lots together to create new lot, based on the findings documented in the staff report.

THANK YOU.

KANE COUNTY ORDINANCE NO. O- 2023 - 34

AN ORDINANCE AMENDING, EXTENDING, NEW LOT 47 IN THE PONDEROSA VILLA SUBDIVISION, PLAT “A” AND VACATING LOT 8 OUT OF THE PONDEROSA VILLA SUBDIVISION, PLAT “B”

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended amendments to vacate lot 8, out of the Ponderosa Villa Subdivision, Plat “B”, and add it to lot 47, Ponderosa Villa Subdivision, Plat “A”, becoming new lot 47 extended and amended; and

WHEREAS, amending these plats is in compliance with Kane County Land Use Ordinance 9-21E-9 Vacating and Amending a Subdivision Plat and Utah State Code §17-27a-609, and;

WHEREAS, the Planning Commission finds that there is good cause to vacate and amend the plats and no utility or road easements are being vacated, and;

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for approval the amendments to the above plats, and;

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended amendments; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-102, 17-27a-201, and 609;

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

Amending, extending, and vacating the subdivision plats for the Ponderosa Villa Subdivision, Plat “B”, vacating lot 8 and adding it to lot 47, Ponderosa Villa Subdivision, Plat “A”, becoming extended lot 47 within the S1/2, Section 16, Township 38 South, Range 7 West, Salt Lake Base, and Meridian, Kane County, Utah.

The legal description is on the plat and will be recorded with this ordinance in the Kane County Recorder’s office.

End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk and shall take effect fifteen (15) days after the date signed below.

The County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against it, 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 _____, 2023.

ATTEST:

Wade Heaton, Chair
Board of Commissioners
Kane County

Chameill Lamb
Kane County Clerk

Commissioner Heaton voted _____
Commissioner Kubeja voted _____
Commissioner Meyeres voted _____

VACATING LOT 8 PONDEROSA VILLA SUBDIVISION PLAT "B", AMENDED

LOCATED IN THE S½, SECTION 16,
TOWNSHIP 38 SOUTH, RANGE 7 WEST
SALT LAKE BASE AND MERIDIAN



Building on Solid Foundations

460 E. 300 SOUTH
KANAB, UTAH 84741
435-644-2031
www.ironrockeng.com

MCCANN
LOT JOINDER
LOT 47 AND LOT 8 PONDEROSA VILLA SUBDIVISION PLAT A & B
KANE COUNTY, UT

SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, License No. 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the Property described hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this plat. I certify that by authority of the hereon owners, I have made a survey of the tract of land as shown on this Plat and have the 2 lots combined into 1 lot as well as Public Utility Easements, as shown, which are herein after known as

"VACATING LOT 8 OF PONDEROSA VILLA SUBDIVISION PLAT "B", AMENDED"

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

Thomas W. Avant, PLS # 5561917

Date:

NARRATIVE

The purpose of this survey was to retrace and mark on the ground the lines as shown on this Record of Survey at the request of the client. The purpose of the survey is to delineate the boundaries for LOT 47 OF PONDEROSA VILLA SUBDIVISION PLAT "A" AND LOT 8 OF PONDEROSA VILLA SUBDIVISION PLAT "B" and combine the two lots into one lot, by vacating lot 8 and extended lot 47. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone as measured between the lot line common between lot 47 and lot 46 with a bearing of S02°30'22"W and a distance of 216.46' as shown on this plat.

Legal Description:

All of Lot 47 of Ponderosa Villa Plat "A" and all of Lot 8 of Ponderosa Villa Plat "B" as recorded as Plats 5 and 21, respectively, in the Office of the Kane County Recorder, Utah, more particularly described as follows:

BEGINNING at the Southwest Corner of said lot 47, and running; thence, along the south lot line, South 66° 22' 51" East 103.96 feet, to the southeast corner of said lot; thence, along the east lot line, North 02° 30' 22" East 216.46 feet, to the northeast lot corner; thence, along the north lot line, North 75° 26' 40" West 100.90 feet, to the northwest lot corner being on the east line of said Lot 8; thence, along the east line of said Lot 8, North 02° 01' 09" East 111.30 feet, to the northeast lot corner; thence, along the easterly right-of-way of Bryce View Road, North 89° 23' 30" West 39.12 feet, to the beginning of a curve; thence, along the curve to the left, 38.69 feet, having a radius of 25.00 feet, a central angle of 88° 39' 36" and whose long chord bears South 46° 16' 41" West 34.94 feet; thence South 01° 56' 53" West 148.16 feet, to the beginning of a curve; thence, along the curve to the left, 112.21 feet, having a radius 205.40 feet, a central angle of 31° 18' 06" and whose long chord bears South 13° 42' 50" East 110.82 feet, to a non-tangent curve; thence, along the curve to the left, 45.63 feet, having a radius of 79.60 feet, a central angle of 32° 50' 43" and whose long chord bears South 45° 37' 28" East 45.01 feet; thence South 02° 01' 09" West 0.24 feet, to the POINT OF BEGINNING; containing 0.86 acres (more or less).

LEGEND

SET 5/8" x 24" REBAR WITH PLASTIC CAP
MARKED IRON ROCK PLS 5561917

FOUND POINT AS NOTED

PROPERTY LINE

ADJACENT PROPERTY

LOT LINE TO BE REMOVED

SURVEY BOUNDARY

STREET CENTER LINE

FENCE

RECORD BEARING AND DISTANCE (THIS PARCEL)

Referenced Documents:

- OFFICIAL PLAT OF PONDEROSA VILLA SUBDIVISION PLAT "A", CS-5
- OFFICIAL PLAT OF PONDEROSA VILLA SUBDIVISION PLAT "B", CS-21

CLIENT INFORMATION

DOUGLAS AND DIANA MCCANN FAMILY TRUST
1240 W 5830 N
SAINT GEORGE, UT 84770

ACKNOWLEDGMENT

STATE OF UTAH,) s.s.
COUNTY OF)

On this _____ day of _____, 20____, personally appeared before me Diana J. McCann, Trustee of the Douglas and Diana McCann Family Trust, dated March 17, 2021 who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Amended Plat.

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

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

ACKNOWLEDGMENT

STATE OF UTAH,) s.s.
COUNTY OF)

On this _____ day of _____, 20____, personally appeared before me Douglas W. McCann, Trustee of the Douglas and Diana McCann Family Trust, dated March 17, 2021 who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Amended Plat.

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

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

OWNER'S DEDICATION

The Owner(s) of the real property described in the Boundary Description, does consent to the preparation and recording of this Amended Plat and Subject to any conditions and restrictions stated hereon, have caused the same to be combined.

IN WITNESS WHEREOF, we have hereunto set our hands this this _____ day of _____, 20____.

Douglas W. McCann, Trustee of the Douglas and Diana McCann Family Trust, dated March 17, 2021
1240 W 5820 N
Saint George, UT 84770

Diana J. McCann, Trustee of the Douglas and Diana McCann Family Trust, dated March 17, 2021
1240 W 5820 N
Saint George, UT 84770

COUNTY SURVEYOR CERTIFICATE

I, _____, Kane County Surveyor, do hereby certify that this office has examined the above Amended Plat and has determined that it is correct and in accordance with information on file in this office and recommend it for approval this _____ day of _____, 20____.

KANE COUNTY SURVEYOR

APPROVAL AND ACCEPTANCE

by the Kane County Land Use Authority
We the Kane County Land Use Authority have reviewed the hereon Amended Plat and by authorization of said Kane County recorded in the minutes of it's meeting of the _____ day of _____, 20____, hereby accept the said Amended Plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder.

Chairman—
Kane County Land Use Authority

COUNTY ATTORNEY CERTIFICATE

I, _____, Attorney for Kane County, do hereby certify that I have examined the above Amended Plat and said plat meets the requirements of Kane County and is hereby recommended for approval this _____ day of _____, 20____.

KANE COUNTY ATTORNEY

CERTIFICATE OF RECORDING

I, _____, Recorder of Kane County, do hereby certify that above Plat was filed for recording in my office this _____ day of _____, 20____.

KANE COUNTY RECORDER

ENTRY NO.

RECORDED AND FILED AT THE REQUEST OF:

DATE

TIME

BOOK

PAGE

FEE

DATE: 8/18/2023

DESCRIPTION:

INITIAL SUBMITTAL

DATE:

REV#

DRAWN BY: CM

SCALE: 1" = 30'

SHEET:

1 OF 1



STAFF REPORT

DATE: 8/23/23

PROJECT: The Applicant, Ferdinand Rodrigues, submitted a Conditional Use Permit application for an Off-premise billboard, located on lot 125-6, consisting of 2.4 acres, zoned Commercial 1 (C-1), Display size: 128 sq. ft. (8 X 16 ft.), located in New Paria Subdivision abutting Highway 89.

FINDINGS: The above application complies with the Kane County Land Use Ordinance, 9-15A-1-6: Conditional Uses which are to be reviewed by the planning commission, who shall apply the standards and provisions found in chapter 15 of this title. Kane County Land Use Ordinance 9-7B-3, Commercial Zones 9-7B-3 Site Design Regulations: A. Objectionable Factors: All uses shall be free from objectionable odor, noise, dust, smoke, vibration or other such factors; and B. Advertising Signs: All advertising signs shall comply with the provisions of chapter 16 of this title. (Ord. O-2022-42, 7-26-2022)

The lot is vacant at this time.

The CUP has the conditions to mitigate safety issues and must be implemented at the time of the building permit application.

KCLUO: 9-15A-2-E: 1-28: The Land Use Authority shall approve a conditional use permit if conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any conditional use permit, the Land Use Authority may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and ensure that the negative impact of the proposed use on the surrounding uses and public facilities is minimized.

STAFF RECOMMENDATION: Kane County Land Use Administrator, Shannon McBride, and Kane County Engineer, Kelvin Smith, recommend approval of the billboard to be located on lot 125-6 which mitigates any health, safety, and welfare issues.

This does **not** need to be recommended to the County Commissioners.

Please note: 9-15A-5: TIME LIMIT: Action authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Land Use Authority may grant an extension for good cause shown. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

I move to **approve/deny** the Conditional Use Permit application, submitted by Ferdinand Rodrigues, for an Off-premise billboard, located on lot 125-6 in the New Paria Subdivision. *(If denied, the reasons for denial would need to be health, safety, and welfare; in other words, what conditions could not be mitigated).*

FINDINGS OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission has reviewed the application for a conditional use permit submitted in this matter, has held a regularly scheduled meeting to consider the application, and having had an opportunity to fully consider the matter, the Commission hereby makes the following findings:

1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community; and
2. That the use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity; and
3. That the proposed use complies with the intent, spirit and regulations of the Kane County Land Use Ordinance and General Plan (KCLUO 9-15A-2E (2a)); and
4. The use is harmonious with other neighboring uses in the zone (KCLUO 9-15A-2E (2b)).

CONDITIONAL USE PERMIT GRANTED

Based on the application submitted and based on the foregoing findings of fact, the Commission hereby grants the conditional use as outlined below, subject to all conditions listed herein and any other conditions enforceable in law or in equity. In the event that any of the conditions of this permit are not followed, the Commission reserves the right to revoke, in whole or in part, the conditional use granted herein.

The applicant is hereby granted the following conditional use: Off-premise sign/billboard

CONDITIONAL USE PERMIT GRANTED

Based on the application submitted and based on the foregoing findings of fact, the Commission hereby grants the conditional use as outlined below, subject to all conditions listed herein and any other conditions enforceable in law or in equity. In the event that any of the conditions of this permit are not followed, the Commission reserves the right to revoke, in whole or in part, the conditional use granted herein.

The applicant is hereby granted the following conditional use: Off-Premise billboard

CONDITIONS OF PERMIT

1. The holder of this permit must obey all state, local, and federal laws in regard to the use of the land on which this conditional use permit is granted. This includes compliance with all local ordinances, zoning ordinances, rules, regulations, or other local laws as stated in Kane County Land Use Ordinance 9-15A-(1-7).

2. The holder of this permit must obtain a letter of approval from the Culinary Water Authority and/or Sanitary Sewer Authority. N/A
3. Holder agrees to appear, when summoned in writing, at any meeting held by the Kane County Planning and Zoning Commission or the Kane County Commission, to address or answer any questions regarding the conditional use granted herein, including but not limited to holder's compliance or non-compliance with the conditions of the permit. Holder further agrees to make a written response regarding compliance or non-compliance when requested by the Kane County Planning and Zoning Commission or the Kane County Commission.
4. Holder is allowed to construct and maintain the facilities, structures, and/or landscaping outlined in the site map which is attached hereto as Exhibit "C" and is hereby approved as part of this conditional use permit. The holder is not allowed to construct any additional facilities, structures, and/or landscaping unless said additions are approved by the Planning and Zoning Commission as part of this conditional use or are approved as activities that are acceptable within the zone.
5. Holder shall maintain all property and facilities used under this conditional use permit in good condition and repair and shall not allow their activities to cause or create a circumstance which causes or creates disturbance to persons or properties in the area surrounding the property which is the subject of this conditional use permit.
6. The conditional use permit will expire after one **(1) year** unless substantial work shall have been accomplished towards completion of the use. Whether or not substantial work has been accomplished shall be determined by the Planning and Zoning Commission.
7. This conditional use permit is granted with the use of the land, unless otherwise revoked or modified by the Planning and Zoning Commission as outlined herein, or as otherwise allowed by law and equity. If holder fails to complete the project within a reasonable time after **one (1) year** from the date of this permit, the Planning and Zoning Commission reserves the right to revoke the conditional use permit granted herein and the term above specified will no longer apply. Before the expiration of any term specified herein, holder may apply to amend the conditional use permit granted herein.
8. The holder of this permit shall allow members of the Planning and Zoning Commission, members of the Kane County Commission, the Kane County Building Inspector, and their designated agents to inspect the premises during the course of construction, and thereafter, to insure that holder is complying with the conditions of the conditional use permit.
9. This conditional use permit may not be transferred or assigned without express written consent of the Planning and Zoning Commission.
10. Assurance that the use will not be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity;

FINDINGS: KCLUO 9-16-1: **PURPOSE AND SCOPE:** The purpose of this chapter is to coordinate the type, placement, and physical dimensions of signs within the various zones established by this title. Such coordination is necessary: a) to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, and property; b) to preserve the beauty and the unique character of Kane County; and c) to maintain a responsible

communications system by setting requirements for the location, size, height, number, lighting, and type of signs that will be compatible with the landscape of Kane County.

MITIGATIONS: 9-15-J. Indemnification: All persons involved in the maintenance, installation, alteration, or relocation of signs in Kane County shall agree to hold harmless and indemnify Kane County, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this chapter has not specifically directed the placement of a sign. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

1. Assurance the use will:
 - a. Comply with the intent, spirit and regulations of this title and Kane County General Plan;
 - b. Make the use harmonious with other neighboring uses in that zone;

FINDINGS: The location is next to the highway and is zoned C-1. The lot abuts other commercial-zoned lots.

MITIGATIONS: The commercial use is in compliance with the General Plan and Land Use Ordinance.

2. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

FINDINGS: The sign will not be illuminated or use lights. KCLUO: 9-16-6: CONSTRUCTION SPECIFICATIONS:

A. Compliance With Building And Electrical Codes: All signs shall be constructed in accordance with the requirements of the most current versions of the federal, state, local, and national electrical code as adopted by Kane County.

B. Anchoring:

1. No sign shall be suspended by nonrigid attachments that will allow the sign to swing in the wind;
2. All freestanding signs shall have self-supporting structures erected on or permanently attached to any form, shape, or in a manner that will interfere with any opening required for ventilation;
3. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with national electrical code specifications, depending on the voltages concerned. However, in no case shall a sign be installed closer than thirty-six inches (36") horizontally or vertically from any conductor or guy-wire. (Ord. 2014-1, 1-27-2014, eff. 2-11-2014)

Off-premises sign	Sign shall not exceed 128 sq. ft.	25' max.	1 per parcel or lot with 15' setback
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MITIGATIONS: A building permit will be applied for and a commercial review will take place. After the CUP and building permit are approved an online application shall be applied for through UDOT.

3. Evidence that all required public facilities have adequate capacity to serve the proposed

conditional use;

FINDINGS: 9-16-2: EFFECT OF THE UTAH OUTDOOR ADVERTISING ACT:

The Utah state legislature has passed legislation that regulates outdoor advertising, including eminent domain and outdoor advertising along the interstate, federal aid primary highway, and national highway systems which are zoned commercial or industrial or other unzoned commercial or industrial areas 1. Kane County contains four (4) such roads, including U.S. 89, State Road 9, U.S. 89A, and State Road 14. The Utah Department of Transportation and the "Manual Of Uniform Traffic Control Devices For Streets And Highways" maintains a permitting process for advertising along these roads. Any person or firm desiring to install a sign adjacent to the above roads shall obtain the necessary state permit after receiving all Kane County approvals and permits. Kane County reserves the right to impose more restrictive standards for signs along the above roads. (Ord. 2014-1, 1-27-2014, eff. 2-11-2014)

MITIGATIONS: Utah Department of Transportation permit and Building permit will be obtained. A building permit is required before the UDOT permit can be permitted.

4. Limiting the hours, days, place, and/or manner of operation;

FINDINGS: N/A

MITIGATIONS: N/A

5. Requiring size or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, glare, erosion, odor, and/or dust;

FINDINGS: No lights will be on the signs.

MITIGATIONS: Materials that do not cause glare for oncoming traffic will be used.

9-15A-4: INSPECTION:

The building official/Land Use Administrator shall inspect the conditional use during the course of construction to ensure that it complies with the conditions of the permit. (Ord. O-2018-6, 7-9-2018)

9-15A-5: TIME LIMIT:

Action authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Land Use Authority may grant an extension for good cause shown which would require amending the original conditional use permit and going before the Planning Commission for approval. (Ord. O-2016-4, 10-15-2018)

9-15A-6: EXPANSION:

No use or structure in which a conditional use is located may expand without the approval of the Kane County Land Use Authority. Before expanding, the applicant shall present to the Kane County Land Use Authority a development plan. No public hearing need be held. However, the Kane County Land Use Authority may deem a hearing necessary. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-15A-7: REVOCATION:

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and upon failure to comply with all local, State, and Federal laws, including remaining current on Property Tax payments. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

6. Requiring larger setback areas, lot area, and/or lot depth or width;

FINDINGS: Setback on the north property line: 15' setbacks will be in place. The setback from the east property line: 100 ft. Display size: 128 sq. ft. (8 X 16 ft.)

MITIGATIONS: The setbacks are more than the required amount per KCLUO.

7. Limiting the building height size or lot coverage, and/or location on the site;

FINDINGS: The sign will be at a maximum of 25 ft. high.

MITIGATIONS: Engineered plans were submitted with anchoring plans.

8. Designating the size, number, location, and/or design of vehicle access points or parking areas;

FINDINGS: N/A

MITIGATIONS: N/A

9. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:

- a. An essential link exists between the legitimate governmental interest and each exaction; and
- b. Each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;

FINDINGS:
N/A

MITIGATIONS: N/A

10. Requiring landscaping, screening, drainage, water quality facilities, and/or improvements of parking and loading areas;

FINDINGS: N/A

MITIGATIONS: N/A

11. Limiting the number, size, location, height, and/or lighting of signs;

FINDINGS: No lighting will be placed on either side of the billboard.

MITIGATIONS: N/A

12. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

FINDINGS: No plans were submitted for outdoor lighting.

MITIGATIONS: All lights are required to be down hooded.

13. Requiring berms, screening, or landscaping and the establishment of standards for their

installation and maintenance;

FINDINGS: N/A

MITIGATIONS: N/A

14. Requiring and designating the size, height, location and/or materials for fences;

FINDINGS: N/A

MITIGATIONS: N/A

15. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands;

FINDINGS: N/A

MITIGATIONS: N/A

16. Requiring the protection and preservation of groundwater recharge areas;

FINDINGS: N/A

MITIGATIONS: N/A

17. Limiting noise generation;

FINDINGS: N/A

MITIGATIONS: N/A

18. Minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;

FINDINGS: N/A

MITIGATIONS: N/A

19. Requiring turn lane improvements at street intersections when:
a. An unsafe condition would be created by the development without improvements; or
b. The projected increase in traffic generated by the new or expanded use will lower the level of service;

FINDINGS: N/A

MITIGATIONS: N/A

20. Providing for emergency access;

FINDINGS: N/A

MITIGATIONS: N/A

21. Requiring pedestrian, bicycle, and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;

FINDINGS: N/A

MITIGATIONS: N/A

22. Requiring approval of septic and water systems;

FINDINGS: N/A

MITIGATIONS: N/A

23. Requiring buildings to be built to specific requirements;

FINDINGS: A building permit will be required with a commercial review.

MITIGATIONS: A building permit will be applied for and approved through the Building Official and Land Use Administrator before any construction can begin.

The conditions, as stated in the CUP application, will be enforced by the Land Use Authority (LUA) Administrator and the Building Department staff throughout the building process. The Land Use Administrator will enforce the CUP conditions after the development is finalized.

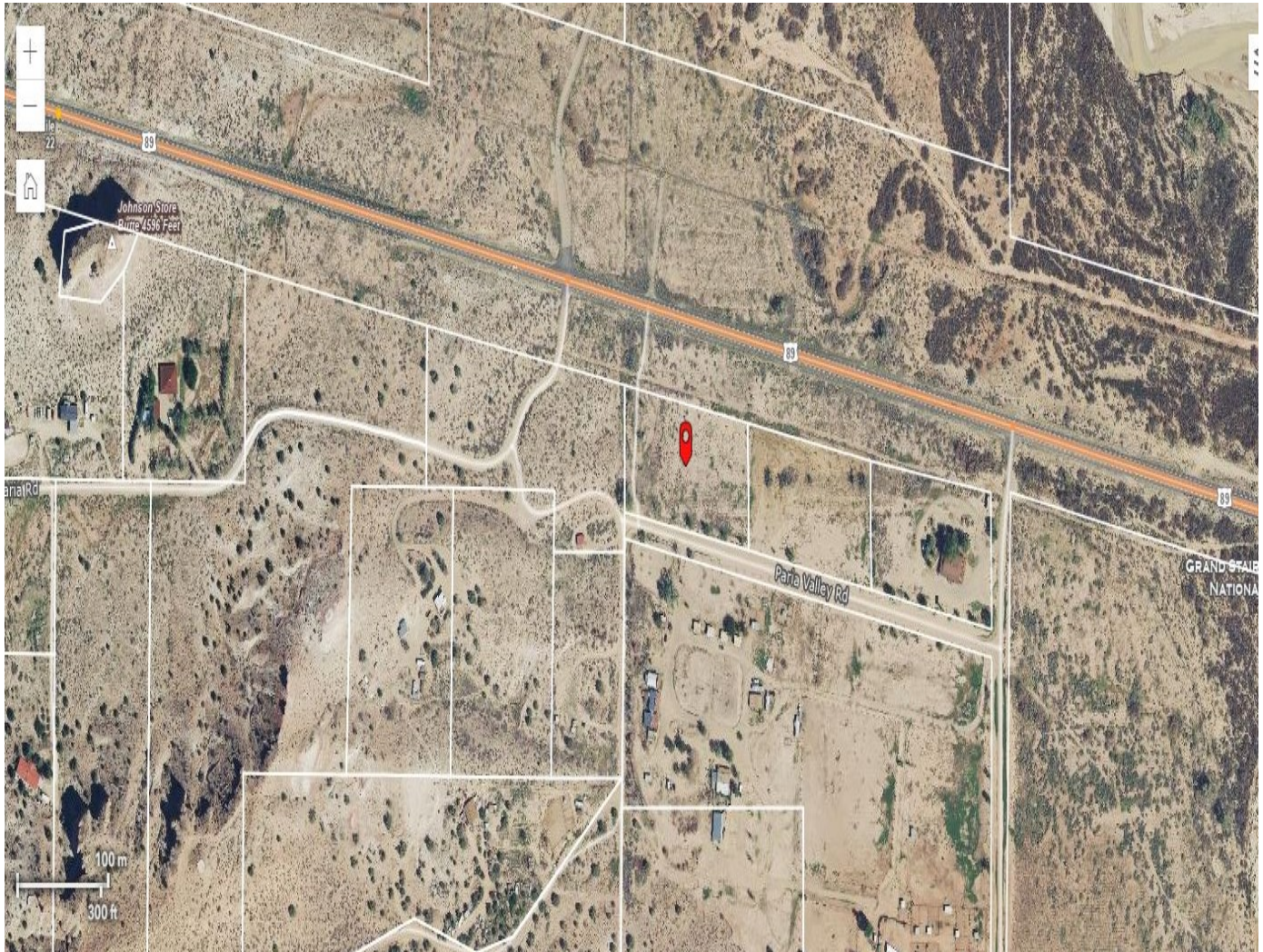
This conditional use permit may be revoked in whole or in part or may be modified based on any failure to observe any of the conditions outlined herein or those enforceable in law or in equity.

STAFF RECOMMENDATION: Kane County Land Use Administrator, Shannon McBride and Kane County Engineer, Kelvin Smith, recommend approval of this Conditional Use Permit with the site plan drawings and all required items being submitted before the building permit can be obtained.

This Conditional Use Permit does **not** need to be recommended to the County Commissioners.

Please note: 9-15A-5: TIME LIMIT: Action authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Land Use Authority may grant an extension for good cause shown. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

This conditional use permit may be revoked in whole or in part or may be modified based on any failure to observe any of the conditions outlined herein or those enforceable in law or in equity.







DRAFT STAFF REPORT

DATE: 8/29/23

PROJECT: The Applicant, Camp Kaia JV LLC, represented by Iron Rock Group, Tom Avant (holding power of attorney), submitted a Conditional Use Permit application for cabins/glamp-ground containing 60 cabins/glamping sites, a restaurant, employee parking, and welcome center, each tent will be less than 774 sq. ft., located on parcel 2-5-33-1, consisting of 90 acres, zoned Rural-10, located in Johnson Canyon and parcel 2-5-25-2B, zoned RU-10 adding 10 more acres to the project. On the additional 10 acres a delivery building, employee/guest parking, and storage will be added to the original project. The entire project will contain 100 acres.

FINDINGS: The above application complies with the Kane County Land Use Ordinance, 9-15A-1-6: Conditional Uses and the Kane County Land Use Ordinance 9-5B-6, Rural-10 Zone; which allows the use of cabins/glamp-grounds through a conditional use permit and parking as an accessory to the use. The CUP has the conditions to mitigate safety issues and must be implemented at the time of the building permit application. This glamp-ground and employee parking with a storage building is accessed off of Johnson Canyon Road, which is a Class B County road.

Kane County Land Use Ordinance (KCLUO): 9-1-7: DEFINITIONS: CAMPGROUND: A parcel with improvements for the occupancy in temporary structures; which includes, day use areas, recreation camps, modern camps, semi-developed campgrounds, primitive, and semi-primitive campgrounds as defined in Utah Administrative Code R393-300. Exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-502. GLAMPING: Upscale camping in a semi-permanent structure placed on a permanent/semi-permanent foundation, to be no larger than seven hundred and seventy four (774) square feet, providing overnight sleeping accommodations with amenities and comforts not normally included in a campground, such as: beds, electricity, and access to indoor plumbing.

GLAMPING UNIT: A canvas or membrane-covered frame structure designed to be used or occupied for commercial, transient or recreational purposes. Glamping Unit structure's include, but are not limited to: tents, yurts, teepees, covered wagons.

KCLUO: 9-5C-6: USES TABLE:

Cabins -- not to exceed 1500 Sq. ft. Limited to up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more	C	C
Campground/glamp-ground with up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more	C	C

9-5C-6: USES TABLE:

<u>Uses</u>	<u>RU-10</u>	<u>RU-40</u>
<u>Accessory buildings and uses customarily incidental to conditional uses</u>	<u>C</u>	<u>C</u>

KCLUO: 9-5A-5:

- F. A conditional use permit shall regulate the size of the structure, not including the foundation; to be no larger than seven hundred and seventy-four (774) square feet (such as, but not limited to: tents/covered wagons/tee-pees/tree houses/yurts).
- G. All structures and amenities within the campground/glamp-ground are to have a minimum setback of one hundred feet (100') from all private property boundary lines or twenty-five feet (25') from all public land boundaries.
- H. The maximum campground/glamp-ground capacity in the Rural-10 Zone shall not exceed 70 tent sites.
- I. Conditions for all campgrounds/glamp-grounds can be found in [chapter 15](#), "Conditional And Temporary Uses", of this title. (Ord. O-2018-5, 7-9-2018)

Kane County Land Use Ordinance: 9-15A-2-F-1-3:

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

KCLUO: 9-15A-2-E: 1-28: The Land Use Authority shall approve a conditional use permit if conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any conditional use permit, the Land Use Authority may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include the following:

1. **Assurance that the use will not be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity.**

FINDINGS: The project is located in the northwest portion of Dairy Canyon. The property is bordered on the North, West, and South by the BLM. The property to the Southeast and East belongs to the property owner which the developer acquired the property from, and they have consented to the development. The development will be in accordance with applicable County Ordinances and Utah State

Codes. The front parcel 2-5-25-2B abuts Johnson Canyon Road and is more visible to surrounding residences and property owners.

MITIGATIONS: The development will be in accordance with applicable County Ordinances and Utah State Codes. All infrastructure will be in compliance with Kane County Standard Specifications and Drawing Details for Design and Construction. (KCSSDDDC) All infrastructure and buildings will go through the required departments at the time of construction. All feasibility letters have been received except the Department of Water Quality which will need to be submitted before construction can begin. The Water Conservancy District will need to release a hold harmless letter for the water tank before any construction can begin on the project.

2. **Assurance the use will: a. Comply with the intent, spirit, and regulations of this title and Kane County General Plan; b. Make the use harmonious with other neighboring uses in that zone;**

FINDINGS: The property is Zoned Rural-10. The adjoining properties are either BLM or zoned AG. The proposed glamping project is allowed in the Rural-10 Zone and is compatible with the adjacent AG Zone. The cabin/glamping sites are located at the back of the canyon. The employee parking/delivery building (back of house) is located adjacent to Johnson Canyon Road.

MITIGATIONS: P&Z approved the RU-10 zone for large-scale glamping due to the rural location of the site. Parcel 2-5-25-2B will require trees planted along the side of the parcel that abuts Johnson Canyon Road as a buffer and the western façade building front will be required to be harmonious with other neighboring uses in the area.

3. **The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;**

FINDINGS: The development will conform to the layout of the attached preliminary site concept plan. The site is accessed from Johnson Canyon Road via a 50' easement to the property. Employees and supplies will be shuttled into the canyon. This will limit the traffic that will access the canyon.

MITIGATIONS: If the site plan is revised the Land Use Administrator shall approve any changes made after the acceptance of the site plan that was submitted with the CUP packet. Transportation through the remaining portion of the site will be via electric carts/vehicles. The parking area will be provided with the County required parking. ADA parking will be provided at the parking lot, arrival building/area, and the ADA tents.

The site is accessed from Johnson Canyon Road via a 50' Easement to the property. Employees will park at the Delivery/Employee building located on parcel 2-5-35-2B consisting of 10 acres located adjacent to Johnson Canyon Road. All large truck deliveries will also drop off at this building. Employees and supplies will be shuttled into the Canyon. This will limit the traffic that will access the Canyon. The employee welcome center will have a western façade theme to be aesthetically pleasing to the surrounding areas.

All employee parking will be located on the west side behind the building. All transportation through the remaining portion of the site will be via electric carts/vehicles. The parking area will be provided with at least the county-required parking.

The landscaping lighting will be designed to minimize all glare and comply with the County Ordinances. Trees and landscaping will be placed between Johnson Canyon Road and the entrance/delivery building.

Road signs will need to be placed on Johnson Canyon Road. A sign plan will need to be in place with the concurrence of Bert Harris, Kane County Roads Supervisor.

KCLUO: 9-13-13: SUBMITTAL OF PARKING, LOADING AND CIRCULATION PLANS:

The Fire Warden approved the site plan for Wildland Urban Interface (WUI) compliance and safety.

Said plans shall be in compliance with all standards and provisions set forth in this title and shall receive written approval from the Land Use Authority Administrator prior to the issuance of a building permit.

Notwithstanding all provisions of this section, all commercial, industrial, and professional developments and all other nonresidential uses of land shall provide sufficient parking for all employees, business vehicles and equipment, customers, clients, and patients of such business, industry, or professionally used property, as may be required by the planning commission in addition to spaces presently required by this title. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

Storm drainage plan? At least address this by site plan, what you will do? Such as, the water tank isn't listed anywhere in the conditions or the site plan. I think these are important points for the P&Z to consider.

As per the Sunrise Summary Report for the engineering analysis for the preliminary concept plan for Dairy Canyon, the water system design does not have ample pressure to comply with fire flow requirements. A 100,000-gallon tank needs to be located at an approximate elevation of 5,650 ft. Also, a

A hold harmless letter needs to be signed by the Water Conservancy District to move forward with any construction without the water tank permit in place.

Drawings showing details to scale drawing with complete dimensions and description of improvement. (KCSSDDDC pg. 1-20)

A stop sign needs to be placed coming onto Johnson Canyon Road. (KCSSDDDC pg.15-1 thru 15-2)

A T-intersection warning sign needs to be placed on Johnson Canyon Road, in both directions, to deal with safety and added traffic.

The entry road will consist of a hard surface. Kane County Standard Specifications and Drawing Details for Design and Construction (KCSSDDDC Sheet 8) The Construction Plan will include all required parking and a site lighting plan will be provided to comply with County Ordinances and will be LED lighting with a color temperature maximum of 3000K. All parking areas and roads will be designed to the KCSSDDDC. Which requires a minimum of 6 inches of untreated base course. (KCSSDDDC pg. 9-2 thru 9-5)

KCLUO: 9-10-14: LIGHTING: The concerns of safety, utility, dark sky protection, and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. Careful attention to when, where, and how much nighttime lighting is needed results in better lighting practices, darker skies and reduced energy use and costs. Kane County encourages lighting practices and systems which will: minimize light pollution, glare, and excessive glare; conserve energy and resources while maintaining nighttime safety, utility, security, and productivity; and curtail the degradation of the nighttime visual environment. Any and all new and major addition to land

uses, developments and buildings or structures are encouraged to use hooded lighting practices. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

4. Evidence that all required public facilities have adequate capacity to serve the proposed conditional use;

FINDINGS: The water, power, and fiber will be extended from Johnson County Road to the property. The sewer will be through an onsite-Large-Underground Wastewater Disposal System (LUWDS) on-site septic system. A will-serve letter was provided from the Kane County Water Conservancy District (water), Garkane Energy (power), South Central Communications (fiber); and Western Kane County Special Service District (garbage).

MITIGATIONS: (KCSSDDDC Sheet 28) All septic designs, and soil testing will be submitted to the Department of Environmental Quality and the Southwest Utah Health Department. As per the Sunrise Summary Report, for the engineering analysis, for the preliminary concept plan for Dairy Canyon the water system design does not have ample pressure to comply with fire flow requirements. A 100,000-gallon tank needs to be located at an approximate elevation of 5, 650 ft. Also, a 12-inch line used to tie into the existing system to improve the peak day demand needs to be installed.

Utah Department of Environmental Quality permits for the LUWDS system will need to be submitted to Kane County for review before any construction may begin.

9-5C-6: USES TABLE:

<u>Uses</u>	<u>RU-10</u>	<u>RU-40</u>
Accessory buildings and uses customarily incidental to conditional uses	<u>C</u>	<u>C</u>

Applicant's request: Water Tank: On-site buildings cannot be constructed without the new water tank or construction can be started and a Certificate of Occupancy cannot be granted if construction is done with a noncombustible material.

The 'Back of House' building was approved as an accessory building customarily incidental to the conditional uses. The P&Z would need to approve building an accessory building before the resort. Without the resort, it is not an accessory building. The building could remain vacant for 2 years.

The Water Conservancy District recommends the BLM permit be in place for the water tank before any construction begins on either parcel. The permit for the water tank was filed on August 24, 2023. Amanda Buhler, KC Water Conservancy District stated that it takes an estimated time of 6-12 months for approval and then another 6 to 12 months to build.

5. Limiting the hours, days, place, and/or manner of operation;

FINDINGS: Kane County Nuisance Ordinance: 25. Noise Related Nuisances: It shall be unlawful for any person in the county in a public or private place to make, cause to be made or allow the making of any noise which is inconsistent with the zoning area between the hours of eleven o'clock (11:00) P.M. and sunrise which is unnecessary or unusual, which noise annoys, disturbs or affects the comfort, repose, health or peace of others. Any such noise hereinbefore described, heard outside the limits of the real estate from which said noise has its source and heard by another person, shall be a noise as is hereby prohibited, which noise constitutes the basis of the violation of this section.

MITIGATIONS: A nightly quiet time will be enforced with no amplified music after 11 p.m. Noise nuisances will be in compliance with #25 of the Kane County Nuisance Ordinance. The resort will be open 24/7.

6. Requiring size or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, glare, erosion, odor, and/or dust;

FINDINGS: The sites will be up the canyon and will not impact noise, vibration, exhaust/emission, glare, erosion, odor, and/or dust. The front parcel will require the mitigations listed below.

MITIGATIONS: The entry road will consist of a hard surface. The site lighting plan will include shielded LED lighting with a color temperature maximum of 3000K. The front parcel will require a buffer with planted trees and all parking will be on the west side so as not to be between Johnson Canyon Road and the 'Back of House' building. The entrance road to the structure will be a hard surface to eliminate dust.

7. Requiring larger setback areas, lot area, and/or lot depth or width;

FINDINGS: KCLUO 9-5C-2: AREA AND SETBACK REGULATIONS:

District	Min. Area	Front	Side	Rear
RURAL 10	10 acres	30 feet	30 feet	30 feet

MITIGATIONS: The sites as shown on the site plan would not be detrimental to the adjacent properties, as they are either BLM, the original owner, or one portion of a private parcel to the north which is on top of the cliff to the north. For parcel 2-5-25-2B larger setback can be required off of Johnson Canyon Road.

8. Limiting the building height size or lot coverage, and/or location on the site;

FINDINGS: KCLUO 9-5C-3: HEIGHT REGULATIONS: A building erected to a height greater than thirty-five feet (35') requires a conditional use permit. (Ord. O-2023-03, 1-24-2023) There will be a private restaurant serving guests. None of the structures will be over 35 feet high. There are plenty of spaces for parking, roads, and infrastructure shown on the site plan that was submitted.

MITIGATIONS: The project will be in accordance with the attached preliminary concept plan. Any changes or additions to the submitted site plan shall be reviewed by the Kane County Development Committee for compliance. If there are any Well Source Protection Zones in the area all development will be built outside of the protection zone.

9. Designating the size, number, location, and/or design of vehicle access points or parking areas;

FINDINGS: 9-13-1: PURPOSE: The purpose of this chapter is to ensure the provision and maintenance of street parking and loading facilities in proportion to the parking and loading demand of land uses. The requirements of this chapter are intended to assure useful parking and loading facilities, protect public safety, and mitigate adverse land use impacts. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-13-2: SCOPE: The requirements of this chapter are applicable to all new developments requiring motor vehicle access under the provisions of this title. The requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this title, this code, and other laws. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-13-3: PARKING REQUIRED: At the time of site plan approval of any building or issuance of a building permit a site plan indicating no less than the minimum of parking spaces as shown in the uses table with adequate provisions of ingress and egress by standard-sized automobiles shall be required. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-13-4: SPACE SIZE: The dimensions of each street parking space shall be at least nine feet by eighteen feet (9' x 18') for diagonal or ninety-degree (90°) spaces, or nine feet by twenty-two feet (9' x 22') for parallel spaces, exclusive of access drives or aisles. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

MITIGATIONS: The parking area will be provided with at least the county-required parking. ADA parking will be provided at the parking lot, arrival building/area, and the ADA tents. Employee parking stalls will be placed on the west side of parcel 2-5-25-2B.

- 10. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that: a. An essential link exists between a legitimate governmental interest and each exaction; and b. Each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;**

FINDINGS: N/A

MITIGATIONS: N/A

- 11. Requiring landscaping, screening, drainage, water quality facilities, and/or improvements of parking and loading areas;**

FINDINGS: Construction drawings and plans will be provided for review which will comply with the applicable County Ordinances and Utah State Codes. All members of the Development Committee will need to review the construction drawings before any construction begins, including the Department of Environmental Quality and the Southwest Utah Health Department.

MITIGATIONS: Trees will be placed adjacent to Johnson Canyon Road to buffer the “Back of House” building. All permits will be obtained at the building permit stage and will be in compliance with the KCLUO and all State Entity permits and requirements will be submitted to the Building Official with the building permit for commercial review. **Kane County Engineer needs to review the drainage plan.**

- 12. Limiting the number, size, location, height, and/or lighting of signs;**

FINDINGS: All signs will be in compliance with KCLUO Chapter 16 Signs.

MITIGATIONS: A sign will be located at the intersection of the entry road and Johnson Canyon Road. A sign permit will be applied for prior to construction. All other signage will be on-site and not visible from outside of the Canyon. A T- Intersection warning sign will need to be placed, in both directions, on Johnson Canyon Road.

- 13. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;**

FINDINGS: KCLUO 9-10-14: LIGHTING: The concerns of safety, utility, dark sky protection and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. Careful attention to when, where, and how much nighttime lighting is needed results in better lighting practices, darker skies and reduced energy use and costs. Kane County encourages lighting practices and systems which will: minimize light pollution,

glare, and excessive glare; conserve energy and resources while maintaining nighttime safety, utility, security, and productivity; and curtail the degradation of the nighttime visual environment. Any and all new and major additions to land uses, developments, and buildings or structures are encouraged to use hooded lighting practices. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

MITIGATIONS: The site lighting plan will include shielded LED lighting with a color temperature maximum of 3000K. Dark Sky-compliant lighting is mandatory so the light will not intrude on the neighbors or traffic on Johnson Canyon Road.

14. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

FINDINGS: Parcel 2-5-25-2B requires trees to be planted for screening between Johnson Canyon Road and the employee parking/delivery building, "Back of House".

MITIGATIONS: As the project is located within Dairy Canyon and not visible from outside the canyon, no screening or landscaping will be required.

15. Requiring and designating the size, height, location, and/or materials for fences;

FINDINGS: 9-10-5: WALL, FENCE, OR HEDGE: A. No fence or wall or other similar structure associated with residential, commercial or manufacturing uses shall be erected in any required front, rear or side yard to a height as stated in the Building Code without first obtaining a building permit. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than forty-two inches (42") in height. No fence shall be constructed that in any way obstructs the view of traffic.

B. Kane County reaffirms Utah State Code 4-25-205 in as much as the owner of livestock including dairy animals, poultry, cattle, sheep, swine, horses, ponies, mules or goats, that trespass upon the premises of another person is not liable in a civil action to the owner or occupant of the premises for damage inflicted if the premises that was trespassed is not enclosed by a legal fence at the time the trespass occurs. (Ord. O-2017-4, 6-26-2017)

MITIGATIONS: Utah is a fence-out state. No fencing plans were submitted.

16. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands;

FINDINGS: The project will protect, as much as possible, the existing natural landscaping.

MITIGATION: The **site plan** will show all required **drainage** and limits of disturbances. The entrance road will be located and designed to protect the existing pond and springs in the area.

The majority of the land will remain as is. WUI will regulate the allowance of surrounding trees and brush and will be approved by the Kane County Fire Warden and the building department.

9-19-1: REQUIREMENTS: When the Kane County land use authority administrator, county engineer or the building official deems it necessary, any application for a conditional use permit, a planned unit

development, subdivision, MPR, mobile home park, RV park or a building or use permit shall be accompanied by a geologic and soils survey report for the land, lot, or parcel for which application approval is sought. The report shall be prepared at the applicant's expense by a registered or licensed geologist, soils engineer or civil engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernible flood, earthquake, or other natural hazards. Refer to chapter 21, "Subdivision Regulations", of this title for report and certification requirements. Whenever a geologic and soils survey report indicates a parcel subject to an unusual potential or actual hazard, the applicant shall meet the special conditions required by the Kane County engineer or building official, to mitigate such hazard, or the application shall be denied. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

17. Requiring the protection and preservation of groundwater recharge areas;

FINDINGS: The resort will have an on-site wastewater system. This system will comply with the requirements from the Utah Department of Environmental Quality (UDEQ) for the LUWDS. This will protect the groundwater located in the area.

The entrance road will be located and designed to protect the existing pond and springs in the area.

MITIGATIONS: Approval and inspection for the on-site septic system from UDEQ will be required. Installation of water lines will be inspected by the SWUHD and the KC Water Conservancy District.

Utah Department of Environmental Quality LUWDS design and permit approval need to be submitted to the Kane County Land Use Department Building Official for review before any construction or permit may be issued.

18. Limiting noise generation;

FINDINGS: As stated in #5.

MITIGATION: In addition to the mitigation items listed in item #3 a nightly quiet time will be enforced with no amplified music after 11 p.m. Noise nuisances will be in compliance with #25 of the Kane County Nuisance Ordinance. An on-site manager will be available.

19. Minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;

FINDINGS: All state permits will be submitted to the Kane County Land Use Administrator for any cultural resource studies, wildlife habitat studies, and air and water quality studies.

MITIGATIONS: Plans for the entrance road will be provided for review to minimize impacts to any wetlands. Any studies including soil studies will be submitted.

20. Requiring turn lane improvements at street intersections when: a. An unsafe condition would be created by the development without the improvements; or b. The projected increase in traffic generated by the new or expanded use will lower the level of service;

FINDINGS: Bert Harris with the County Road department did not request any improvements to Johnson Canyon Road for ingress or egress to the Resort.

MITIGATIONS: N/A

21. Providing for emergency access;

FINDINGS: Kane County Fire Warden, Spencer Rollo approved the road plan for fire services. Kane County Engineer reviewed the internal roads for WUI access and emergency vehicle access to each of the sites.

MITIGATIONS: The main entry road from Johnson Canyon Road to the resort entry building will be a 20-foot-wide hard-surfaced road. This will allow for two-way traffic.

22. Requiring pedestrian, bicycle, and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;

FINDINGS: There are not any circulation requirements that would affect the surrounding property owners from the internal trail circulation system of the resort.

MITIGATIONS: Label the trails, bike paths, and walking paths as such to support the internal systems with the project.

23. Requiring approval of septic and of water systems;

FINDINGS: All permits are to be in place before any construction can start.

MITIGATIONS: Approval of the septic and water systems will need to be obtained prior to the start of building construction. Department of Environment Quality, and Department of Water Quality, and the Southwest Utah Health Department permit/approvals will be obtained prior to starting construction. (Title R317)

Utah Department of Environmental Quality LUWDS design and permit approval need to be submitted to Kane County Land Use for review before any construction may begin.

24. Requiring buildings to be built to specific requirements;

FINDINGS: The project will be built according to applicable County Building Ordinances. Building plans will go through a commercial review through the Kane County Building Department. The State International Building Code will be applied when building or remodeling. The building department will need to inspect all glamping sites, restaurants, welcome center, swimming pools, and employee housing facilities. The restaurant will only be for occupants staying at the resort and not for a single meal service to any other persons.

MITIGATIONS: Any building adjacent to Johnson Canyon Road will be an attractive western theme façade.

25. Cell tower fall zone conditions and setbacks: The minimum lot area for such uses will include all lands within the circumference of the fall zone. If the fall zone requirements cannot be met, they can be mitigated by a hold harmless agreement with the surrounding property owners, the radius of which shall be the height of the tower. All cell towers must adhere to the zone setback requirements;

FINDINGS: N/A

MITIGATIONS: N/A

- 26. Recreation vehicle parks:** a) business license required; b) Transient Room Taxes required; c) the use must be consistent with the environmental, commercial, and economical land use purposes stated in the General Plan, as amended; d) an official site plan that clearly demonstrates that the park will not cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar unreasonable risks; the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets shall be reviewed; e) RV parks and campgrounds/glamping sites must have State and/or County approved access off a State highway, County B or D road, BLM road or, if off a private road, roads will meet Wild Land Interface Urban Code standards and will require a road maintenance agreement between property owners and easement holders memorializing the mutual understanding that an increased use to the road will result and that proof of easements to property would be required; f) Health Department permit required if over forty (40) RV sites; the Department of Environmental Quality permit is also required for water and waste; g) must comply with Building Department and building permit regulations; h) on-site manager for RV parks and campgrounds; unless the campground is considered a primitive campground; i) requirements for the management and maintenance of facilities is adequate; j) the use shall not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal; k) feasibility letters required for services extended to the RV parks and campgrounds to mitigate traffic safety conditions as to not adversely affect the use and surrounding areas; l) emergency access is adequate; m) a plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses is adequate; n) exterior lighting is adequate and does not unduly disturb the surrounding areas; o) exceptions include rural unimproved subdivisions that can only be used for agricultural purposes.

FINDINGS: As listed in previous conditions pertaining to the glamping sites.

MITIGATIONS: N/A

- 27. The conditions in subsection E26 of this section apply for glamp-grounds; limited to seven (7) sites per parcel of land;**

FINDINGS: N/A

MITIGATIONS: N/A

- 28. The conditions in subsection E26 of this section apply for campgrounds; limited to seven (7) sites per parcel of land;**

FINDINGS: N/A

MITIGATION: N/A

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

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

- (1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
- (2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The conditions, as stated in the CUP application, will be enforced by the Land Use Authority Administrator and the Building Department staff throughout the building process. The Land Use Administrator will enforce the CUP conditions after the development is finalized.

STAFF RECOMMENDATIONS: Kane County Land Use Administrator, Shannon McBride, and Kane County Engineer, Kelvin Smith, recommend approval of the Camp Kaia Conditional Use Permit, submitted by Tom Avant, holding power of attorney, for parcels 2-5-33-1 and 2-5-25-2B, zoned Rural-10. In preparing for the approval of the CUP a development meeting was held to review this project with the necessary staff, therefore; mitigating any health, safety, and welfare issues.

This does **not** need to be recommended to the County Commissioners.

Please note: 9-15A-5: TIME LIMIT: Action authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Land Use Authority may grant an extension for good cause shown. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

I move to **approve/deny** the Conditional Use Permit application, **with the conditions as stated in the staff report**, submitted by Tom Avant, for parcels 2-5-33-1, and parcel 2-5-35-2B. *(If denied, the reasons for denial would need to be health, safety, and welfare; in other words, what conditions could not be mitigated).*

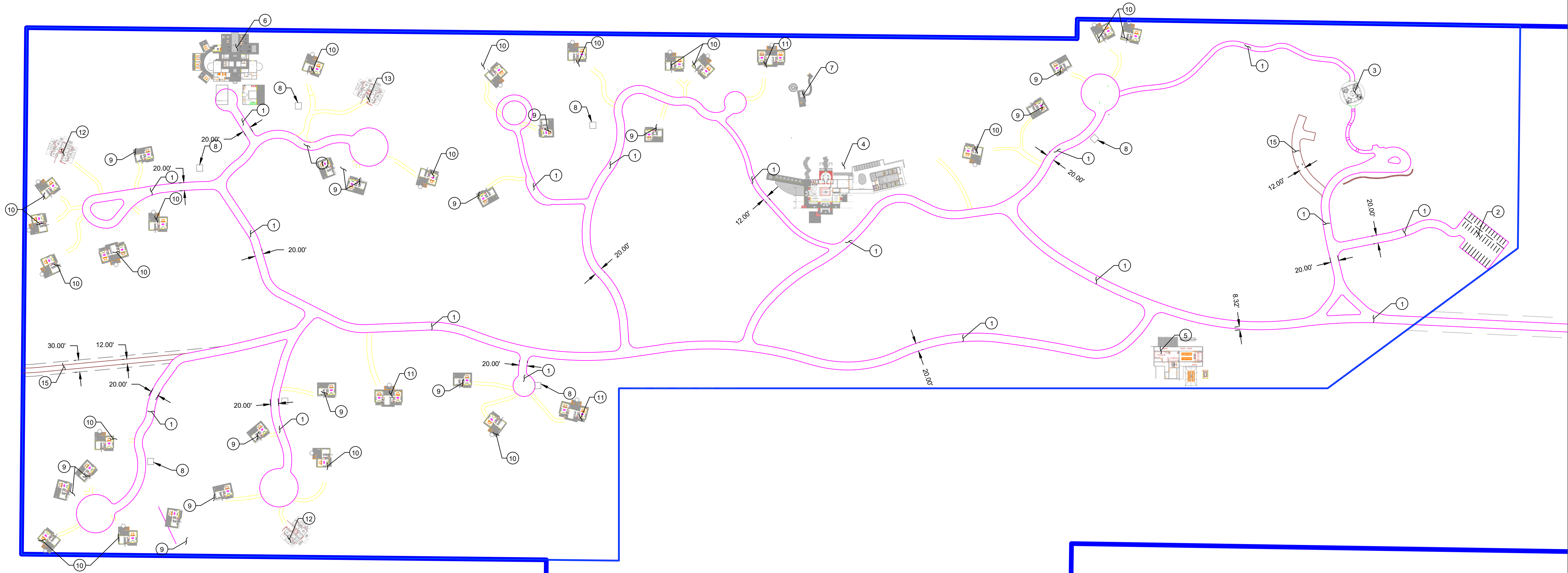




Location		Owner	Value	
Parcel Number 2-5-33-1		Name INDIAN CLIFFS CANYON FARM LLC	Market (2021)	\$897.93
Tax District 08 - COUNTY OUTSIDE		C/O: QUINTANA MINERALS	Taxable	\$1.28
Acres 120.00		1415 LOUISIANA STE 2400	Tax Area: 08 Tax Rate: 0.008939	
Situs Address		HOUSTON, TX 77002	Type	Actual Assessed Acre
Legal THE N/2SE/4, & THE SE/4SE/4: OF SEC 33 T42S R5W SLB&M, UTAH. CONT 120.0 AC./ML.			FARMLAND (FAA)	\$897.935 \$1,282 120.00
Child Accounts				
Child Parcels				
Parent Accounts				
Parent Parcels				

Transfers			
Recording Date	Book	Page	Doc Description
02/28/2013 03:13:38 PM	0418	0784	Water Right Deed
02/28/2013 03:13:38 PM	0418	0781	Warranty Deed
05/24/2008 12:00:00 PM	W8	483	Water Quit Claim Deed

Tax		Images	
Tax Year	Taxes	Photo	GIS Map
2021	\$11.28		
2020	\$11.69		



150 0 150
SCALE IN FEET
SCALE 1"=150'



Building on Solid Foundations

460 E. 300 SOUTH
KANAB, UTAH 84741
435-644-2031
www.ironrockeng.com

- SCOPE OF WORK:
PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED AND THE DETAILS NOTED AND AS SHOWN ON THE CONSTRUCTION DRAWINGS:
- 1 PROPOSED DOUBLE CHIP SEAL ROAD. PER DETAIL 1 SHEET C500
 - 2 PROPOSED VALET PARKING
 - 3 PROPOSED WELCOME CENTER
 - 4 PROPOSED MAIN BUILDING
 - 5 PROPOSED BARN BUILDING
 - 6 PROPOSED SPA BUILDING
 - 7 PROPOSED EXPLORERS LONGE
 - 8 PROPOSED UTILITY BUILDING
 - 9 PROPOSED 1 BEDROOM UNIT STANDARD
 - 10 PROPOSED 1 BEDROOM UNIT DELUXE
 - 11 PROPOSED 2 BEDROOM UNIT STANDARD
 - 12 PROPOSED 2 BEDROOM UNIT RANCH HOUSE
 - 13 PROPOSED 3 BEDROOM UNIT RANCH HOUSE
 - 14 PROPOSED BLM ACCESS ROAD AND EASEMENT
 - 15 PROPOSED ROAD BASE FIRE ACCESS ROAD

KAIA SITE PLANS

SITE PLAN

DAIRY CANYON

INITIAL SUBMITTAL: 8/14/2023

REV# DATE DESCRIPTION

NOT FOR CONSTRUCTION

ALL PLANS, CONSTRUCTION DOCUMENTS, RENDERINGS, MODELS, DESIGN CONCEPTS, AND SO FORTH CONSTITUTE INTELLECTUAL PROPERTY OF IRON ROCK GROUP AND ANY AFFILIATED PARTNERS AND IS COPYRIGHT PROTECTED UNDER SECTION 102 OF THE COPYRIGHT ACT (TITLE 17 OF THE UNITED STATES CODE), AS AMENDED ON DECEMBER 1, 1990. ANY REPRODUCTION, DISTRIBUTION, OR FURTHER REPRODUCTION OR USE IN ANY WAY, OR WHOLE OR IN PART, WITHOUT PRIOR WRITTEN AGREEMENT FROM IRON ROCK GROUP CONSTITUTES VIOLATION OF COPYRIGHT AND IS PROHIBITED.

DRAWN BY: RLB

SCALE: 1"=150'

SHEET:

C200

KANE COUNTY ORDINANCE NO. O 2023-31

**AN ORDINANCE AMENDING TITLE 9 CHAPTER 6 RESIDENTIAL ZONES AND
CHAPTER 15 CONDITIONAL AND TEMPORARY USES IN THE KANE COUNTY
LAND USE ORDINANCE**

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended changes to Chapter 6, Residential Zones (R-1/2, R-1, R-2 and R-5) Article A, Sections 4 & 6. Modifying Regulations and the Uses Table of the Kane County Land Use Ordinance; and

WHEREAS, Chapter 15 would add conditions to private cemeteries in residential zones, and

WHEREAS, the purpose of amending the above chapters is to add conditions for private cemeteries in the R-1/2, R-1, R-2, and R-5 zones to be consistent with the intent of residential zones, and;

WHEREAS, the Kane County Planning Commission, after a duly noticed public hearing, recommended for the approval the amendment as stated above of the Kane County Land Use Ordinance; and

WHEREAS, the Kane County Board of Commissioners desires to implement the recommended amendment; and

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-102, 201, and §17-53-501;

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

Chapter 6 of the Kane County Land Use Ordinance is amended as set forth below. Additions to the Ordinance are indicated with an underline, and deletions from the ordinance are indicated with a strike-through. Instructions to the codifiers are italicized and inside parenthesis.

//

9-6A-4

J. Private Cemeteries within a subdivision shall have a sealed concrete vault. The cemetery shall be 50 feet from any property line. The cemetery shall be recorded in the Recorder's Office. No green burials are allowed within platted subdivisions. Green burials will only be allowed on 10-acre or larger parcels. No more than two burial plots will be allowed within a platted subdivision. No plots will be sold commercially.

9-6A-6: USES TABLE:

Use	R- ¹ / ₂	R-1	R-2	R-5
Campground/glamp-ground	-	-	-	-
Cemetery <u>Private</u>	C	C	C	C

//

9-15A-2-E-29

29. Private Cemeteries within a subdivision shall have a sealed concrete vault. The cemetery shall be 50 feet from any property line. The cemetery shall be recorded in the Recorder's Office. No green burials are allowed within platted subdivisions. Green burials will only be allowed on 10 acres or larger parcels. No more than two burial plots will be allowed within a platted subdivision. No plots will be sold commercially.

//

End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk and shall take effect fifteen (15) days after the date signed below.

The County Clerk is directed to publish a short summary of this Ordinance with the names of the members voting for and against it, 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 26th day of September 2023.

ATTEST:

Chameill Lamb
Kane County Clerk

Wade Heaton, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Kubeja voted _____
Commissioner Meyeres voted _____