



**March 13, 2024, 6:00 PM**  
**Kane County Planning Commission**  
**Land Use Authority**  
**Kane County Commission Chambers**  
**76 N. Main Street, Kanab, Utah**

To listen to this meeting live call 435-676-9000, participant code 168030.

## AGENDA

6:00 PM	Call to Order
	Invocation
	Pledge of Allegiance

## 1. Update on Commission Actions

Commissioner Wade Heaton will relay the County Commission's most recent actions.

## 2. Approval of Minutes

February 07, 2024

## LEGISLATIVE ITEMS

## Public Hearing\*

### 3. Ordinance 2024-6: KCLUO 9-21F-6

An ordinance revising Kane County Land Use Ordinance 9-21-F-6 Right-Of-Way and Roadway Improvements; removing the requirement of chip seal or asphalt roads in subdivision.

## Public Hearing\*

## 4. Zone Change/Ordinance 2024-07: Third Mesa LLC/JT Maxwell

An application for a zone change from Agricultural (AG) to Rural 10 (RU-10) parcel 3-5-24-3A containing 71.34 acres, located near the mouth of Johnson Canyon. Submitted by JT Maxwell.

## Public Hearing\*

## 5. Zone change/Ordinance 2024-08: Rogers

An application for a zone change from Agricultural FAA (AG-FAA) to Rural 10 (RU-10), parcels 256-6, 256-7, 256-8, and 256-9 totaling 40 acres, in the Paunsagunt Ranches Rural Unimproved Subdivision, located off of Lutherwood Road near Tod's Junction and the Oaken Acres Subdivision. Submitted by Bart Battista, Cliffside Engineering PLLC, holding power of attorney.

## ADMINISTRATIVE ITEMS

## Public Hearing\*

## 6. Lot Joinder: Guy

An application to amend a subdivision plat for a lot line adjustment joining lots 57 & 58, becoming new lot 57 consisting of 1.06 acres, and

vacating (2) 7.5' utility easements, Strawberry Valley Estates, Unit 4. Submitted by Mike Stewart, Red Sands Geometrics, holding power of attorney.

**Public Hearing\***

**7. Amended Plat: Bean/Chournos**

An application to vacate, amend & extend a subdivision plat to adjust the lot line between parcel 297-1 in the Square One Rural Unimproved Subdivision and parcel 317-1 in the Johnson Canyon Estates Rural Unimproved Subdivision. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

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

\*Public hearings are intended for the public to provide input to the Commission or to pose questions individuals believe the Commission and staff should consider. Public hearings are not intended for individual members of the public to engage in conversation. While questions may be posed by a member of the public, the Commission will attempt to refrain from answering or engaging in conversation during the public hearing.

**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](http://kane.utah.gov); General; Land Use Ordinance 9-2-1 through 10.**

## **1. Update on Commission Actions**

Commissioner Wade Heaton will relay the County Commission's most recent actions.

## **2. Approval of Minutes**

February 07, 2024



# MINUTES

Kane County Planning Commission  
& Land Use Authority Meeting  
Kane County Commission Chambers  
76 N. Main Street, Kanab, UT  
**February 7, 2024**

CHAIRMAN:	John Reese	
MEMBERS PRESENT:	Doug Heaton, Gwen Brown, Jeremy Chamberlain, John Reese, Matt Cox,	
MEMBERS ABSENT:	Byard Kershaw, Mason Haycock	
EX-OFFICIO MEMBER:	Commissioner Wade Heaton (absent)	
STAFF PRESENT	Shannon McBride, Land Use Administrator; Wendy Allan, Assistant P&Z Administrator; Rob Van Dyke, Attorney	
6:00 PM	Meeting called to order Invocation Pledge of Allegiance	John Reese Doug Heaton Gwen Brown

## GENERAL BUSINESS

### 1. Update on Commission Decisions

Commissioner Kubeja stated that there was nothing to report on.

### 2. Approval of minutes

**January 10, 2024**

**MOTION:** Matt Cox made a motion to **approve** the January 10, 2024 minutes. Jeremy Chamberlain seconded the motion.

**VOTE:** The **motion passed** unanimously.

**MOTION:** A motion was made by Doug Heaton to go in and out of public hearing at the call of the chair. The motion was seconded by Matt Cox.

**VOTE:** The **motion passed** unanimously.

### 3. Public Meeting – Conditional Use Permit Amendment/Extension: Infra Towers

**An application to extend a conditional Use Permit for Infra Towers LLC for a cell tower in the Duck Creek Area. Submitted by Debbie DePompei.**

Shannon explained that this cell tower conditional use permit (CUP) has been extended several times. It is in the Duck Creek area. The property is zoned C-1 and they have obtained hold harmless agreements from the neighboring property owners. The applicant informed us that this cell tower is at least 2 years out. They are requesting an extension for one year.

Shannon reviewed the land use ordinance that states it is up to the planning commission to decide whether or not to extend a CUP.

Matt asked why we should not have them wait and come back when they are ready to move forward. Shannon explained it is a matter of convenience and keeping the hold harmless agreements in place. If this is not extended they will need to reapply when they move forward.

**MOTION:** Doug Heaton made a motion to **approve** an amendment to the conditional use permit for a 100' stealth wireless communications facility, located on parcel #8-7-7-1C, with the conditions as listed in the staff report. Seconded by Matt Cox.

**VOTE:** The vote was **unanimous to approve**.

**FACTS & FINDINGS:** This project is in compliance with:

Utah State Code: 17-27a-506

Kane County General Plan: Pages 6, 7, 10, 15, 25, 29-30, 38, 43

Kane County Land Use Ordinance: 9-7B-5 & 9-15A-(1-7): Conditional Uses

**4. Public Hearing – Zone Change/Ordinance 2024-4: Coefield**

**An application for a Zone Change from Residential 1/2 (R-1/2) to Residential 5 (R-5), by Ordinance 2024-4, lot 41-1 consisting of 10.55 acres, located in the Ponderosa Villa Subdivision Plat "E". Submitted by Julie Coefield.**

Julie Coefield (via phone) stated that in her current zoning of R-1/2 she can only have one cabin and she would like to have two cabins. Shannon clarified that the R-1/2 zone only allows one residence. Doug asked if she could divide her property into 2 lots. Shannon reminded the Planning Commission that the Kane County Land Use Ordinance prohibits any new 1/2 acre lots. County ordinance allows her to subdivide but requires the approval of 80% of the property owners on the plat. Julie is asking for R-5 so that she can have 2 homes of equal sizes. Gwen mentioned the public emails which pointed out that uses in the R-5 zone that could change the character of the area. The R-5 zone allows 9 additional uses that the R-1/2 zone does not allow. Julie stated that the 20-acre meadow nearby is zoned R-1 and the neighboring property is zoned AG. Jeremy mentioned a letter regarding the CC&Rs. Shannon stressed that the county does not enforce CC&Rs. Enforcement of the CC&Rs must be done by the property owners.

Jeremy asked legal counsel if the county has the ability to administrate inside a subdivision that has their own CC&Rs. Shannon reminded the Planning Commission that in Vermilion Cliffs a property owner applied for a billboard that was against their CC&Rs. Shannon told that property

owner about the CC&Rs and told them they were still enforceable even without an HOA. He put the billboard in and a single property owner took him to court and he lost and had to remove the billboard based on the CC&Rs.

Rob Van Dyke, County Attorney, clarified that the county does not have the authority to enforce CC&Rs. However, if the Planning Commission chooses, they can take the CC&Rs into consideration when making a decision but the CC&Rs do not bind the Planning Commission. Gwen feels that the CC&Rs should be considered because the property owner knew what the CC&Rs were when they bought the property.

Chairman Reese called the commission into public hearing stressing that the commission did receive and review all emails that were submitted prior to the meeting.

No Comments

Chairman Reese called the commission out of public hearing.

Julie Coefield pointed out that two cabins on 10 acres is very reasonable.

Matt agreed that two cabins on this size of property is reasonable but feels that going to R-5 is a big jump. Doug reminded the commission that if she wanted to she could subdivide the property. Shannon explained that to divide the property she would need to have 80% of the property owners in the subdivision sign off on the subdivision on the lot. Jeremy believes that the property owners should govern themselves with their CC&Rs.

**MOTION:** Jeremy Chamberlain made a motion to **recommend approving** the zone change for lot 41-1 from R-1 to R-5 & Ordinance 2024-4 to the County Commission, based on the facts and findings as documented in the staff report. Doug Heaton seconded the motion.

**VOTE:** Doug Heaton, Jeremy Chamberlain, and John Reese voted aye. Matt Cox and Gwen Brown voted nay. The motion to **recommend approval passed**.

#### **FINDINGS:**

- Lot 41-1 meets the requirements to be zoned R-5. The lot is currently zoned R-1/2.
- The applicant requests the lot be zoned R-5 which requires a zone change.
- If the zone change is approved all uses contained in the KCLUO 9-6A-6 R-5 Uses Table will be allowed.
- Surrounding lots are zoned R-1/2, R-1 and AG.
- The lot would gain access from Sleepy Meadow Lane.
- All property owners within 500 ft. of this lot have been mailed a public notice. Notices are posted on the state and county websites and a sign was posted on the lot.
- **9-6A-1: PURPOSE:** To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **Kane County General Plan, Vision Statement, Pg. 3:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where

decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.

## **5. Public Hearing – Ordinance 2024-6: KCLUO 9-21F-6**

### **An ordinance revising Kane county Land Use Ordinance 9-21f-6 Right-Of-Way and roadway Improvements; removing the requirement of chip seal or asphalt roads in subdivisions**

Shannon stated that the commissioners requested the Planning Commission review this ordinance. Our attorney recommended you look at the full section of this ordinance rather than presenting you with recommended changes. This ordinance was revised in 2019 to include the AASHTO standards Daily Average Uses Table to determine when the county should require asphalt or chip seal in subdivisions. Some of the newer subdivisions in the county were large enough to trigger chip seal or asphalt roads. The ordinance says that the County Commissioners can decide whether or not to maintain the roads. In the Crimson and Sunflower Valley subdivisions the county accepted the roads without specifying whether or not they would maintain them. There is now damage to the road in Crimson and the developer is asking that the repair it. It has been explained to the developers that the county is responsible for maintenance but it will be done on the county's time line. In comparison, the Lone Spur subdivision will have an HOA to maintain the roads, as does Elk Ridge Estates.

Shannon asked the Planning Commission to look at this ordinance and determine if it needs to be revised. Rob stressed that Commissioner Wade Heaton would like the Planning Commission to discuss specifically if there should be any change to the asphalt or chip seal roads requirement.

Doug expressed his belief that the county should not be responsible for infrastructure improvements. Rob cautioned the Planning Commission to not get caught up in discussing a particular subdivision but rather what the policy should be moving forward.

Chairman Reese clarified that the discussion tonight should focus on determining whether to require subdivisions of 5-acre lots or smaller to pave their roads.

Chairman Reese called the commission into public hearing.

Mark Habbeshaw - Read a letter expressing his concerns. (Attachment #1)

Judy Habbeshaw – She finished reading the letter in attachment #1.

Matt Fisher - He is opposed to changing this ordinance. He feels that roads are a public safety issue.

Gayle Dvorak - She agrees with the previous comments. These roads need to be made of asphalt.

Dave Jones - He lives in Palomar Estates. He lives on a dirt road and the dust is a real problem. He feels the roads should be paved. He does not understand why the county does not have the money to pave the roads.

Chairman Reese called the commission out of public hearing.

Commissioner Patty Kubeja struggles with the county accepting roads and then not having money to maintain them. She suggested defining what it means when the county says they will maintain a road. Does maintain mean grading, plowing, re-chip sealing, etc. Commissioner Kubeja feels that the roads within a subdivision should be chip sealed to hold up to traffic and weather.

Attorney Rob Van Dyke clarified that Commissioner Heaton feels that we are in a good place on accepting roads. The ordinance is clear that the county will not accept any internal subdivision roads and developers will be responsible for their own roads. The issue is when the county accepts new through roads that are asphalted. The county has good ability to maintain dirt and gravel roads. The problem is it that asphalt is expensive and difficult to maintain. Rob said the county looks for grants to repair asphalted roads when they become too dangerous to drive on. Through development agreements the county could require internal subdivision roads to be paved and the through roads to be graveled.

Doug spoke about the gasoline tax and how it is allocated to counties. He stated that at the time they allocated the money they froze the tax levy. With growth, we have more roads and more needs for repairs but there has not been any new money allocated from the state. Theoretically a paved roads get more funding than a dirt road. The state gasoline tax has fallen behind the need for road repairs.

Matt questioned if the county should require something (asphalt-chip seal) that they are not willing to maintain. He feels that dirt roads are appropriate in the rural part of the county.

Jeremy suggested the Planning Commission take more time on this topic. He feels the developer needs to pay for the roads in a subdivision. He acknowledged that the county is not financially able to maintain the roads. He does not feel that dirt is the answer. John agreed and suggested having Taylor Glover and Bert Harris as well as the county weigh in on this matter. John suggested requiring subdivisions to put in asphalt roads as chip seal does not hold up well in this area. Gwen would like to require subdivisions to asphalt the roads and take a closer look at what roads are accepted by the county and commit to maintain the bare minimum.

Doug is concerned that the government has the power to make decisions that require more costs to roads and homes than the population can afford.

**MOTION:** Matt Cox made a **motion to postpone** this decision and request staff invite Bert Harris, a couple developers and the rest of the commissioners to the next meeting. Jeremy Chamberlain seconded the motion.

Rob clarified that because this was on the agenda today the decision will potentially apply to any future application that come in.

**VOTE:** The vote was **unanimous to postpone.**

Matt Cox made a motion to adjourn. Gwen Brown seconded the motion.  
Meeting was adjourned at 7:15 pm.

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Land Use Authority Chair  
John Reese

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Assistant Planning & Zoning Administrator  
Wendy Allan

**Point 1** – I understand the original issue was a lack of Class B road funding to acquire and maintain subdivision roads as County roads; however, the Public Hearing Issue is stated as (Quote) “Removing the requirement of chip seal or asphalt roads in subdivisions.” I am not sure I understand the connection: - but I have proposed solutions for both of those issues.

**Point 2** – We learned important lessons when the Vermillion Cliffs Estates developer abandoned the subdivision without finishing the roads. This created a health, safety and welfare danger with unimproved roads. Residents and emergency vehicles could not reach homes on the dirt roads during inclement weather. Property owners were unable to agree on road improvements. In 2005 the County created the Vermillion Cliffs Estates Special Improvement District and constructed hard surfaces roads and took the roads over as county roads as a one-time solution to a serious problem: - with no idea that 19 years later we would be seeing multiple one (1) acre subdivisions in rural Kane County.

**Point 3** - One (1) acre subdivisions with two dwellings are municipal-type densities and require asphalt roads. High-density subdivision roads without asphalt create health, safety and welfare problems because of snow, ice, mud, ruts, washboards, and dust (requiring magnesium chloride).

**Point 4** - A proposed solution regarding whether to require chip seal or asphalt on subdivision roads - IS - Developers are currently required to chip seal or asphalt subdivision roads of five (5) acre density or less. Because of the serious problems with dirt or road-based roads in high-density subdivisions the requirement for chip seal or asphalt in KCLUO 9-21F-6 should not be changed.

**Point 5** - A proposed solution regarding Kane County taking over subdivision roads and the Class B funding issue -IS - The County should simply adopt a policy that it will no longer accept subdivision roads unless the roads serve a wider public interest.

**Point 6** - Experience has shown that HOAs would not be effective in constructing asphalt subdivision roads: - that should be the responsibility of the developer to complete the subdivision's infrastructure. An HOA would be capable of providing maintenance on subdivision roads as required over time.

**Point 7** - For the same reasons: - asphalt subdivision roads should not require the creation of a special service district after the developer has finished the subdivision. The developer would have hard-surfaced the roads.

**Point 8** - High-density development has created this issue and other municipal-type service issues including fire service needs, increase law enforcement service needs, ambulance, EMS and others. The municipal-type service needs will only increase with the Kanab 600, the Kanab 160 and other one (1) acre developments in the near future.

**Point 9** - A solution to the high-density development changing our rural community to a municipal-type community would be for the Planning Commission and the County Commissioners to adopt a five (5) acre or higher density subdivision requirement: - based on the ever growing municipal-type problems caused by the approval of one half (1/2) acre density: - when allowing two dwellings per lot.

**Point 10** – As a final thought: - most of us moved to unincorporated Kane County for a rural quality of life. We do not want and are not ready for municipal incorporation but the Planning Commission and the County Commissioners: - because of high-density subdivision approvals: - are taking away our rural lifestyle and forcing us toward a city environment we moved here to avoid.

**Public Hearing**  
**3. Ordinance 2024-6: KCLUO 9-21F-6**

An ordinance revising Kane County Land Use Ordinance 9-21-F-6 Right-Of-Way and Roadway Improvements; removing the requirement of chip seal or asphalt roads in subdivision.

SECTION:

**9-21F-1: Dedication Of Improvements And County Ownership Of Subdivision Roads**

**9-21F-2: Timeliness For Acting On Acceptance**

**9-21F-3: Dedication Of Nonsubdivision Rights-Of-Way And Roadways**

**9-21F-4: Required Right-Of-Way And Roadway Widths**

**9-21F-5: Roadways Dividing A Parcel**

**9-21F-6: Right-Of-Way And Roadway Improvements**

**9-21F-7: Right-Of-Way Improvements For Commercial Developments**

**9-21F-1: DEDICATION OF IMPROVEMENTS AND COUNTY OWNERSHIP OF SUBDIVISION ROADS:**

A. Subdividers are put on notice that the majority of roads (if not all) internal to a subdivision are typically to remain private. At the time the final plat is approved, the subdivider may dedicate the roads, easements and other public improvements to Kane County and the Kane County Commission will determine which improvements to preliminarily accept. All subdivision roads must adhere to county standards, including a minimum 28 foot width comprised of 24 feet of travel lanes (two twelve foot travel lanes) with two foot shoulders on each side of the travel lanes.

B. In determining which roads to preliminarily accept, the Kane County Commission may look at the following factors:

1. If the road could eventually be a Collector or Arterial Road;
2. How the road fits into the overall transportation system of the County;
3. Whether the road is internal to the subdivision, meaning that it only allows access to residents within the subdivision;
4. Whether the road has historically been open to the public, or allows access to public areas;
5. The overall traffic expected by both residents, visitors, and those just passing through.

C. The subdivider shall notify the County in writing once all improvements are completed, at which time the Kane County Engineer will perform a final improvement inspection. Any dedicated improvements shall be deemed an offer by the subdivider which shall be irrevocable until one year after all of the improvements are completed. After one year, a final inspection will take place before officially accepting any preliminarily accepted improvements, and before releasing any bonds from any improvements. The County Commission may, at its option, accept the offer of dedication only if it finds that the subdivider has constructed, installed and maintained the public improvements required by this chapter and that the improvements comply with the minimum standards and requirements of this chapter and the "Kane County

Standard Specifications and Drawing Details for Design and Construction" at the time of acceptance.

(Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2022-15, 3-22-2022)

**9-21F-2: TIMELINESS FOR ACTING ON ACCEPTANCE:**

Unless the Kane County Land Use Authority Administrator extends the time for making a decision as to whether or not Kane County will accept dedicated public improvements, the dedication may be acted upon within one year following the completion of the public improvements in accordance with the "Kane County Standard Specifications and Drawing Details for Design and Construction", but in no event shall such approval occur without the approval of the Kane County Engineer. In the event the Kane County Engineer does not approve the dedicated public improvements, the subdivider shall be so advised in writing and of the reason for the nonapproval. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

**9-21F-3: DEDICATION OF NONSUBDIVISION RIGHTS-OF-WAY AND ROADWAYS:**

The Kane County Commission, on recommendation from the Kane County Land Use Authority, may accept Master Transportation Plans for areas in Kane County. Once a Master Transportation Plan is in place for an area the property owner(s) within the Master Transportation Plan area may dedicate the planned road(s) to Kane County. Kane County Land Use Authority and Kane County Commission may accept the dedicated roads by the recording of a road dedication plat. (Ord. O-2019-2, 1-14-2019)

**9-21F-4: REQUIRED RIGHT-OF-WAY AND ROADWAY WIDTHS:**

Rights-of-way/roadways that are dedicated will be dedicated to the required width of the Master Transportation Plan. If the right-of-way/roadway is planned to be centered on the boundary line between two (2) properties, both property owners will be required to dedicate their respective half of the right-of- way/roadway for the right-of-way/roadway to be accepted. If both of the property owners do not agree to the dedication, one of the property owners may dedicate the right-of-way/roadway wholly on their property. The rights-of-way/roadway will be required to be dedicated to provide continuity with adjacent dedicated rights- of-way/roadway.

Notwithstanding this provision, or any other provisions to the contrary in this title, upon application for subdivision or any plat amendment, the County may accept dedication, or may require dedication, of any existing road that is currently listed as a Class B or D road on the official records of the County Road or GIS Department, regardless of the condition or width of the road. (Ord. O-2019-2, 1-14-2019)

**9-21F-5: ROADWAYS DIVIDING A PARCEL:**

When an action initiated by the County for a dedicated roadway which roadway is deeded and accepted by the County, extends through a parcel, dividing said parcel into two (2) or more portions, the owner of the parcel may apply for a division of the parcel, without having to comply with the requirements of this chapter; and if the resulting divided parcel is smaller than required by this title, the parcel shall remain in that zone as a smaller non-conforming parcel. (Ord. O-2018-1, 1-12-2018)

**9-21F-6: RIGHT-OF-WAY AND ROADWAY IMPROVEMENTS:**

Dedicated rights-of-way/roadways not located within a platted subdivision do not have to be improved at the time of dedication. A dedicated right-of-way/roadway will be required to be improved to the standards set forth by the Utah Wildland Urban Interface Code (current edition) prior to a building permit being issued to any parcel required to be served by an all weather surface right- of-way/roadway. The right-of-way/roadway will have to be improved to a minimum twenty eight feet (28') wide improved all weather travel surface, prior to a second building permit being issued on a parcel being served by the right-of-way/roadway. The owner will be required to submit all invoices associated with the cost of building the road to the County. Any building permits issued within ten (10) years of the date of completion of improvements of the right-of-way/roadway will require the property owner to pay a proportionate share of the road construction cost to the property owner who paid the original cost of improvements. The road will be required to be asphalted prior to a development of five (5) acre density, or less, being approved or prior to a building permit being issued which will cause the average daily traffic (ADT) to be above four hundred (400) trips per day or then current standard for very low volume local road as defined by the American Association of State Highway and Transportation Officials (AASHTO) standards. The improvements may be completed with the development construction. (Ord. O-2019-2, 1-14-2019)

#### **AVERAGE DAILY TRAFFIC USAGE TABLE**

<b>Land Uses</b>	<b>Units</b>	<b>Daily (Weekday) Average Rate</b>
<b>Land Uses</b>	<b>Units</b>	<b>Daily (Weekday) Average Rate</b>
Single family home	Dwelling units	9.52
Apartment	Dwelling units	6.65
Lodging/hotel	Dwelling units	8.92
Retail/shopping center	1,000 square feet	Non-linear rate
General office building	1,000 square feet	11.03
Superstore	1,000 square feet	50.75
Gasoline/service station	Vehicle fueling positions	168.56
Fast-food restaurant with drive-thru window	1,000 square feet	496.12
Restaurant (sit-down)	1,000 square feet	127.15
Industrial/general light	1,000 square feet	6.97
Charter schools/private (K - 12)	Students	2.48
Civic:		
Library	1,000 square feet	56.24
Government office building	1,000 square feet	68.93
State Motor Vehicle Department	1,000 square feet	166.02

## **Public Hearing**

### **4. Zone Change/Ordinance 2024-07: Third Mesa LLC/JT Maxwell**

An application for a zone change from Agricultural (AG) to Rural 10 (RU-10) parcel 3-5-24-3A containing 71.34 acres, located near the mouth of Johnson Canyon. Submitted by JT Maxwell.



# KANE COUNTY LAND USE AUTHORITY

Shannon McBride  
LAND USE AUTHORITY  
ADMINISTRATOR

## Staff Report

**DATE:** February 12, 2023

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**To:** Planning Commission  
**From:** Shannon McBride, Zoning Administrator  
**Subject:** Project # 24005: Zone Change Application, AG to RU-10, Ordinance O-2024-07  
Parcel 3-5-24-3A consisting of a total of 71.34 acres

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

PROPERTY PROJECT HISTORY	
Project Number	Vacant Land
24005	Current zone is AG

**REQUEST:** On January 24, 2024, JT Maxwell, submitted a zone change application on behalf of his company Third Mesa, LLC for parcel 3-5-24-3A, located on Johnson Canyon Road approximately a quarter mile from Hwy 89, requesting to rezone from AG to RU-10.

**BACKGROUND:** Parcel 3-5-24-3A is assigned AG zoning. The property owner previously applied for a zone change in 2018 from AG to C-1 which was denied and then again in 2021 from AG to Rural-40 which was denied at the P&Z level and was never placed on the Commission agenda. The applicant is now asking for the Rural-10 zone.

**LEGAL DESCRIPTIONS:** PARCEL 1: THE SW/4SW/4 OF SEC 24 T43S R5W SLB&M. CONT 40.0 AC, M/L.

PARCEL 2: THAT PORTION OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M, LYING W'LY OF THE JOHNSON CANYON ROAD.

LESS & EXCEPTING THEREFROM:

BEG AT THE NE COR OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M & RUN TH W 467.0 FT; TH S 467.0 FT; TH E 467.0 FT; TH N 467.0 FT TO THE PT OF BEG. CONT 5.0 AC,M/L.  
(LEAVING 29 AC M/L)

RESERVING UNTO THE GRANTOR, HIS HEIRS OR ASSIGNS, A R/W EASEMENT FOR INGRESS & EGRESS & PUBLIC UTILITIES OVER, UNDER & ACROSS THE S 66.0 FT OF PARCELS 1 & 2 DESC'D ABOVE FOR THE BENEFIT OF THE FOLLOWING DESC'D PROP:  
THE SE/4SE/4 OF SEC 23 T43S R5W SLB&M

## FACTS & FINDINGS:

- Parcel 3-5-24-3A meets the minimum acreage required to be zoned RU-10. The parcel is currently zoned AG.
- The developer requests RU-10 zoning which requires a zone change.
- If the zone change is approved all uses contained in the RU-10 uses table will be allowed.

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

Use	Rural 10	Rural 40
Use	Rural 10	Rural 40
Accessory buildings and uses customarily incidental to conditional uses	C	C
Accessory buildings and uses customarily incidental to permitted uses	P	P
Animal shelter, commercial	C	C
Animal shelter, private	P	P
ATV tours & rentals	-	-
Building with a height greater than 35 feet	C	C
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
Educational Shop	C	C
Fruit, fruit juice store; fruit and/or vegetable stand, or store	P	P
Gift shop; incidental to permitted uses	P	P
Golf courses	C	C
Helicopter tours	-	-
Helipad, private	-	C
Parks and other recreational areas	C	C
Parking lot incidental to a use conducted on the premises	P	P
Public parks and playground	P	P
Reception center and/or wedding chapel	P	P
Recreational center, recreational camp, facilities or area that is private and/or commercial	P	P

Recreational vehicle park	-	C
Restaurant	C	C
Shooting Range	C	C
Spa	C	C
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work	P	P
Tourist and tour guide companies or services	C	P
4x4 Vehicle tours & rentals	-	-

- Surrounding parcels are zoned AG, AG-FAA and R-1.
- The parcel would gain access from Johnson Canyon Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice and a sign has been posted near the parcel.
- 9-5A-1: PURPOSE:**  
To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- 9-5B-1: PURPOSE:**  
Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2020-14, 6-23-2020)
- Kane County General Plan, Preamble: Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
- Kane County General Plan, Industrial and Commercial Land Use: **Industrial and commercial land uses are usually located at major highway intersections and near established communities.** Much of the existing commercial and industrial activity has been annexed into adjacent communities.

**Conclusion:** The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of

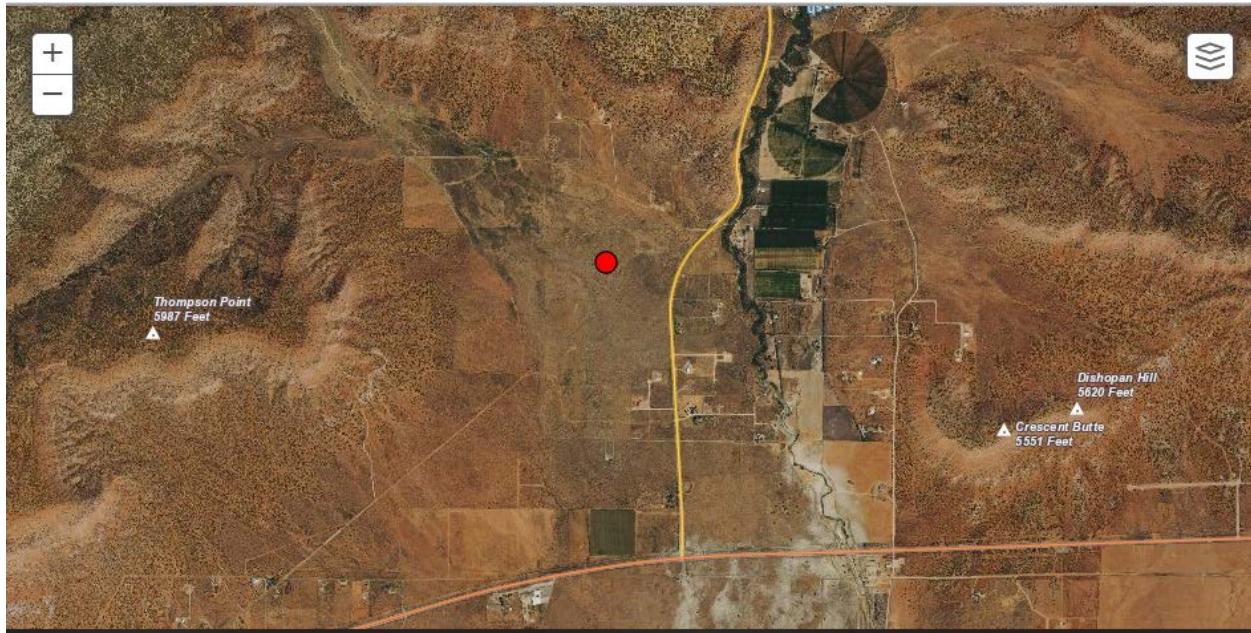
surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan.

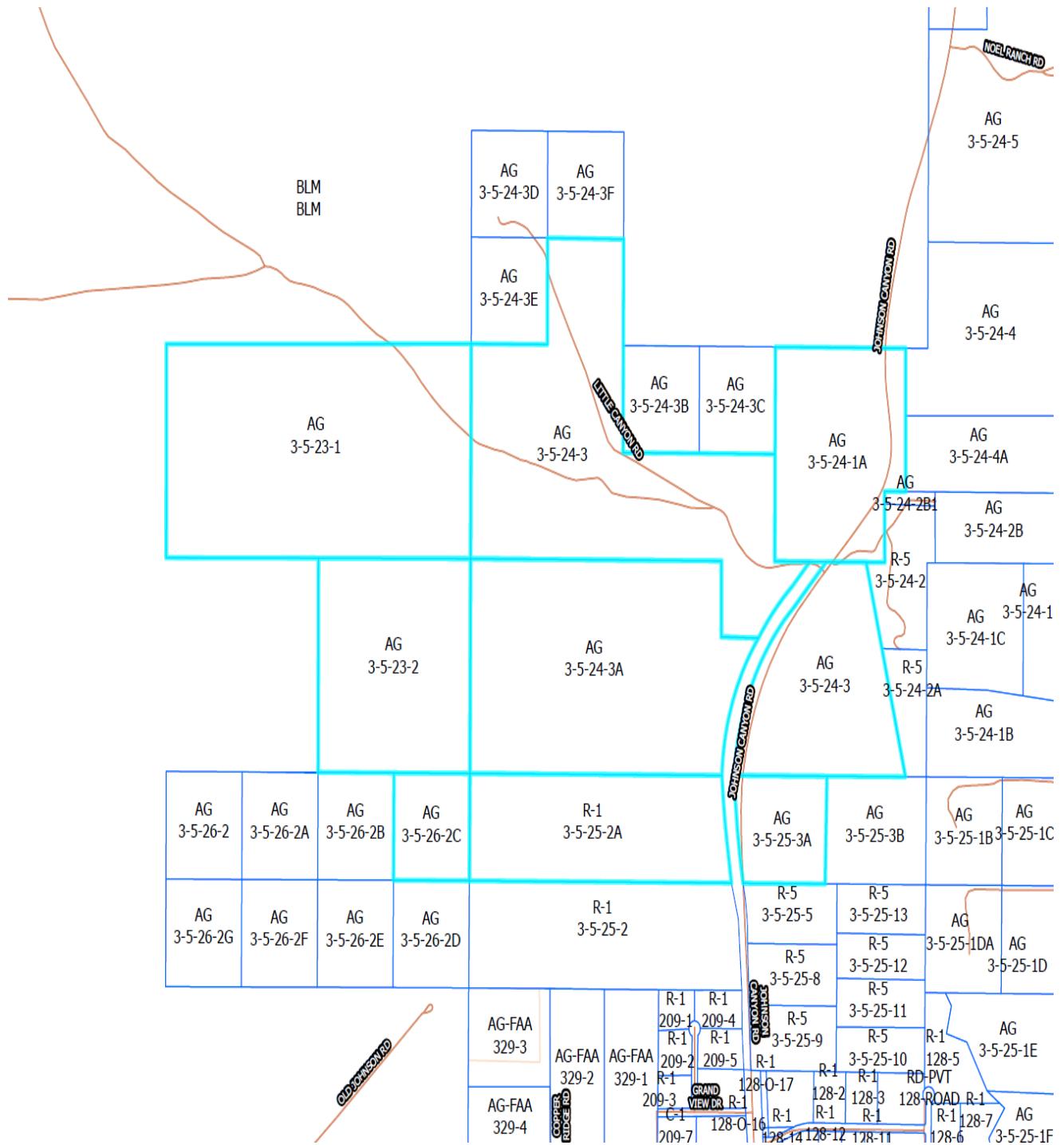
Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner;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

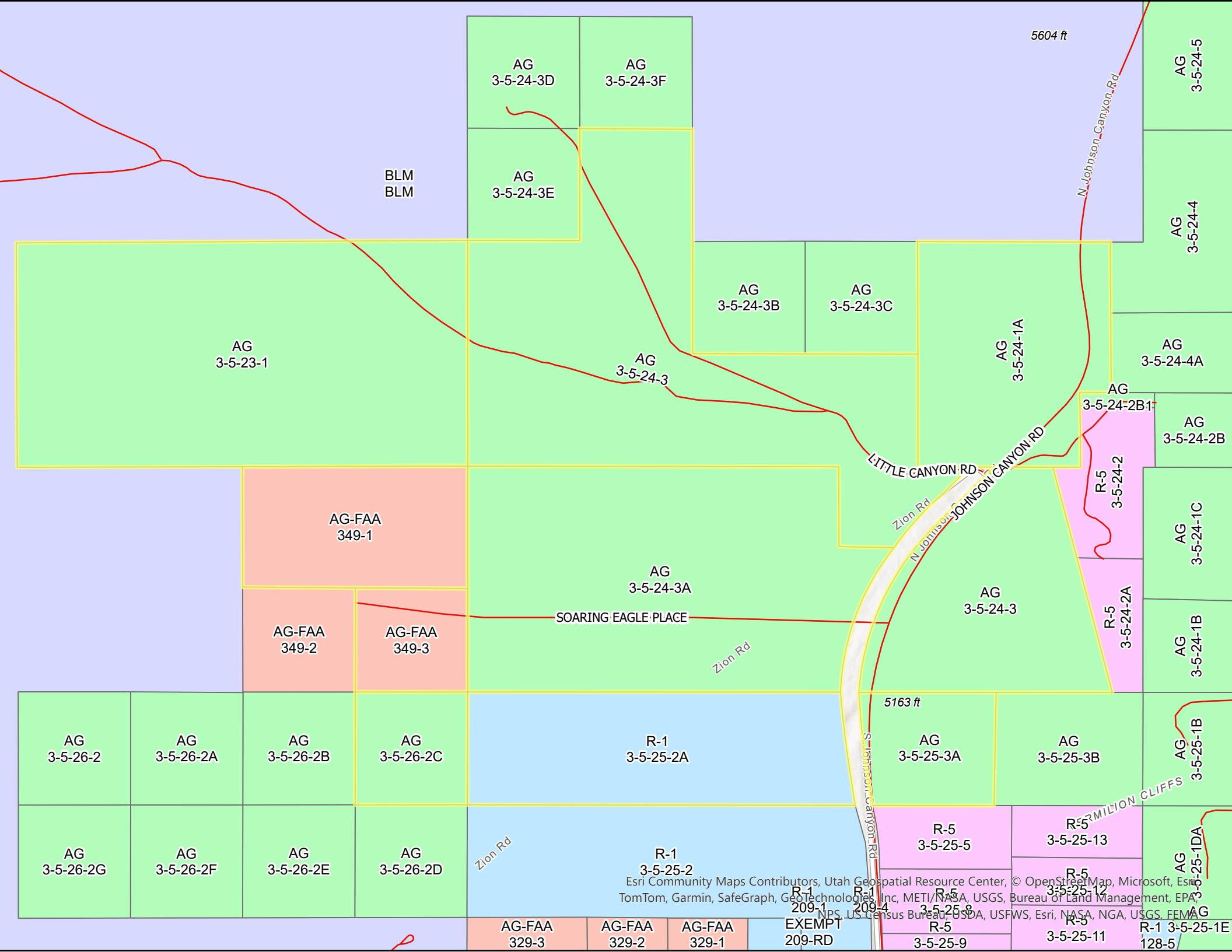
If the zone change amendment is adopted, the regulations of the new zone of RU-10 can be found in the Kane County Land Use Ordinance, Chapter 5: Agriculture and Rural Zones.

**MOTION: I move to recommend denying/approving the zone change from AG to RU-10 for parcel 3-5-24-3A, & Ordinance O-2024-07 to the County Commission based on the facts and findings as documented in the staff report.**









**KANE COUNTY ORDINANCE NO. O 2024-07**

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 3-5-24-3A  
FROM AGRICULTURE TO RURAL 10**

**WHEREAS**, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance **9-5B-1: PURPOSE**: Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2020-14, 6-23-2020)

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

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

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 3-5-24-3A from AG to Rural 10;

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

Parcel 3-5-24-3A

Acres 71.34

**LEGAL DESCRIPTION:** PARCEL 1: THE SW/4SW/4 OF SEC 24 T43S R5W SLB&M. CONT 40.0 AC, M/L.

PARCEL 2: THAT PORTION OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M, LYING WLY OF THE JOHNSON CANYON ROAD.

LESS & EXCEPTING THEREFROM:

BEG AT THE NE COR OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M & RUN TH W 467.0 FT; TH S 467.0 FT; TH E 467.0 FT; TH N 467.0 FT TO THE PT OF BEG. CONT 5.0 AC,M/L. (LEAVING 29 AC M/L)

RESERVING UNTO THE GRANTOR, HIS HEIRS OR ASSIGNS, A R/W EASEMENT FOR INGRESS & EGRESS & PUBLIC UTILITIES OVER, UNDER & ACROSS THE S 66.0 FT OF PARCELS 1 & 2 DESC'D ABOVE FOR THE BENEFIT OF THE FOLLOWING DESC'D PROP:

THE SE/4SE/4 OF SEC 23 T43S R5W SLB&M

Is hereby rezoned from AG to Rural 10 and shall from here forth be zoned.

---- END OF ORDINANCE ----

This Ordinance shall be deposited in the Office of the County Clerk, and recorded in the Kane County Recorder's Office and shall take effect fifteen (15) days after the date signed below. Utah State Code 17-53-208 (3) (a).

The County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

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Chameill Lamb  
Kane County Clerk

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Patty Kubeja, Chair  
Board of Commissioners Kane County

Commissioner Heaton voted \_\_\_\_\_  
Commissioner Kubeja voted \_\_\_\_\_  
Commissioner Meyeres voted \_\_\_\_\_

**Public Hearing**  
**5. Zone change/Ordinance 2024-08: Rogers**

An application for a zone change from Agricultural FAA (AG-FAA) to Rural 10 (RU-10), parcels 256-6, 256-7, 256-8, and 256-9 totaling 40 acres, in the Paunsagunt Ranches Rural Unimproved Subdivision, located off of Lutherwood Road near Tod's Junction and the Oaken Acres Subdivision. Submitted by Bart Battista, Cliffside Engineering PLLC, holding power of attorney.



# KANE COUNTY LAND USE AUTHORITY

Shannon McBride  
LAND USE AUTHORITY  
ADMINISTRATOR

## **DRAFT Staff Report**

**DATE:** February 15, 2024

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**To:** Planning Commission  
**From:** Shannon McBride, Land Use Administrator  
**Subject:** Project # 24010: Zone Change Application, AG-FAA to RU-10, Ordinance O-2024-08  
Parcels 256-6, 256-7, 256-8, and 256-9 each consisting of 10 acres with a total of 40 acres.

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

PROPERTY PROJECT HISTORY	
Project Number	Vacant Land
240010	Current zone is AG-FAA Rural Unimproved Subdivision

**REQUEST:** On February 13, 2024, Michael Field Rogers, submitted a zone change application for parcels 256-6, 256-7, 256-8, and 256-9, in the Paunsaugunt Ranches Rural Unimproved Subdivision, located off of Lutherwood Road near Tod's Junction, close to the Oaken Acres Subdivision, requesting to rezone from AG-FAA to RU-10. Bart Battista, acting with Power of Attorney will present the project.

**BACKGROUND:** Parcels 256-6, 256-7, 256-8, and 256-9 are in the Paunsaugunt Ranches Rural Unimproved Subdivision and are assigned AG-FAA zoning. Kane County's most restrictive zoning is assigned to Rural Unimproved Subdivision/Splits due to using the AG-FAA exemption to create separate parcels and not going through the full subdivision process.

**LEGAL DESCRIPTION:** ALL of parcels 256-6, 256-7, 256-8, and 256-9 in the Paunsaugunt Ranches, A Rural Unimproved Subdivision.

### **FACTS & FINDINGS:**

- Parcels 256-6, 256-7, 256-8 and 256-9 meet the minimum acreage required to be zoned RU-10. The parcel is currently zoned AG-FAA.
- The developer requests RU-10 zoning which requires a zone change.
- If the zone change is approved all uses contained in the RU-10 uses table will be allowed.

The current uses are as stated below:

**9-5A-3: USES TABLE:**

Uses	AG	AG-FAA
Uses	AG	AG-FAA
Accessory buildings and uses customarily incidental to conditional uses	C	C
Accessory buildings and uses customarily incidental to permitted uses	P	P
Agricultural industry or business including all livestock marketing, production, and wholesale	P	P
Agricultural tourism (agritourism)	P	P
Animal feed lot	P	P
Animal feeding operation	C	C
Apiary (beehives)	P	P
Automatic car wash	-	-
Automobile fuel filling station	-	-
Aviary	P	P
Bed and breakfast	P	-
Beer sales at public recreational facilities	C	-
Billiards or pool hall	-	-
Bowling alley; commercial skating	-	-
Boxing arena	-	-
Campground, glamp-ground, up to 7 sites for lots of 10 acres or more.	C	-
Cannabis, Marijuana, Hemp (without state license)	-	-
Cannabis production establishment (with state cannabis production establishment license) (must be located at least twelve and a half (12.5) miles away from any community location as the crow flies)	P	P
Commercial dwelling or residential facilities for elderly or disabled persons	P	-
Construction equipment and supply trailer, temporary	P	-
Convenience store with gasoline sales	-	-
Cottage industry that may be permitted to employees that reside outside of the dwelling providing adequate off street parking can be made available on the property	C	C
Dams, reservoirs and hydroelectric facilities	C	C
Dude ranch, family vacation ranch	C	C
Dwelling	P	P
Electrical power substation	C	C
Farms devoted to raising of chickens, turkeys or other fowl or poultry, fish and frogs	P	P
Forestry	P	P
Guest homes	P	P
Home occupation	P	P
Hotel, motel, inn	-	-
Industrial hemp (with state industrial hemp license) (must be located at least twelve and a half (12.5) miles away from any community location as the crow flies)	P	P
Kennel and/or cattery commercial or private	P	P

Large CAFO-Light	-	-
Large CAFO-Heavy	-	-
Lodges	C	-
Logging and lumber harvesting	P	P
Medical cannabis (with state medical cannabis license) (must be located at least twelve and a half (12.5) miles away from any community location as the crow flies)	P	P
Nightclub/social club	-	-
Parks	P	P
Park model	P	P
Parks, public	P	P
Personal agriculture, including crop production, grazing and pasturing of animals	P	P
Plant materials nursery or greenhouse	P	P
Power generation for on site use under 50 kVA	P	P
Private airstrip	C	C
Private cemetery	P	P
Private roads	P	P
Processing and composting of State regulated Class A, B, and C biosolids and other acceptable organic waste such as chicken manure	C	C
Production agriculture, including crop and grazing and pasturing of animals	P	P
Public, quasi-public, and private service utility lines, pipelines, power lines, excluding overhead lines with base structure over 70 feet in height	P	P
Public recreational grounds and facilities	C	C
Public riding stable, riding academy or riding ring, horse show barns, or facilities	P	P
Public use, quasi-public use, essential services, including accredited private school, with a curriculum corresponding to a public school	C	C
Radio and television transmitting stations and towers and wireless communications towers	C	C
Recreational vehicle park	-	-
Reservoir and hydroelectric facilities	C	C
Residential facilities	P	P
Second family dwelling for the household of a hired man or seasonal laborer, or members of owner's family	P	P
Seed/feed sales with no store front	P	P
Solar panels on a larger scale than residential producing 25 kW and above	C	C
Solar panels producing below 25 kW of energy	P	-
Solar power plant	C	-
Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment	P	-
Surface mines, quarries and gravel pits	C	-
Tourist based companies	P	-
Truck stop and truck wash	-	-
Underground mining, including underground and surface for mining and transporting of minerals and for processing such minerals for sale or use	C	-

Uses if zone change is approved the following uses table applies:

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

Use	Rural 10	Rural 40
Use	Rural 10	Rural 40
Accessory buildings and uses customarily incidental to conditional uses	C	C
Accessory buildings and uses customarily incidental to permitted uses	P	P
Animal shelter, commercial	C	C
Animal shelter, private	P	P
ATV tours & rentals	-	-
Building with a height greater than 35 feet	C	C
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
Educational Shop	C	C
Fruit, fruit juice store; fruit and/or vegetable stand, or store	P	P
Gift shop; incidental to permitted uses	P	P
Golf courses	C	C
Helicopter tours	-	-
Helipad, private	-	C
Parks and other recreational areas	C	C
Parking lot incidental to a use conducted on the premises	P	P
Public parks and playground	P	P
Reception center and/or wedding chapel	P	P
Recreational center, recreational camp, facilities or area that is private and/or commercial	P	P
Recreational vehicle park	-	C
Restaurant	C	C
Shooting Range	C	C
Spa	C	C
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work	P	P
Tourist and tour guide companies or services	C	P
4x4 Vehicle tours & rentals	-	-

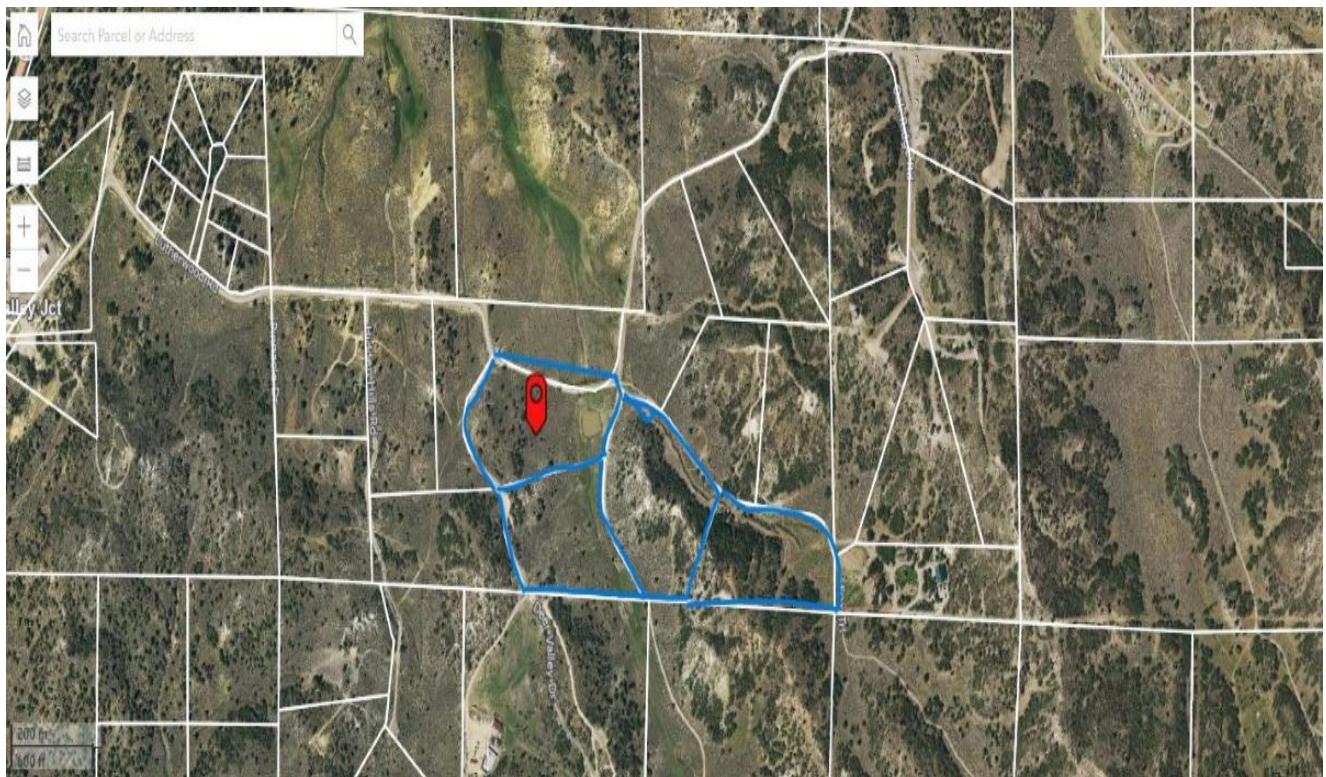
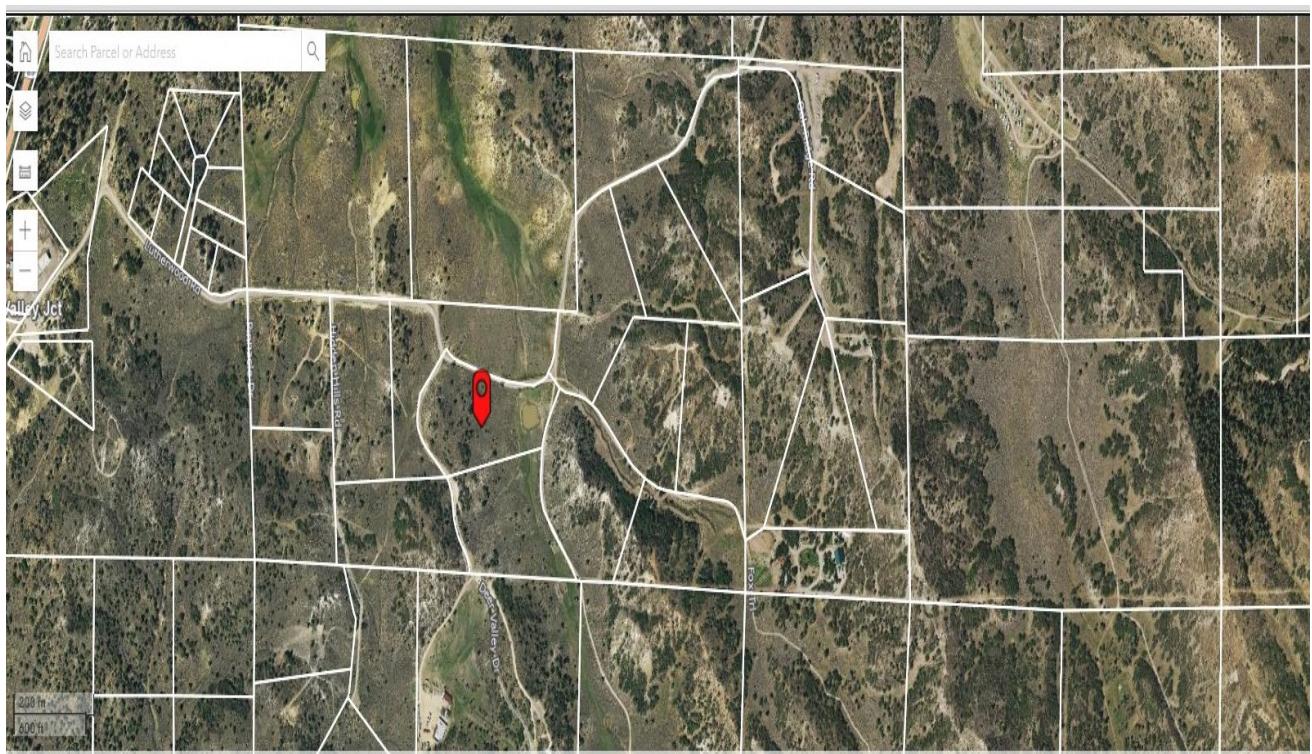
- Surrounding parcels are zoned AG, AG-FAA.
- The parcel would gain access from Highway 89 and Lutherwood Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice and a sign has been posted near the parcel.
- **Agricultural Zone 9-5A-1: PURPOSE:** To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **Rural 10 Zone 9-5C-1: PURPOSE:** Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2023-03, 1-24-2023)
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
- **Kane County General Plan, Industrial and Commercial Land Use:** **Industrial and commercial land uses are usually located at major highway intersections and near established communities.** Much of the existing commercial and industrial activity has been annexed into adjacent communities.

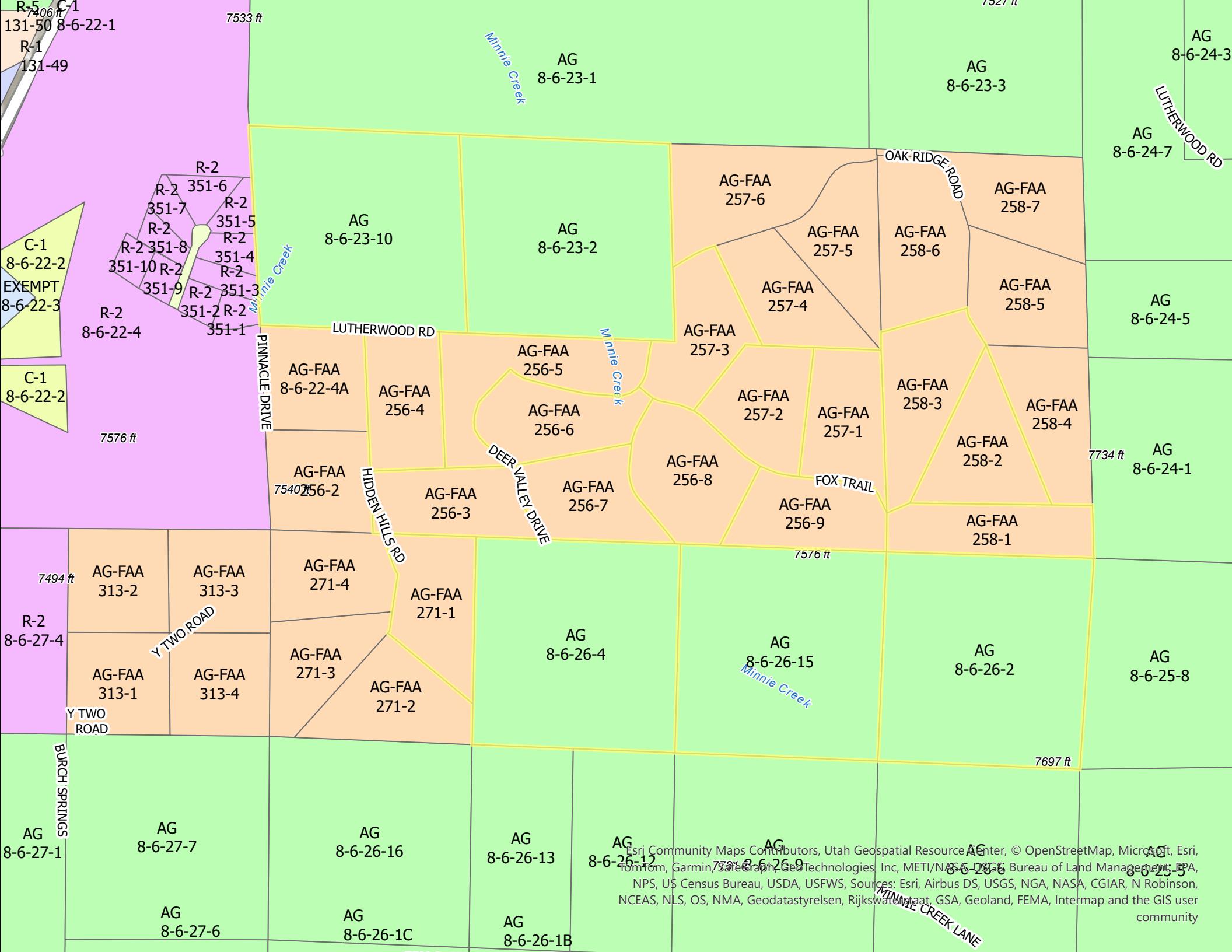
**Conclusion:** The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan.

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

If the zone change amendment is adopted, the regulations of the new zone of RU-10 can be found in the Kane County Land Use Ordinance, Chapter 5: Agriculture and Rural Zones.

**MOTION: I move to recommend denying/approving the zone change from AG-FAA to RU-10 for parcels 256-6, 256-7, 256-8, and 256-9, & Ordinance O-2024-08 to the County Commission based on the facts and findings as documented in the staff report.**





**KANE COUNTY ORDINANCE NO. O 2024-07**

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 3-5-24-3A  
FROM AGRICULTURE TO RURAL 10**

**WHEREAS**, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance **9-5B-1: PURPOSE**: Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2020-14, 6-23-2020)

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

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

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 3-5-24-3A from AG to Rural 10;

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

Parcel 3-5-24-3A

Acres 71.34

**LEGAL DESCRIPTION:** PARCEL 1: THE SW/4SW/4 OF SEC 24 T43S R5W SLB&M. CONT 40.0 AC, M/L.

PARCEL 2: THAT PORTION OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M, LYING WLY OF THE JOHNSON CANYON ROAD.

LESS & EXCEPTING THEREFROM:

BEG AT THE NE COR OF THE SE/4SW/4 OF SEC 24 T43S R5W SLB&M & RUN TH W 467.0 FT; TH S 467.0 FT; TH E 467.0 FT; TH N 467.0 FT TO THE PT OF BEG. CONT 5.0 AC,M/L. (LEAVING 29 AC M/L)

RESERVING UNTO THE GRANTOR, HIS HEIRS OR ASSIGNS, A R/W EASEMENT FOR INGRESS & EGRESS & PUBLIC UTILITIES OVER, UNDER & ACROSS THE S 66.0 FT OF PARCELS 1 & 2 DESC'D ABOVE FOR THE BENEFIT OF THE FOLLOWING DESC'D PROP:

THE SE/4SE/4 OF SEC 23 T43S R5W SLB&M

Is hereby rezoned from AG to Rural 10 and shall from here forth be zoned.

---- END OF ORDINANCE ----

This Ordinance shall be deposited in the Office of the County Clerk, and recorded in the Kane County Recorder's Office and shall take effect fifteen (15) days after the date signed below. Utah State Code 17-53-208 (3) (a).

The County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

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Chameill Lamb  
Kane County Clerk

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Patty Kubeja, Chair  
Board of Commissioners Kane County

Commissioner Heaton voted \_\_\_\_\_  
Commissioner Kubeja voted \_\_\_\_\_  
Commissioner Meyeres voted \_\_\_\_\_

**Public Hearing**  
**6. Lot Joinder: Guy**

An application to amend a subdivision plat for a lot line adjustment joining lots 57 & 58, becoming new lot 57 consisting of 1.06 acres, and vacating (2) 7.5' utility easements, Strawberry Valley Estates, Unit 4. Submitted by Mike Stewart, Red Sands Geometrics, holding power of attorney.

**Kane County Planning & Zoning  
Land Use Authority  
Shannon McBride, Administrator**



**STAFF REPORT**

**DATE:** 2/27/24

**PROJECT:** A complete application for Amending a Subdivision Plat for a lot joinder, and vacating two 7.5 ft. public utility easements, on behalf of Timothy S. Guy and Jacqueline C. Guy, in the Strawberry Valley Estates, Unit 4, lots 57 & 58 becoming new amended lot 57, consisting of 1.06 acre, within the SW ¼, Section 20, T38S, R7W SLB & M. The project was submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney. All lots are zoned Residential ½, as are all surrounding lots. The zoning will remain the same.

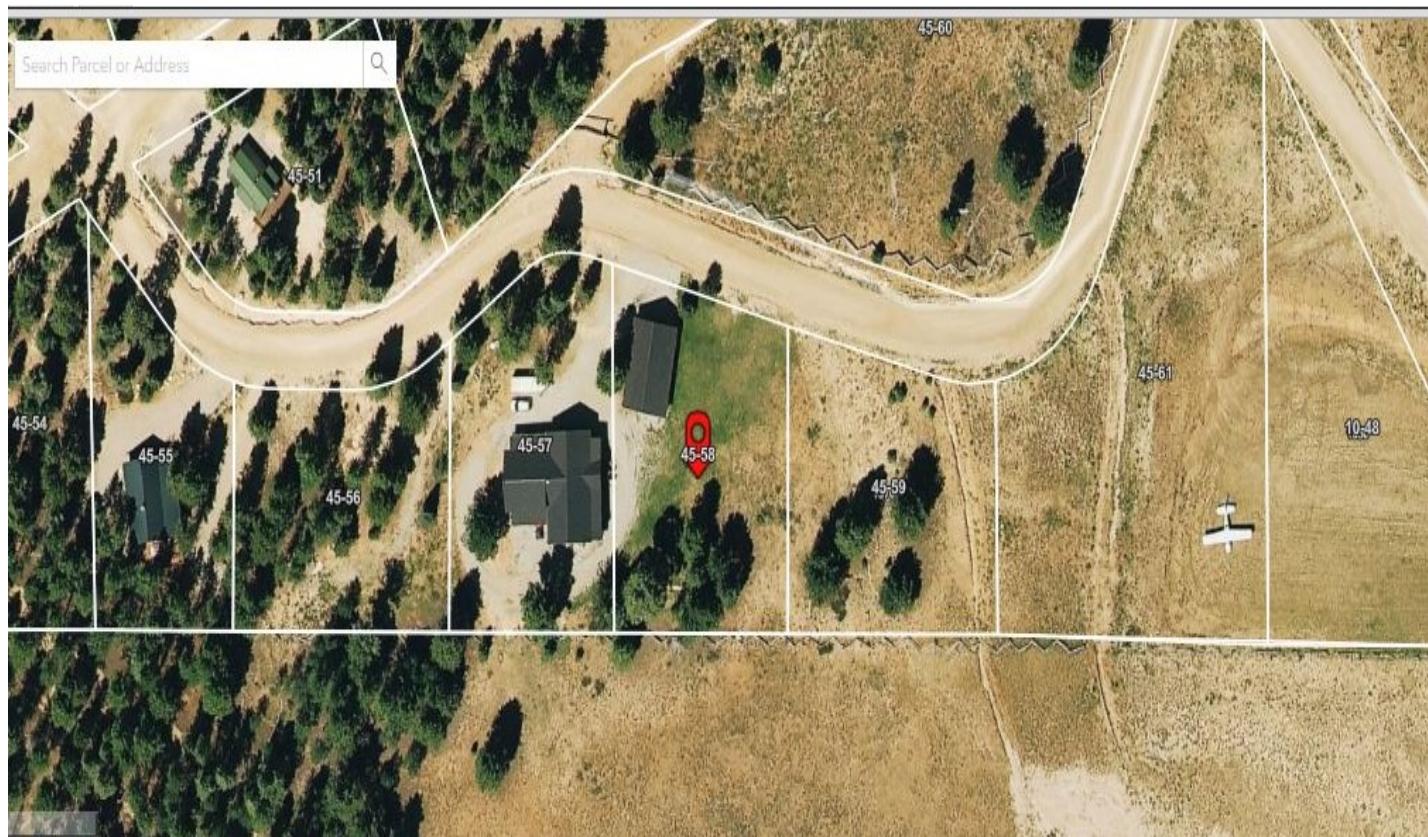
The reason for the lot joinder request is to save on taxes.

**FINDINGS:** Amending (joining) the lots and vacating two 7.5-foot public utility 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 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 lots complies with all state and local ordinances.

**STAFF DETERMINATIONS:** Kane County Engineer, Tom Avant, 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 amending a subdivision plat for a lot joinder, and vacating two 7.5 ft. utility easements, in the Strawberry Valley Estates, Unit 4, lots 57 & 58 becoming new amended lot 57, on behalf of Timothy S. and Jacqueline C. Guy, based on the findings documented in the staff report.

**THANK YOU.**



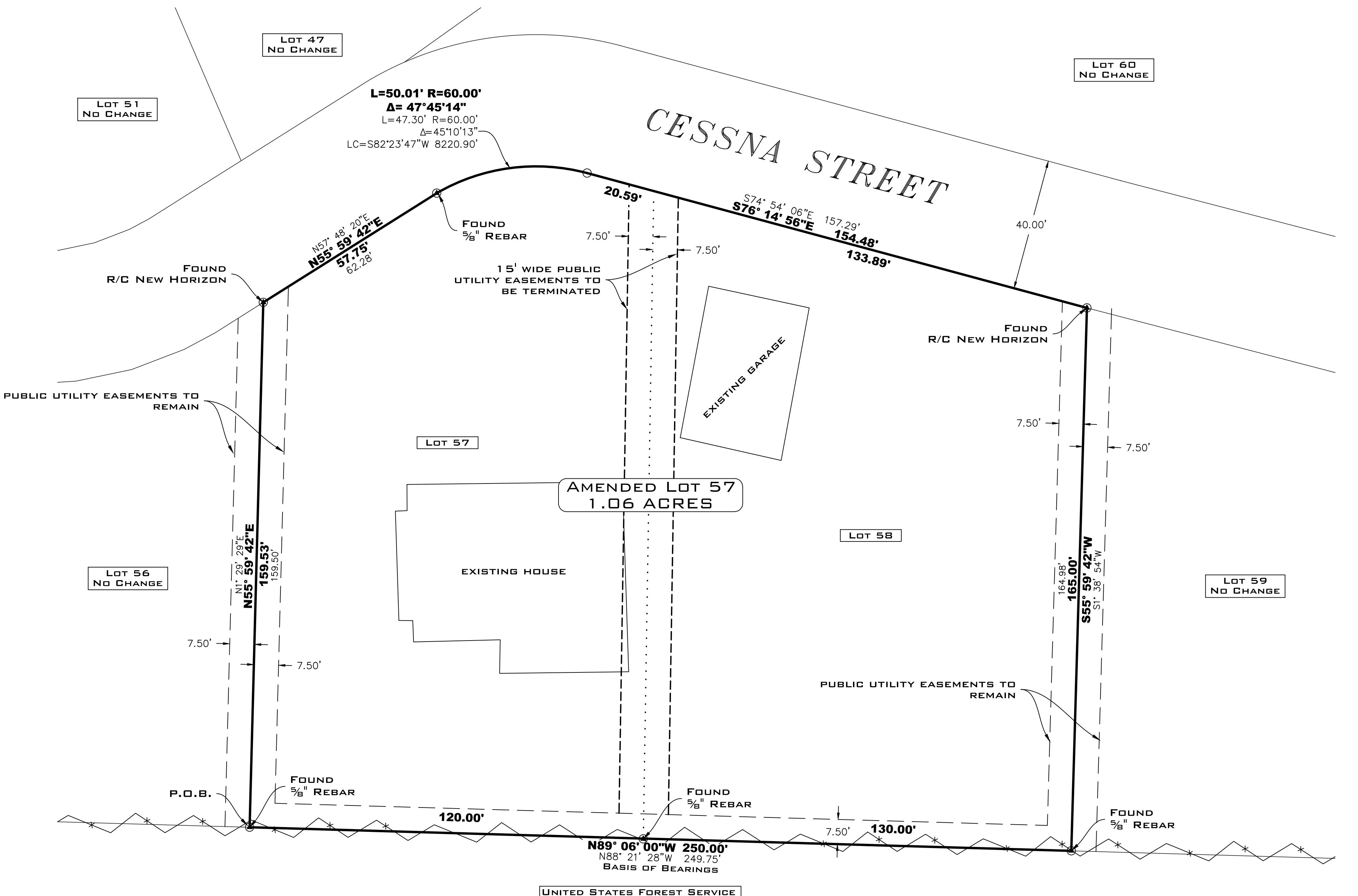
76 North Main Street, Kanab, Utah 84741



# AMENDED LOTS 57 & 58

## STRAWBERRY VALLEY ESTATES UNIT 4

WITHIN SECTION 20, TOWNSHIP 38 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN



OWNERSHIP: TIMOTHY S & JACQUELINE C GUY

1377 ROMANESCA DR, HENDERSON, NV 89052

SURVEY DATE: JUNE 23, 2023

AS PART OF THIS SURVEY, RED SANDS GEOMATICS, LLC HAS CONDUCTED FIELD SEARCHES FOR EVIDENCE AND MONUMENTATION. FOUND EVIDENCE AND MONUMENTATION IS REPRESENTED HEREON. DOCUMENTS OF RECORD REVIEWED AND CONSIDERED AS PART OF THIS SURVEY ARE NOTED BELOW. THERE MAY EXIST OTHER EVIDENCE, MONUMENTATION AND DOCUMENTS THAT COULD AFFECT THIS SURVEY. NEW EVIDENCE, MONUMENTATION, OR DOCUMENTS THAT MAY ALTER THE CONCLUSIONS OF THIS SURVEY SHOULD BE PRESENTED TO THE SURVEYOR FOR HIS REVIEW AND CONSIDERATION.

• OFFICIAL PLAT OF STRAWBERRY VALLEY ESTATES, UNIT 4 (MAP 45)  
• STRAWBERRY VALLEY ESTATES UNIT 4, AMENDED LOTS 45-48 & 61-62



**RED SANDS**  
GEOMATICS  
LAND SURVEYING, LIDAR, & GIS

PERSONALIZED PROFESSIONAL SOLUTIONS  
262 E 200 S KANAB, UTAH REDSANDSGEOMATICS.COM

### SURVEYOR'S CERTIFICATE

I, MICHAEL J STEWART, A PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 12480028, HOLD THIS LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED THIS PLAT OF THE PROPERTY DESCRIBED HEREIN IN ACCORDANCE WITH SECTION 17-23-17 AND THE 2010 UCCLS STANDARDS OF PRACTICE. I CERTIFY THAT I HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE HERON OWNERS, I HAVE MADE THIS PLAT OF: "AMENDED LOTS 57 AND 58, STRAWBERRY VALLEY ESTATES UNIT 4".

MICHAEL J. STEWART UT PLS 12480028

DATE

### SURVEY NARRATIVE

THE PURPOSE OF THIS AMENDED PLAT IS TO JOIN LOTS 57 AND 58. THIS AMENDMENT WAS REQUESTED BY THE OWNERS. ALL OTHER LOTS AND DIMENSIONS REMAIN UNCHANGED. I HAVE CONDUCTED A FIELD SURVEY OF THE SHOWN PROPERTY AND HAVE DISCOVERED DIFFERENCES IN RECORDED BEARINGS AND DISTANCES WHICH ARE SHOWN FOR INFORMATIONAL AND RETRACEMENT PURPOSES ONLY. DUE TO THE LEGAL AND CONVEYING CHARACTERISTIC OF A SUBDIVISION PLAT, PRIORITY IS BEING PLACED UPON THE ORIGINAL BEARING AND DISTANCES WHICH HAVE BEEN BOLDED ON THIS PLAT. IT IS THE INTENT OF THIS AMENDMENT TO ONLY CHANGE THE ABOVE MENTIONED LOTS AND TO LEAVE EVERYTHING ELSE AS IT HAS BEEN RECORDED, RELIED UPON, AND CONVEYED IN DEEDS AND OTHER LEGAL DOCUMENTS, THIS PRESERVING THE INTEGRITY AND BONA FIDE RIGHTS OF ADJACENT OWNERS (UTAH STATE CODE: 17-27A-6). EASEMENTS AFFECTED BY THIS AMENDMENT ARE DEPICTED HEREON. THE BASIS OF BEARINGS FOR THIS SURVEY IS NBB°21'28"W 249.75 FEET, AS MEASURED BETWEEN THE SOUTHEAST CORNER AND THE SOUTHWEST CORNER OF AMENDED LOT 57. THE GPS COORDINATE SYSTEM USED IN FIELD MEASUREMENTS WAS THE UTAH COORDINATE SYSTEM 1983 SOUTH ZONE SCALED TO GROUND.

THE SURVEYED SOUTH, EAST, AND WEST LINES OF AMENDED LOT 57 MATCH RECORD WELL. THE LINES AND CURVE FRONTING THE STREET, ARE A FEW FEET LONGER THAN RECORD. THIS PROPERTY LINE WAS REESTABLISHED BY SINGLE PROPORTION BASED ON THE FOUND MONUMENTS SHOWN. THE NORTHEAST CORNER OF ORIGINAL LOT 58 APPEARS TO BE AN ORIGINAL  $\frac{5}{8}$ " REBAR THAT WAS CAPPED BY NEW HORIZON AS SHOWN IN THE REFERENCED DOCUMENTS.

### LEGAL DESCRIPTION

NOTE: THE BELOW DESCRIBED DESCRIPTION DOES NOT MATHEMATICALLY CLOSE BY 3.39'. THEREFORE, TO KEEP IN HARMONY WITH THE RECORD PLAT AND OTHER REASONS STATED IN THE NARRATIVE, I HOLD TO THE RECORD BEARINGS AND DISTANCES FOR THE BASIS OF THIS DESCRIPTION AS FOUND ON THE ORIGINAL RECORDED PLAT OF STRAWBERRY VALLEY ESTATES UNIT 4.

ALL OF LOTS 57 AND 58 OF STRAWBERRY VALLEY ESTATES UNIT 4 AS RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST LOT CORNER OF SAID LOT 57; THENCE, ALONG THE WEST LINE OF SAID LOT 57, NORTH 00° 54' 00" EAST 159.53 FEET, TO THE SOUTHERLY RIGHT-OF-WAY OF CESSNA STREET; THENCE, ALONG SAID RIGHT-OF-WAY AS-FOLLOWS, NORTH 58° 59' 42" EAST 57.75 FEET, TO THE BEGINNING OF A CURVE; THENCE, ALONG THE CURVE TURNING TO THE RIGHT 50.01 FEET, WITH A CENTRAL ANGLE OF 45° 10' 13", HAVING A RADIUS OF 60.00 FEET; THENCE SOUTH 76° 14' 56" EAST 154.48 FEET, TO THE NORTHEAST CORNER OF SAID LOT 58; THENCE, ALONG THE EAST LINE OF SAID LOT 58, SOUTH 00° 54' 00" WEST 165.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 58; THENCE, ALONG THE SOUTH LINE OF SAID LOT 58, NORTH 89° 06' 00" WEST 250.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 1.06 ACRES (MORE OR LESS).

### OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE RESPECTIVE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY EXECUTE THE SAME TO COMBINE LOTS 57 AND 58 OF STRAWBERRY VALLEY ESTATES, UNIT 4, AS BEING KNOWN AS AMENDED LOTS 57 AND 58 STRAWBERRY VALLEY ESTATES, UNIT 4. THE UNDERSIGNED HEREBY DEDICATE ALL OF AMENDED LOTS 57 AND 58 STRAWBERRY VALLEY ESTATES, UNIT 4, AS SET FORTH HEREIN, TO TIMOTHY S. GUY AND JACQUELINE C. GUY, THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. IN WITNESS WHEREOF, WE HAVE SET OUR HAND THIS 20 DAY OF JUNE, 2023.

TIMOTHY S. GUY AND JACQUELINE C. GUY  
AS TO: LOTS 57 AND 58

TIMOTHY S. GUY

JACQUELINE C. GUY

### ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF KANE )  
S.S. )  
ON THE 20 DAY OF JUNE, 2023, TIMOTHY S. GUY AND JACQUELINE C. GUY PERSONALLY APPEARED BEFORE ME, AND DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME.

NOTARY PUBLIC FULL NAME: \_\_\_\_\_  
COMMISSION NUMBER: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_  
A NOTARY PUBLIC COMMISSIONED IN \_\_\_\_\_

NOTARY PUBLIC (SIGNATURE)  
NO STAMP REQUIRED (UTAH CODE 46-1-16(6))

REV. #	DATE	DESCRIPTION	SHEET

1 OF 1

**Public Hearing**  
**7. Amended Plat: Bean/Chournos**

An application to vacate, amend & extend a subdivision plat to adjust the lot line between parcel 297-1 in the Square One Rural Unimproved Subdivision and parcel 317-1 in the Johnson Canyon Estates Rural Unimproved Subdivision. Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

**Kane County Planning & Zoning  
Land Use Authority  
Shannon McBride, Administrator**



**DRAFT STAFF REPORT**

**DATE:** 2/16/24

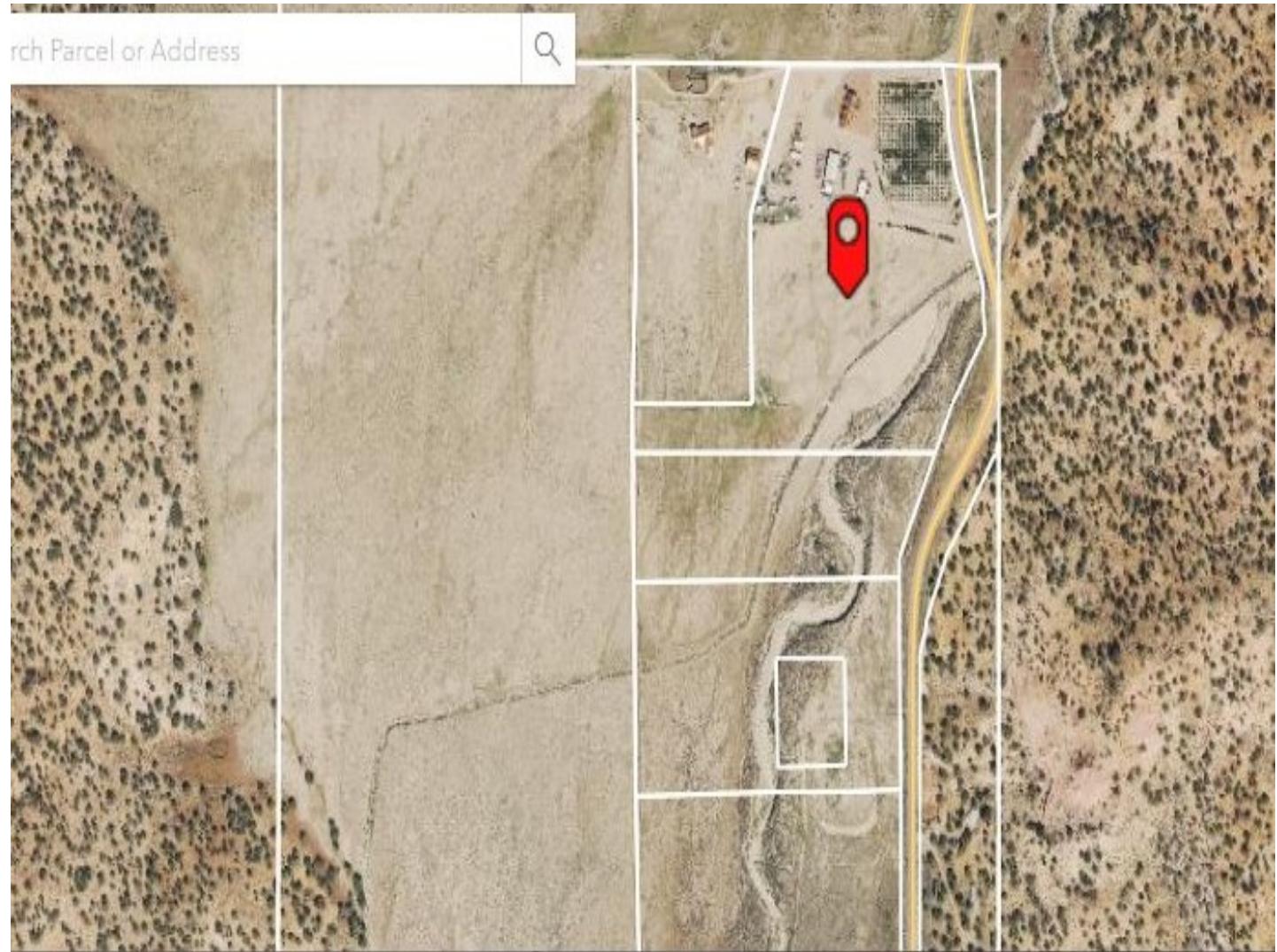
**PROJECT:** A complete application has been submitted for the Johnson Canyon Estates, Platted Unimproved Subdivision (PLUS) Amended 2, and the Square One Rural Unimproved Subdivision to amend, extend and vacate a subdivision plat for a lot line adjustment (Ordinance 2024-09), on behalf of the Roland Bean Living Trust, The Melissa Bean Living Trust, and Lanse Chournos, adjusting the parcel lines between parcels 297-1 and 317-1; vacating .85 acre portions out of each lot and adding it back into the lots by a parcel line adjustment. Therefore, acreage is being exchanged by this lot line adjustment. The application was submitted by Iron Rock Engineering, holding power of attorney.

**FINDINGS:** The application for Amending, Extending and Vacating the plat of the Johnson Canyon Platted Unimproved Subdivision (PLUS) and Square One Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). Johnson Canyon Estates, PLUS and Square One RUS both comply with Kane County Land Use Ordinance, Title 9, Chapter 21, Subdivision Regulations, Article E-9. All requirements for rights-of-way and EXISTING easements conform to the standards in the Kane County Land Use Ordinance at the time of the application for the PLUS and RUS process. No easements are being vacated. All notices are in conformance with all standards and notice requirements of §17-27a-202. A notice was posted on two public notice boards at the Kane County courthouse, Utah State website and the Kane County website. A sign was placed on the property being vacated.

- (1) A land use authority shall apply the plain language of land use regulations.
- (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
- (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

**STAFF RECOMMENDATION:** Kane County Engineer, Kelvin Smith, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, recommends approval to the Kane County Commission.

**I move to recommend approval/denial, to the County Commissioners, Ordinance 2024-09, to amend, extend and vacate amended plats for the Johnson Canyon Estates, Platted Unimproved Subdivision and the Square One Rural Unimproved Subdivision parcel/lot line adjustment, for parcels 297-1 and 317-1, based on the findings documented in the staff report.**



**JOHNSON CANYON ESTATES A**  
**PLATTED UNIMPROVED SUBDIVISION,**  
**AMENDED 2**

LOCATED IN THE NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SECTION 11,  
TOWNSHIP 42 SOUTH, RANGE 5 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 herein owners, I have made a survey of the tract of land as shown on this Plat and have amended two parcels, as shown, which are herein after known as

JOHNSON CANYON ESTATES A PLATTED UNIMPROVED SUBDIVISION, AMENDED 2

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

Thomas W. Avant, PLS - License # 5561917

date

**COMBINED PARCEL 317-1**

**Record Description:**

**Parcel 317-1:**

COMMENCING at the northwest corner of Section 11 Township 42 South, Range 5 West, Salt Lake Base and Meridian, thence South 88°41'30" East 1314.86 feet, along the Section line; thence South 00°05'02" West 1156.45 feet, to the POINT OF BEGINNING, and running; thence South 89° 57' 26" East 695.25 feet; thence North 32° 55' 08" East 61.74 feet; thence North 64° 52' 24" East 107.93 feet; thence North 55° 29' 59" East 142.09 feet; thence South 89° 34' 59" East 225.26 feet, to the Westerly right-of-way of Johnson Canyon Road; thence, along said right-of-way, South 25° 18' 47" West 220.64 feet; thence South 21° 26' 54" West 253.03 feet; thence South 20° 39' 41" West 31.65 feet; thence South 00° 30' 31" West 86.86 feet; thence, departing said right-of-way, North 89° 50' 23" West 969.50 feet; thence North 00° 05' 15" West 372.74 feet, to the POINT OF BEGINNING; containing 10.00 acres (more or less).

**NARRATIVE**

The purpose of this survey was to locate existing property corners and amend the parcel lines between Parcels 297-1 and 317-1, and mark on the ground the lines as shown on this Amended Platted Unimproved Subdivision plat at the request of the owners. 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 NW Corner of Section 11 and the N  $\frac{1}{4}$  of Section 11 with a bearing of South 88°52'48" East 2642.74' feet.

OWNER INFORMATION:  
LANSE CHOURNOS  
6199 S ZELDA DR  
ST GEORGE, UT 84790

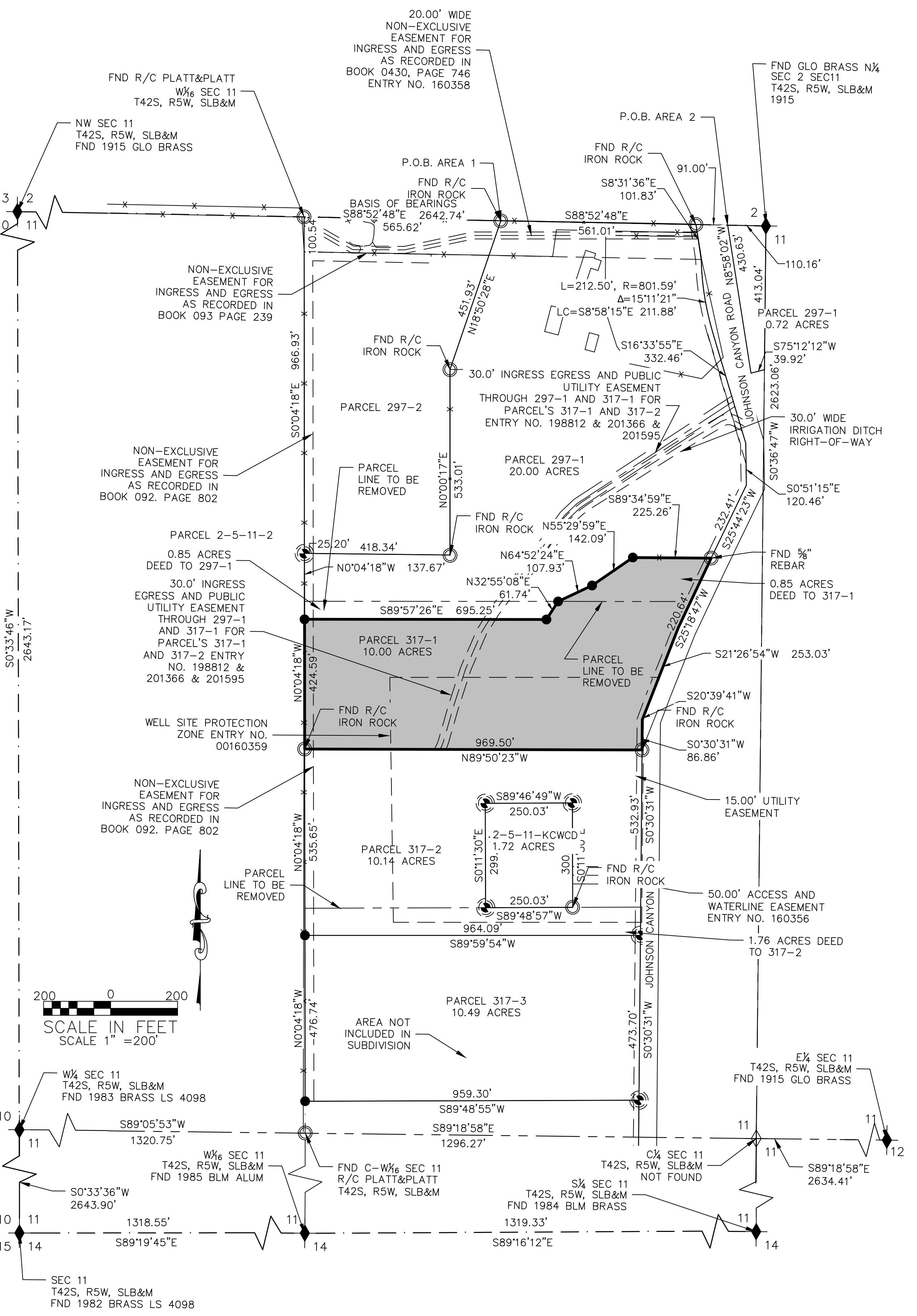
Reason for Record of Survey Plat:  
To show the amended parcel lines  
of the two rural unimproved  
subdivisions

LEGEND	
●	SET 5/8" x 24" REBAR WITH PLASTIC CAP
—	MARKED IR PLS 5561917
—	FOUND R/C ALPHA ENG
—	FOUND MONUMENT AS NOTED
—	FOUND SECTION CORNER AS NOTED
—	NOT FOUND SECTION CORNER

SURVEY BOUNDARY  
PROPERTY LINE  
PROPERTY LINE TO REMOVE  
ADJACENT PROPERTY LINE  
SECTION LINE  
1/16 SECTION LINE  
1/4 SECTION LINE  
FENCE  
EXISTING 50' WIDE PRIVATE ACCESS EASEMENT  
RECORD BEARING AND DISTANCE

INITIAL SUBMITTAL	DATE:	REV#	DATE:	DESCRIPTION:

1 OF 1
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Referenced Documents:

- Square One A Rural Unimproved Subdivision- Book 0506 Page 304
- Square One A Rural Unimproved Subdivision, AMENDED- Book 0527 Page 251
- Johnson Canyon Estates a Platted Unimproved Subdivision-Book 0531 Page 434
- Warranty Deed - Book 0440 Page 977
- Warranty Deed - Book 0438 Page 549
- Warranty Deed - Book 0438 Page 545
- Warranty Deed - Book 0438 Page 540
- Warranty Deed - Book 0438 Page 536
- Warranty Deed - Book 0438 Page 532
- Warranty Deed - Book 0436 Page 572
- Warranty Deed - Book 0270 Page 157
- Quit-Claim Deed- Entry No. 00198533
- Quit-Claim Deed- Entry No. 00198532
- Quit-Claim Deed- Entry No. 00198531

by the Kane County Commission  
We the Kane County Commission have reviewed the herein Survey and by authorization of said Kane County Commission recorded in the minutes of its meeting of the day of 20\_\_\_\_, hereby accept the same Survey with all commitments and all obligations therein made and is hereby ordered filed for record in the Office of the Kane County Recorder.

Attest: \_\_\_\_\_ Chairman - Kane County Commission  
Kane County, Utah

COUNTY SURVEYOR CERTIFICATE  
Kane County Surveyor do hereby certify that this office has examined the above Survey 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  
Kane County, Utah

Kane County Land Use Authority  
On this the day of 20\_\_\_\_, the Land Use Authority of Kane County, Utah, having reviewed the above Survey and found it to be in accordance with the requirements of the Kane County's Land Use ordinances, and by authorization of said authority hereby recommend approval of said Survey for acceptance by Kane County, Utah.

CHAIRMAN Land Use Authority, by  
Kane County, Utah

COUNTY ATTORNEY CERTIFICATE  
I, \_\_\_\_\_ Attorney for Kane County, do hereby certify that I have examined the above Survey and that it does not meet the requirements of Kane County and is hereby recommended for approval this day of 20\_\_\_\_.

KANE COUNTY ATTORNEY  
Kane County, Utah

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. \_\_\_\_\_  
DATE TIME BOOK PAGE FEE  
RECORDED AND FILED AT THE REQUEST OF:

DRAWN BY: CJM  
SCALE: 1" = 200'  
SHEET:

1 OF 1

# SQUARE ONE A RURAL UNIMPROVED SUBDIVISION, AMENDED 2

LOCATED IN THE NE 1/4, NW 1/4 SECTION 11,

TOWNSHIP 42 SOUTH, RANGE 5 WEST

SALT LAKE BASE AND MERIDIAN

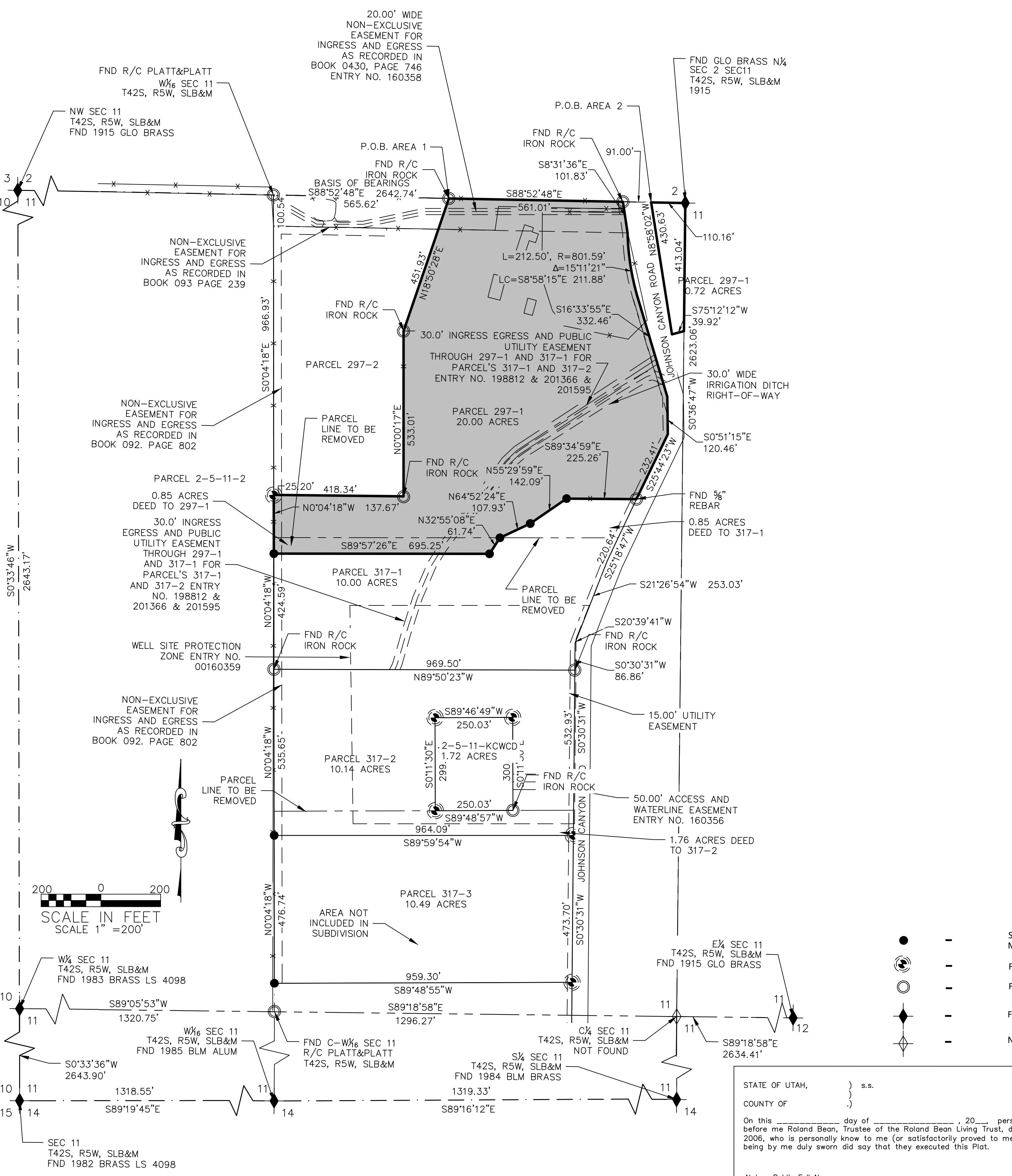


Building on Solid  
Foundations

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

SQUARE ONE  
A RURAL UNIMPROVED SUBDIVISION, AMENDED 2

JOHNSON CANYON  
JOHNSON CANYON UTAH



Referenced Documents:

- Square One A Rural Unimproved Subdivision- Book 0506 Page 304
- Square One A Rural Unimproved Subdivision, AMENDED- Book 0527 Page 251
- Johnson Canyon Estates a Platted Unimproved Subdivision-Book 0531 Page 434
- Warranty Deed - Book 0440 Page 977
- Warranty Deed - Book 0438 Page 549
- Warranty Deed - Book 0438 Page 545
- Warranty Deed - Book 0438 Page 540
- Warranty Deed - Book 0438 Page 536
- Warranty Deed - Book 0438 Page 532
- Warranty Deed - Book 0436 Page 572
- Warranty Deed - Book 0270 Page 157
- Quit-Claim Deed-Entry No. 00198533
- Quit-Claim Deed-Entry No. 00198532
- Quit-Claim Deed-Entry No. 00198531

Reason for Record of Survey Plat:  
To show the amended parcel lines  
of the two rural unimproved  
subdivisions

by the Kane County Commission  
We the Kane County Commission have reviewed the Survey and  
by authorization of said Kane County Commission recorded in the  
minutes of its meeting of the day of \_\_\_\_\_, 20\_\_\_\_\_,  
hereby accept the same Survey with all commitments and all  
obligations contained therein and is hereby ordered filed for record in  
the Office of the Kane County Recorder.

Attest: \_\_\_\_\_ Chairman -  
Kane County Commission

COUNTY SURVEYOR CERTIFICATE  
Kane County Surveyor, do  
hereby certify that this office has examined the above Survey  
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  
Kane County, Utah

Kane County Land Use Authority  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the Land  
Use Authority of Kane County, Utah, having reviewed the  
above Survey and found it to be in accordance with the  
requirements of the Kane County's Land Use ordinances,  
and by authorization of said authority hereby recommend  
approval of said Survey for acceptance by Kane County,  
Utah.  
CHAIRMAN Land Use Authority, by \_\_\_\_\_  
Kane County, Utah

COUNTY ATTORNEY CERTIFICATE  
I, \_\_\_\_\_ Attorney for Kane County, do  
hereby certify that I have examined the above Survey and  
it does not meet the requirements of Kane County and is  
hereby recommended for approval this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
KANE COUNTY ATTORNEY  
Kane County, Utah

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. \_\_\_\_\_  
DATE TIME BOOK PAGE FEE  
RECORDED AND FILED AT THE  
REQUEST OF: \_\_\_\_\_

DRAWN BY: CJM  
SCALE: 1"= 200'  
SHEET:  
1 OF 1

## 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 herein owners, I have made a survey of the tract of land as shown on this Plat and have amended two parcels, as shown, which are herein after known as

## SQUARE ONE, A RURAL UNIMPROVED SUBDIVISION AMENDED 2

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

Thomas W. Avant, PLS - License # 5561917 date \_\_\_\_\_

### COMBINED PARCEL 297-1

#### Record Description:

#### Parcel 297-1:

PARCEL 1: Square One, A Rural Unimproved Subdivision Amended.

A portion of the NE1/4 NW1/4 of Section 11 Township 42 South, Range 5 West, Salt Lake Base and Meridian, more particularly described as follows:

#### Area 1:

COMMENCING at the West 1/16 corner located on the north line of said Section 11; thence along the section line South 88°52'48" East 565.62 feet to the POINT OF BEGINNING; thence, continuing along said section line South 88°52'48" East 561.01 feet to the westerly right-of-way line of the Johnson Canyon Road; thence, along said right-of-way line South 08°31'36" East 101.83 feet to the BEGINNING of a non-tangential curve; thence along the curve to the left 212.50 feet, having a radius of 801.59 feet, a central angle of 15°1'21" and whose long chord bears South 08°58'15" East 211.88 feet; thence South 16°33'55" East 332.46 feet; thence South 00°51'15" East 120.46 feet; thence South 25°44'23" West 232.41 feet; thence, departing said right-of-way, North 89°34'59" West 225.26 feet; thence South 29°59' West 142.09 feet; thence South 64°52'24" West 107.93 feet; thence South 32°55'08" West 61.74 feet; thence North 89°57'26" West 695.25 feet, to the West 1/16 line; thence, along said line, North 00°02'25" West 189.52 feet; thence South 89°20'11" East 418.34 feet, to an existing fence running to the north; thence, along said fence line, North 00°01'17" East 533.01 feet; thence North 18°50'28" East 451.93 feet, to the POINT OF BEGINNING; containing 20.00 acres (more or less).

#### Area 2:

COMMENCING at the West 1/16 corner located on the North line of said Section 11; thence, along the section line, South 88°52'48" East 1217.63 feet, to the easterly right-of-way of Johnson Canyon Road and the POINT of BEGINNING, and running; thence, continuing along said Section line, South 88°52'48" East 110.16 feet, to the North 1/4 corner of said section; thence along the North-South 1/4 line, South 00°36'47" West 413.04 feet; thence South 75°12'12" West 39.92 feet, to said right-of-way; thence, along said right-of-way, North 08°58'02" West 430.63 feet, to the POINT of BEGINNING; containing 0.72 acres (more or less).

### NARRATIVE

The purpose of this survey was to locate existing property corners and amend the parcel lines between Parcels 297-1 and 317-1, and mark on the ground the lines as shown on this Amended Rural Unimproved Subdivision plat at the request of the owners. 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 NW Corner of Section 11 and the N 1/4 of Section 11 with a bearing of South 88°52'48" East 2642.74' feet.

### LEGEND

SET 5/8" x 24" REBAR WITH PLASTIC CAP MARKED IR PLS 5561917	SURVEY BOUNDARY
FOUND R/C ALPHA ENG	PROPERTY LINE
FOUND MONUMENT AS NOTED	PROPERTY LINE TO REMOVE
FOUND SECTION CORNER AS NOTED	ADJACENT PROPERTY LINE
NOT FOUND SECTION CORNER	SECTION LINE
	1/16 SECTION LINE
	1/4 SECTION LINE
	FENCE
	EXISTING 50' WIDE PRIVATE ACCESS EASEMENT
	RECORD BEARING AND DISTANCE

OWNER INFORMATION:  
MELISSA H. BEAN LIVING TRUST  
7295 N JOHNSON CANYON RD  
KANAB, UT 84741  
TRUSTEE, MELISSA H BEAN

OWNER INFORMATION:  
ROLAND BEAN LIVING TRUST  
7295 N JOHNSON CANYON RD  
KANAB, UT 84741  
TRUSTEES, ROLAND BEAN, SHARLA BESSIRE OR BRIAN R BEAN

INITIAL SUBMITTAL	DATE: 01/09/2024	REV#	DATE:	DESCRIPTION:

DRAWN BY: CJM
SCALE: 1"= 200'
SHEET:

1 OF 1

**KANE COUNTY ORDINANCE NO. O-2024-09**

**AN ORDINANCE AMENDING, EXTENDING AND VACATING TWO PLATS FOR  
THE JOHNSON CANYON ESTATES PLATTED UNIMPROVED SUBDIVISION AND  
THE SQUARE ONE RURAL UNIMPROVED SUBDIVISION**

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended amendments to exchange .85 acre portions between parcels 297-1 in the Square One Rural Unimproved Subdivision and parcel 317-1 in the Johnson Canyon Estates, Platted Unimproved Subdivision and;

**WHEREAS**, the application for an Amended Plat for the Johnson Canyon Estates Platted Unimproved Subdivision (PLUS) and Square One Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). Johnson Canyon Estates PLUS and Square One RUS both comply with Kane County Land Use Ordinance, Title 9, Chapter 21, Subdivision Regulations, Article E-9. All requirements for rights-of-way and existing easements conform to the standards in the Kane County Land Use Ordinance and will remain the same with this amendment.

**WHEREAS**, The Kane County Planning Commission, finding that there is good cause to vacate, extend and amend the plats and no utility or road easements are being vacated, recommended amending, extending and vacating the subdivision plats to the Kane County Commission, 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, §17-27a-202 and 605;

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

The amending, extending, and vacating of the plat lines between parcels 297-1 in the Square One Rural Unimproved and parcel 317-1 in the Johnson Canyon Platted Unimproved Subdivision.

The legal description is attached to the plat and the portions being amended are attached to this ordinance. Both documents will be recorded with this ordinance.

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, 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 \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Chameill Lamb  
Kane County Clerk

---

Patty Kubeja, Chair  
Board of Commissioners  
Kane County

Commissioner Kubeja voted \_\_\_\_\_  
Commissioner Meyeres voted \_\_\_\_\_  
Commissioner Heaton voted \_\_\_\_\_