

**Mayor**  
Colten Johnson  
**City Council**  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Boyd Corry  
Peter Banks



**City Manager**  
Kyler Ludwig  
**City Attorney**  
Kent Burggraaf  
**City Recorder**  
Celeste Cram  
**City Treasurer**  
Danielle Ramsay

## **NOTICE OF MEETING OF THE KANAB CITY COUNCIL**

Notice is hereby given that the Kanab City Council will hold a regular council meeting on the **28th day of May 2024**, in the City Council chambers at the Kanab City Office, **26 N 100 E, Kanab, Utah**. The Council Meeting will convene at 6:30 p.m. and the agenda will be as follows:

### **WORK MEETING**

- 1) MAYOR AND COUNCIL BUSINESS – LIAISON REPORTS**
- 2) CITY STAFF BUSINESS**

### **BUSINESS MEETING**

- 1) CALL TO ORDER AND ROLL CALL**
- 2) PUBLIC COMMENT PERIOD:** Members of the public are invited to address the Council. Participants are asked to keep their comments to 3 minutes and follow the rules of civility outlined in Kanab Ordinance 3-601.
- 3) CONSENT ITEMS:** (Consent contain routine, non-controversial items that require City Council action but need little or no City Council deliberation).
  - A) Approval of City Council Minutes:  
Regular City Council Meeting – May 14, 2024 Meeting.
  - B) Approval of Accounts Payable Vouchers  
Accounts Payable May 14, 2024 \$88,872.59  
Accounts Payable May 16, 2024 \$15,000.00  
Accounts Payable May 22, 2024 \$90,082.75
- 4) BOARD COMMISSION, COMMITTEE APPOINTMENTS:** None at this time
- 5) PRESENTATIONS:**
  - A) Garkane update on upcoming projects (Bryant Shakespear).
- 6) PUBLIC HEARING ITEMS:**
  - A) Public hearing, discussion, and consideration of an ordinance vacating easements on parcels K-91-2 and K-91-3 in the Cedar Heights Subdivision (Applicant: Iron Rock Engineering/ James & Marybeth Kuntz)

**– A Western Classic –**

- B) Public hearing, discussion, and consideration of a plat amendment on parcel K-91-2 and K-91-3 in the Cedar Heights Subdivision (Applicant: Iron Rock Engineering/ James & Marybeth Kuntz)

**7) ACTION ITEMS READY FOR VOTE:**

- A) Discussion and consideration of an ordinance changing the zoning for parcel K-16-1 from R-1-8 (single family zone) to C-2 (commercial) approximately located at 54 S Main St. (Applicant: Iron Rock Engineering/Tory & Kathrin Brock).
- B) Discussion and consideration of a minor subdivision on parcel K-16-1 for the Purple Sage Subdivision (Applicant: Iron Rock Engineering/Tory & Kathrin Brock).
- C) Discussion and consideration of an ordinance changing the zoning for parcel K-21-6 from R-1-8 (single family zone) to C-1 (commercial) approximately located at 72 N. 100 W. (Applicant: Iron Rock Engineering/ Kane County School District).
- D) Discussion and consideration of an ordinance changing the zoning for parcel K-263-3 from R-1-8 (single family residential) to RM (multi-family) approximately located at 238 E. 200 N. (Applicant: Matthew & Janae Chatterley).
- E) Discussion and consideration of a resolution authorizing Kanab City to enter into the Kanab Creek Watershed, Utah Work Plan Agreement with the Natural Resources Conservation Service (NRCS).
- F) Discussion and consideration of Notice of Award for the Kanab Fuel Farm Project.
- G) Discussion and consideration of a resolution approving an interlocal agreement with Kane County related to building inspections.

**8) ITEMS FOR DISCUSSION:**

- A) Discussion on properties with dual zoning designations and zoning for lot line adjustments within Kanab City.
- B) Discussion on Economic Development funding through the Kane County Rural County Grant.
- C) Executive session to discuss pending or reasonably imminent litigation.

**9) REVIEW AND DISCUSSION OF THE JUNE 11, 2024 CITY COUNCIL MEETING AGENDA.**

**ADDITIONAL NOTICES:**

Times listed for each item on the agenda may be accelerated, as time permits, or taken out of order.

The public comment period and public hearings are intended for the public to provide input to the Council or to pose questions individuals believe the Council and City 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 Council and City staff will attempt to refrain from answering or engaging in conversation during the public hearing.

An item listed on the agenda may be discussed in a closed portion of the public meeting, in which the public may be excused, if it meets the criteria outlined in the Open and Public Meetings Act (see Utah Code 52-4-204 and -205).

If you are planning to attend this public meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City eight (8) or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact Celeste Cram at the Kanab City offices.

**— A Western Classic —**

**Kanab City Council Meeting**  
**May 14<sup>th</sup>, 2024**  
**Kanab City Council Chambers**  
**26 North 100 East**  
**6:30 PM**

**Work Meeting**

**1. Mayor and Council Business – Liaison Reports**

**Liaison Report**

**Councilmember Chamberlain** – None.

**Councilmember Banks** – None.

**Councilmember Corry** – He will be meeting with the county on Monday.

**Mayor Johnson** – Little league is wrapping up, and the 10K was this last weekend. The pool is getting ready to open and the softball Heatstroker is this weekend. Garkane is helping put the baseball lights up. The boy's baseball team took state.

Celeste Meyeres: Mrs. Meyeres shared a recreation center update. The recreation center will be located at Kanab center campus, land that was donated by county school board, and will be paid for by various funds not just tax payers. It will include three gyms with various accessories such as wrestling mats, nets, etc. to serve the majority of the public."

**Councilmember Heaton** – This week is national law enforcement week. There was an officer lost in northern Utah, and we sent an officer to represent Kanab at the services. The SCBA's are in service and working well.

The fire department is looking for anyone wanting to take the fire and EMT classes for upcoming fall.

**Councilmember Colson** – Absent.

**City Staff Business –**

Mr. Ludwig stated that we will be doing our quarterly staff lunch this month on the 30<sup>th</sup>.

The Airport fuel truck is here, and Jeff is getting it cleaned up, and it will be up and running soon.

**Business Meeting**

**Call to Order and Roll Call** – Mayor Johnson called the meeting to order. Councilmember Heaton offered the invocation. Councilmember Corry led the pledge of allegiance.

**In attendance:** Mayor Johnson; Councilmember Corry, Councilmember Banks (6:46), Councilmember Chamberlain, Councilmember Heaton, Councilmember Colson; City Manager Kyler Ludwig; Recorder Celeste Cram; Building Inspector & Land Use Coordinator Janae Chatterley; and City Attorney Kent Burggraaf.

**Not in attendance** – Councilmember Colson

**2. Public Comment Period – None.**

**3. Consent Items:**

**a. Approval of City Council Minutes:**

**April 23<sup>th</sup>, 2024 Regular City Council Meeting.**

**b. Approval of Accounts Payable Vouchers**

**i. Accounts Payable April 24, 2024 - \$233,196.16**

**ii. Accounts Payable May 01, 2024 - \$195,656.13**

**iii. Accounts Payable May 02, 2024 - \$77,192.00**

**iv. Accounts Payable May 07, 2024 - \$25,102.56**

Councilmember Heaton made a motion to approve the consent items as listed in the packet.

Councilmember Corry seconds, unanimous vote. Motion passed.

**4. Board Commission, Committee Appointment:**

**a. Approval of Marc Gilberg as mayoral appointment to the Planning Commission as an alternate (12/31/2024).**

Councilmember Corry made a motion to appoint Marc Gilberg as Planning Commission alternate until 12/31/2024. Councilmember Heaton seconds. Unanimous vote, motion passed.

**5. Presentations: None at this time.**

**6. Public Hearing Items:**

**a. Public hearing, discussion, and consideration of an ordinance approving the annexation petition from the property owners of parcel 3-6-29-2a approximately located at 775 West Stagecoach Trail (Kenneth and Lena Seng - 19.67 acres).**

**Councilmember Heaton recused himself.**

Mr. Ludwig stated that on March 1, 2024 Kane County mailed and emailed a Notice of Intent to File a Petition for annexation. The notice was to inform the City of Kanab that the property owners of parcel 3-6-29-2A were interested in annexation into the City limits. On March 5, 2024 Kanab City received a petition from more than 1/3 (in real property value) of the property owners petitioning annexation into the City. The petition represents the full ownership of the 19.67 acres of property. The City Clerk reviewed the petition and sent out notifications to adjacent property owners of a protest period through April 30th. While the City did receive communications from property owners in the Cedar Heights subdivision, the City did not receive any formal protest on the annexation.

After the protest period a public hearing on the annexation was scheduled for May 14, 2024.

- Enter Public Hearing -



- Close Public Hearing -

Applicant representative, Iron Rock Engineering, stated that the applicant has gone above and beyond so far with this development.

Councilmember Corry made a motion to approve Ordinance No. 5-1-24 O, an Ordinance Approving the Annexation Petition of parcel 3-6-29-2a, and directing City staff to take further action necessary to complete the annexation. Councilmember Banks seconds.

Councilmember Colson – Absent

Councilmember Heaton – Yes

Councilmember Corry - Yes

Councilmember Banks - Yes

Councilmember Chamberlain – Yes

Motion passed.

**b. Public hearing, discussion, and consideration of an ordinance approving a zoning assignment on parcel 3-6-29-2a approximately located at 775 West Stagecoach Trail (Applicant: Iron Rock Engineering/ Kenneth and Lena Seng).**

Mrs. Chatterley stated that Property Owner, Kenny & Lena Seng, have submitted a petition to annex parcel 3-6-29-2A into Kanab. The annexation will be discussed at the May 14th city council meeting. If city council approves the annexation, a zone will be assigned to the parcel. The planning commission is being asked to provide a recommendation for the zone assignment. Kenny & Lena Seng are requesting A zone assignment of R-1-20 to be consistent with the underlying zone of the Catori Canyon Planned Development overlay that is directly south of this property.

The subject property is approximately 19.67 acres but there is an additional piece that will be added to the property after annexation to increase the acreage to just over 20-acres. The parcel is currently vacant, the property was acquired to meet the secondary ingress/egress access for the Catori Canyon Planned Development overlay.

Planning commission was concerned with a R1-20 zone due to the lot minimum is 0.46, Cedar Heights to the east and north are 1-acre or larger. Tom Avant, Iron Rock Engineer explained that the developer's plan is to subdivide the property into approximately 22 lots that will be larger lots closer to an acre but slightly smaller. The meeting was opened for public comment. Luis Pratt and Troy Johnson both spoke requesting the zoning assignment match the minimum 1-acre lots in Cedar Heights. A comment was made that a deed restriction or development agreement could be an option to restrict a specific lot size in a R1-20 zone. Staff explained that development agreements are permitted through state code, the fees to the developer, the cumbersome process and administrative difficulty with remembering and tracking the development agreements. Planning commission expressed they would be more comfortable with zone R1-20 if a development agreement was approved. The motion made was a positive recommendation to assign a RR-1 zone, the vote was unanimous.

- Enter Public Hearing -

- Enter Public Comment -

Louis Pratt – Mr. Pratt has spoken with several other homeowners and while they aren't for it, they aren't against it. They feel RR1 would be a better fit for the zoning designation. He is wanting a transition between zones and their densities.

Troy Johnson – Mr. Johnson hopes the council won't be confused or distracted with development agreement discussion. He hopes they will recognize the planning commission's time to be important and consider their recommendation to zone it RR1. Mr. Johnson would like to see it zoned RR1. The developer has been respectful and doing a good job trying to keep dust and dirt to a minimum.

Bryan Palmer – Mr. Palmer is in support of zoning it RR1.

Artie Edmunds – Mr. Edmunds is in support of an RR1 zone.

Keith Warne – Mr. Warne wants to know what steps took place for them to change their mind, and what made them change their mind from RR-1 to R-1-8. He is in support of RR1.

Frank Page – Mr. Page thinks it will cause congestion to do R-1-20 and he thinks it should be RR1.

Angie Castagno – Mrs. Castagno is building a house on gunsmoke, and she wants to echo that RR1 is preferable.

- Close Public Comment -

Mrs. Chatterley stated that there would be approximately 30 -35 homes if zoned R-1-20 and 15-20 if zoned RR1.

Councilmember Corry made a motion to approve zone RR-1 and adopt ordinance 05-2-24 O to the parcel being considered for annexation (3-6-29-2A) based on the planning commission recommendation, the findings and conditions outlined in Staff Report #2024019. Councilmember Banks seconded.

Councilmember Colson – Absent

Councilmember Heaton – Recused

Councilmember Corry - Yes

Councilmember Banks - Yes

Councilmember Chamberlain – Yes

Motion passed.

Mayor declared a quick recess.

Resumed at 8:17

**c. Public hearing, discussion, and consideration of a resolution acknowledging receipt of a tentative budget and adopting the tentative budget for the fiscal year beginning July 1, 2024, and ending June 30, 2025.**

Mr. Ludwig stated that this budget has been prepared with input from City Department Heads and feedback from the City Council. This budget is tentative and subject to change. Together we will be refining the budget over the next two months preparation for the start of the fiscal year on July 1st. As we continue to incorporate feedback from the public into this budget, I encourage residents and stakeholders to reach out to elected council members and staff. We value the input of residents and encourage the community to attend public hearings and meetings on the budget. It is my hope that through this process the budget can reflect both the needs and priorities of our community. A few

points to consider prior to adoption of the tentative budget have been attached to explain the budget proposal.

Mr. Ludwig continued to go through the budget extensively for the council.

- Enter Public Hearing -

- Close Public Hearing -

Councilmember Heaton made a motion to approve Resolution No. 5-1-24 R, A Resolution Acknowledging Receipt of a Tentative Budget and Adopting the Tentative Budget for the Fiscal Year Beginning July 1, 2024, and Ending June 30, 2025. Councilmember Banks seconds.

Councilmember Colson – Absent

Councilmember Heaton – Yes

Councilmember Corry - Yes

Councilmember Banks - Yes

Councilmember Chamberlain – Yes

Motion passed

## **7. Action Items Ready for Vote:**

- a. Discussion and consideration of an ordinance changing the zoning for parcel K-16-1 from R-1-8 (single family zone) to C-2 (commercial) approximately located at 54 S Main St. (Applicant: Iron Rock Engineering/Tory & Kathrin Brock).**

**Councilmember Heaton recused himself.**

Mrs. Chatterley stated that the property owner, Tory & Kathrin Brock, are requesting zone change to rezone parcel K-16-1 from Single Family Residential Zone (R-1-8) to Commercial (C-2). The subject property is approximately 1.60 acres. The Public Hearing was held on May 7, 2024. There was no public comment. Planning commission made a positive recommendation for a C-1 zone, the vote was unanimous.

The council asked about the surrounding zones and how they compared. The council and mayor all expressed their displeasure for having a commercial zoned property on 100 South. They would like to see the lot split first, then be able to assign the parcel that fronts 100 South a non-commercial zone.

Councilmember Banks made a motion to deny C-2 to Parcel K-16-1 based on the findings and conditions outlined in Staff Report #2024014.

Motion fails.

Councilmember Chamberlain made a motion to postpone item 7a until the next meeting on May 28<sup>th</sup>.

Councilmember Corry seconds.

Councilmember Colson – Absent

Councilmember Heaton – Recused

Councilmember Corry - Yes

Councilmember Banks - Yes

Councilmember Chamberlain – Yes

Motion passed

205  
206 **b. Discussion and consideration of a minor subdivision on parcel K-16-1 for the Purple**  
207 **Sage Subdivision (Applicant: Iron Rock Engineering/Tory & Kathrin Brock).**

208 **Councilmember Heaton recused himself.**

209 Mrs. Chatterley stated that Iron Rock Engineering, representative of Tory & Kathrin Brock applied for a  
210 minor subdivision for parcel K-16-1. The minor subdivision proposes to split the parcel into 3 lots. The  
211 current zone is R-1-8, however, the property owner has applied for a zone change to a commercial zone.  
212 The proposed lots will be split into a 0.71-acre lot, a 0.40-acre lot and a 0.50-acre lot.

213  
214 Councilmember Corry made a motion to postpone item 7b until the next meeting on May 28<sup>th</sup>.

215 Councilmember Banks seconds.

216 Councilmember Colson – Absent

217 Councilmember Heaton – Recused

218 Councilmember Corry - Yes

219 Councilmember Banks - Yes

220 Councilmember Chamberlain – Yes

221 Motion passed  
222

223 **c. Approval of an engine replacement for the City's motor grader (10-60-26 \$39,313.04)**  
224 **Councilmember Chamberlain made a motion to approve the engine replacement for the City's motor**  
225 **grader for \$39,313.04.**

226 Mr. Ludwig stated that they need to replace an engine for a piece of equipment for the streets  
227 department. Staff is looking for council approval to spend the money to get it replaced.

228 Councilmember Chamberlain made a motion to approve the engine replacement for the City's motor  
229 grader for \$39,313.04. Councilmember Heaton seconds. Unanimous vote, motion passed.

230  
231 **8. ITEMS FOR DISCUSSION:**

232 **a. Discussion on properties with dual zoning designations within Kanab City.**  
233 Mayor Johnson postponed to a future meeting.

234 **b. Third quarter financial report (March 31, 2024).**  
235 The council received the quarter financial reports.

236 **c. Executive session to discuss pending or reasonably imminent litigation.**  
237 Mayor Johnson postponed to a future meeting.

238 **9. REVIEW AND DISCUSSION OF THE APRIL 9, 2024 CITY COUNCIL MEETING AGENDA.**

239 Mr. Ludwig stated a few of the upcoming discussion items will be the: the fuel farm getting up and  
240 running; school facilities agreement; a Garkane update on some of their projects; a building inspection  
241 agreement; an easement vacation on K-91-2, and K-91-3; a plat amendment for K-91-2, and K-91-3; A  
242 zone change on the old Kanab elementary school; and A zone change for a duplex at K-263-3.

243  
244 Councilmember Heaton made a motion to adjourn. Councilmember Corry seconds. Unanimous vote,  
245 meeting adjourned.

## Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
05/24	05/14/2024	36858	300	CROSBY HOME & FARM CENTER	41-2100	28.98
05/24	05/14/2024	36859	409	WEIDNER & ASSOCIATES	10-2100	967.31
05/24	05/14/2024	36860	615	HONEY'S MARKETPLACE	51-2100	400.16
05/24	05/14/2024	36861	880	KANE CO. SPECIAL SERVICE DIST.	10-2100	30,656.38
05/24	05/14/2024	36862	1100	PETTY CASH	10-2100	79.00
05/24	05/14/2024	36863	1300	SOUTHERN UTAH NEWS	51-2100	857.40
05/24	05/14/2024	36864	1680	SKAGGS COMPANIES, INC.	10-2100	365.40
05/24	05/14/2024	36865	1780	UTAH PUBLIC TREASURER	10-2100	5,500.00
05/24	05/14/2024	36866	4130	USA BLUEBOOK	51-2100	354.50
05/24	05/14/2024	36867	9563	FOLLETT SCHOOL SOLUTIONS, INC	10-2100	484.27
05/24	05/14/2024	36868	12075	INTERSTATE ROCK	10-2100	5,540.11
05/24	05/14/2024	36869	12144	BANKCARD CENTER	41-2100	31,509.07
05/24	05/14/2024	36870	12288	NICHOLSON, BOB	10-2100	900.00
05/24	05/14/2024	36871	12677	SG WATER STORE	10-2100	6.95
05/24	05/14/2024	36872	12788	KANE CO. SPECIAL SERVICE DIST.	10-2100	6,110.20
05/24	05/14/2024	36873	13340	ST. GEORGE CARQUEST	10-2100	1,049.60
05/24	05/14/2024	36874	13480	DEPT OF GOVERNMENT OPERATION	10-2100	4,021.30
05/24	05/14/2024	36875	13509	CHYNOWETH, CAROLYN	01-2100	41.96
Grand Totals:						<u>88,872.59</u>

Report Criteria:  
Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
05/24	05/16/2024	36876	12787	LANTIS FIREWORKS & LASERS	10-2100	7,500.00
05/24	05/16/2024	36877	1100	PETTY CASH	41-2100	7,500.00
Grand Totals:						15,000.00

## Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
05/24	05/22/2024	36878	300	CROSBY HOME & FARM CENTER	51-2100	61.93
05/24	05/22/2024	36879	380	ALPHA ENGINEERING	51-2100	8,153.20
05/24	05/22/2024	36880	1080	AMERIGAS PROPANE LP	10-2100	422.01
05/24	05/22/2024	36881	4015	SMITH, RON	10-2100	1.00
05/24	05/22/2024	36882	9865	QUALITY PRINTING CO.	41-2100	333.70
05/24	05/22/2024	36883	10392	LARSEN FIRE APPARATUS	10-2100	1,080.00
05/24	05/22/2024	36884	11047	UTAH RETIREMENT SYSTEMS	02-2100	61,762.36
05/24	05/22/2024	36885	11126	WAXIE SANITARY SUPPLY	41-2100	364.60
05/24	05/22/2024	36886	11140	CEM AQUATICS	41-2100	1,548.47
05/24	05/22/2024	36887	11152	FEDEX	10-2100	17.03
05/24	05/22/2024	36888	11843	RAMSAY SERVICE INC.	10-2100	1,033.56
05/24	05/22/2024	36889	12129	CHILD SUPPORT SERVICES	02-2100	110.00
05/24	05/22/2024	36890	12429	CIVIL SCIENCE INFRASTRUCTURE, IN	51-2100	10,363.33
05/24	05/22/2024	36891	12629	JESUS, JIM	41-2100	105.00
05/24	05/22/2024	36892	13367	DEPT OF PUBLIC SAFETY TRUST FUN	10-2100	700.00
05/24	05/22/2024	36893	13488	BROWN, NORRIS	49-2100	2,004.06
05/24	05/22/2024	36894	13496	ROZAJAC GROUP LLC	10-2100	242.50
05/24	05/22/2024	36895	13508	ARROWHEAD ELECTRIC	10-2100	1,750.00
05/24	05/22/2024	36896	13510	FEDERKEIL, TROY	41-2100	30.00
Grand Totals:						90,082.75



# NEEDED TRANSMISSION SYSTEM IMPROVEMENTS IN KANAB CITY

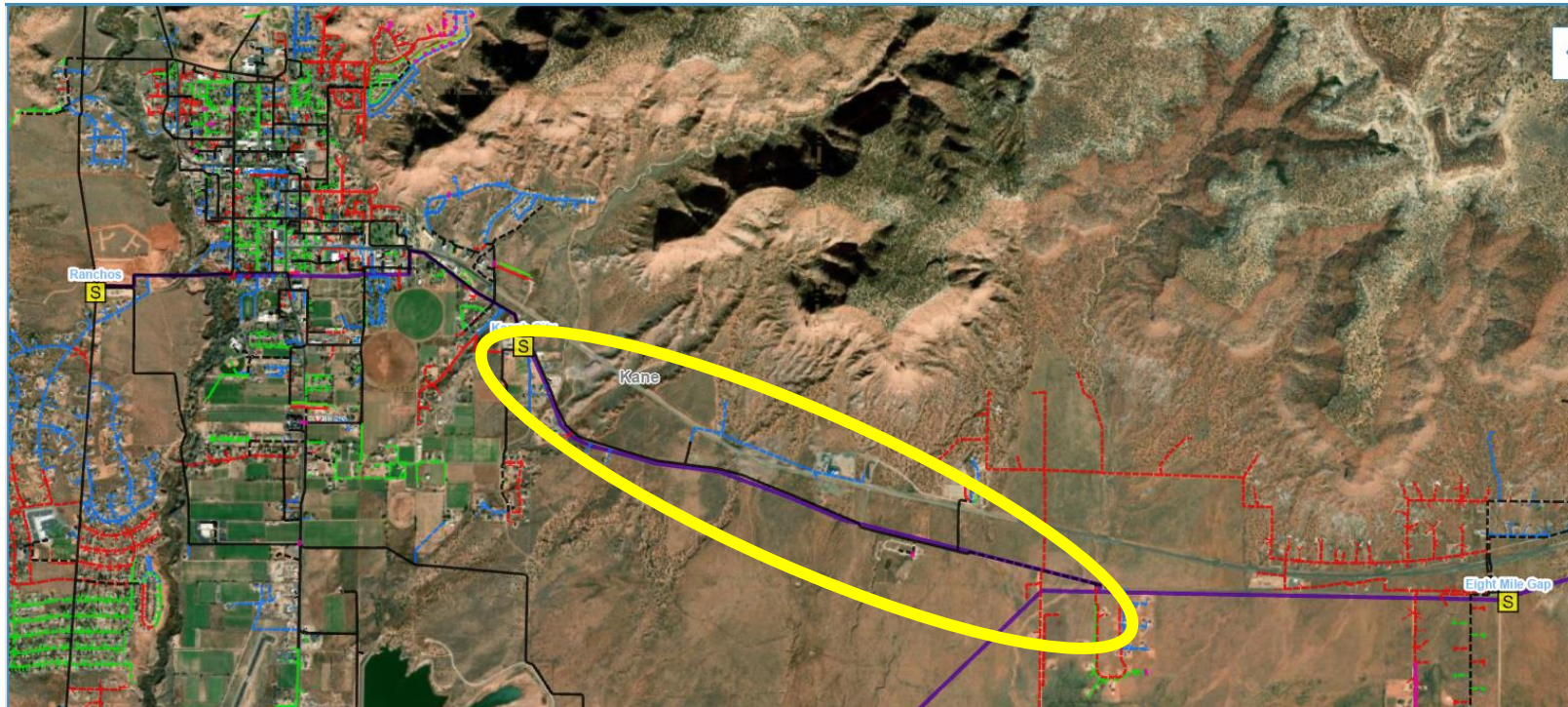
GARKANE ENERGY COOPERATIVE

BRYANT SHAKESPEAR

04/11/2024



# EIGHT MILE GAP TO KANAB CITY SUBSTATION



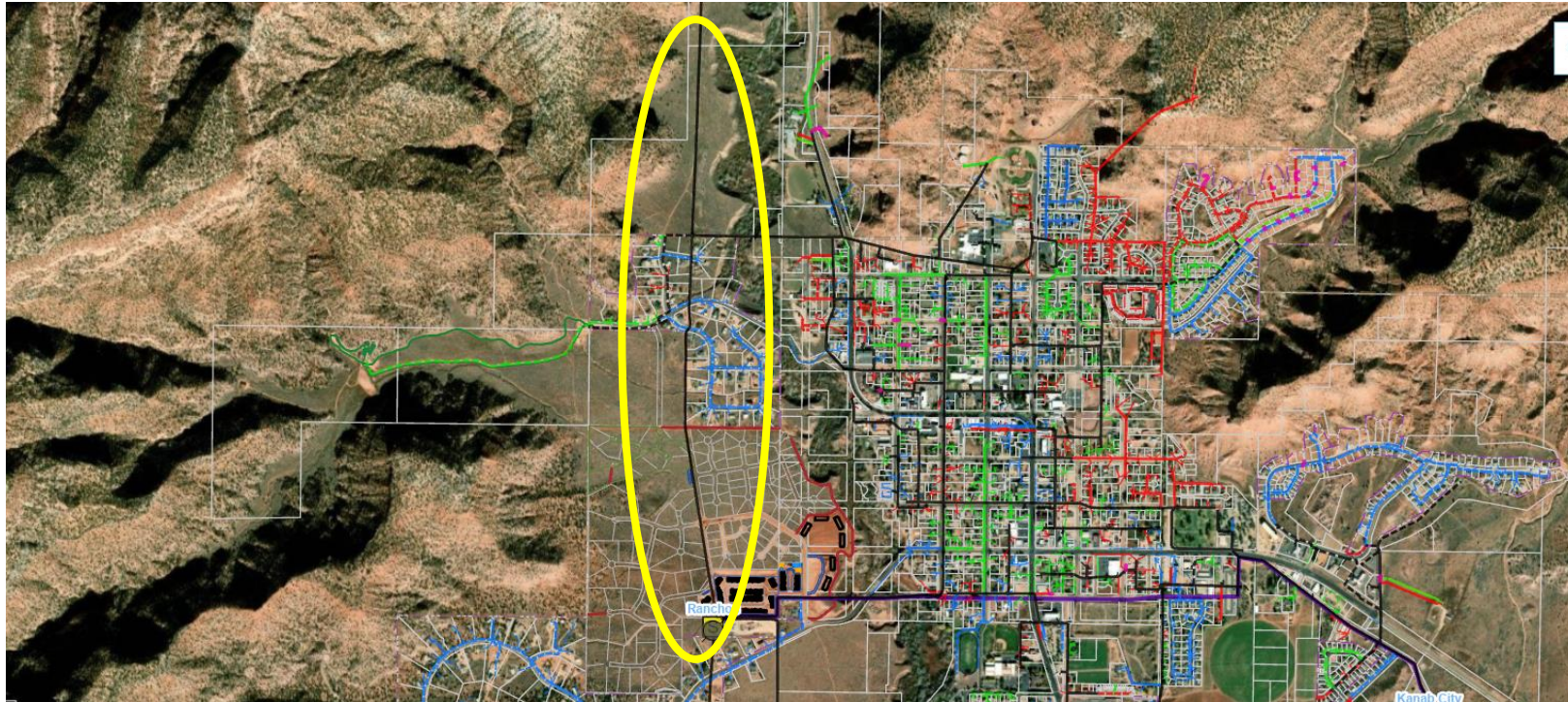




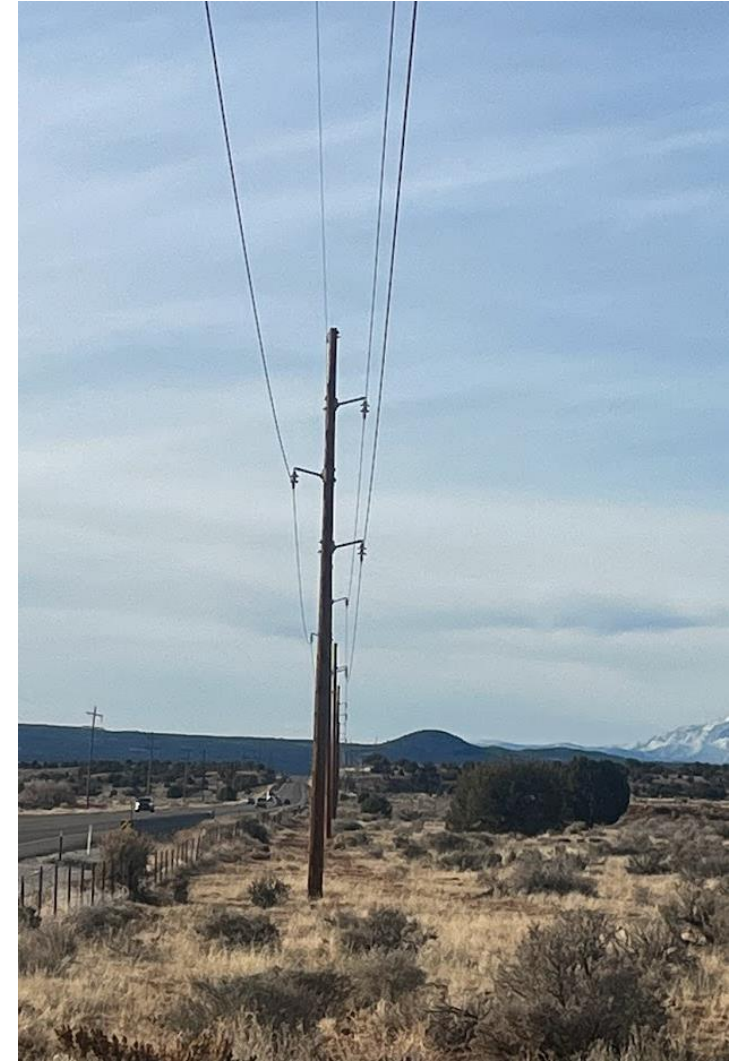
EIGHT MILE GAP TO KANAB CITY  
SUBSTATION



# KANB CITY RANCHOS NORTH TO CEDAR HEIGHTS



# KANB CITY RANCHOS NORTH TO CEDAR HEIGHTS





**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Boyd Corry**  
**Peter Banks**

## **Kanab City Council Staff Report**

### **File #2024017.1**

<b>Date:</b>	<b>May 24, 2024</b>
<b>Meeting Date:</b>	<b>May 28, 2024</b>
<b>Agenda Item:</b>	<b>Discuss, approve or deny a petition to vacate public utility easements on parcels K-91-2 &amp; K-91-3</b>
<b>Subject Property Address:</b>	<b>583 West Stagecoach Trail</b>
<b>Applicant:</b>	<b>Iron Rock Engineering</b>
<b>Parcel #:</b>	<b>K-91-2 &amp; K-91-3</b>
<b>Applicable Ordinances:</b>	<b>Utah State Code, Title 10, Chapter 9a, Part 609.5</b>

#### **Summary:**

Iron Rock Engineering submitted a petition to vacate the easements between the parcels of Cedar Height Subdivision parcels K-91-2 and K-91-3 located approximately at 583 W Stagecoach Trail.

#### **Applicable Regulation(s):**

Plat Amendments are addressed in Utah Code, Title 10, Chapter 9a, Part 609.5.

#### **Analysis**

Staff has determined:

- The application meets the requirements of the Utah Code;
- Good cause exists for the vacation;
- Neither the public interest or any person will be materially injured by the proposed vacation.

The owner of record contained within the plat is James Pashia and Mary Beth Kuntz. The vacation of the public utility easement is being requested so that the owner can join two lots together and use the land to its fullest benefit.

The Public Works Director is requesting a 10-foot easement along the entire front property line (lot 2 & 3). The easement in between the property line and in the rear of the lot can be vacated with the agreement of the easement along the front property line.

Public Hearing will be held with City Council the required public notices have been sent and scheduled to go before City Council on May 28, 2024.

**— A Western Classic —**

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Boyd Corry**  
**Peter Banks**

**Planning Commission:**

After discussing the petition to vacate the easements, the Planning Commission send a positive recommendation for approval of the vacation to the Kanab City Council with the conditions of approval. The vote was unanimous.

**Conditions of Approval:**

The easement in between the property line and in the rear of the lot can be vacated with the agreement of the easement along the entire front property line.

Property owners agreed to a 10-foot easement along the front of the property, the plat has been updated to reflect this.

**Recommended Motion:**

I move to approve the vacation of the easements identified on the proposed plat map for parcels K-91-2 and K-91-3 based on the findings and conditions outlined in the staff report #2024017.1.

**Alternate motion:**

I move to approve the vacation of the easements identified on the proposed plat map for parcels K-91-2 and K-91-3 based on the findings and conditions outlined in the staff report #2024017.1, with the additional findings and conditions: .

I move to deny the vacation of the easements identified on the proposed plat map for parcels K-91-2 and K-91-3 demonstrating the applicant has not met the standards outlined in the Utah State Code: .

— A Western Classic —

**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Chris Heaton**

**Scott Colson**

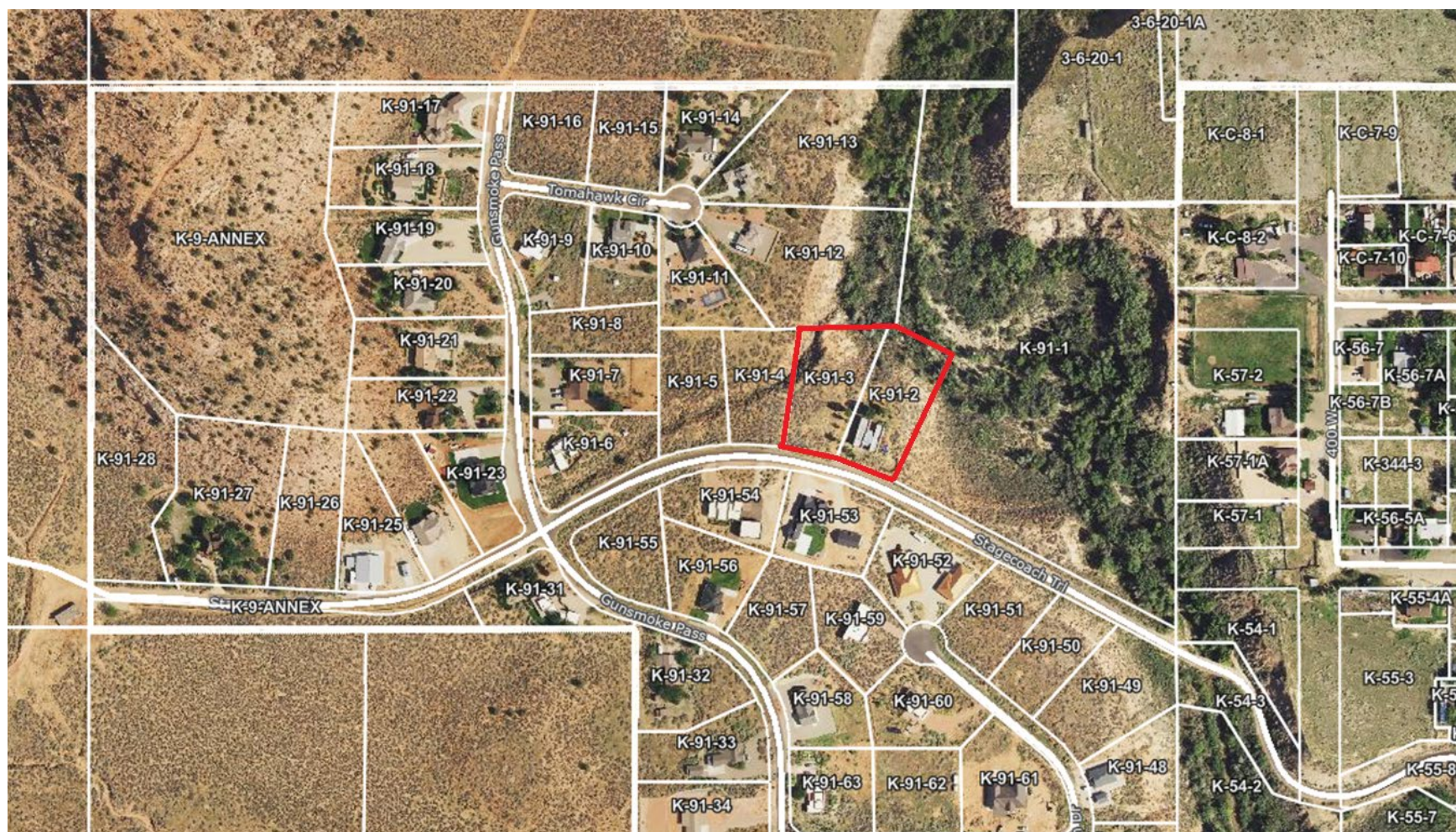
**Boyd Corry**

**Peter Banks**

# **Exhibit A: Subject Property**

**— A Western Classic —**







**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Chris Heaton**

**Scott Colson**

**Boyd Corry**

**Peter Banks**

# **Exhibit B: Amended Plat**

**— A Western Classic —**

AMENDED LOTS 2 & 3  
**CEDAR HEIGHTS INC SUBDIVISION**

CITY OF KANAB, UTAH

LOCATED IN SE¼ SE¼ OF SECTION 20,  
TOWNSHIP 43 SOUTH, RANGE 6 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 joined into a single lot as well as Public Utility and Ingress & Egress Easements, as shown, which are herein after known as

"AMENDED LOTS 2 & 3, CEDAR HEIGHTS INC SUBDIVISION"

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 Amended Plat at the request of the client. The purpose of the survey is to delineate the boundaries and to combine lots 2 and 3 into one lot. All corners are set and found as shown. The basis of bearing for this survey is from the North West Corner of old Lot 3 to the North East Corner of old Lot 3 with a Bearing of S89°50'53"E and a Distance of 236.20' in the Utah State Plane coordinate system South Zone.

Legal Description:

All of Lots 2 and 3 of Cedar Heights Inc, as Recorded on Plat K-91 in the Office of the Kane County Recorder, more particularly described as follows:

BEGINNING at the Northwest Corner of said Lot 3, and running; thence, along the north line of said lots, South 89° 52' 41" East 210.51 feet, to the north corner common to said lots; thence, along the north line of said Lot 2 South 89° 36' 07" East 25.69 feet; thence, along the northeast line of said lot, South 63° 26' 10" East 155.81 feet, to the east corner of said lot; thence, along the southeast line of said line, South 26° 19' 50" West 359.09 feet, to the southeast corner of said lot and the northerly right-of-way of Stagecoach; thence, along said right-of-way, North 64° 19' 21" West 153.83 feet; thence North 78° 59' 09" West 131.74 feet, to the southwest corner of said lot; thence, along the west line of said lot, North 09° 32' 10" East 303.99 feet, to the POINT OF BEGINNING; 2.62 acres (more or less).

SURVEYED AT THE REQUEST OF :

JAMES A PASHIA  
583 W STAGECOACH TRAIL  
KANAB, UT 84741

## REFERENCED DOCUMENTS

- CEDAR HEIGHTS INC SUBDIVISION, K-91, 1980

[illegible]

**IRON ROCK**  
GROUP

## Building on Solid Foundations

460 E. 300 SOUTH  
KANAB, UTAH 84741  
435-644-2031  
[www.ironrockeng.com](http://www.ironrockeng.com)

CEDAR HEIGHTS INC SUBDIVISION  
**LOTS 2 & 3**  
JAMES PASHIA  
KANAB, UTAH

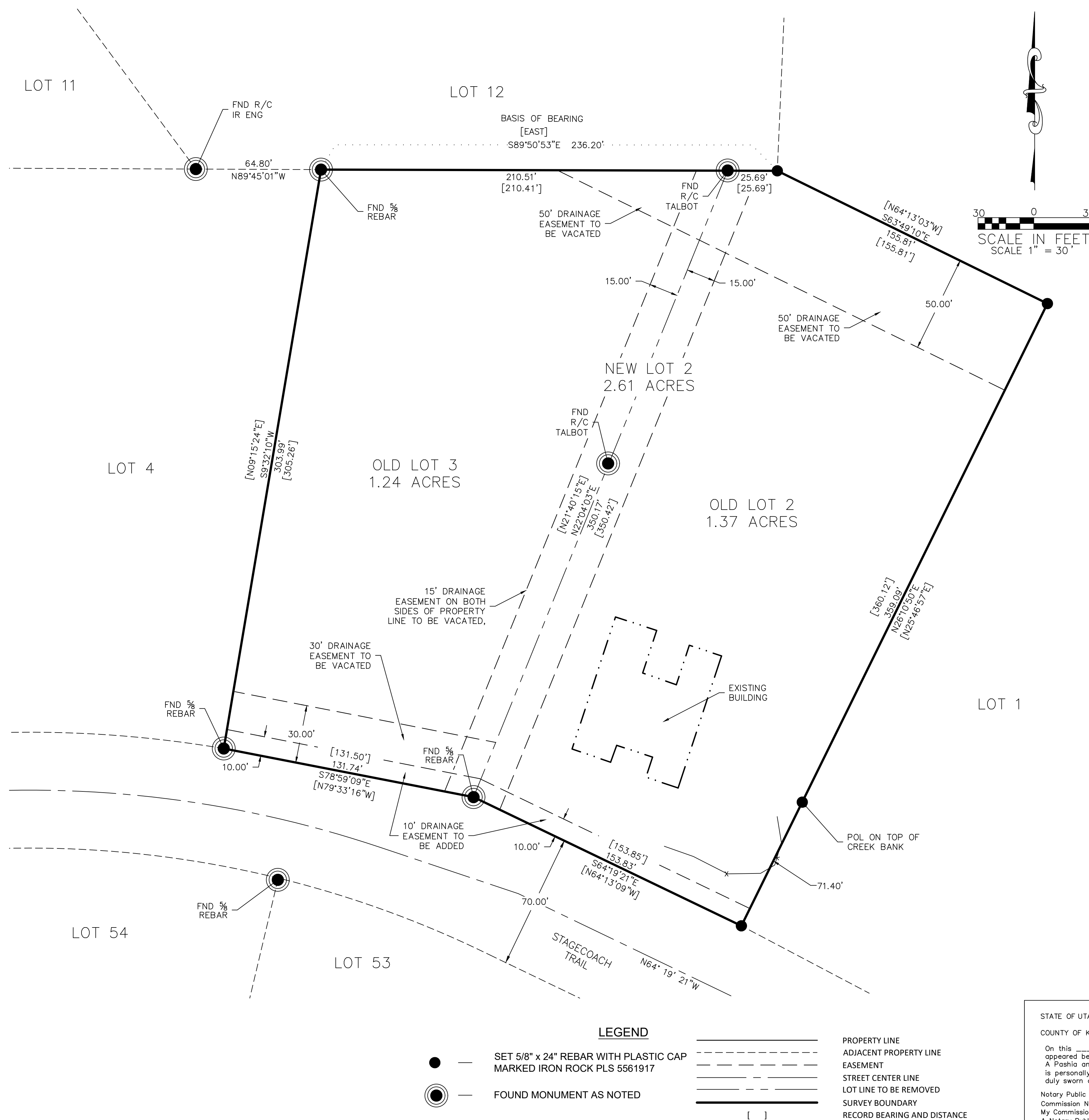
[illegible]

DRAWN BY: CM

SCALE: 1" = 30'

SHEET:

1 OF 1



<div>CITY PUBLIC WORKS DIRECTOR CERTIFICATE</div> <div>I, _____, Kanab City Public Works Director, do hereby certify that this office has examined the above Plat and have determined that it is correct and in accordance with information on file in this office and I recommend it for approval this _____ day of _____, 20____.</div> <div>KANAB CITY PUBLIC WORKS DIRECTOR</div>	<div>CITY SURVEYOR CERTIFICATE</div> <div>I, _____, Kanab City Surveyor, do hereby certify that this office has examined the above Plat and have determined that it is correct and in accordance with information on file in this office and I recommend it for approval this _____ day of _____, 20____.</div> <div>KANAB CITY ENGINEER</div>	<div>APPROVAL of the PLANNING COMMISSION</div> <div>On this _____ day of _____, 20____ the Planning Commission of Kanab City, Utah, having reviewed the above Plat and having heard the testimony of the representatives of the Kanab City's planning and zoning ordinances, and by authorization of this commission hereby recommend approval of said plat for acceptance by Kanab City, Utah.</div> <div>CHAIRMAN Planning Commission</div>	<div>APPROVAL AND ACCEPTANCE by the Kanab City Council</div> <div>We the Kanab City Council have reviewed the hereon Plat and by authorization of said Kanab City Council recorded in the minutes of its meeting of the _____ day of _____, 20____, hereby accept the above Plat and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder.</div> <div>Attest: _____ Mayor - _____ Kanab City Recorder Kanab City Council</div> <div>KANAB CITY ATTORNEY</div>	<div>CITY ATTORNEY CERTIFICATE</div> <div>I, _____, Attorney for Kanab City, do hereby certify that I have examined the above Plat and find it meets the requirements of Kanab City and is hereby recommended for approval this _____ day of _____, 20____.</div> <div>KANAB CITY ATTORNEY</div>	<div>CERTIFICATE OF RECORDING</div> <div>I, _____, Recorder of Kane County, do hereby certify that above Plat was filed for recording in my office this _____ day of _____, 20____.</div> <div>KANE COUNTY RECORDER</div> <div>ENTRY NO. _____</div> <div>RECORDED AND FILED AT THE REQUEST OF: _____</div> <div>DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____</div>	<div>DRAWN BY: CM</div> <div>SCALE: 1" = 30'</div> <div>SHEET: 1 OF 1</div>
---	--	---	--	--	--	---

**When Recorded Return To:**

Kanab City  
26 N. 100 E.  
Kanab, Utah 84741

Space above for Recorder's Use

---

**ORDINANCE NO. 5-\_\_-24 O**

**AN ORDINANCE VACATING UTILITY EASEMENT**

**WHEREAS** Utah Code § 10-9a-609.5 grants authority to the legislative body of a municipality to vacate utility easements;

**WHEREAS** Kanab City desires to vacate the utility easements as outlined in the attached legal description and map;

**WHEREAS** Kanab City acts as petitioner in requesting the vacation of the utility easement;

**WHEREAS** a public hearing was held on May 28, 2024, the date, place, and time of hearing having been noticed as required;

**WHEREAS** the Kanab City Council met during its regularly scheduled meetings on May 28, 2024, to further consider, among other things, vacating portions of utility easement on property located at approximately 583 W Stagecoach Trail;

**WHEREAS** there is no public infrastructure within the area proposed for a utility easement vacation

**WHEREAS** the Council approved a plat amendment for parcels K-91-2, and K-91-3 to combine the two parcels;

**NOW, THEREFORE, THE KANAB CITY COUNCIL FINDS:** After holding a public hearing, and upon further consideration, there is good cause for vacating the public utility easement, as outlined in the attached legal description and map, and such action will serve the public interest.

**FUTHERMORE, BE IT ORDAINED:** The public utility easement, as outlined in the attached legal description and map, are hereby vacated.

The provisions of this Ordinance shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting and recordation.

**PASSED AND ORDERED POSTED** this \_\_\_\_ day of May, 2024.

KANAB CITY

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
RECORDER

**VOTING:**

Boyd Corry	Yea ____	Nay ____
Peter Banks	Yea ____	Nay ____
Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____

STATE OF UTAH                    )  
  ss:  
COUNTY OF KANE                )

On the \_\_\_\_\_ day of May, 2024 personally appeared before me Troy Colten Johnson, who being duly sworn and sufficiently identified did say that he is the Mayor of Kanab City and executed the forgoing ordinance.

\_\_\_\_\_  
Notary Public

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Boyd Corry**  
**Peter Banks**

## **Kanab City Council Staff Report**

### **File #2024017**

<b>Date:</b>	<b>May 24, 2024</b>
<b>Meeting Date:</b>	<b>May 28, 2024</b>
<b>Agenda Item:</b>	<b>Discuss, approve or deny a plat amendment to the Cedar Heights Subdivision</b>
<b>Subject Property Address:</b>	<b>583 W Stagecoach Trail</b>
<b>Applicant:</b>	<b>Iron Rock Engineering</b>
<b>Zoning Designation:</b>	<b>RR-1</b>
<b>General Plan Designation:</b>	<b>Low Density Residential</b>
<b>Parcel #:</b>	<b>K-91-2 &amp; K-91-3</b>
<b>Applicable Ordinances:</b>	<b>Subdivision Ordinance, Chapter 2-4</b>

#### **Attachments:**

**Exhibit A: Subject Property**

**Exhibit B: Amended Plat**

#### **Summary:**

Iron Rock Engineering applied to amend the plat for Cedar Heights Subdivision parcels K-91-2 & K-91-3 located approximately at 583 W Stagecoach Trail. The plat amendment consists of a lot joiner. The current zone is RR-1. The proposed lot joiner will combine two lots into one to increase the lot to 2.61 acres.

#### **Applicable Regulation(s):**

Plat Amendments are addressed in Utah Code, Title 10, Chapter 9a, Part 6, and the Kanab City Subdivision Ordinance, Chapter 2, upon application that includes a Sketch Plan and Narrative. Chapter 2-4 specifically address the plat amendment process and requirements.

#### **Analysis**

Development Committee has reviewed the application, sketch plan and narrative provided by the applicant. Staff has determined:

- The application meets the requirements of the subdivision ordinance.
- The application meets the zoning ordinance.
- The plat amendment is consistent with the General Plan and Future Land Use Map.
- Parcel is zoned RR-1.
- The city surveyor has identified and redlined the plat amendment for corrections.

**— A Western Classic —**

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Boyd Corry**  
**Peter Banks**

The owner of record contained within the plat is James Pashia and Mary Beth Kuntz. Subdivision construction improvement plans for grading, drainage, streets and utility infrastructure, as modified by the proposed amendment will be addressed with a site plan and building permit. A title report has been submitted to Kanab City. The applicant has paid the amended plat fee required. Impact fees will be collected through the building permitting process.

Public Hearing will be held with City Council on May 28, 2024.

**Proposed Findings:**

1. This application was initiated by Iron Rock Engineering.
2. The property included within the amended plat boundaries is zoned RR-1.
3. The Future Land Use Map designation for these properties on the City's General Plan is Low Density Residential.
4. The applicant is requesting a lot joiner.
5. Easements are being reviewed for vacation and will need to be approved by City Council.
6. The proposed plat amendment meets the subdivision and zoning standards in the City's Ordinance with the contingency listed above.
7. The owner is responsible for securing the appropriate development permits prior to any construction activity.
8. The Kanab City Planning Commission is the body responsible for making subdivision plat amendment recommendations to the City Council, upon application.
9. Neither the public nor any person will be materially injured by the proposed amendment.
10. There is good cause for the amendment.

**Planning Commission:**

After discussing the application and analyzing the proposed plat amendment, the Planning Commission sent a positive recommendation for approval of the proposed plat amendment to the Kanab City Council with the conditions of approval below.

**Conditions of Approval:**

1. Approval of plat amendment is contingent upon the approval to vacate the easement between lot K-91-2 and K-91-3.
2. The City Surveyor provides sign-off on the review of the plat amendment.

— A Western Classic —

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Boyd Corry**  
**Peter Banks**

**Recommended Motion:**

I move to approve the plat amendment to the Cedar Heights Subdivision, affecting parcels K-91-2 & K-91-3 based on the findings and conditions of approval as outlined in the staff report #2024017.

**Alternate motion:**

I move to approve the plat amendment to the Cedar Heights Subdivision, affecting parcels K-91-2 & K-91-3 based on the findings and conditions of approval as outlined in the staff report #2024017, with the additional findings and conditions: .

I move to deny the plat amendment to the Cedar Heights Subdivision, affecting parcels K-91-2 & K-91-3 demonstrating the applicant has not met the standards outlined in the Kanab City ordinances: .

— A Western Classic —

**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Chris Heaton**

**Scott Colson**

**Boyd Corry**

**Peter Banks**

# Exhibit A: Subject Property

— A Western Classic —







**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Chris Heaton**

**Scott Colson**

**Boyd Corry**

**Peter Banks**

# **Exhibit B: Amended Plat**

**— A Western Classic —**

AMENDED LOTS 2 & 3  
CEDAR HEIGHTS INC SUBDIVISION

CITY OF KANAB, UTAH

LOCATED IN SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> OF SECTION 20,  
TOWNSHIP 43 SOUTH, RANGE 6 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 joined into a single lot as well as Public Utility and Ingress & Egress Easements, as shown, which are herein after known as

"AMENDED LOTS 2 & 3, CEDAR HEIGHTS INC SUBDIVISION"

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 Amended Plat at the request of the client. The purpose of the survey is to delineate the boundaries and to combine lots 2 and 3 into one lot. All corners are set and found as shown. The basis of bearing for this survey is from the North West Corner of old Lot 3 to the North East Corner of old Lot 3 with a Bearing of S89°50'53"E and a Distance of 236.20' in the Utah State Plane coordinate system South Zone.

Legal Description:

All of Lots 2 and 3 of Cedar Heights Inc, as Recorded on Plat K-91 in the Office of the Kane County Recorder, more particularly described as follows:

BEGINNING at the Northwest Corner of said Lot 3, and running; thence, along the north line of said lots, South 89° 52' 41" East 210.51 feet, to the north corner common to said lots; thence, along the north line of said Lot 2 South 89° 36' 07" East 25.69 feet; thence, along the northeast line of said lot, South 63° 49' 10" East 155.81 feet, to the east corner of said lot; thence, along the southeast line of said line, South 26° 10' 50" West 359.09 feet, to the southeast corner of said lot and the northerly right-of-way of Stagecoach; thence, along said right-of-way, North 64° 19' 21" West 153.83 feet; thence North 78° 59' 09" West 131.74 feet, to the southwest corner of said lot 3; thence, along the west line of said lot, North 09° 32' 10" East 303.99 feet, to the POINT OF BEGINNING; 2.62 acres (more or less).

SURVEYED AT THE REQUEST OF :

JAMES A PASHIA  
583 W STAGECOACH TRAIL  
KANAB, UT 84741

REFERENCED DOCUMENTS

- CEDAR HEIGHTS INC SUBDIVISION, K-91, 1980

STATE OF UTAH , ) s.s. ACKNOWLEDGMENT

COUNTY OF KANE .)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me James A. Pashia and Marybeth Kuntz, Trustees of the James A Pashia and Marybeth Kuntz Revocable Living Trust, dated February 8, 2013 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

Know all men by these presents that the undersigned James A. Pashia and Marybeth Kuntz, Trustees of the James A Pashia and Marybeth Kuntz Revocable Living Trust, dated February 8, 2013 are the owners of the above described tract of land, and hereby cause the same to be combined into one lot, with easements to be added and vacated as per the plat, consent to the preparation and recording of this plat.

IN WITNESS WHEREOF, I have set my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

James A. Pashia, Trustee  
583 W STAGECOACH TRAIL  
KANAB, UTAH

Marybeth Kuntz, Trustee  
583 W STAGECOACH TRAIL  
KANAB, UTAH

CITY PUBLIC WORKS DIRECTOR CERTIFICATE

I, \_\_\_\_\_, Kanab City public Works Director, do hereby certify that this office has examined the above 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\_\_\_\_.

KANAB CITY PUBLIC WORKS DIRECTOR

CITY SURVEYOR CERTIFICATE

I, \_\_\_\_\_, Kanab City Surveyor, do hereby certify that this office has examined the above 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\_\_\_\_.

KANAB CITY ENGINEER

APPROVAL of the PLANNING COMMISSION

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Planning Commission of Kanab City, Utah, having reviewed the above Plat and having found that it complies with the requirements of the Kanab City's planning and zoning ordinances, and by authorization of said commission hereby recommend approval of said plat for acceptance by Kanab City, Utah.

CHAIRMAN Planning Commission

APPROVAL AND ACCEPTANCE  
by the Kanab City Council

We the Kanab City Council have reviewed the hereon Plat and by authorization of said Kanab City Council recorded in the minutes of it's meeting of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, hereby accept the said plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder.

Attest: \_\_\_\_\_  
Kanab City Recorder

Mayor - \_\_\_\_\_  
Kanab City Council

CITY ATTORNEY CERTIFICATE

I, \_\_\_\_\_, Attorney for Kanab City, do hereby certify that I have examined the above Plat and said plat meets the requirements of Kanab City and is hereby recommended for approval this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

KANAB CITY 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: 4/17/2024

INITIAL SUBMITAL

REV#

DRAWN BY: CM

SCALE: 1" = 30'

SHEET:

1 OF 1

CEDAR HEIGHTS INC SUBDIVISION  
LOTS 2 & 3  
JAMES PASHIA  
KANAB, UTAH

Building on Solid Foundations

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



30 0 30  
SCALE IN FEET  
SCALE 1" = 30'

LOT 1

LOT 11

LOT 12

LOT 4

OLD LOT 3  
1.24 ACRES

NEW LOT 2  
2.61 ACRES

OLD LOT 2  
1.37 ACRES

LOT 54

LOT 53

LEGEND

- SET 5/8" x 24" REBAR WITH PLASTIC CAP MARKED IRON ROCK PLS 5561917
- ⊙ FOUND MONUMENT AS NOTED

PROPERTY LINE  
ADJACENT PROPERTY LINE  
EASEMENT  
STREET CENTER LINE  
LOT LINE TO BE REMOVED  
SURVEY BOUNDARY  
RECORD BEARING AND DISTANCE

[ ]

Mayor  
T. Colten Johnson  
City Manager  
Kyler Ludwig  
Treasurer  
Danielle Ramsay



City Council  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Boyd Corry  
Peter Banks

## Kanab City Council Staff Report File # 2024014

Date:	May 10, 2024
Meeting Date:	May 14, 2024
Agenda Item:	Approve or deny a zone change to City Council from R-1-8 [Single Family Zone] to C-2 [Commercial] for parcel K-16-1
Subject Property Address:	54 S Main St
Property Owner:	Tory & Kathrin Brock
Applicant Agent:	Iron Rock Engineering
General Plan Designation:	Medium Density Residential/High Density Residential
Parcel #:	K-16-1

### Attachments:

#### Exhibit A: Subject/Vicinity Property

### Summary:

Property Owner, Tory & Kathrin Brock, are requesting a zone change to rezone parcel K-16-1 from Single Family Residential Zone (R-1-8) to Commercial (C-2).

### Site Description:

The subject property is approximately 1.60 acres. The parcel has an existing structure and is accessed from Main St. Surrounding zoning designations and the density designations are as follows:

North	South	East	West
Commercial C-1	Single-Family R-1-8	Commercial C-1	Commercial (C-1)
Medium Density	Medium Density	Medium Density	Medium Density
Residential (MDR) /	Residential (MDR) /	Residential (MDR) /	Residential (MDR) /
High Density	High Density	High Density	High Density
Residential (HDR)	Residential (HDR)	Residential (HDR)	Residential (HDR)

### Kanab City Land Use Ordinance, General Plan and Zoning Map Analysis:

Zoning designations and zone changes are regulated by the Kanab City Land Use Ordinance, Chapter 15 – Establishment of Zoning Districts regulates zoning designations within Kanab City. Section 15-7 Transitioning and Maintaining Balance, states:

*It is the objective of the City to encourage and provide for proper transition and compatibility between zones and intensity of uses, which should be regulated by the City Land Use Code, the General Plan, Future Land Use Map and the Kanab City*

– A Western Classic –

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Scott Colson**  
**Chris Heaton**  
**Boyd Corry**  
**Peter Banks**

*Annexation Policy Plan. The City also seeks to maintain a healthy balance and mix of land uses within the community, representing the atmosphere of existing development. Areas for growth have been planned with a balance for all uses, including agriculture, residential, commercial and industrial uses, as demonstrated in the Kanab City General Plan and Future Land Use Map. Future decisions regarding land use and zoning in Kanab should be guided by this map.*

*The City promotes orderly growth, with an emphasis for new developments to occur in the core community areas first. Rezoning of adjacent undeveloped property should be compatible with developed property.*

### **Findings:**

1. The application was initiated by Iron Rock Engineer.
2. The property is zoned as R-1-8 and approximately 1.60-acres.
3. The City Council is the decision-making authority for a zoning application. The Council may adopt or reject the request as it deems appropriate or may assign a different zoning designation.
4. Assigning a C-2 zone is not consistent with the Kanab City Future Land Use Map designation of MDR/HDR. The General Plan and Land Use Ordinances designate commercial property development along the highway corridors.
5. The requested zone of C-2 is semi-consistent with the adjacent properties to the East, West and North of the property as they are zoned commercial C-1.
6. Tory & Kathrin Brock are open to a C-1 zone instead of the C-2 zone.

### **Planning Commission:**

The Public Hearing was held on May 7, 2024. There was no public comment. Planning commission made a positive recommendation for a C-1 zone, the vote was unanimous.

### **Suggested Motion(s):**

I move to approve zone C-1 to Parcel K-16-1 and adopt ordinance 05-XX-24 O based on the findings and conditions outlined in Staff Report #2024014.

I move to approve zone                    to Parcel K-16-1 and adopt ordinance 05-XX-24 O based on the findings and conditions outlined in Staff Report #2024014 and the following                    .

I move deny zone C-2 to Parcel K-16-1 based on the findings and conditions outlined in Staff Report #2024014.

**— A Western Classic —**

**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Scott Colson**

**Chris Heaton**

**Boyd Corry**

**Peter Banks**

## **Exhibit A: Subject Property**

**— A Western Classic —**





**ORDINANCE NO. 5- -24 O**

**AN ORDINANCE APPROVING A ZONE CHANGE FOR PARCEL  
K-16-1 FROM R-1-8 TO C-1**

**WHEREAS**, pursuant to Utah Code § 10-9a-501, and Kanab City Land Use Ordinance, Chapter 1, Section 17, the City Council is authorized on its own motion or pursuant to an application, to amend and assign zoning district boundaries, after receiving a recommendation from the Kanab City Planning Commission;

**WHEREAS**, applicant Kathrin Brock submitted an application for a zone change of the parcel identified as K-16-1, requesting it be changed from Residential (R-1-8) to Commercial 1 (C-1);

**WHEREAS**, after proper notice was provided, the Kanab City Planning Commission held a public hearing on May 7, 2024, and gave a unanimous recommendation to the City Council in favor of a zone change from R-1-8 to C1;

**WHEREAS**, the City Council met during its regularly scheduled and properly noticed meeting on May 28, 2024, received input from the applicant/applicant's representative and staff, and reviewed and discussed the Kanab City Planning Commission's recommendation and the zoning options for the parcel.

**NOW, THEREFORE, BE IT ORDAINED** by the Kanab City Council that 54 S Main Street on the parcel identified on the Kane County records parcel as K-16-1 are hereby assigned the zone of C-1, a Commercial 1 zone under the Kanab City Land Use Ordinance;

All former zoning designations for the subject parcel conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

The provisions of this Ordinance shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

*[Signatures on the next page.]*



**PASSED AND ORDERED POSTED** this\_\_\_\_day of May, 2024.

KANAB CITY

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
RECORDER

**VOTING:**

Boyd Corry	Yea ____	Nay ____
Peter Banks	Yea ____	Nay ____
Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____

POSTED the \_\_\_\_ day of \_\_\_\_\_, 2024, as certified by the Recorder: \_\_\_\_\_.  
RECORDER

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Boyd Corry**  
**Peter Banks**

## **Kanab City Council Staff Report** **File #2024013**

<b>Date:</b>	<b>May 10, 2024</b>
<b>Meeting Date:</b>	<b>May 14, 2024</b>
<b>Agenda Item:</b>	<b>Approve or deny a minor subdivision</b>
<b>Subject Property Address:</b>	<b>54 S Main St</b>
<b>Applicant:</b>	<b>Iron Rock Engineering</b>
<b>Zoning Designation:</b>	<b>R-1-8</b>
<b>General Plan Designation:</b>	<b>Medium Density Residential (MDR)/High Density Residential (HDR)</b>
<b>Parcel #:</b>	<b>K-16-1</b>
<b>Applicable Ordinances:</b>	<b>Subdivision Ordinance, Chapter 2-2</b>

### **Attachments:**

**Exhibit A: Subject Property**

**Exhibit B: Proposed Plat**

### **Summary:**

Iron Rock Engineering, representative of Tory & Kathrin Brock applied for a minor subdivision for parcel K-16-1. The minor subdivision proposes to split the parcel into 3 lots. The current zone is R-1-8, however, the property owner has applied for a zone change to a commercial zone. The proposed lots will be split into a 0.71-acre lot, a 0.40-acre lot and a 0.50-acre lot.

### **Applicable Regulation(s):**

Subdivisions are addressed in Utah Code, Title 10, Chapter 9a, Part 6, and the Kanab City Subdivision Ordinance, Chapter 2, upon application that includes a Sketch Plan and Narrative. Chapter 2-2 specifically address the minor subdivision process and requirements.

### **Analysis**

The Development Committee is reviewing the application, sketch plan and narrative provided by the applicant. Staff has determined:

- The application does meet the requirements of the subdivision ordinance.
- The application does meet the zoning ordinance(s).
- Sensitive lands have not been identified.
- The subdivision is consistent with the General Plan for the current zoning.
- Parcel is zoned R-1-8 (8,000 sq.ft. lots).

**– A Western Classic –**

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Boyd Corry**  
**Peter Banks**

The owner of record contained within the plat is Tory & Kathrin Brock confirmed with a recent title report. Subdivision construction improvement plans for grading, drainage, streets and utility infrastructure, as modified by the proposed minor subdivision will be addressed with a site plan and building permit. The applicant has paid the minor subdivision fee required. Impact fees will be collected through the building permitting process.

**Proposed Findings:**

1. This application was initiated by Iron Rock Engineering.
2. The property included within the proposed minor subdivision boundaries is zoned R-1-8.
3. The Future Land Use Map designation for these properties on the City's General Plan is Medium Density Residential/High Density Residential.
4. The applicant is requesting a minor subdivision.
5. The proposed subdivision meets the subdivision and zoning standards in the City's Ordinance.
6. The owner is responsible for securing the appropriate development permits prior to any construction activity.
7. The Kanab City Planning Commission is the body responsible for making recommendations to the City Council, upon application.

**Planning Commission:**

Planning commission made a positive recommendation for the minor subdivision, the vote was unanimous.

**Conditions of Approval:** None

**Recommended Motion:**

I move approve the minor subdivision, affecting parcel K-16-1 based on the findings and conditions of approval as outlined in the staff report #2024013.

**Alternate motion:**

I move approve the minor subdivision, affecting parcel K-16-1 based on the findings and conditions of approval as outlined in the staff report #2024013, with the additional findings and conditions: .

I move deny the minor subdivision, affecting parcel K-16-1 demonstrating the applicant has not met the standards outlined in the Kanab City ordinances: .

**— A Western Classic —**

**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Chris Heaton**

**Scott Colson**

**Boyd Corry**

**Peter Banks**

# Exhibit A: Subject Property

— A Western Classic —





**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Chris Heaton**

**Scott Colson**

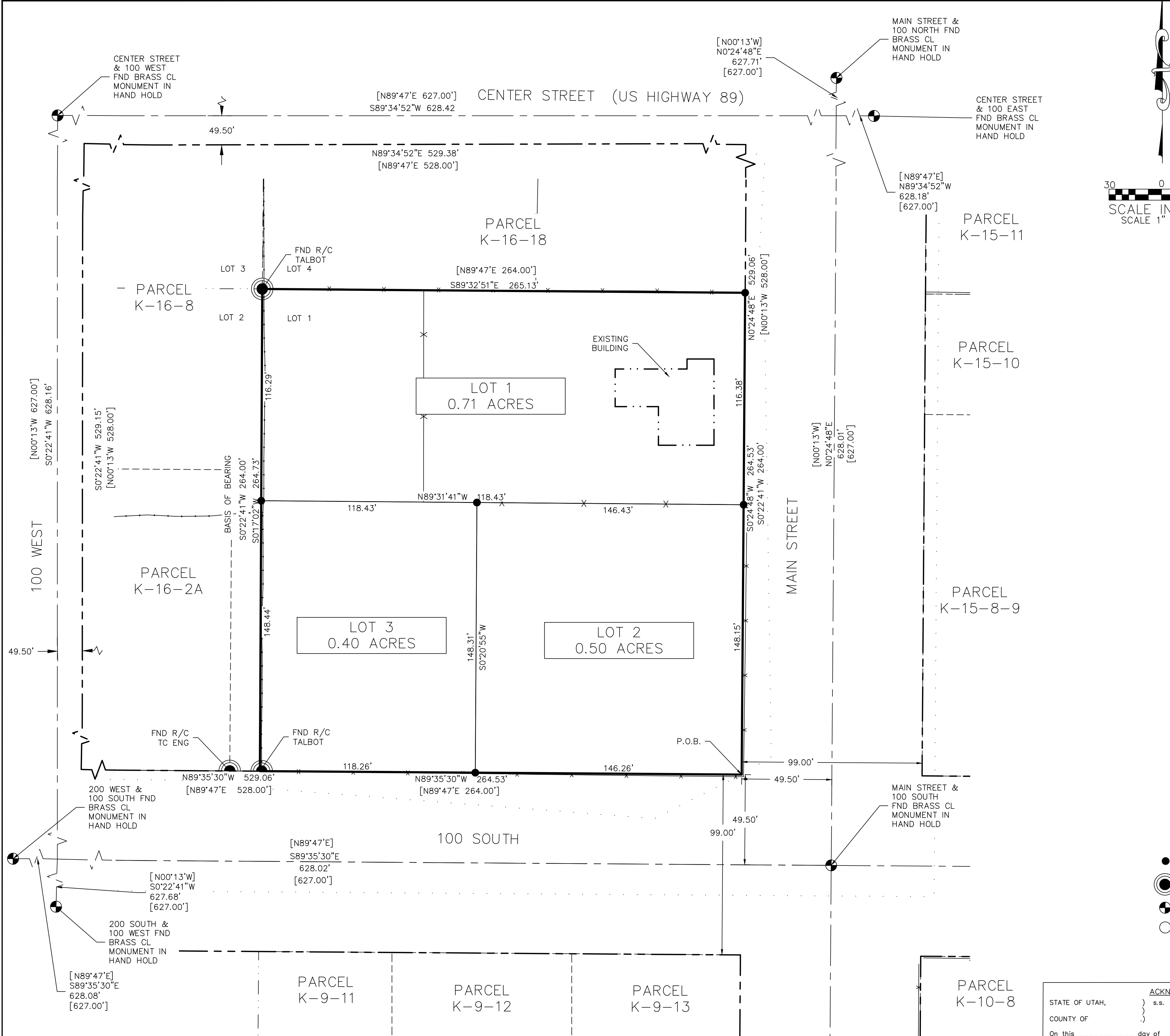
**Boyd Corry**

**Peter Banks**

# **Exhibit B: Proposed Plat**

**— A Western Classic —**





# PURPLE SAGE A MINOR SUBDIVISION PARCEL K-16-1

LOCATED IN LOT 1, BLOCK 16, PLAT "A" KANAB TOWNSITE  
CITY OF KANAB, UTAH  
LOCATED IN N½ OF SECTION 28,  
TOWNSHIP 43 SOUTH, RANGE 6 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 subdivided the same tract into 3 lots as well as Public Utility and Ingress & Egress Easements, as shown, which are herein after known as

"PURPLE SAGE, A MINOR SUBDIVISION PARCEL K-16-1"

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. All corners are set and found as shown. The basis of bearing for this survey is measured between the Main Street and 100 North CL Monument and the Main Street and 100 South CL Monument with a bearing of N0°24'48"E and a distance of 125572' Utah State Plane coordinate system South Zone

### Legal Description:

All of Lot 1, Block 16, Plat "A" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah, more particularly described as:

BEGINNING at the Southeast corner of said Lot, and running; thence, along the east line of said lot, North 00° 24' 48" East 264.53 feet, to the northeast corner of said lot; thence, along the north line of said lot, North 89° 32' 51" West 265.13 feet, to the northwest corner of said lot; thence, along the west line of said lot, South 00° 17' 02" West 264.73 feet, to the southwest corner of said lot; thence, along the south line of said lot, South 89° 35' 30" East 264.53 feet, to the POINT OF BEGINNING;

### REFERENCED DOCUMENTS

- MONUMENT CONTROL MAP OF KANAB
- KANAB CITY- MAP BLOCK 16, PLAT A
- CS-243 PLATT & PLAT INC
- CS-268 TALBOT LAND SURVEYORS
- CS-543 TC ENGINEERING
- CS-774 TC ENGINEERING
- CS-797 TC ENGINEERING
- CS-826 TALBOT LAND SURVEYORS

SURVEYED AT THE REQUEST OF :  
TORY & KATHRIN BROCK  
39 W 100 S  
KANAB, UT 84741

### LEGEND

- |   |                                       |       |                             |
|---|---------------------------------------|-------|-----------------------------|
| ● | SET 5/8" x 24" REBAR WITH PLASTIC CAP | _____ | PROPERTY LINE               |
| ⦿ | MARKED IRON ROCK PLS 5561917          | ----- | ADJACENT PROPERTY LINE      |
| ⦿ | FOUND MONUMENT AS NOTED               | ----- | STREET CENTER LINE          |
| ⦿ |                                       | ----- | FENCE                       |
| ⦿ |                                       | ----- | BLOCK LINE                  |
| ⦿ |                                       | ----- | LOT LINE                    |
| ⦿ |                                       | ----- | SURVEY BOUNDARY             |
| ⦿ |                                       | ----- | EASEMENT                    |
| ⦿ |                                       | ----- | EXISTING BUILDING           |
| ⦿ |                                       | ----- | RECORD BEARING AND DISTANCE |

### ACKNOWLEDGMENT

STATE OF UTAH, ) s.s.  
COUNTY OF )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me TORY BROCK AND KATHRIN BROCK, who is personally know to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this 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

Know all men by these presents that the undersigned TORY AND KATHRIN BROCK are the owners of the above described tract of land, and hereby cause the same to be subdivided into two lots to be hereafter known as BROCK, a Minor Subdivision, the undersigned owners also hereby re-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, I have set my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

TORY BROCK  
39 WEST 100 SOUTH  
KANAB, UT 84741

KATHRIN BROCK  
39 WEST 100 SOUTH  
KANAB, UT 84741

### CITY ATTORNEY CERTIFICATE

I, \_\_\_\_\_, Attorney for Kanab City, do hereby certify that I have examined the above Plat and said plat meets the requirements of Kanab City and is hereby recommended for approval this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

KANAB CITY 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

### CITY PUBLIC WORKS DIRECTOR CERTIFICATE

I, \_\_\_\_\_, Kanab City public Works Director, do hereby certify that this office has examined the above 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\_\_\_\_.

KANAB CITY PUBLIC WORKS DIRECTOR

### CITY SURVEYOR CERTIFICATE

I, \_\_\_\_\_, Kanab City Surveyor, do hereby certify that this office has examined the above 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\_\_\_\_.

KANAB CITY SURVEYOR

### APPROVAL of the PLANNING COMMISSION

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Planning Commission of Kanab City, Utah, having reviewed the above Plat and having found that it complies with the requirements of the Kanab City's planning and zoning ordinances, and by authorization of said commission hereby recommend approval of said plat for acceptance by Kanab City, Utah.

CHAIRMAN Planning Commission

### APPROVAL AND ACCEPTANCE by the Kanab City Council

We the Kanab City Council have reviewed the hereon Plat and by authorization of said Kanab City Council recorded in the minutes of it's meeting of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, hereby accept the said plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder.

Attest: \_\_\_\_\_ Mayor \_\_\_\_\_  
Kanab City Recorder Kanab City Council

Building on Solid Foundations

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

PURPLE SAGE  
A MINOR SUBDIVISION  
PARCEL K-16-1  
KANAB, UT 84741

INITIAL SUBMITTAL	DATE: 04/01/2024
REV#	DATE: 4/9/2024
1st Review	City's Review

FOR REVIEW

DRAWN BY: CM  
SCALE: 1" = 30'  
SHEET:  
1 OF 1

Mayor  
T. Colten Johnson  
City Manager  
Tyler Ludwig  
Treasurer  
Danielle Ramsay



City Council  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Boyd Corry  
Peter Banks

## Kanab City Council Staff Report File # 2024021

Date:	May 24, 2024
Meeting Date:	May 28, 2024
Agenda Item:	Approve or deny a zone change from R-1-8 [Single Family Zone] to C-1 [Commercial] for parcel K-21-6
Subject Property Address:	72 N 100 W
Property Owner:	Kane County School District
Applicant Agent:	Iron Rock Engineering
General Plan Designation:	Medium Density Residential/High Density Residential
Parcel #:	K-21-6

### Attachments:

#### Exhibit A: Subject/Vicinity Property

### Summary:

Property Owner, Kane County School District, is requesting a zone change to rezone parcel K-21-6 from Single Family Residential Zone (R-1-8) to Commercial (C-1).

### Site Description:

The subject property is approximately 0.56 acres. The parcel has an existing structure and is accessed from Main St. Surrounding zoning designations and the density designations are as follows:

North	South	East	West
Single-Family R-1-8	Commercial C-1	Commercial C-1	Commercial (C-1)
Medium Density	Medium Density	Medium Density	Medium Density
Residential (MDR) /	Residential (MDR) /	Residential (MDR) /	Residential (MDR) /
High Density	High Density	High Density	High Density
Residential (HDR)	Residential (HDR)	Residential (HDR)	Residential (HDR)

### Kanab City Land Use Ordinance, General Plan and Zoning Map Analysis:

Zoning designations and zone changes are regulated by the Kanab City Land Use Ordinance, Chapter 15 – Establishment of Zoning Districts regulates zoning designations within Kanab City. Section 15-7 Transitioning and Maintaining Balance, states:

*It is the objective of the City to encourage and provide for proper transition and compatibility between zones and intensity of uses, which should be regulated by the City Land Use Code, the General Plan, Future Land Use Map and the Kanab City Annexation Policy Plan. The City also seeks to maintain a healthy balance and mix*

— A Western Classic —



**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Scott Colson**  
**Chris Heaton**  
**Boyd Corry**  
**Peter Banks**

*of land uses within the community, representing the atmosphere of existing development. Areas for growth have been planned with a balance for all uses, including agriculture, residential, commercial and industrial uses, as demonstrated in the Kanab City General Plan and Future Land Use Map. Future decisions regarding land use and zoning in Kanab should be guided by this map.*

*The City promotes orderly growth, with an emphasis for new developments to occur in the core community areas first. Rezoning of adjacent undeveloped property should be compatible with developed property.*

### **Findings:**

1. The application was initiated by Iron Rock Engineer.
2. The property is zoned as R-1-8 and is approximately 0.56-acres.
3. A lot line adjustment was recorded with the county recorder's office, moving Parcel K-28-6, located in the northwest area above parcel K-21-5 to the Southwest area below parcel K-21-5. Due to the lots changing "city blocks" a new parcel number was assigned with the lot line adjustment (K-21-6).
4. The City Council is the decision-making authority for a zoning application. The Council may adopt or reject the request as it deems appropriate or may assign a different zoning designation.
5. Assigning a C-1 zone is not consistent with the Kanab City Future Land Use Map designation of MDR/HDR. The General Plan and Land Use Ordinances designate commercial property development along the highway corridors.
6. The requested zone of C-1 is consistent with the adjacent properties to the East, West and South of the property as they are zoned commercial C-1.

### **Public Hearing:**

No comments were made during the public hearing.

### **Planning Commission**

After discussing the zoning application, the Planning Commission sent a positive recommendation to City Council assigning C-1 to parcel K-21-6.

### **Suggested Motion(s):**

I move that we approve the assignment of zone C-1 to Parcel K-21-6 based on the findings outlined in Staff Report #2024021.

I move that we deny the zone change application for Parcel K-21-6 leaving the zone as R-1-8.

**— A Western Classic —**

**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Scott Colson**

**Chris Heaton**

**Boyd Corry**

**Peter Banks**

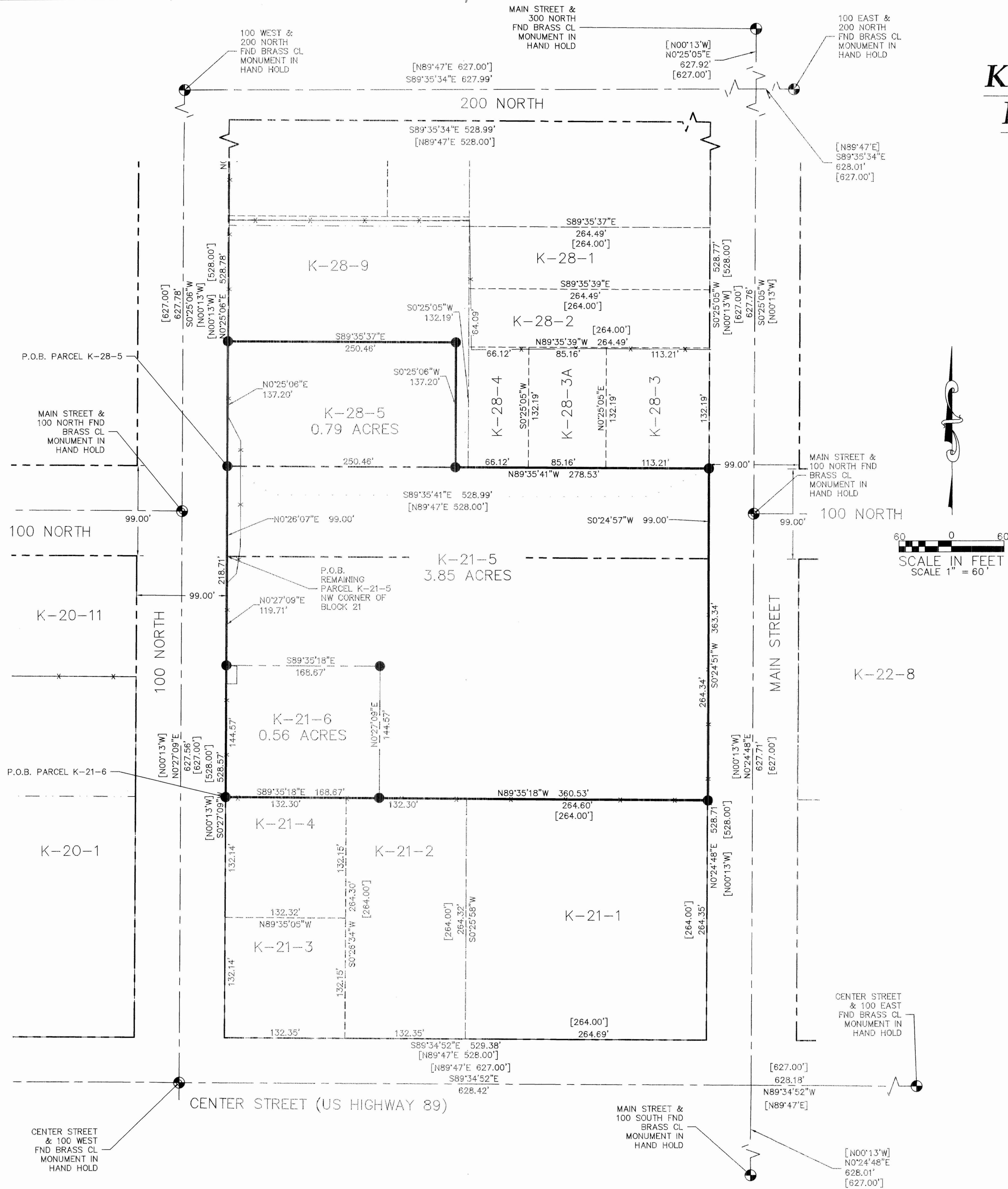
## **Exhibit A: Subject Property**

**— A Western Classic —**





CS-1332 KANE COUNTY SCHOOL DISTRICT 5-8-2024 11:32 AM



**RECORD OF SURVEY**  
**KANE COUNTY SCHOOL DISTRICT**  
**PARCEL'S K-28-5, K-21-6 & K-21-5**  
IN BLOCK'S 28 AND 21, PLAT "A", CITY OF KANAB, UTAH  
LOCATED IN N½ OF SECTION 28,  
TOWNSHIP 43 SOUTH, RANGE 6 WEST,  
SALT LAKE BASE AND MERIDIAN

**SURVEYOR'S CERTIFICATE**

I, Thomas W. Avant, a Professional Land Surveyor, License Number 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 Record of Survey.

*Thomas W. Avant*  
Thomas W. Avant, PLS # 5561917

*5/8/2024*  
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. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone.

**Legal Description:**

Parcel K-28-5 - Combined Parcels K-28-5 and K-28-6: BEGINNING at the Southwest Corner of Lot 3 of Block 21, Plat "A" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah, and running; thence, along the West Block Line, North 00° 25' 06" East 137.20 feet; thence South 89° 35' 37" East 250.46 feet; thence South 00° 25' 06" West 137.20 feet, to the South Block Line; thence, along said line, North 89° 35' 41" West 250.46 feet, to the POINT OF BEGINNING; containing 0.79 acres (more or less).

New Parcel K-21-6 - A Portion of Parcel K-21-5: BEGINNING at the Southwest Corner of Lot 3 of Block 21, Plat "A" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah, and running; thence, along the West Block Line, North 00° 27' 09" East 144.57 feet; thence South 89° 35' 18" East 168.67 feet; thence South 00° 27' 09" West 144.57 feet, to the South Line of said lot; thence, along said line, North 89° 35' 18" West 168.67 feet, to the POINT OF BEGINNING; containing 0.56 acres (more or less).

Remaining Parcel K-21-5: BEGINNING at the Northwest Corner of Block 21, Plat "A" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah, and running; thence, along the easterly right-of-way of 100 West, North 00° 26' 07" East 99.00 feet, to the Southwest Corner of Block 28 of said plat; thence South 89° 35' 41" East 528.99 feet, to the Southeast Corner of said block; thence, along the westerly right-of-way of Main Street, South 00° 24' 57" West 99.00 feet, to the Northeast Corner of said Block 21; thence, along the East Block Line, South 00° 24' 48" West 264.34 feet, to the Southeast Corner of Lot 4 of said block; thence, along the south line of Lots 3 and 4 of said block, North 89° 35' 18" West 360.53 feet; thence North 00° 27' 09" East 144.57 feet; thence North 89° 35' 18" West 168.67 feet, to the West Block Line; thence, along said line, North 00° 27' 09" East 119.71 feet, to the POINT OF BEGINNING; containing 3.85 acres (more or less).

SURVEYED AT THE REQUEST OF :  
KANE COUNTY SCHOOL DISTRICT  
746 S CONSTITUTION DR  
KANAB, UT 84741

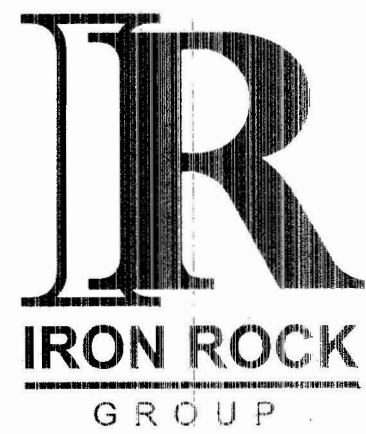
**REFERENCED DOCUMENTS**

- AMENDED PLAT OF KANAB CREEK RANCHOS UNIT NO.3
- RECORD OF SURVEY, TALBOT LAND SURVEYORS, NINA SHAW, CS-841
- WARRANTY DEED, ENTRY NO. 00207053
- WARRANTY DEED, ENTRY NO. 00207054
- WARRANTY DEED, ENTRY NO. 00207055

**LEGEND**

- SET 5/8" x 24" REBAR WITH PLASTIC CAP MARKED IRON ROCK PLS 5561917
- ⊙ FOUND MONUMENT AS NOTED

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- - - SURVEY BOUNDARY
- - - EASEMENT
- - - STREET CL
- [ ] RECORD BEARING AND DISTANCE

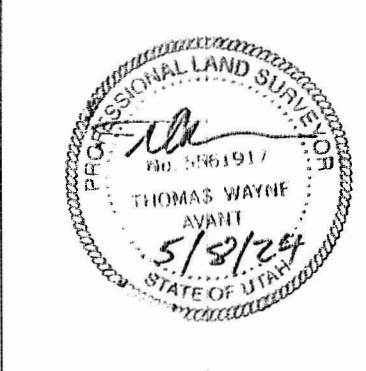


Building on Solid Foundations

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

RECORD OF SURVEY  
KANE COUNTY SCHOOL DISTRICT  
K-28-5, K-21-5 & K-21-6  
KANAB CITY, UTAH

INITIAL SUBMITTAL	REV#	DATE	DESCRIPTION



DRAWN BY: CH  
SCALE: 1"=60'  
SHEET:

**ORDINANCE NO. 5- -24 O**

**AN ORDINANCE APPROVING A ZONE CHANGE FOR PARCEL  
K-21-6 FROM R-1-8 TO C-1**

**WHEREAS**, pursuant to Utah Code § 10-9a-501, and Kanab City Land Use Ordinance, Chapter 1, Section 17, the City Council is authorized on its own motion or pursuant to an application, to amend and assign zoning district boundaries, after receiving a recommendation from the Kanab City Planning Commission;

**WHEREAS**, applicant Kane County School District submitted an application for a zone change of the parcel identified as K-21-6, requesting it be changed from Residential (R-1-8) to Commercial 1 (C-1);

**WHEREAS**, after proper notice was provided, the Kanab City Planning Commission held a public hearing on May 21, 2024, and gave a unanimous recommendation to the City Council in favor of a zone change from R-1-8 to C-1;

**WHEREAS**, the City Council met during its regularly scheduled and properly noticed meeting on May 28, 2024, received input from the applicant/applicant's representative and staff, and reviewed and discussed the Kanab City Planning Commission's recommendation and the zoning options for the parcel.

**NOW, THEREFORE, BE IT ORDAINED** by the Kanab City Council that 72 N. 100 W. on the parcel identified on the Kane County records parcel as K-21-6 are hereby assigned the zone of C-1, a Commercial zone under the Kanab City Land Use Ordinance;

All former zoning designations for the subject parcel conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

The provisions of this Ordinance shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

*[Signatures on the next page.]*



**PASSED AND ORDERED POSTED** this\_\_\_\_day of May, 2024.

KANAB CITY

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
RECORDER

**VOTING:**

Boyd Corry	Yea ____	Nay ____
Peter Banks	Yea ____	Nay ____
Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____

POSTED the \_\_\_\_ day of \_\_\_\_\_, 2024, as certified by the Recorder: \_\_\_\_\_.  
RECORDER

Mayor  
T. Colten Johnson  
City Manager  
Kyler Ludwig  
Treasurer  
Danielle Ramsay



City Council  
Arlon Chamberlain  
Chris Heaton  
Scott Colson  
Boyd Corry  
Peter Banks

## Kanab City Council Staff Report File # 2024020

Date:	May 24, 2024
Meeting Date:	May 28, 2024
Agenda Item:	Discuss, approve or deny a zone change to City Council from R-1-8 [Single Family] to RM [Multi-Family] for parcel K-263-3 located in the approximate area of 238 E 200 N
Subject Property Address:	238 E 200 N
Applicant:	Matthew & Janae Chatterley
Applicant Agent:	N/A
General Plan Designation:	Medium Density Residential/High Density Residential
Parcel #:	K-263-3

Prepared by Kyler Ludwig

### Attachments:

Exhibit A: Subject/Vicinity Property

Exhibit B: Conceptual Plan

### Summary:

Matthew and Janae Chatterley are requesting a zone change to rezone parcels K-263-3 from a Single Family Residential (R-1-8) zone to a Residential Multi-Family (RM) zone. Currently the property owners have an approved and valid building permit for a two-family dwelling, construction began on this project in March 2024. Under the current zoning of R-1-8 a two-family dwelling could not be subdivided and sold as separate dwellings. The property owners would like the opportunity to subdivide and sell the units individually.

### Site Description:

The subject property is 0.25 acres and is located at 238 East 200 North. The parcel is owned by Matthew & Janae Chatterley. The two-family dwelling unit is currently under construction with a valid building permit. Surrounding zoning designations and the density designations are as follows:

North	South	East	West
R-1-8 with MDR/HDR	R-1-8 with MDR/HDR	R-1-8 with MDR/HDR	R-1-8 with MDR/HDR

— A Western Classic —

Mayor  
T. Colten Johnson  
City Manager  
Kyler Ludwig  
Treasurer  
Danielle Ramsay



City Council  
Arlon Chamberlain  
Chris Heaton  
Scott Colson  
Boyd Corry  
Peter Banks

### **Kanab City Land Use Ordinance, General Plan and Zoning Map Analysis:**

Zoning designations and zone changes are regulated by the Kanab City Land Use Ordinance, Chapter 15 – Establishment of Zoning Districts regulates zoning designations within Kanab City. Section 15-7 Transitioning and Maintaining Balance which states:

*It is the objective of the City to encourage and provide for proper transition and compatibility between zones and intensity of uses, which should be regulated by the City Land Use Code, the General Plan, Future Land Use Map and the Kanab City Annexation Policy Plan. The City also seeks to maintain a healthy balance and mix of land uses within the community, representing the atmosphere of existing development. Areas for growth have been planned with a balance for all uses, including agriculture, residential, commercial and industrial uses, as demonstrated in the Kanab City General Plan and Future Land Use Map. Future decisions regarding land use and zoning in Kanab should be guided by this map.*

*The City promotes orderly growth, with an emphasis for new developments to occur in the core community areas first. Rezoning of adjacent undeveloped property should be compatible with developed property.*

Parcel K-263-3 is in an area designated as Medium Density Residential (MDR)/High Density Residential per the current Future Land Use Map. The surrounding parcels and existing neighborhood are currently zoned R-1-8 the existing neighborhood has been developed as single-family residences there are two vacant properties in the area.

### **Findings:**

1. The application was initiated by the owners Matthew and Janae Chatterley.
2. The subject property is 0.25 acres and currently being developed as a two-family dwelling unit.
3. The City Council is the decision-making authority for zone changes and may adopt or reject the application as it deems appropriate.
4. Assigning a RM zone is consistent with the Kanab City Land Use Ordinances and Future Land Use Map designating the area as MDR/HDR. The zoning request is not consistent with the current zoning of the established neighborhood. Much of the established neighborhood is developed as Single-Family residences. Per Land Use ordinances two-family dwellings are permitted in single-family zones if the standards are met.

### **Public Comment:**

No public comment during the public hearing.

— A Western Classic —

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Boyd Corry**  
**Peter Banks**

**Planning Commission:**

After discussing the application and reviewing the zone change request, the Planning Commission sent a positive recommendation to assign a RM zone to parcel K-263-3, the vote was unanimous.

**Recommended Motion(s):**

I move that we approve to change the zone on parcel K-263-3 to RM based on the findings in file #2024020 of the staff report.

I move that we deny the zone change request leaving parcel K-263-3 zoned as R-1-8.

— A Western Classic —

**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Chris Heaton**

**Scott Colson**

**Boyd Corry**

**Peter Banks**

## **Exhibit A: Subject/Vicinity Property**

**— A Western Classic —**







**Mayor**

**T. Colten Johnson**

**City Manager**

**Kyler Ludwig**

**Treasurer**

**Danielle Ramsay**



**City Council**

**Arlon Chamberlain**

**Chris Heaton**

**Scott Colson**

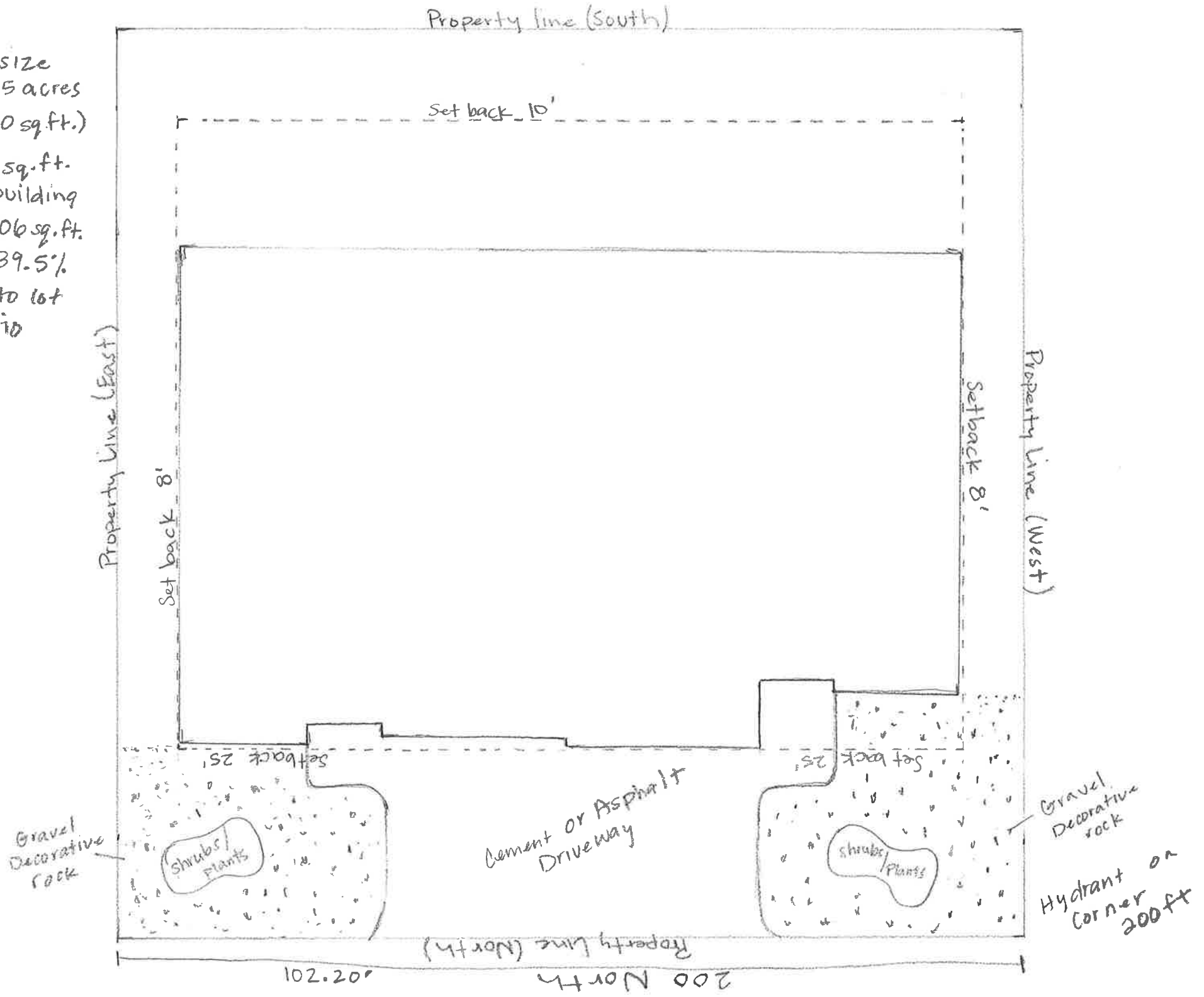
**Boyd Corry**

**Peter Banks**

## **Exhibit B: Conceptual Site Plan**

**— A Western Classic —**

Lot size  
.25 acres  
(10,890 sq.ft.)  
Total sq.ft.  
of building  
4306 sq.ft.  
39.5%  
Bldg to lot  
ratio





**ORDINANCE NO. 5- -24 O**

**AN ORDINANCE APPROVING A ZONE CHANGE FOR PARCEL  
K-263-3 FROM R-1-8 TO RM**

**WHEREAS**, pursuant to Utah Code § 10-9a-501, and Kanab City Land Use Ordinance, Chapter 1, Section 17, the City Council is authorized on its own motion or pursuant to an application, to amend and assign zoning district boundaries, after receiving a recommendation from the Kanab City Planning Commission;

**WHEREAS**, applicant Matthew and Janae Chatterley submitted an application for a zone change of the parcel identified as K-263-3, requesting it be changed from Residential (R-1-8) to Multi-Family (RM);

**WHEREAS**, after proper notice was provided, the Kanab City Planning Commission held a public hearing on May 21, 2024, and gave a unanimous recommendation to the City Council in favor of a zone change from R-1-8 to RM;

**WHEREAS**, the City Council met during its regularly scheduled and properly noticed meeting on May 28, 2024, received input from the applicant/applicant's representative and staff, and reviewed and discussed the Kanab City Planning Commission's recommendation and the zoning options for the parcel.

**NOW, THEREFORE, BE IT ORDAINED** by the Kanab City Council that 238 E. 200 N. on the parcel identified on the Kane County records parcel as K-263-3 are hereby assigned the zone of RM, a Multi-Family zone under the Kanab City Land Use Ordinance;

All former zoning designations for the subject parcel conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

The provisions of this Ordinance shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

*[Signatures on the next page.]*

**PASSED AND ORDERED POSTED** this\_\_\_\_day of May, 2024.

KANAB CITY

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
RECORDER

**VOTING:**

Boyd Corry	Yea ____	Nay ____
Peter Banks	Yea ____	Nay ____
Arlon Chamberlain	Yea ____	Nay ____
Scott Colson	Yea ____	Nay ____
Chris Heaton	Yea ____	Nay ____

POSTED the \_\_\_\_ day of \_\_\_\_\_, 2024, as certified by the Recorder: \_\_\_\_\_.  
RECORDER



**KANAB CREEK WATERSHED, UTAH  
WATERSHED WORK PLAN AGREEMENT**

between

Kanab City, Utah  
(Referred to herein as Sponsor)

and the

Natural Resources Conservation Service,  
U.S. Department of Agriculture  
(Referred to herein as NRCS)

**Whereas**, application has heretofore been made to the Secretary of Agriculture by Kanab City, Utah for assistance in preparing a plan for works of improvement for the Kanab Creek Watershed, Utah, under the authority of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. Sections 1001 to 1008, 1010, and 1012; and

**Whereas**, the responsibility for administration of the Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended, has been assigned by the Secretary of Agriculture to the NRCS; and

**Whereas**, there has been developed through the cooperative efforts of the Sponsor and the NRCS a Watershed Work Plan and Environmental Assessment for works of improvement for the Eastern Duchesne Watershed, Utah, hereinafter referred to as the Watershed Project or Plan, which Plan is annexed to and made part of this agreement;

**Now**, therefore, the Secretary of Agriculture through the NRCS and the Sponsor hereby agree on this Watershed Plan and that the works of improvement for this project will be installed, operated, and maintained in accordance with the terms, conditions, and stipulations provided for in this Watershed Plan and including the following:

1. **Term.** The term of this agreement is for the installation period and evaluated life of the project (54 years) and does not commit the NRCS to assistance of any kind beyond the end of the evaluated life.
2. **Costs.** The costs shown in this plan are preliminary estimates. Final costs to be borne by the parties hereto will be the actual costs incurred in the installation of works of improvement.
3. **Real Property.** The Sponsor will acquire such real property as will be needed in connection with the works of improvement. The amounts and percentages of the real property acquisition costs to be borne by the Sponsor and the NRCS are as shown in the cost-share table in section 5 hereof.

The Sponsor agrees that all land acquired for measures, other than land treatment practices, with financial or credit assistance under this agreement will not be sold or otherwise disposed of for the evaluated life of the project except to a public agency that will continue to maintain and operate the development in accordance with the operation and maintenance agreement.

4. **Uniform Relocation Assistance and Real Property Acquisition Policies Act.** The Sponsor hereby agrees to comply with all of the policies and procedures of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. Section 4601 et seq. as further implemented through regulations in 49 CFR Part 24 and 7 CFR Part 21) when acquiring real property interests for this federally assisted project. If the sponsor is legally unable to comply with the real property acquisition requirements, it agrees that, before any Federal financial assistance is furnished, it will provide a statement to that effect, supported by an opinion of the chief legal officer of the Sponsor containing a full discussion of the facts and law involved. This statement may be accepted as constituting compliance.

Deleted: state

5. **Cost-Share for Watershed Project Plans.** Table 1- Eastern Duchesne Watershed Agreement Cost-Share Percentages & Amounts shows the estimated cost-share percentages and amounts for Watershed Project Plan implementation.

**Table 1.** Eastern Duchesne Watershed Agreement - Cost-Share Percentages and Amounts

Works of Improvement	NRCS		Sponsors		Total Cost
Cost-Sharable Items	%	Cost	%	Cost	
Flood Prevention Measures <sup>1/</sup>	100	\$	0	\$	\$
Mitigation		\$		\$	\$
Real Property Acquisition Cost	0	\$0	0	\$0	\$0
Project Administration	0	\$0	0	\$0	\$0
Real Estate Appraisal Fees, Legal Fees, Survey Costs, Flowage Easement	0	\$0	0	\$0	\$0
Relocation <sup>2/</sup>	0	\$0	0	\$0	\$0
Sponsors Engineering Costs	0	\$0	0	\$0	\$0
<b>Subtotal: Cost-Sharable Costs</b>		\$		\$	\$
Non-Cost-Sharable Item <sup>3/</sup>	NRCS		Sponsors		Total Cost
	%	Cost	%	Cost	
NRCS Technical Assistance/Engineering	100	\$	0	\$0	\$
Project Administration <sup>4/</sup>	N/A	\$	N/A	\$	\$
Water, Mineral and Other Resource Rights <sup>5/</sup>	0	\$0	100	\$0	\$0
Permits	0	\$0	100	\$	\$
Real Property Rights	0	\$0	100	\$	\$
Relocation, Beyond Required Decent, Safe, Sanitary <sup>6/</sup>	0	\$0	100	\$0	\$0
Non-Project Costs	0	\$0	100	\$0	\$0
<b>Subtotal: Non-Cost-Sharable Costs</b>		\$		\$	\$
<b>Grand Total:</b>		\$		\$	\$

1/ - The cost-share rate is the percentage of the average cost of installing the practice in the selected plan for the evaluation unit. During project implementation, the actual cost-share rate must not exceed the rate of assistance for similar practices and measures under existing national programs.

2/ - Investigation of the watershed project area indicates that no displacements will be involved under present conditions. However, in the event

that displacement becomes necessary at a later date, the cost of relocation assistance and payments will be cost-shared in accordance with the percentages shown.

---

3/ - If actual Non-Cost-Sharable item expenditures vary from these figures, the responsible party will bear the change.

4/ - The sponsors and NRCS will each bear the costs of project administration that each incurs. Sponsor costs for project administration include relocation assistance advisory service.

5/ - The sponsors will acquire with other than Watershed Protection and Flood Prevention Act funds, such real property as will be needed in connection with the works of improvement. The value of real property is eligible as in-kind contributions toward the sponsors' share of the works of improvement costs. In no case will the amount of an in-kind contribution exceed the sponsors' share of the cost for the works of improvement. The maximum cost eligible for in-kind credit is the same as that for cost sharing.

6/ - Relocation payments for the cost of improvements beyond decent, safe and sanitary requirements is a non-project cost ineligible for assistance under the act.

---

- 6. Land Treatment Agreements.** The Sponsor will obtain agreements from owners of not less than 50 percent of the land above each multiple-purpose and floodwater-retarding structure. These agreements must provide that the owners will carry out farm or ranch conservation plans on their land. The Sponsor will ensure that 50 percent of the land upstream of any retention reservoir site is adequately protected before construction of the dam. The Sponsor will provide assistance to landowners and operators to ensure the installation of the land treatment measures shown in the Watershed Plan. The Sponsor will encourage landowners and operators to continue to operate and maintain the land treatment measures after the long-term contracts expire, for the protection and improvement of the watershed.
- 7. Floodplain Management.** Before construction of any project for flood prevention, the Sponsor agrees to participate in and comply with applicable Federal floodplain management and flood insurance programs.
- 8. Water and Mineral Rights.** The Sponsor will acquire or provide assurance that landowners or resource users have acquired such water, mineral, or other natural resources rights pursuant to State law as may be needed in the installation and operation of the works of improvement.
- 9. Permits.** The Sponsor will obtain and bear the cost for all necessary Federal, State, and local permits required by law, ordinance, or regulation for installation of the works of improvement.
- 10. NRCS Assistance.** This agreement is not a fund-obligating document. Financial and other assistance to be furnished by the NRCS in carrying out the plan is contingent upon the fulfillment of applicable laws and regulations and the availability of appropriations for this purpose.
- 11. Additional Agreements.** A separate agreement will be entered into between the Sponsor and the NRCS before either party initiates work involving funds of the other party. Such agreements will set forth in detail the financial and working arrangements and other conditions that are applicable to the specific works of improvement.
- 12. Amendments.** This plan may be amended or revised only by mutual agreement of the parties hereto, except that the NRCS may deauthorize or terminate funding at any time if it determines that the Sponsor has failed to comply with the conditions of this agreement or when the program funding or authority expires. In this case, the NRCS must promptly notify the Sponsor in writing of the determination and the reasons for the deauthorization of project funding, together with the effective date. Payments made to the Sponsor or recoveries by the NRCS must be in accordance with the legal rights and liabilities of the parties when project funding has been deauthorized. An amendment to incorporate changes affecting a specific

measure may be made by mutual agreement between the Sponsor and the NRCS having specific responsibilities for the measure involved.

- 13. Prohibitions.** No member of or delegate to Congress, or resident commissioner, may be admitted to any share or part of this plan, or to any benefit that may arise therefrom; but this provision may not be construed to extend to this agreement if made with a corporation for its general benefit.
- 14. Operation and Maintenance (O&M).** The Sponsor will be responsible for the operation, maintenance, and any needed replacement of the works of improvement by performing the work or arranging for such work, in accordance with an O&M Agreement. An O&M agreement will be entered into before Federal funds are obligated and will continue for the project life 50 years. Although the sponsor's responsibility to the Federal Government for O&M ends when the O&M agreement expires upon completion of the evaluated life of measures covered by the agreement, the Sponsor acknowledges that continued liabilities and responsibilities associated with works of improvement may exist beyond the evaluated life.
- 15. Emergency Action Plan.** Prior to construction, the Sponsor must prepare an Emergency Action Plan (EAP) for each dam or similar structure where failure may cause loss of life or as required by state and local regulations. The EAP must meet the minimum content specified in NRCS Title 180, National Operation and Maintenance Manual (NOMM), Part 500, Subpart F, Section 500.52, and meet applicable State agency dam safety requirements. The NRCS will determine that an EAP is prepared prior to the execution of fund obligating documents for construction of the structure. EAPs must be reviewed and updated by the Sponsor annually.
- 16. Nondiscrimination Provisions.** In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.

By signing this agreement, the recipient assures the USDA that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies.

**17. Certification Regarding Drug-Free Workplace Requirements (7 CFR Part 3021).** By signing this Watershed Agreement, the Sponsor is providing the certification set out below. If it is later determined that the Sponsor knowingly rendered a false certification, or otherwise violated the requirements of the Drug-Free Workplace Act, the NRCS, in addition to any other remedies available to the Federal Government, may take action as authorized under the Drug-Free Workplace Act.

*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by regulation (21 CFR Sections 1308.11 through 1308.15);

*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacturing, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all direct charge employees; (ii) all indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantees' payroll; or employees of sub-recipients or sub-contractors in covered workplaces).

**Certification:**

A. The Sponsor certifies that they will or will continue to provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- (2) Establishing an ongoing drug-free awareness program to inform employees about:
  - (a) The danger of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1).
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee must:



- (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- (5) Notifying the NRCS in writing, within 10 calendar days after receiving notice under paragraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice must include the identification numbers of each affected grant.
- (6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (4) (b), with respect to any employee who is so convicted.
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).
- B. The Sponsor may provide a list of the sites for the performance of work done in connection with a specific project or other agreement.
- C. Agencies must keep the original of all disclosure reports in the official files of the agency.

**18. Certification Regarding Lobbying (7 CFR Part 3018) (for projects > \$100,000)**

- A. The Sponsor certifies to the best of their knowledge and belief, that:
  - (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  - (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned must complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
  - (3) The Sponsor must require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub- grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients must certify and disclose accordingly.
- B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite

for making or entering into this transaction imposed by 31 U.S.C., Section 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**19. Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions (7 CFR Part 3017).**

- A. The Sponsor certifies to the best of their knowledge and belief, that they and their principals:
- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (2) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph A(2) of this certification; and
  - (4) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- B. Where the Sponsor is unable to certify to any of the statements in this certification, such prospective participant must attach an explanation to this agreement.

**20. Clean Air and Water Certification.** (Applicable if this agreement exceeds \$100,000, or a facility to be used has been subject of a conviction under the Clean Air Act (42 U.S.C. Section 7413(c)) or the Federal Water Pollution Control Act (33 U.S.C. Section 1319(c)) and is listed by EPA, or is not otherwise exempt.)

- A. The Sponsor signatory to this agreement certifies as follows:
- (1) Any facility to be utilized in the performance of this proposed agreement is (    ), is not ( X ) listed on the Environmental Protection Agency List of Violating Facilities.
  - (2) To promptly notify the NRCS-State administrative officer prior to the signing of this agreement by the NRCS, of the receipt of any communication from the Director, Office of Federal Activities, U.S. Environmental Protection Agency, indicating that any facility which is proposed for use under this agreement is under consideration to be listed on the Environmental Protection Agency List of Violating Facilities.
  - (3) To include substantially this certification, including this subparagraph, in every nonexempt sub-agreement.
- B. The Sponsor signatory to this agreement agrees as follows:
- (1) To comply with all the requirements of section 114 of the Clean Air Act as amended (42 U.S.C. Section 7414) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. Section 1318), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in section 114 and section 308 of the Air Act and the Water Act, issued there under before the signing

of this agreement by the NRCS.

- (2) That no portion of the work required by this agreement will be performed in facilities listed on the EPA List of Violating Facilities on the date when this agreement was signed by the NRCS unless and until the EPA eliminates the name of such facility or facilities from such listing.
- (3) To use their best efforts to comply with clean air standards and clean water standards at the facilities in which the agreement is being performed.
- (4) To insert the substance of the provisions of this clause in any nonexempt sub-agreement.

C. The terms used in this clause have the following meanings:

- (1) The term “Air Act” means the Clean Air Act, as amended (42 U.S.C. Section 7401 et seq.).
- (2) The term “Water Act” means Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1251 et seq.).
- (3) The term “clean air standards” means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 110 of the Air Act (42 U.S.C. Section 7414) or an approved implementation procedure under section 112 of the Air Act (42 U.S.C. Section 7412).
- (4) The term “clean water standards” means any enforceable limitation, control, condition, prohibition, standards, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by section 402 of the Water Act (33 U.S.C. Section 1342), or by a local government to assure compliance with pretreatment regulations as required by section 307 of the Water Act (33 U.S.C. Section 1317).
- (5) The term “facility” means any building, plant, installation, structure, mine, vessel, or other floating craft, location or site of operations, owned, leased, or supervised by a sponsor, to be utilized in the performance of an agreement or sub-agreement. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location will be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are collocated in one geographical area.

**21. Assurances and Compliance.** As a condition of the grant or cooperative agreement, the sponsor assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive orders and other generally applicable requirements, including those set out below which are hereby incorporated in this agreement by reference, and such other statutory provisions as a specifically set forth herein.

State, Local, and Indian Tribal Governments: OMB Circular Nos. A-87, A-102, A-129, and A-133; and 7 CFR Parts 3015, 3016, 3017, 3018, 3021, and 3052.


Nonprofit Organizations, Hospitals, Institutions of Higher Learning: OMB Circular Nos. A-110, A-122, A-129, and A-133; and 7 CFR Parts 3015, 3017, 3018, 3019, 3021 and 3052.

**22. Examination of Records.** The Sponsor must give the NRCS or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to this agreement, and retains all records related to this agreement for a period of three years after completion of the terms of this agreement in accordance with the applicable OMB Circular.

**23. Signatures**

<b>Sponsor: Kanab City</b>	
By:	
Title:	
Date:	
Address: <u>26 N. 100 E., Kanab, Utah</u>	Zip Code: <u>84741</u>
<i>The signing of this plan was authorized by a resolution of the governing body of <u>Kanab City</u>, adopted at a meeting held on _____.</i>	
_____ Secretary [or other Title] Date: _____	Address _____

Deleted: Springville

 <b>United States Department of Agriculture</b> <b>Natural Resources Conservation Service</b>	
Approved By: _____ <b>TRAVIS MOTE</b>	
Title:	Acting-NRCS State Conservationist
Date:	



May 20, 2024

Jeff Turner, Airport Manager  
Kanab City  
26 North 100 East  
Kanab, UT 84741

Subject: Project Award Recommendation  
Kanab Municipal Airport  
AIP Project No. 3-49-0013-021-2024  
Construct Fuel Farm

Jeff:

As you are aware, one bid was received and opened on March 27, 2024, for the above referenced project. The project was advertised in the Southern Utah News on February 22 and 29, and March 7, 2024, and on the Quest CDN bid website. Woolpert also sent the bid advertisement to three contractors that have completed similar projects in the past. There were two prime contractors and one subcontractor that requested plans on the bid site, see attached Plan Holder List.

Possible reasons for only one bid are: one of the contractor's that requested plans had an expired Utah Contractor License and was unable to renew it in time to submit a bid even though the bid date was postponed a week; and contractors are extremely busy at this time and did not feel they have the time and resources to take on another project.

The bid was tabulated for mathematical correctness and the bid is summarized in the following table:

Bidder	Schedule I	Schedule II	Total
Mesquite Electric, LLC	\$578,400.00	\$325,350.00	\$903,750.00

There were no errors in the bid. See attached Bid Summary and Tabulation.

Our office has reviewed the Mesquite Electric, LLC., bid proposal for compliance with the Instruction to Bidders. They submitted the required forms, including the Contract Proposal, Bid Bond, Contractor Information Sheet, Subcontractor/Material Supplier List, Equal Employment Opportunity Report Statement, Buy America Certification, Buy America Waiver Request, Buy America Conformance Listing, Certification of Offeror/Bidder Regarding Tax Delinquency and Felony Convictions, Bid Proposal, and acknowledgment of Addendums 1 and 2. Mesquite Electric, LLC, also submitted the

Woolpert, Inc.  
35 South 400 West, Suite 200  
St. George, UT 84770  
+1 435.673.4677



statement of qualifications per the requirements set forth by the Contract Documents. We also verified that Mesquite Electric, LLC, is not on any Federal or State Excluded Parties List.

The prime contractor's qualifications have been reviewed and we consider this firm capable of completing the project. The Mesquite Electric, LLC, bid of \$903,750.00 is approximately 57% higher than the Engineer's Estimate.

With the one bid exceeding the funding amount, we reached out to Mesquite Electric, LLC, to see what changes can be made to the project to reduce costs. The possible options for Schedule I are: 1) remove the Equipment Platform; 2) replace the Tank and Ladder Platform with a Floating Suction Position Indicator; 3) remove the Filter Sump Heater; and 4) remove the Scully System. The options for Schedule II are: 1) only remove fuel from the Avgas tank without cleaning the inside; and 2) provide only a new filter, fuel reel and hose and no other new items as required in the specifications and plans. If the changes are made, the revised cost for Schedules I and II is shown below:

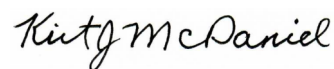
Schedule I	Schedule II	Total
\$549,156.50	\$134,580.00	\$684,006.50

Based on the information provided by Mesquite Electric, LLC, we recommend that Kanab City award the project to Mesquite Electric, LLC, in the amount of \$903,750.00, subject to a change order that will be executed at the time of contract execution to reduce Schedule I to \$549,156.50 and Schedule II to \$134,580.00, for a total project cost of \$684,006.50. The award is contingent on FAA and UDOT concurrence and available funding.

After FAA and UDOT concurrence, we will provide you with the Notice of Award, Contract forms and Change Order to be executed by Kanab City and Mesquite Electric, LLC.

Call if you have questions.

Sincerely,



Kirt J McDaniel, P.E.  
Project Manager

Enclosures

cc: Eric Trinklein, FAA Denver ADO  
Craig Ide, UDOT Division of Aeronautics

# Plan Holder Report as of 03/27/2024 11:27 AM CDT

## Kanab Municipal Airport - Construct Fuel Farm

**Quest eBidDoc™ Number:** 8982887

**Closing Date:** Wed, 03/27/2024 01:00 PM MDT **Posting Type:** Construction Project **Owner Name:** Kanab City **Solicitor Name:** Woolpert - St. George  
**Contact:** Kirt McDaniel **Phone:** 435-574-5308 **Email:** kirt.mcdaniel@woolpert.com

<a href="#">Company Name &amp; Address</a>	<a href="#">Contact Name/Email Address</a>	<a href="#">Phone/Fax</a>	<a href="#">Bus. Cert</a>	<a href="#">Bus. Desig</a>	<a href="#">Entry Date</a>	<a href="#">Doc Type</a>	<a href="#">Comments</a>
ConstructConnect 3825 Edwards Rd, Cincinnati, OH-45209	Eric Mills content@constructconnect.com	800-364-2059 866-570-8187		Plan Room	02/26/2024	eBidDoc	
Westech Fuel Equipment 195 W 3900 S, SLC, UT- 84157	Ted Soffe tedsoffe@hotmail.com	801-266-2545		Subcontractor	02/27/2024	eBidDoc	
Mesquite Electric LLC 645 Mayan Circle, Mesquite, NV-89027	Michelle Woods michelle@mesquiteelectric.com	702-345-2555 702-346-7605		Prime Bidder	02/29/2024	eBidDoc	
Petroleum Systems & Maintenance, Inc. 2609 S. Highland Drive, Suite 110, Las Vegas, NV- 89109	Paul Brosseau paul@petroleum-systems.com	702-649-9393 702-649-5079	SBE	Prime Bidder	03/13/2024	eBidDoc	
Woolpert One Easton Oval, Columbus, OH-43219	Zach Ambariantz zach.ambariantz@woolpert.com	614-827-6108		A/E Consultant	03/20/2024	eBidDoc	
Perco Rock 638 N Iron Springs Rd, CEDAR CITY, UT-84721	Hyrum Holm estimating@percorock.com	4352121008 435-874-2585		Prime Bidder	03/25/2024	eBidDoc	

**KANAB MUNICIPAL AIRPORT (KNB)**

KANAB, UTAH

AIP No. 3-49-0013-021-2024 FUEL FARM

**BID OPENING**

DATE: WEDNESDAY, MARCH 27, 2024

TIME: 1:00 P.M. (LOCAL TIME)

Schedule I - Federal

Schedule II - Non-Federal

BID SUMMARY ITEM	Engineer's Estimate	Mesquite Electric, LLC			
Contract Proposal (Division 2-1 thru 2-3)	✓	✓			
Bid Bond (Division 2-5 thru 2-6)	✓	✓			
Contractor Information (Division 2-7 thru 2-8)	✓	✓			
Subcontractor/Material Supplier List (Division 2-9)	✓	✓			
Equal Employment Statement(Division 2-11)	✓	✓			
Buy America Certification (Division 2-13 thru 2-16)	✓	✓			
Buy America Waiver Request (Division 2-17 thru 2-27)	✓	✓			
Buy America Conformance Listing (if applic.) (Division 2-29)	✓	✓			
Cert. of Offeror/Bidder re: Tax Delinquency (Div 2-31)	✓	✓			
Contractor's Statement of Qualifications (Div 2-33)	✓	✓			
Schedule I & II Bid Proposal (Division 2-35 thru 2-39)	✓	✓			
TOTAL COST - SCHEDULE I (Federal)	\$ 498,750.00	\$ 578,400.00			
TOTAL COST - SCHEDULE II (Non-Federal)	\$ 77,200.00	\$ 325,350.00			
TOTAL COST - SCHEDULE I&II	\$ 575,950.00	\$ 903,750.00			

\* Red Text indicates that errors were found in the bid and the numbers revised for correctness.

SCHEDULE I				Engineer's Estimate		Mesquite Electric, LLC					
Item No.	Item Description	Unit	Estimated Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
C-105a	MOBILIZATION (10% MAXIMUM)	LS	1	\$ 45,400.00	\$ 45,400.00	\$ 40,000.00	\$ 40,000.00		\$ -		\$ -
C-102a	TEMPORARY EROSION CONTROL	LS	1	\$ 8,000.00	\$ 8,000.00	\$ 2,000.00	\$ 2,000.00		\$ -		\$ -
P-152a	SUBGRADE PREPARATION	SY	95	\$ 40.00	\$ 3,800.00	\$ 150.00	\$ 14,250.00		\$ -		\$ -
P-610a	PIPE BOLLARD	EA	7	\$ 850.00	\$ 5,950.00	\$ 700.00	\$ 4,900.00		\$ -		\$ -
P-610b	4-INCH CONCRETE FLAT WORK	SF	850	\$ 20.00	\$ 17,000.00	\$ 15.00	\$ 12,750.00		\$ -		\$ -
F-101a	DEMOLITION	LS	1	\$ 28,600.00	\$ 28,600.00	\$ 15,000.00	\$ 15,000.00		\$ -		\$ -
F-101c	12,000 GALLON JET A TANK	LS	1	\$ 325,000.00	\$ 325,000.00	\$ 464,500.00	\$ 464,500.00		\$ -		\$ -
F-101d	FUEL TANK ELECTRICAL	LS	1	\$ 50,000.00	\$ 50,000.00	\$ 17,000.00	\$ 17,000.00		\$ -		\$ -
F-101e	20-FOOT SECURITY LIGHT POLE AND BASE	EA	1	\$ 15,000.00	\$ 15,000.00	\$ 8,000.00	\$ 8,000.00		\$ -		\$ -
TOTAL SCHEDULE I					\$ 498,750.00		\$ 578,400.00		\$ -		\$ -

\* Red Text indicates that errors were found in the bid and the numbers revised for correctness.

SCHEDULE II				Engineer's Estimate		Mesquite Electric, LLC					
Item No.	Item Description	Unit	Estimated Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
C-105a	MOBILIZATION (10% MAXIMUM)	LS	1	\$ 7,100.00	\$ 7,100.00	\$ 20,000.00	\$ 20,000.00		\$ -		\$ -
P-152a	SUBGRADE PREPARATION	SY	70	\$ 40.00	\$ 2,800.00	\$ 150.00	\$ 10,500.00				
P-610a	PIPE BOLLARD	EA	2	\$ 850.00	\$ 1,700.00	\$ 700.00	\$ 1,400.00				
P-610b	4-INCH CONCRETE FLAT WORK	SF	530	\$ 20.00	\$ 10,600.00	\$ 15.00	\$ 7,950.00				
F-101b	REPOSITION & UPGRADE 10,000 GALLON AVGAS TANK	LS	1	\$ 45,000.00	\$ 45,000.00	\$ 270,500.00	\$ 270,500.00				
F-101d	FUEL TANK ELECTRICAL	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00				
TOTAL SCHEDULE II					\$ 77,200.00		\$ 325,350.00		\$ -		\$ -

\* Red Text indicates that errors were found in the bid and the numbers revised for correctness.



**KANAB MUNICIPAL AIRPORT**  
**A.I.P. NO. 3-49-0013-021-2023/-02X/-02X/-02X/-02X**  
**PROJECT FUNDS & COSTS**

5/20/2024

			FAA 90.63%	UDOT 4.685%	Kanab 4.685%	Total	FAA Payments	FAA Balance	FAA Schedule II	UDOT Schedule II	Kanab Schedule II	Total Schedule II	Schedule II Payments	Schedule II Balance
<b>Project Funds</b>	AIP-021 (AIG 2022)		\$159,000.00	\$8,219.30	\$8,219.30									
	AIP-021 (AIG 2023)		\$3,000.00	\$155.08	\$155.08									
	AIP-02X (AIG 2023)		\$110,000.00	\$5,686.31	\$5,686.31									
	AIP-02X (AIG 2024)		\$110,000.00	\$5,686.31	\$5,686.31									
	UDOT FY 2025 (Schedule II)									\$85,000.00	\$9,444.44	\$94,444.44		\$94,444.44
	AIP-20X (FAA Schedule II)								\$38,950.00	\$2,013.47	\$2,013.47	\$42,976.94		\$42,976.94
	AIP-02X (AIG 2025) **		\$140,000.00	\$7,237.12	\$7,237.12									
	AIP-02X (AIG 2026) **		\$140,000.00	\$7,237.12	\$7,237.12									
	Totals		\$662,000.00	\$34,221.23	\$34,221.23	\$730,442.46		\$730,442.46	\$38,950.00	\$87,013.47	\$11,457.91	\$137,421.38		\$137,421.38
<b>Costs</b>														
Administrative	IFE - Rood & Associates	\$3,200.00												
	Bid Ad - Southern Utah News	\$942.00												
	Final Ad - Estimate	\$500.00												
	Total	\$4,642.00					\$4,642.00	\$725,800.46						
Construction ***	Schedule I	\$549,156.50					\$549,156.50	\$176,643.96						
Mesquite Electric	Schedule II (Non-Federal)	\$134,850.00											\$134,850.00	\$2,571.38
	Total	\$684,006.50												
Engineering														
Jviation	Pre-design, Design & Bidding	\$66,272.50												
	Construction Management	\$108,250.67												
	Total	\$174,523.17					\$174,523.17	\$2,120.79						

Total Kanab Funds \$45,679.14  
Total UDOT Funds \$121,234.70

Tank Disposal Cost from Mesquite Electric - \$38,950

\*\* - Assuming that the increase in the number of based aircraft will bring the airport up into next funding level, the FAA grant will be approximately \$140,000.

\*\*\* - Adjusted Costs for both Schedule I and II

Schedule I Reductions:			Schedule II Reductions:		
Item F-101c	4' x 8' Equipment Platform	\$2,815.50	Item C-105a	\$10,000.00	
	Tank Ladder and Platform	\$15,019.00	Item F-101b	\$180,500.00	
	Filter Sump Heater	\$5,084.00	Total	\$190,500.00	
	Scully System	\$6,325.00			
	Total	\$29,243.50			

**Mayor**  
Colten Johnson  
**City Council**  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Boyd Corry  
Peter Banks



**KANAB**  
—UTAH—

**City Manager**  
Kyler Ludwig  
**City Attorney**  
Kent Burggraaf  
**City Recorder**  
Celeste Cram  
**City Treasurer**  
Danielle Ramsay

**DATE:** May 28, 2024  
**TO:** Mayor and City Council  
**SUBJECT:** Dual Zones  
**PREPARED BY:** City Manager, Kyler Ludwig

---

**Background:**

The City has 19 parcels that have more than one zoning designation. The City Council asked to review these parcels to determine if dual zoning is an appropriate practice.

The current City Zoning is based on parcel numbers, but some residents have the ability to change their parcels without council approval through lot line adjustments. If a resident owns two adjacent properties with different zoning they can change the zoning map by adjusting the parcel.

**Analysis:**

A list of the properties with more than one zone have been attached along with a map. Parcels with dual zones have the ability to develop their properties in a way that meets either of the zoning designations they have been provided (ie a parcel zoned C2, RA can develop as either C2 or as RA depending on what is more favorable to the development they are seeking).

**Financial:**

NA

**Recommendations/Actions:** It is recommended the City Council:

Discuss dual zones and direct staff on how to address these properties.

The City can reach out to property owners and initiate a zone change on these properties if the council is uncomfortable with dual zones.

Discuss zoning of lot line adjustments

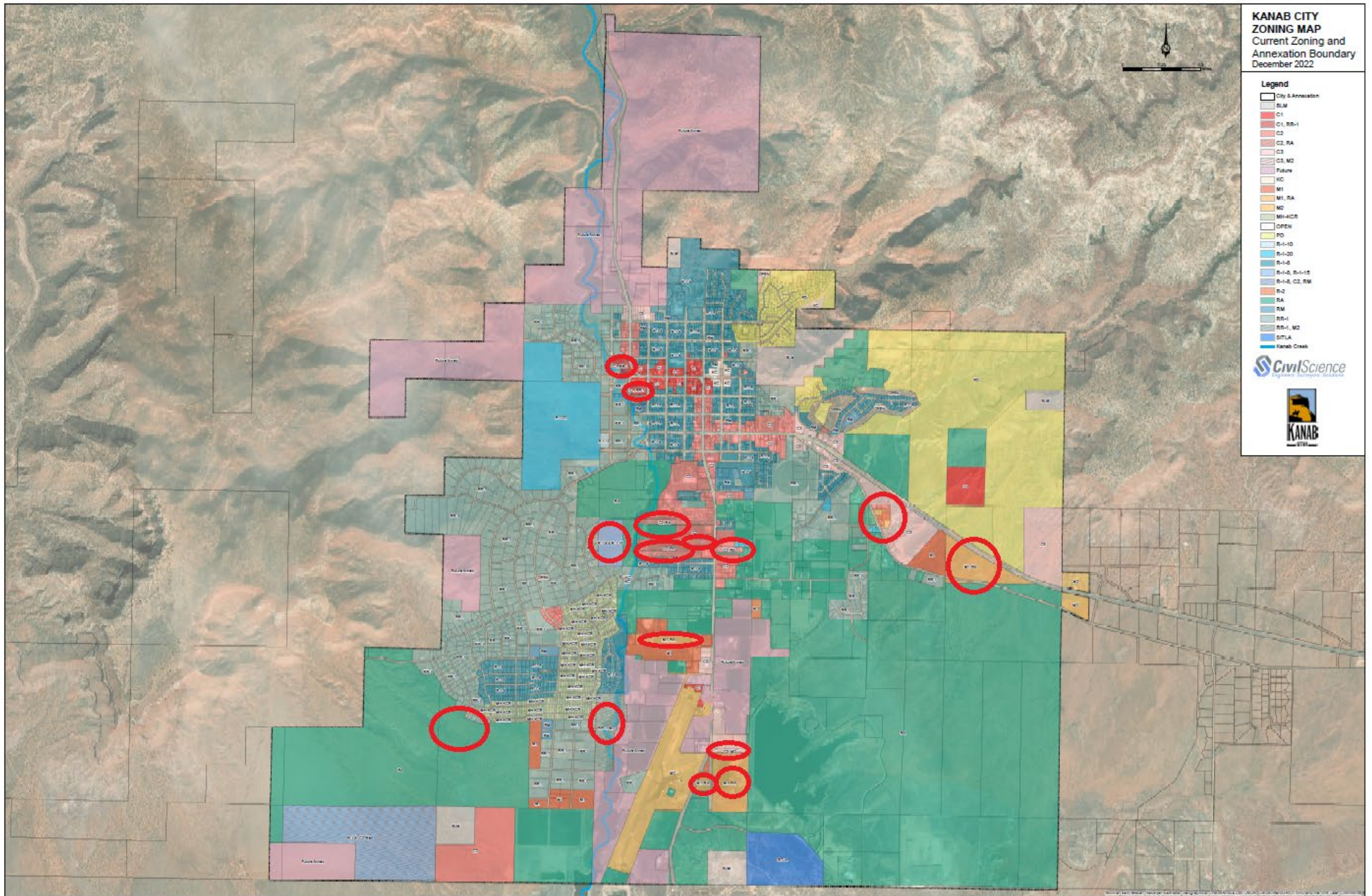
— A Western Classic —

**Dual Zoned P**

<b>PARCEL_ID</b>	<b>Location / Address</b>	<b>ZONE</b>
K-13-8-ANNEX	1850 S HWY 89A	M1, RA
K-14-5-ANNEX	730 S Chinle Dr	M1, RA
K-16-1-ANNEX	1300 E Chinle Dr	M1, RA
K-17-20-ANNEX	951 S HWY 89A	C2, RA
K-18-1	70 S 200 W	C1, RR-1
K-18-32-ANNEX	West of Sewer Lagoons	R-1-8, C2, RM
K-19-10-ANNEX	818 S HWY 89A	C2, RA
K-19-16-ANNEX	910 S 175 E	C2, RA
K-19-17-ANNEX	930 S HWY 89A	C2, RA
K-360-1	910 S 175 E	C2, RA
K-360-2	96 E 900 S	C2, RA
K-19-8-ANNEX	East of Hamblin Dr	R-1-20, R-1-8 & R-
K-21-4-ANNEX	2073 S HWY 89A	C3 / M2
K-30-10-ANNEX	100 W 1400 S	M1, RA
K-312-1	950 S Highway 89A	C2, RA
K-312-2	950 S Highway 89A	C2, RA
K-312-3	950 S Highway 89A	C2, RA
K-34-1-ANNEX	South of Creekside Subdivision	RR-1, M2
K-52-1	Levi Stewart Foundation	C1, RR-1

**arcels****SUBDIV****ACC\_NUMBER****ACRES**

	0073331	62.47
	0061773	21.3
	0061971	49.15
	0061328	4.07
	0012818	3
	0073703	231.57
	0140411	10.29
	0061393	15.42
	0061369	11.24
	0061344	15.75
	0140403	30.46
	0144181	5.31
	0061104	18.76
VERMILLION LOFTS	0182008	4.67
VERMILLION LOFTS	0182015	4.38
VERMILLION LOFTS	0189364	7.63
	0073455	37.05
	0016470	4.77





## **Kane County Rural County Grant Municipal Economic Development Program**

**Purpose:** The Rural County Grant Program Municipal Economic Development Program purpose is to create or expand jobs, generate increased economic opportunities, and improve the economic, livability, and vitality of local communities.

**Grant Programs:** Municipal economic development initiatives must support the following program elements:

- business recruitment, development, and expansion;
- workforce training and development;
- infrastructure and capital facilities improvements for business development

**Match Requirement:** Recipients are required to demonstrate a community application, budget, and an invoice to Kane County, Rural County Grant Program, 76 North Main Street, Kanab, Utah 84741.

**Eligibility:** Kane County Municipalities are the only qualified applicants

**Project Period:** Projects must be completed within 12 months unless a formal written request for an extension is approved by Kane County.

**Eligible Projects:** Projects must be geographically located in Kane County, and have economic opportunity significance, including, but not limited to economic development related infrastructure, job creation and retention; business retention, relocation, or expansion; increased private investment such as specific business incentives; advancing innovation; enhancing manufacturing capacities; and providing workforce development opportunities.

**Eligible Expenses:** The following types of expenses will be considered:

- Land/Building Acquisition
- Infrastructure development (water, sewer, broadband, etc.)
- Equipment/material purchases
- Technical assistance/ Professional Services
- Architectural/engineering/planning
- Training/education/workforce development

**Ineligible Expenses:** The following types of expenses will **not** be considered:

- Debt retirement
- Funding for political activities
- Indirect or overhead costs
- Travel

**Application**

Applications for the Strategic Infrastructure Investment Grant program may be submitted through the date range of:

**April 15, 2024 through April 14, 2025.**

**Application:**

Qualified proposals must include this Application Form and any additional supplemental documents identified on that form including draft budget and an invoice.

Applications may be submitted via email to [stowell@kanab.net](mailto:stowell@kanab.net) Alternative submissions can be arranged with Kelly Stowell.

**Award Notification:**

Notification and disbursement will be within 30 days upon receipt of qualified application.

For questions and more information, please contact Kelly Stowell, 435-899-0443, [stowell@kanab.net](mailto:stowell@kanab.net)

## KANE COUNTY MUNICIPAL RURAL COUNTY GRANT APPLICATION

Prerequisite: Municipal Government located in Kane County.

### APPLICANT & ORGANIZATION INFORMATION

**Municipality:**

**Physical Address:**

**City:**

**State:**

Utah

**Zip:**

**Phone:**

**Email:**

**Primary  
Contact:**

**Phone:**

**Email:**

**Title:**

### PROJECT SUMMARY

**Project Title:**

**Project Category (select all that apply):**

☐ Business Expansion ☐ Business Relocation ☐ Business Retention ☐ Increased capacity  
Building

☐ Construction ☐ Equipment Purchase ☐ Job Creation ☐ Technical Assistance

☐ Training ☐ Land/Building Acquisition ☐ Architectural Engineering

**Amount:**

**Amount of Matching Funds (match can include in-kind and cash):**

**Source of Matching Funds:**

**1. Describe the proposed project or projects (1,200 characters max.)**

Provide a description of the project, including project location. How does this project fit within the grant parameters?

Click to enter

**2. How does this project contribute to economic development in Kane County?**

*(1,200 characters max.)*

Click to enter

**Projected number of jobs being created by this project:** Click to enter **Total FTE created:** Click to enter

**Projected number of jobs being retained by this project:** Click to enter **Total FTE retained:** Click to enter

**List three (3) project goals:**

<b>Project Goal #1</b>	
<b>Project Goal #2</b>	
<b>Project Goal #3</b>	

With my signature I certify the following: (1) The above information is correct; (2) I am authorized by the organization to submit this grant application; and (3) This organization is in good standing with the State of Utah and is eligible to receive state funding. (4) I hereby certify that all representations, warranties, or statements made or furnished by me to the Kane County Economic Opportunity Board in connection with this application are true and correct in all material respect. I understand it is a violation under Utah law to engage in deception and knowingly make, or cause to be made, directly or indirectly, a false statement in writing for the purpose of procuring economic development assistance from a state agency or subdivision.

I further certify that no gratuities, in the form of entertainment, gifts or otherwise, were, or will be offered or given by me or my agent or representative to any officer or employee of the County with a view toward securing a recommendation of assistance or subsequent assistance or for securing more favorable treatment with respect to making a recommendation of assistance.

I warrant that I presently have no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the receipt of assistance and to the best of my knowledge, no officer, agent or employee of the County who shall participate in any decision relating to this application and resulting assistance, currently has, or will have in the future, a personal or pecuniary interest in my business.

I acknowledge and agree that the County has the discretion to award assistance as it sees fit, the assistance is subject to the availability of funding, and there is no guarantee of assistance even if applicants meet all eligibility requirements. I also agree that if the State of Utah finds the expenditures for which this application is being submitted does not qualify as an eligible expenditure under the Rural County Grant, that the business will release, indemnify and hold harmless Kane County from any liability to the State of Utah and will pay back to Kane County in the event of a recoupment by the State of Utah of the expended funds.

---

**Printed Name of Authorized Agent**

---

**Title**

---

**Signature of Authorized Agent**

---

**Date**

Required proof-of-use supporting materials. Applicant agrees to submit the following documents with this application.

1. Project budget .xls Spreadsheet

### **Payment Procedure**

Applicant must provide Kane County with an invoice for \$20,000.00