



August 14, 2024, 6:00 PM
Kane County Planning Commission
Land Use Authority
Kane County Commission Chambers
76 N. Main Street, Kanab, Utah

To watch this meeting live:
Video call link: <https://meet.google.com/oux-rdjw-orn>
Or dial: (US) +1 339-707-7414 PIN: 555 977 356#

AGENDA

6:00 PM

Call to Order
Invocation
Pledge of Allegiance

1. Update on Commission Actions

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

2. Approval of Minutes

July 10, 2024

3. Presentation on General Plan Requirements

A presentation/training session on the water element requirements for the General Plan as mandated by Utah Code 17-27a-(401-406).

LEGISLATIVE ITEMS

Public Hearing*

4. Zone Change: Base Leg LLC

An application for a zone change on behalf of Base Leg 45 LLC for parcel 8-7-21-14A, containing 10 acres, from Agriculture (AG) to Light Commercial (LC) by Ordinance 2024-12, located near the junction of Meadow Lane and Strawberry Point Road, near the Ponderosa Villa and Strawberry Pines Subdivision. Submitted by Susie Polnisch.

Public Hearing*

5. Zone Change: Heely

An application for a zone change on behalf of Rafter H Holmes for lot 331-1 from Residential 2 (R-2) to Multi-Residential (MR) by Ordinance 2024-12, located at the entrance of Sunflower Valley Estates. Submitted by Tyler Heely.

ADMINISTRATIVE ITEMS

Public Meeting

6. Conditional Use Permit: Moon

An application for a conditional use permit for 7 small cabins and a laundry building on new lot E-A-17, Church Wells, Kane County Utah. Submitted by Chul Hyun Moon.

Public Hearing***7. Lot Joinder: Stringer**

An application to amend a subdivision plat for lot joinder on behalf of Shereelee A. Stringer, joining lots 58 & 59, becoming new lot 58 containing 0.88 acres, and vacating two (2) 7.5' utility easements, Meadow View Estates Plat "D". Submitted by Tom Avant, Iron Rock Group, holding power of attorney.

Public Hearing***8. Lot Joinder: Tillett**

An application to amend a subdivision plat for a lot joinder on behalf of Mark W. Tillett, joining lots 348 & 349, becoming new lot 349 containing 1.12 acres, and vacating two (2) 7.5' public utility easements in the Meadow View Heights Subdivision Plat "F". Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing***9. Lot Joinder: Ence**

An application to vacate, amend and extend a subdivision plat for a lot joinder on behalf of Rodney & Pamela Ence, vacating a portion of parcel 8-7-8-1A and joining it with lots I-54 & I-55, becoming new lot 54 containing 0.85 acres and new lot 55 containing 0.85 acres, Movie Ranch Subdivision Unit A. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing***10. Lot Joinder: Weckesser/Bowler**

An application to vacate and amend a subdivision plat for a lot joinder on behalf of Tommie J. Weckesser and Barry T. & Kimberley Bowler, vacating lot 54 and joining it with lots 53 & 55, becoming new lot 53 containing 0.68 acres and new lot 55 containing 0.65 acres and vacating four (4) 7.5' public utility easements, Strawberry Valley Estates Unit 4. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

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

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

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

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

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

1. Update on Commission Actions

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

2. Approval of Minutes

July 10, 2024

Public Meeting

3. Presentation on General Plan Requirements

A presentation/training session on the water element requirements for the General Plan as mandated by Utah Code 17-27a-(401-406).

General Plan Water & Land Use Element

INTEGRATION GUIDE

This guide is a companion guide with the General Plan Requirements document. Both documents will help provide context and assistance for the new water use and conservation element that is designed to be integrated into the land use section of the General Plan. Two key considerations that need to be addressed in this new element are "what are the new developments occurring in your community?" and "what is the current and future water demand in context of new development?". Supplying data as it relates to population growth, current water use and development trends, current water conservation practices, etc. will help to answer these questions.

It is highly recommended that all planning and community development sections tasked with this new water use and conservation element coordinate with their water utility(s) that supply water to your community to acquire the best data available on water trends and current conservation practices. It is also recommended to review your Water Conservation Plan, if one has been submitted by your water supplier, to get access to the water management data you will need for this new element. However, being able to work side by side with your public utility will produce the best result and expedite this process. You can find a complete database of the Water Conservation Plans submitted to the Division of Water Resources [here](#).

General Plan updates are required to be adopted by **December 31, 2025** for all **municipalities and counties** (with certain exceptions). Please contact the Division of Water Resources for assistance regarding requirements and exceptions.



Topics for your Integrated Water & Land Use Element:

Integrating water and land use involves some commonly seen topics or elements and these form the basis for what topics need to be addressed in a general plan to meet new legislative requirements from SB110 and SB76. Below are three categories of elements—water management, water efficient land use, and future projections. To some degree all of these topics have been included in general plans in the past, but the goal with much of the new legislation is to start considering them together and how they impact one another. Consider the elements below and how your community is addressing them.

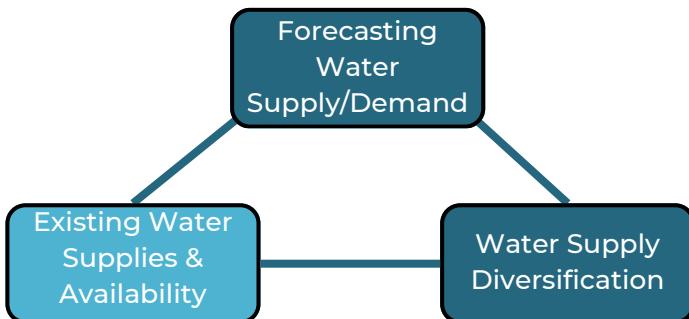
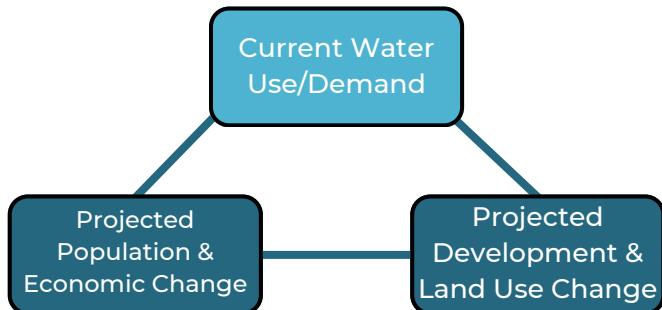
Water Management	Water Efficient Land Use	Future Projections
Existing Water Supplies & Availability	Collaboration for Land/Water	Projected Population & Economic Change
Water Use/Demand	Development Process & Evaluation	Projected Development & Land Use Change
Water Infrastructure Considerations	Urban Form & Zoning Regulations	Water-Related Hazard Mitigation
General Water Conservation Programs	Landscaping/ Irrigation Policies	Forecasting Water Supply/Demand
Water & Wastewater Infrastructure	Building/ Plumbing Policies	Water Supply Diversification
Water Quality	Stormwater Management	Water Equity
	Water for Ecosystem Functions	

While not all of these topics are considered required for this new element, being able to analyze and evaluate these topics in the integrated water and land use section will ensure that you address the 4 Primary Components that are required by legislation. Additionally, it will help your community to understand the complete picture of how water is being integrated into land use decision making, and how your community will tackle the issues of growth, reliable water supply, and development. If you need a refresher on the 4 primary components required in general plans please consult our Requirements Guide.

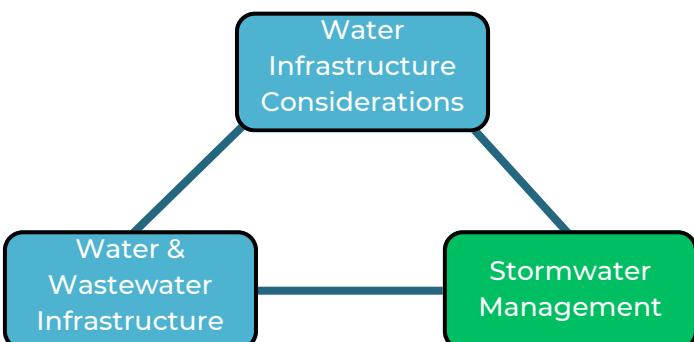
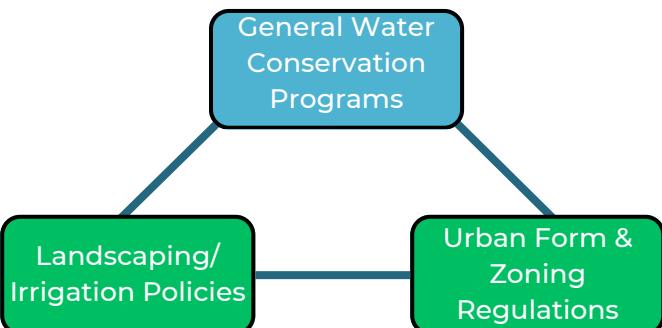


Discussion Triangles

To be able to discuss these 3 topics together is an empowering way for your community to develop an approach in tying land use and water use trends with population projections and future needs.



Knowing when to diversify your water supply portfolio, how much reliable water supply your community traditionally has, and how it could change with unknown environmental triggers such as droughts—are all important considerations when it comes to integrating water and land planning.



Achieving major water savings can not be done with conservation alone, communities must also consider aging infrastructure needs, funding for new infrastructure projects, and improving stormwater systems to maximize runoff usage in low impact developments.

Above are some of the combinations of elements that we've seen as effective "triangles" for land use and water use integration. When the above elements are discussed together in the same sections, paragraphs, tables, or graphs it will naturally address the primary components that are required in the new legislation. For a refresher on the primary components see page 1 of the companion to this guide [here](#).



How to Reach Out to Your Public Utilities Department

We recommend creating a schedule for outreach when it comes to working with your community water systems and irrigation/canal companies. This will allow them to provide the best feedback on the new water use and conservation component of the general plan, while not asking too much of them and slowing down the process. A schedule could be as simple as establishing a line of communication in a clear and concise manner targeting some of the bullets listed like the example shown below.

- *Dates and timeline for information gathering*
- *Plan for when you can provide the Water District with a draft of the new water use and conservation element*
- *A timeframe for how long the Water District can be reviewing the draft*
- *A final draft or copy of the adopted general plan to ensure that they can stay up to date on the process*

Public Water System Outreach				
Timeframe	Plan	Water System Best Contact	Community Development Best Contact	To be Completed By
Mar 1	Establish Contact with Water System and determine best contact	unknown (perhaps)	Jane Doe (111)222-3333 Community Development & Planning	Community Development / Jane
Mar 1 - Mar 25	Water System Information Gathering and Compilation	John Doe (123) 456-7890 Water District Manager	Jane Doe (111)222-3333 Community Development & Planning	Water District / John
Mar 25 - Jun 15	Develop Water Use and Conservation Element	John Doe (123) 456-7890 Water District Manager	Jane Doe (111)222-3333 Community Development & Planning	Community Development / Jane
Jun 15	Submit Water Use and Conservation Element for feedback	Janet Doe (456) 789-1234 Assistant Water District Manager	Jane Doe (111)222-3333 Community Development & Planning	Community Development / Jane
Jun 15 - Jul 15	Water System Review of Element	Janet Doe (456) 789-1234 Assistant Water District Manager	Richard Doe (222)333-4444 Assistant City Planner	Water District / Janet
Jul 15 - Aug 15	Implement Feedback	John Doe (123) 456-7890 Water District Manager	Richard Doe (222)333-4444 Assistant City Planner	Community Development / Richard
Sept 1 & 2	Planning Commission to submit complete General Plan to legislative body for review	John Doe (123) 456-7890 Water District Manager	Jane Doe (111)222-3333 Community Development & Planning	Community Development / Jane
Sept 15	General Plan adoption and copy sent to Water System with new Water Use and Conservation Element included	John Doe (123) 456-7890 Water District Manager	Jane Doe (111)222-3333 Community Development & Planning	Community Development / Jane

Note:

Notice in the example that flexibility is factored into the plan for who the 'best contact' is at various times throughout the year. Being able to afford this kind of flexibility but maintaining accountability ensures that a project can stay on track with backup personnel if the primary project leaders are unavailable.



Questions to consider between a city planner and a utility manager:

1. Do you have a current Water Conservation Plan that you can use to help build your integrated water & land use element in your General Plan?
2. How much water does your community currently use?
3. How much development can you support with your current water supplies?
4. Is it necessary to develop new water sources to sustain upcoming development?
5. Does the Water Utility have any water supply availability projections?
6. What are the growth projections and land use assumptions and how might those impact water supply?
7. Are there zoning codes or ordinances in place that would help reduce water demand currently or in the future?
8. Are there water conservation strategies employed currently in your community with post-occupancy programs (conservation education), stormwater management plans, or green infrastructure considerations?
9. Are there water related considerations that are currently made in your community when making development decisions, infrastructure investment decisions, and budget expenditures?
10. Does your community have plans in place to ensure that proposed-project rezonings, development approvals, and permits do not adversely affect water supplies and resources?
11. Do you have water efficient landscaping programs?
12. How diverse is your water supply? If a source did fail, would there be others to meet the community needs?

Note:

For even more questions like these to help gauge where your community is at in terms of integrating water into the land planning process see [this document](#) from Western Resource Advocates.



Impact to Great Salt Lake

Why is it important?

As lake levels decline and salinity increases in the lake, there will be implications to Great Salt Lake ecology, economy, as well as potential respiratory health concerns for our growing communities that live along the Wasatch Front.

Considering Great Salt Lake in Land Planning

As part of new legislation it is now required to consider the impact of your communities water use and land planning on Great Salt Lake. Some communities may find that they are intimately tied to the lake and others may find that they have much less of a hydrological tie to the Lake. However, if we can identify the ways in which our water use and land use decisions impact the Lake, no matter how small, it will contribute to a greater sense of statewide community.

The intended goal of the legislation is to connect all communities with Great Salt Lake and how our greater community action can have an effect on improving the Lake. By including a description of how your community contributes to or considers Great Salt Lake you should easily meet the requirements and also help us make an impact in preserving and protecting this natural resource.

Potential Considerations For Your Community:

- Identify how your community is hydrologically (or otherwise) tied to Great Salt Lake.
- Does your community have conservation efforts that allow for more water to remain in streams and rivers?
- Does your utility quantify any percentage of return flows or recharge?
- Are there any other projects that your community participates in or contribute to the education about the Great Salt Lake or its tributaries?



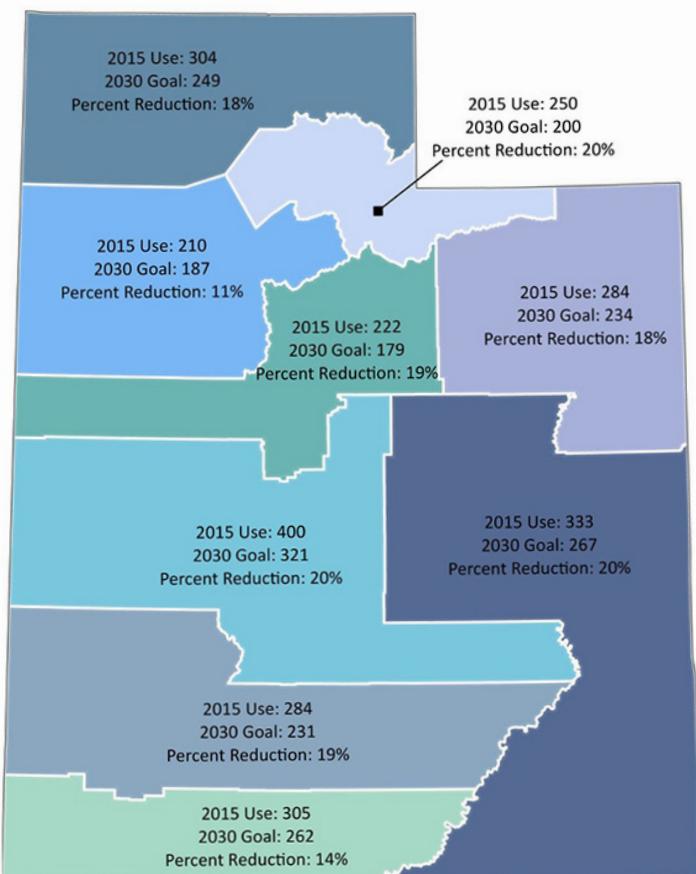
Regional Conservation Goals

Utah's previous statewide conservation goal of reducing per-capita use by 25% by 2025 was introduced by Gov. Gary Herbert during his 2013 State of the State address. (Gov. Mike Leavitt first set a target to use 25% less water by the year 2050 back in 2000.) Utahns were making significant progress on the water conservation front, so Herbert challenged Utahns to cut the time in half. The regional goals are designed to continue to improve the state's conservation efforts.

The Division of Water Resources first gathered public input to formulate the regional water conservation goals. During fall 2018, over 1,650 people participated in a water conservation survey, and eight open houses across the state were held. After public input was tallied, a team of water providers, members from the Governor's Office of Management and Budget, and Water Resources staff worked with a third-party consultant to provide input on the region-specific goals.

Regions	Revised Goal With Current Settings			
	2015	2030	2040	2065
Bear River	304	249	232	219
Green River	284	234	225	225
Lower Colorado North	284	231	216	205
Lower Colorado South	305	262	247	237
Provo River	222	179	162	152
Salt Lake Region	210	187	178	169
Sevier River	400	321	301	302
Upper Colorado	333	267	251	248
Weber Region	250	200	184	175
Statewide	240	202	188	179

M&I Water Conservation Regions 2015 Use Vs 2030 Goals



A regional approach allows the goals to be tailored for nine different regions and takes into account climate, elevation, and each region's characteristics. Note: Use is measured in gallons per capita per day.



Conservation Goals full report



Other Resources

Title	Theme	Source	Type of Resource
UT DWR Climate Change, Water Resources, and Potential Adaptation Strategies in Utah	Climate	State of Utah	Report
Utah Growing Water Smart: The Water-Land Use Integration Guidebook (2023)	Integrating Water & Land Use	Western Resource Advocates/USU/Babbitt Center for Land and Water Policy	Guidebook
Strengthening Collaboration	Integrating Water & Land Use	Sonoran Institute	Video
Incorporating Water into Comprehensive Planning	Integrating Water & Land Use	Babbitt Center for Land and Water Policy	Manual
Model Landscaping Standards	Integrating Water & Land Use	Sandy City	Webpage - Code
Model Landscaping Standards	Integrating Water & Land Use	Salt Lake County, UT	Webpage - Code
Integrating Water Efficiency into Land Use Planning in the Interior West: A Guidebook for Local Planners	Water Conservation, Integrating Water & Land Use	Western Resource Advocates	Guidebook
Utah Water Savers	Water Conservation	State of Utah & State Water Conservancy Districts	Webpage - Programs and rebates
Utah's Regional M&I Goals	Water Supply and Demand	State of Utah	Report
Water Conservation Plan Database	Water Supply and Demand, Water Conservation	State of Utah	Webpage
Summary Memo for Integrating Water and Land Use Planning Project in Utah	Integrating Water & Land Use	Western Resource Advocates/Babbitt Center for Land and Water Policy	Summary Memo with Extended Resources Guide

Note:

For a complete list of useful resources review pages 11-14 in the Summary Memo for Integrating Water and Land Use Planning in the last row of the above table. Resources ranging from climate stressors, land & water integration techniques and tools, water conservation resources, and more can be found in this complete resource section.



In Conclusion

This guide will hopefully get you started in your journey with integrating water and land planning by providing some resources and ideas. However, this is by no means an exhaustive resource and we highly recommend that you use the Summary Memo for Integrating Water and Land Planning Project in Utah for even more resources and ideas on how to integrate water and land planning.

There are also opportunities to join one of the Utah Growing Water Smart Workshops. These workshops are one way for communities to begin water and land use planning integration. Hosted by Western Resource Advocates, this is an application based program where you bring together your community's city planners, water utility managers, elected officials, and other engaged community members, and work through the goals, challenges, and solutions for becoming more water smart. This is a 3-day, retreat style workshop that has been proven to be highly effective in integrating water and land planning, and is used as a tool for communities across the West including Colorado, Arizona, California, and of course Utah.

It should also be noted that this guide is a companion guide to the General Plan Requirements guide which is linked [here](#). Inside of this other guide you will find all of the rules and requirements that were added as part of SB 110 and SB 76 in 2022 and 2023 to and modifying Utah Code § 10-9a-403 and 17-27a-403. You will also find a complete list of cities that the Division of Water Resources believes ought to be looking at creating a water use and conservation element in their General Plan's prior to the deadline on **December 31, 2025**.

If you want more information, examples, or want to submit your General Plan for us to review you can reach out to our main email at waterandland@utah.gov or you can reach out to our Integrating Water & Land Specialist below.

Rick Webster
Department of Water Resources
Project Specialist
801-910-5206
rickwebster@utah.gov

Hailey Kirlin
Department of Water Resources
Planning Technical Support
206-465-9324
hkirlin@utah.gov

Jay Olsen
Department of Agriculture
Environmental Scientist
801 718-0517
Jayolsen@utah.gov

Michael Grange
Division of Drinking Water
Engineering Manager
801 536-0069
mgrange@utah.gov

Integrated Water & Land Use Element

General Plan Requirements



This guide is intended for use by city planners, planning commissioners, and/or community development personnel from the various municipalities and counties across the state of Utah as they are developing a new General Plan or comprehensive General Plan amendment.

Its specific focus is to provide guidelines for the legislative requirements related to integrating water and land planning that are detailed in *Utah Code 10-9a-403* and *17-27a-403*. The Division of Water Resources is not designated to respond as an enforcement agency concerning this legislation nor as an agency approving General Plan modifications. However, we are available to provide technical assistance for those who need help with integrating water into the land planning process.

Implementation of the water use & preservation element is required by all municipalities (except those communities that have less than 10,000 residents) and all counties pursuant to *Utah Codes 10-9a-403* and *17-27a-403*, respectively. Municipal or county legislative bodies are required to adopt and implement this new integrated water and land use element by **December 31, 2025**.

Water Use and Preservation Element

Four Primary Components

1. The effect of permitted development or patterns of development on water demand and water infrastructure.
 - a. Do you understand your reliable supply?
 - b. Do you have a budget for future development?
2. Methods of reducing water demand and per capita water use for existing development.
 - a. Do you have current water conservation ordinances?
 - b. Do you require developers to bring the appropriate amount of “wet water” for their planned development?
 - c. Do you actively promote water-saving programs like Utah Water Savers?
3. Methods of reducing water demand and per capita water use for future development.
 - a.
4. Modifications that can be made to a local government's operations to reduce and eliminate wasteful water practices.
 - a.

As the planning commission is drafting the water use and preservation element, there are components that are considered mandatory to meet the legislative requirements. The mandatory requirements, mandatory outreach, and possible considerations to help develop your Water Use and Preservation Element are explored on the following pages.



Mandatory Requirements

- Address the Four Primary Components.
- Must identify water conservation policies implemented by the municipality or county.
- Specify landscaping options for current and future development that do not require the use of lawn or turf in a park strip.
- Specify low water use landscaping standards for any new:
 - Commercial, industrial, or institutional development.
 - Common interest community ([defined in Section 57-25-102](#)).
 - Multifamily housing project.

Mandatory Outreach:

Coordinating with your community water system and the Division of Water Resources will be the quickest and most impactful way to acquire the needed information regarding your local water system. This data will help you prepare a comprehensive water use and preservation element. While outreach is already considered mandatory as part of the Utah Code, creating a strategic communication with both of these entities is recommended. If you need more ideas on how to do this please consult our Integrating Water & Land Use Guide.

Public Water Systems

- Consult with the public water system(s) serving the municipality or county with drinking water regarding how implementation of this integrated water & land use element may effect:
 - Water supply planning
 - Drinking water sources
 - Storage capacity
 - Distribution planning
 - Current master plans
 - Infrastructure asset management or replacement plans
 - Impact fee facility plans

Division of Water Resources

- Consult with the Division of Water Resources for information and technical resources regarding:
 - Regional Water Conservation Goals
 - How the integrated water & land use element may affect the Great Salt Lake



The bottom line is does any of the water “saved” or not used actually make it back to the GSL

Department of Agriculture and Food

- Consult with UDAF for information and technical resources regarding:
 - Agriculture conservation easements
 - Implementation of agriculture water optimization projects that would support Regional Water Conservation Goals

Local Irrigation or Canal Companies

Notify regarding new water use and conservation element creation to ensure that they can be involved in the protection and integrity of the irrigation or canal company's delivery system



801-538-7230



water@utah.gov



water.utah.gov



@utahwaterres

Considerations

- Applicable **Regional Water Conservation Goals** recommended by the Division of Water Resources.
- A municipality's water conservation plan if the given municipality is required to adopt a water conservation plan pursuant to **Section 73-10-32**.
- Principles of sustainable landscaping, including:
 - Reduction or limitation of the use of lawn or turf as well as selecting appropriate grasses that are less water intensive.
 - Promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation.
 - Preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions.
 - Elimination or regulation of fountains, ponds, pools, and other features that promote unnecessary water evaporation.
- Land use ordinances and include a recommendation for changes to an ordinance that promotes the inefficient use of water.

May Include or Help Address Primary Components

- Creating a city or county wide water budget associated with particular development types and considering how much water is available for new development projects.
- Adopting new or modified lot sizes, configurations, and landscaping standards that will reduce water demand for new single family development.
- Providing one or more water reduction incentives for existing development such as modification of existing landscapes and irrigation systems and installation of water fixtures or systems that minimize water demand.
- Discouraging incentives for economic development activities that do not adequately account for water use or do not include strategies for reducing water demand.
- Adopting water concurrency standards requiring that adequate water supplies and facilities are or will be in place for new development.
- For a more thorough list of possible inclusions to help meet mandatory state requirements and Regional Water Conservation Goals, please review the resources section on page 11 of the Integrating Water and Land Use Planning Project Summary Memo, which can be found on our Integrating Water and Land Planning page.

Contact Information

If you have further questions or are in need of some technical assistance when it comes to creating this water use & preservation element please contact us via email at waterandland@utah.gov, or you can reach out to our Integrating Water & Land Specialist for questions, information, graphics, tips, and more.

Rick Webster

Project Specialist

801-910-5206

rickwebster@utah.gov

Hailey Kirlin

Planning Technical Support

206-465-9324

hkirlin@utah.gov



801-538-7230

water@utah.gov

water.utah.gov



@utahwaterres

General Plan Requirements - Examples



This guide is intended for use by city planners, planning commissioners, and/or community development personnel from the various municipalities and counties across the state of Utah as they are developing a new General Plan or comprehensive General Plan amendment.

Its specific focus is to provide plan examples related to integrating water and land planning that are detailed in *Utah Code 10-9a-403* and *17-27a-403*. The primary components of Utah Code 10-9a-403 and 17-27a-403 will be detailed below, followed by diverse examples that showcase approaches to each element.

Water Use and Preservation Element - Required Components Stated by Utah Code 10-9a-403 and 17-27a-403

1. The effect of permitted development or patterns of development on water demand and water infrastructure.
2. Methods of reducing water demand and per capita water use for existing development.
3. Methods of reducing water demand and per capita water use for future development.
4. Modifications that can be made to a local government's operations to reduce and eliminate wasteful water practices.

Other Requirements:

1. Active consultation with the public water system(s) serving your community with drinking water regarding how the implementation of this integrated water & land use element may affect: Water supply planning, drinking water sources, storage capacity, distribution planning, current master plans, infrastructure asset management or replacement plans, and impact fee facility plans
2. Consultation with the Division of Water Resources for information and technical resources regarding regional water conservation goals, including how implementation of the land use element and the water use and preservation element may affect the Great Salt Lake, Colorado River, or overall watershed health.
3. The Planning Commission must recommend the following:
 - a. Water conservation policies to be determined by the municipality or county;
 - b. Landscaping options within a public street for current and future development that do not require the use of lawn or turf in a parkstrip;
 - c. Changes to an ordinance that promotes the inefficient use of water;
 - d. Low water use landscaping standards for a new: commercial, industrial, or institutional development; common interest community, as defined in Section 57-25-102; multifamily housing project



Examples that Fit:

1. The effect of permitted development or patterns of development on water demand and water infrastructure



This component urges communities to calculate and understand their projected water demand for current and future growth

Example: 2030 Casa Grande General Plan

How Much Water Is Needed to Support Future Growth?

To answer this question, we first need to determine the amount of growth likely to occur. Although the timeframe for this General Plan is ten years (2020-2030) an attempt has been made to look beyond that timeframe and project the growth that is likely to occur over the next 30 years. The population of Casa Grande is projected to essentially double over the next 30 years. The specific increases by decades is projected as follows:

Year	Casa Grande Population Estimate	Change
2020	57,518	
2030	75,049	+17,531
2040	92,880	+17,831
2050	118,395	+25,515

Figure 3:37 Casa Grande Population Estimate Change 2020-2050

Source:

To accommodate this new population the following number of dwelling units will need to be provided:

- 2020-2030: 6,407 dwelling units
- 2030-2040: 6,519 dwelling units
- 2040-2050: 9,350 dwelling units

The existing vacant lots with Certificates of Assured Water Supply (CAWS) will allow for the construction of single-family dwellings to meet most of this demand. Other types of residential development which are not CAWS dependents (i.e., apartments, manufactured homes, park models, pre-CAWS subdivisions) will provide residential products to meet the remaining demand. It is safe to assume that most of this future residential growth will occur with Planned Area Developments, or other types of residential developments that will have significant amounts of irrigated common areas. Accordingly, the water usage, based upon current usage rates, would be 96 gallons per day per person resulting in the following additional water supply needed to support the projected residential growth:

- 2020-2030: 2,067 additional acre-feet/yr
- 2030-2040: 2,103 additional acre-feet/yr
- 2040-2050: 3,016 additional acre-feet/yr

Example taken from the City of Casa Grande, AZ 2030 Casa Grande General Plan



Examples that Fit:

1. The effect of permitted development or patterns of development on water demand and water infrastructure (Continued)



This component urges communities to calculate and understand their projected water demand for current and future growth

Example: 2030 Casa Grande General Plan (Continued)

How Much Water Is Needed to Support Future Growth?

An accurate estimate of the water supply that will be needed to support this new commercial and industrial growth is difficult to predict as the water usage varies significantly depending on the type and nature of the business/industry. The AZW water usage of 198 gallons per day per capita (GCPD) does provide a metric that can be applied to provide a rough estimate of the new water supply demands that may be associated with all future growth including residential, commercial and industrial development assuming non-residential uses grow proportionately to residential uses.

This approach indicates that the following additional annual water supply will be necessary to meet water supply demands for all types of future projected growth:

- 2020-2030: 4,263 additional acre-feet/yr
- 2030-2040: 4,338 additional acre-feet/yr
- 2040-2050: 6,221 additional acre-feet/yr

The calculation of the additional acre feet of groundwater needed to support projected growth represents a worst-case scenario.

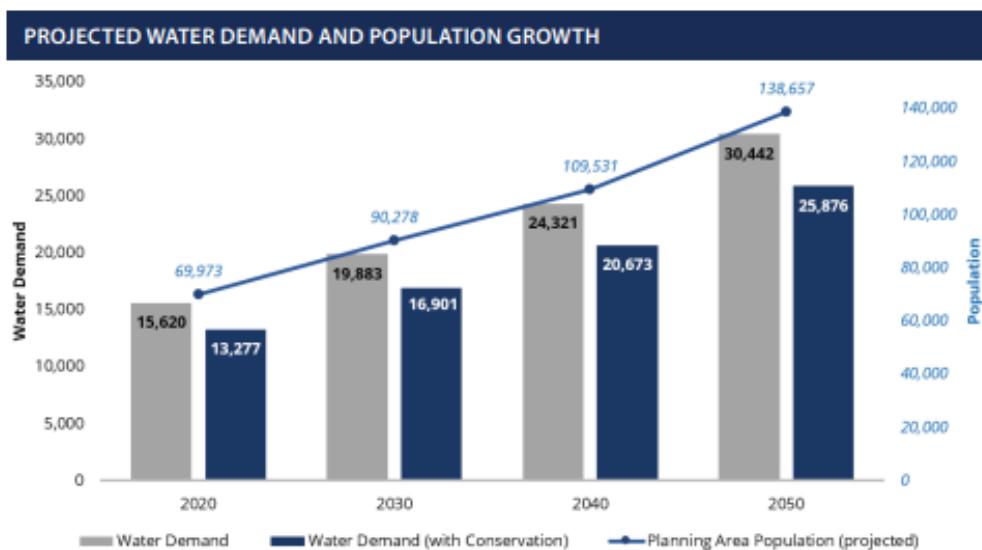


Figure 3:41 Projected Water Demand and Population Growth
Source: Arizona Water Company, Arizona Department of Water Resources, Office of Economic Opportunity, 2020

Example taken from the City of Casa Grande, AZ 2030 Casa Grande General Plan



Examples that Fit:

1. The effect of permitted development or patterns of development on water demand and water infrastructure (Continued)



This component urges communities to calculate and understand their projected water demand for current and future growth

Other Examples to Explore:

Maricopa County, AZ, describes the total water use in the region, including both surface water and groundwater. The county describes the shift in water use per sector over time, noting that overall water use remained stable even as agricultural water use declined and municipal use increased. It uses this information to estimate projected total water use in 2025 (2016, 96–99).

Santa Fe County, NM, compiles water use data from Santa Fe County Water Utility, City of Santa Fe, 53 other water suppliers, and estimates for self-supplied homes, to understand the nature of water withdrawals in the county. This is historical use data allocated by type of land use, which aids the county's ability to use this data for land use and development approval processes (2015, 198–199).

City of Fernley, NV, differentiates between surface and groundwater supplies in its discussion of water supply, as well as water storage and future infrastructure needs associated with these supply sources (2018, 106)

Examples and verbiage taken from the Babbitt Center for Land and Water Policy's *Incorporating Water into Comprehensive Planning: A Manual for Land Use Planners in the Colorado River Basin*



Examples that Fit:

2. Methods of reducing water demand and per capita water use for existing development



This component urges communities to discuss conservation measures within their jurisdiction for existing development

Example: City of Lindon General Plan (2023)

Protecting Our Water Resources: Introduction

Findings from a citywide water conservation plan prepared for Lindon in 2019 identified several problems that need to be addressed as priorities:

- Secondary water is not metered, accounted for, and/or billed.
- There are issues such as main line leaks, theft, or inaccurate meters.
- Contractor authorized use is metered by a hydrant meter provided by the city, reported and billed separately. However, the usage is not included in the metered water sales. There has been unauthorized use by contractors obtaining water from hydrants without having notified the city. The city continues to be vigilant in trying to enforce regulations.
- Residents lack understanding and fail to implement landscape water requirements and efficient water-use habits and practices. Many residences do not know how much water is required to maintain healthy landscaped areas and how to consistently use water efficiently indoors. Many citizens' irrigation and indoor practices are based on convenience rather than plant needs and water supply considerations.
- Lindon residences typically include large areas of grass and other water-intensive landscaping. Overwatering of these landscaped areas from the pressure irrigation system is the result of unmetered secondary water supplies and poor watering practices.

Current Conservation Measures

Having both culinary and pressurized secondary irrigation systems provides flexibility in dealing with water conservation. Lindon's current water conservation program is primarily focused on the following strategies:

- Providing educational materials to residents about efficient indoor and outdoor water use
- Regularly adjusting water rates
- Installing secondary water meters
- Managing water shortages in the culinary system, such as during emergency events such as losing a well

Example taken from the City of Lindon, UT General Plan: Water Preservation Element



Examples that Fit:

2. Methods of reducing water demand and per capita water use for existing development (Continued)



This component urges communities to discuss conservation measures within their jurisdiction for existing development

Other Examples to Explore:

City of Aurora, CO, is a big proponent of water conservation, with a history of ambitious and successful water saving goals. The city has enacted strategies “such as limiting outdoor watering to three days a week, waterwise landscaping rebates, and other programs. Conservation, water efficiency, and demand management practices are incorporated into Aurora’s land use planning and development standards. These programs have saved 528 million gallons of water between 2014 and 2016” (2018, 13)

Washoe County, NV, emphasizes the importance of water meters for achieving water conservation in several policies: “Require the uniform mandatory installation and use of water meters in Washoe County. Water meters are essential to provide for water conservation, equity in billing for water use and effective management of water resources. [Related policies:] 1. Water meters will be required on all new residential, commercial and industrial construction, to the extent allowed by law. 2. The Washoe County Utility Services Division will recommend that the Washoe County Board of County Commissioners amend the water conservation ordinances to allow the use of water meters to monitor and enforce water conservation. 3. Where legally allowed, individual non-metered water users will be encouraged to request the installation of water meters on a voluntary basis. Economic incentives can be used to provide the needed encouragement” (2010, chap. Public Services and Facilities Element: 13-14)

Examples and verbiage taken from the Babbitt Center for Land and Water Policy's *Incorporating Water into Comprehensive Planning: A Manual for Land Use Planners in the Colorado River Basin*



Examples that Fit:

3. Methods of reducing water demand and per capita water use for future development



This component urges communities to discuss conservation measures within their jurisdiction for future development

Example: City of Santa Fe, NM General Plan

Growth Management

Water Offset Program - The city's continuing efforts in water conservation have become nationally-recognized. The city uses a dual-track approach:

- Water Conservation at home, work and school through progressively-scaled rate pricing, rebates on replacement of older more water-wasteful household fixtures, and community advertising and education.
- Transfer of Water Rights - New residential and commercial development must offset the anticipated water to be used through conservation, or transfer enough water rights to serve the entire development at build-out.

This has proven to be an effective and comprehensive approach to growth management. During the past 20 years, the city's overall annual water consumption decreased nearly 25%, while the population increased 15%.

Urban Design - Well-designed development uses less land by creating smaller residential lots and using more multi-family housing, thereby making more efficient use of land and city utilities.

Example: City of Albuquerque, NM General Plan

Growth Management

Land use policies and zoning regulations that govern the location, density, and design of development also influence the water consumed at the scale of each site and the larger regional scale. Multi-family housing generally has lower per capita water consumption than single-family units. Further, a recent analysis of residential water use found a correlation between household water consumption and lot size, likely due to reduced need for landscape irrigation. Zoning that allows smaller lot sizes and a range of multi-family housing options helps with water conservation efforts.

Example taken from the City of Santa Fe and Albuquerque, NM General Plan



Examples that Fit:

3. Methods of reducing water demand and per capita water use for future development (Continued)



This component urges communities to discuss conservation measures within their jurisdiction for future development

Other Examples to Explore:

San Diego County, CA, expedites plan reviews for developments that use water conservation measures and requires buildings to improve water efficiency as a condition of renovation, additions, or sales. These measures are taken in part to reduce the need for additional water purveyors (2011, chap. Implementation Plan: 25, 39).

City of San José, CA, promotes the use of green building techniques, with particular emphasis on water efficiency: “Promote use of green building technology or techniques that can help reduce the depletion of the City’s potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.... Update the Green Building Ordinance to require installation of water efficient fixtures and appliances that are WaterSense certified, Energy Star rated, or equivalent during construction or renovation of bathrooms, kitchens, laundry areas, and/or other areas with water fixtures/appliances that are proposed to be replaced” (2018, chap. 3: 6)

City of Cheyenne, WY, proposes a variety of measures in its comprehensive plan to conserve resources and landscapes, such as: “establish an overlay zone for conservation site planning and design to avoid resources; allow density transfers out of the natural and cultural areas to other parts of the property, if feasible; encourage clustered development away from resources; and establish guidelines for wildlife-friendly development” (2014, 75). The city also has policies to provide incentives for clustering to preserve agricultural lands: “Revise zoning for Agriculture and Rural lands identified on the Future Land Use Plan to make it consistent with these areas appropriate for continued ranching and agricultural uses. The intent of the Plan is to limit inappropriate urban-scale or rural large lot sprawling development in these areas and to provide incentives for clustering” (141)

Examples and verbiage taken from the Babbitt Center for Land and Water Policy’s *Incorporating Water into Comprehensive Planning: A Manual for Land Use Planners in the Colorado River Basin*



Examples that Fit:

4. Modifications that can be made to a local government's operations to reduce and eliminate wasteful water practices



This component promotes Cities and Counties lead by example and blend water conservation policies and practices into their operations

Example: City of Dallas, TX

MLK Center Campus - Waterwise Landscape Beautification

The City of Dallas, TX, helped transform the landscaping of the Martin Luther King Community Center, which is part of Dallas' Department of Housing/ Community Service. This landscape retrofit was developed for water conservation purposes, boasting water-wise plants, irrigation, and maintenance. Once complete, the site and streetscape blended community context through a lens of water conservation while offering a model landscape for their community

Example: City of Chowchilla , CA

Arterial and Street Landscaping

The City of Chowchilla, CA, has a policy for landscaping arterial and major collector streets with drought-tolerant plants and low-water-use irrigation systems. This provides a great example of water-wise landscape to the public

Other Topics

City Hall or City-Owned Building Retrofits

- Include water-wise building retrofit ideas in your General Plan such as installing AMI metering or updating inefficient plumbing

Examples and verbiage taken from the City of Dallas, TX as well as the the Babbitt Center for Land and Water Policy's *Incorporating Water into Comprehensive Planning: A Manual for Land Use Planners in the Colorado River Basin*



801-538-7230



water@utah.gov



water.utah.gov



@utahwaterres

Examples that Fit: Water-wise Landscape Requirements



The Planning Commission must recommend a variety of water-wise landscape options for their community

- 1. Landscaping options that do not require the use of lawn or turf in the parkstrip**
- 2. Low water use landscaping standards for a new: commercial, industrial, or institutional development; common interest community**

Communities within Central Utah, Jordan Valley, Washington County, or Weber Basin Water Conservancy Districts' service areas should work with their district to adopt qualifying landscape ordinances and discuss them in their General Plan.

Communities outside of a partner water district's service area, including unincorporated areas, could adopt similar standards such as:

- No lawn on parking strips or areas less than eight feet in width in new development.
- No more than 50% of front and side yard landscaped area in new residential developments is lawn. Lawn limitations do not apply to small residential lots with less than 250 square feet of landscaped area.
- In new commercial, industrial, institutional and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.



May Include or Help Address Primary Components

- Creating a city or county wide water budget associated with particular development types and considering how much water is available for new development projects.
- Adopting new or modified lot sizes, configurations, and landscaping standards that will reduce water demand for new single family development.
- Providing one or more water reduction incentives for existing development such as modification of existing landscapes and irrigation systems and installation of water fixtures or systems that minimize water demand.
- Discouraging incentives for economic development activities that do not adequately account for water use or do not include strategies for reducing water demand.
- Adopting water concurrency standards requiring that adequate water supplies and facilities are or will be in place for new development.
- For a more thorough list of possible inclusions to help meet mandatory state requirements and Regional Water Conservation Goals, please review the resources section on page 11 of the Integrating Water and Land Use Planning Project Summary Memo, which can be found on our Integrating Water and Land Planning page.

Contact Information

If you have further questions or are in need of some technical assistance when it comes to creating this water use & preservation element please contact us via email at waterandland@utah.gov

Rick Webster
Department of Water Resources
Project Specialist
801-910-5206
rickwebster@utah.gov

Hailey Kirlin
Department of Water Resources
Planning Technical Support
206-465-9324
hkirlin@utah.gov

Jay Olsen
Department of Agriculture
Environmental Scientist
801 718-0517
Jayolsen@utah.gov

Michael Grange
Division of Drinking Water
Engineering Manager
801 536-0069
mgrange@utah.gov



Public Hearing

4. Zone Change: Base Leg LLC

An application for a zone change on behalf of Base Leg 45 LLC for parcel 8-7-21-14A, containing 10 acres, from Agriculture (AG) to Light Commercial (LC) by Ordinance 2024-12, located near the junction of Meadow Lane and Strawberry Point Road, near the Ponderosa Villa and Strawberry Pines Subdivision.

Submitted by Susie Polnisch.



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: July 17, 2024

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 24032: Zone Change Application, Agricultural (AG) to Light Commercial (LC)
Ordinance O-2024-21
Parcel 8-7-21-14A consisting of a total of 10 acres

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

REQUEST: On June 14, 2024, Susan Polnisch, Base Leg 45 LLC, submitted a zone change application, for parcel 8-7-21-14A, located on 2315 N. Meadow Lane in the Strawberry Valley subdivision at the junction of Meadow Lane and Strawberry Point roads; requesting to rezone from AG to LC.

LEGAL DESCRIPTION:

Situs Address 2315 N MEADOW LN

Legal BEG AT THE NE COR OF SEC 21 T38S R7W, SLB&M, RUN TH S 02°17'29"W ALG THE SEC LINE 451.21 FT TO THE WLY LINE OF A 66.00 FT ROADWAY & UTILITY EASEMENT (U.S.F.S. ROAD TO STRAWBERRY PT); TH S 36°18'34"W 508.35 FT TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DATA = 00°22'03", RADIUS = 1234.00', TH ALG THE ARC OF SAID CURVE 115.60 FT TO THE PRC OF A NON-TANGENT CURVE TO THE RIGHT; CURVE DATA: DELTA = 91°48'04", RADIUS = 25.00', CHORD BEARING = N 04°13'25"W 35.91', TH ALG THE ARC OF SAID CURVE 40.06 FT TO THE PT; TH N 50°07'27"W 12.45 FT TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DELTA = 31°47'16", RADIUS = 140.00', TANGENT = 39.86', TH ALG THE ARC OF SAID CURVE 77.67 FT TO THE PT; TH N 18°20'12"W 892.58 FT TO A PT ON THE N LINE OF SAID SEC; TH S 89°40'27"E 727.92 FT TO THE PT OF BEG & CONT 10.00 AC.
SUBJECT TO & TOG WITH A 40.00 FT ROADWAY & UTILITY EASEMENT ALG THE WLY LINE OF THE ABOVE DESC PARCEL.

FACTS & FINDINGS:

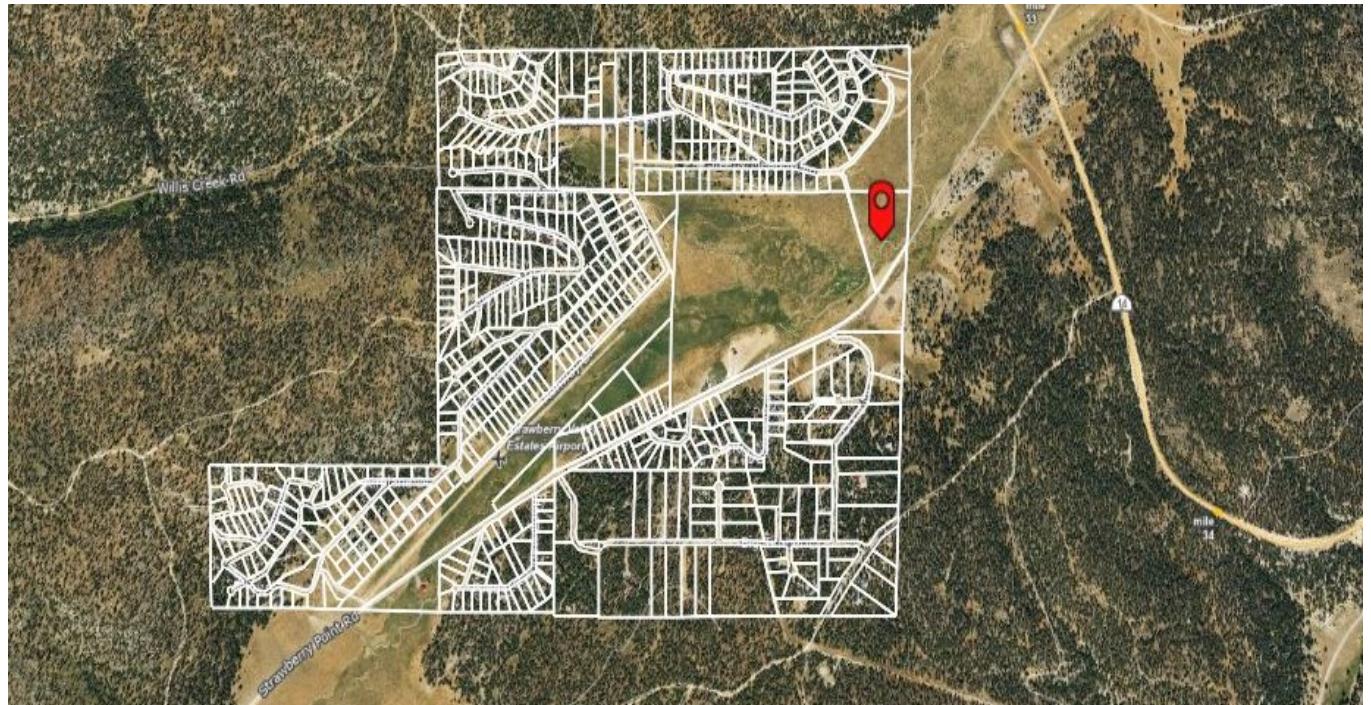
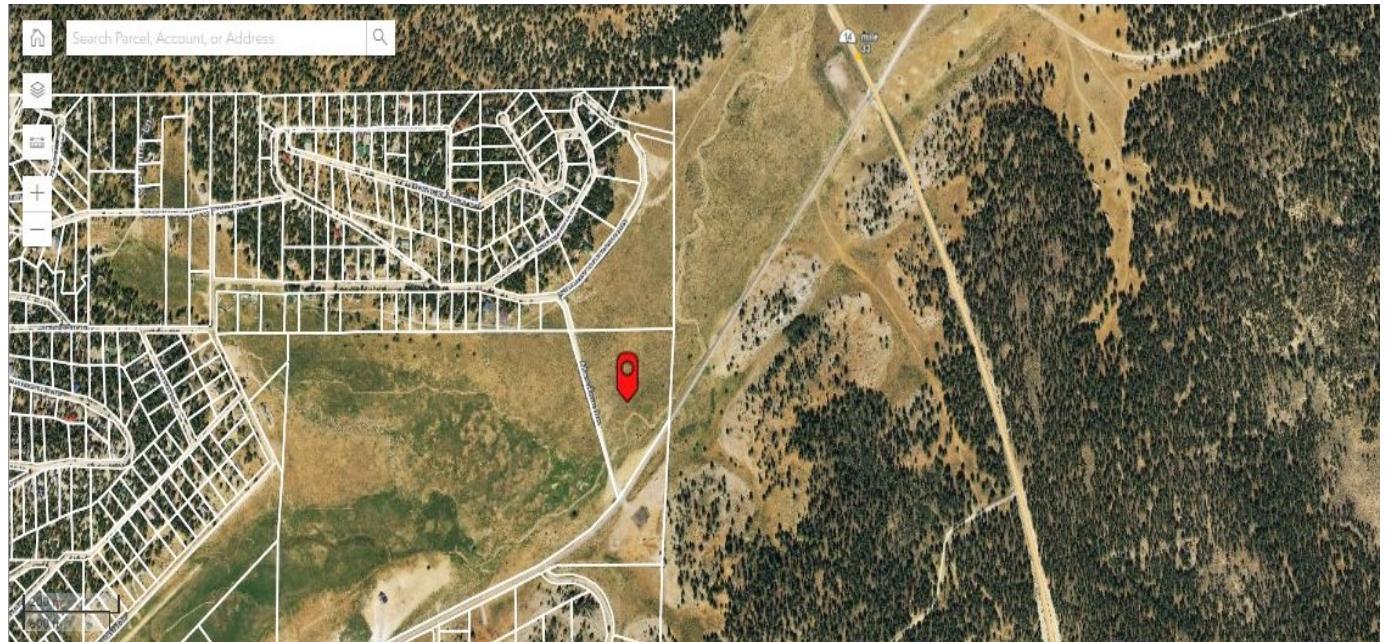
- Parcel 8-7-21-14A meets the requirements to be zoned LC. The parcel is currently zoned AG.
- The applicant requests the parcel be zoned LC which requires a zone change.
- If the zone change is approved all uses contained in KCLUO 9-7A-2 Use Regulation will be allowed.
- Surrounding lots are zoned R-1/2, R-1 and AG and Forest Service.
- The lot could gain access from Meadow Lane or Strawberry Point Road.

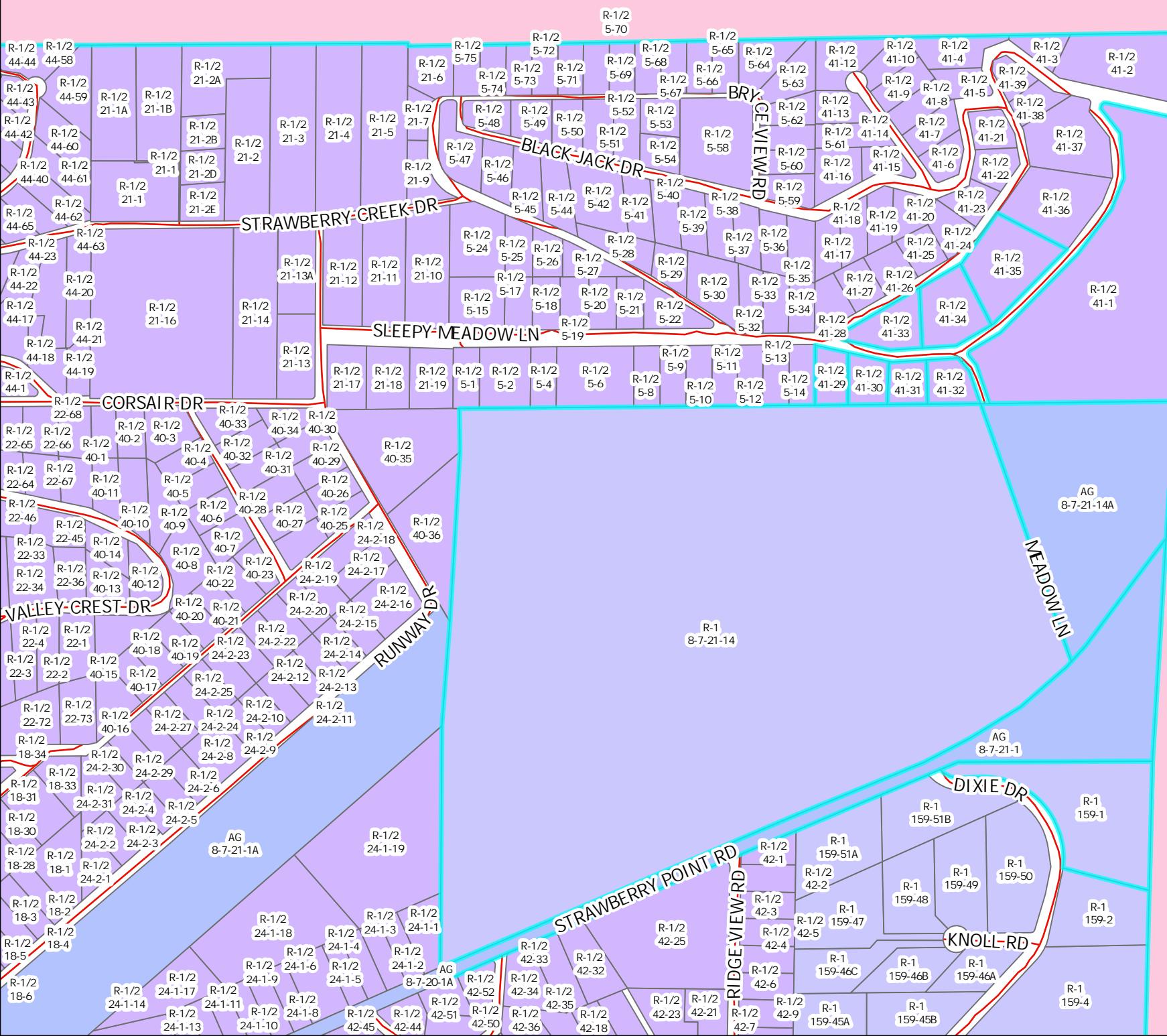
- All property owners within 500 ft. of this lot have been mailed a public notice. Notices are posted on the state and county websites and a sign was posted on the lot.
- **9-7A-1: PURPOSE:** The purpose of the light commercial zone is to provide appropriate locations for the development and operation of administrative and professional offices, publicly owned and operated community facilities and related uses. This zone is intended to serve as a buffer between residential and more intensive commercial uses with low to no impact on residential and agricultural zones. (Ord. O-2022-42, 7- 26-2022)
- **9-7A-2: USE REGULATIONS:** Development of any parcel of land for any of the uses listed in this section, exceeding five thousand (5,000) square feet of total building floor area will require a different zone designation.
 - A. Permitted Uses: The following uses are permitted in the L-C zone:
 - Accessory uses and buildings, customarily incidental and subordinate to an approved permitted/conditional use.
 - Administrative, executive, professional, medical and research offices.
 - Banking and other financial institutions.
 - Churches, temples and other places used exclusively for worship.
 - Mobile food vendor.
 - Parking lots for approved principal uses.
 - Public buildings and offices.
 - Public park, playground or recreation facilities.
 - Public utility service and maintenance facilities.
 - Restaurants.
- **Kane County General Plan, Vision Statement, Pg. 3:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
- **KC General Plan, Pg. 15: Commercial Land Uses Goal #1:** Objective: Policy: Encourage and provide for commercial uses in locations with infrastructure in place to serve the public. Develop commercial uses compatibly with the use and character of the surrounding area. The Land Use Ordinance and associated zoning map will determine the standards for commercial uses at appropriate locations.

Conclusion: The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan. This zone change request maintains the purpose of the General Plan for light commercial land use.

If the zone change amendment is adopted, the regulations of the new zone of Light Commercial can be found in the Kane County Land Use Ordinance, Chapter 7: Light Commercial Zones, Article A.

MOTION: I move to recommend denying/approving the zone change for parcel 8-7-21-14A from Agriculture (AG) to Light Commercial (LC) & Ordinance 2024-21 to the County Commission based on the facts and findings as documented in the staff report.





KANE COUNTY ORDINANCE NO. O 2024-21

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 8-7-21-14A
FROM AGRICULTURAL TO LIGHT COMMERCIAL**

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-7A-1: *PURPOSE*: The purpose of the light commercial zone is to provide appropriate locations for the development and operation of administrative and professional offices, publicly owned and operated community facilities and related uses. This zone is intended to serve as a buffer between residential and more intensive commercial uses with low to no impact on residential and agricultural zones. (Ord. O-2022-42, 7- 26-2022)

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

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

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 8-7-21-14A;

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

LEGAL DESCRIPTION:

Situs Address 2315 N MEADOW LN

Legal BEG AT THE NE COR OF SEC 21 T38S R7W, SLB&M, RUN TH S 02°17'29"W ALG THE SEC LINE 451.21 FT TO THE W'LY LINE OF A 66.00 FT ROADWAY & UTILITY EASEMENT (U.S.F.S. ROAD TO STRAWBERRY PT); TH S 36°18'34"W 508.35 FT TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DATA = 00°22'03", RADIUS = 1234.00', TH ALG THE ARC OF SAID CURVE 115.60 FT TO THE PRC OF A NON-TANGENT CURVE TO THE RIGHT; CURVE DATA: DELTA = 91°48'04", RADIUS = 25.00', CHORD BEARING = N 04°13'25"W 35.91', TH ALG THE ARC OF SAID CURVE 40.06 FT TO THE PT; TH N 50°07'27"W 12.45 FT TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DELTA = 31°47'16", RADIUS = 140.00', TANGENT = 39.86', TH ALG THE ARC OF SAID CURVE 77.67 FT TO THE PT; TH N 18°20'12"W 892.58 FT TO A PT ON THE N LINE OF SAID SEC; TH S 89°40'27"E 727.92 FT TO THE PT OF BEG & CONT 10.00 AC.

SUBJECT TO & TOG WITH A 40.00 FT ROADWAY & UTILITY EASEMENT ALG THE W'LY LINE OF THE ABOVE DESC PARCEL.

Is hereby rezoned from Agricultural to Light Commercial (LC) and shall from here forth be zoned LC.

---- END OF ORDINANCE ----

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

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

ADOPTED this _____ day of _____, 2024.

ATTEST:

Chameill Lamb
Kane County Clerk

Commissioner Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted
Commissioner Kubeja voted
Commissioner Meyeres voted

Public Hearing

5. Zone Change: Heely

An application for a zone change on behalf of Rafter H Holmes for lot 331-1 from Residential 2 (R-2) to Multi-Residential (MR) by Ordinance 2024-12, located at the entrance of Sunflower Valley Estates. Submitted by Tyler Heely.



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: July 26, 2024

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 24014: Zone Change Application, R-2 to M-R, Ordinance O-2024-12
Lot 331-1 consisting of 2.04 acres

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area, on the Utah State and Kane County's public websites. A public notice was posted in two public locations, and a sign was posted on the lot.*

REQUEST: On March 12, 2024, Rafter H. Homes, Tyler Heely, submitted a zone change application for lot 331-1, Sunflower Valley Estates Subdivision, Kane County, Utah, requesting to rezone from Residential 2 (R-2) to Multi-Residential (M-R). The intended use is to build two duplexes.

LEGAL DESCRIPTION: ALL OF LOT 331-1 SUNFLOWER VALLEY ESTATES SUBDIVISION.

FACTS & FINDINGS:

- Lot 331-1 meets the minimum acreage required to be zoned M-R. The lot is currently zoned R-2.
- The owner requests the lot be zoned M-R which requires a zone change.
- Surrounding lots and parcels are zoned R-2 and Commercial 1.
- All property owners within 500 ft. of this parcel have been mailed a public notice, and a sign has been posted on the lot.
- The lot would gain access from Mountain View Drive.
- 9-6B-1: PURPOSE: To ensure that multi-residential developments will be of such character as to promote the objectives and purposes of this ordinance; to protect the integrity and characteristics of the districts contiguous to those in which multiple-family dwellings are located; and to protect other use values contiguous to or near these developments. (Ord. O-2022-18, 4-26-2022; amd. Ord. O-2023-13, 11-28-2023)
- **9-6B-4: USES TABLE:**

Use	

Use	
Accessory buildings and uses customarily incidental to conditional uses	C
Accessory buildings and uses customarily incidental to permitted uses	P
Apartments	C
Bed and Breakfast	C
Condominiums	C
Duplex	P
Church	C
Home Occupation	P
Household Pets	P
Mobile Home Park	C
Multiple-Family Dwellings	C
Park or Playground	P
Private Recreation Grounds and Facilities	C
Public, quasi-public, and private service utility lines, pipelines, power lines overhead lines with base structure over 70 feet	P
School	P
Single Family Dwellings	P
Town Homes	C

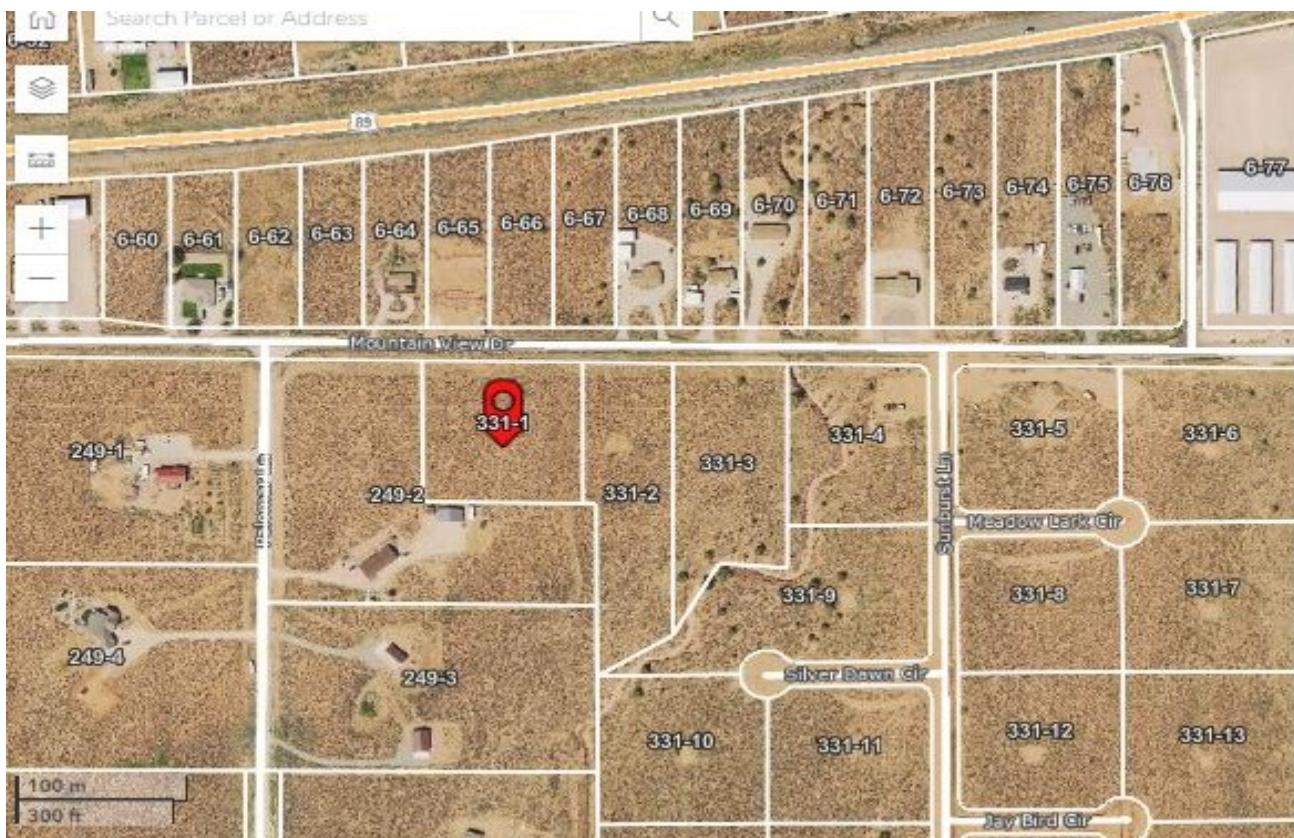
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will ensure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
- **Kane County General Plan, Pg. 6 Land Use Goals** Unincorporated land uses will remain at densities which can be adequately serviced and which retain the qualities of a rural, open setting with uses not typically found in a town or city. Residential Land Uses Goal #1: To provide for residential areas that support and complement the unique rural quality and character of Kane County. Objective: Minimum allowable densities in unincorporated zoning districts will be determined by the land use ordinance.
- If the zone change is approved the uses contained in the M-R uses table will be allowed.

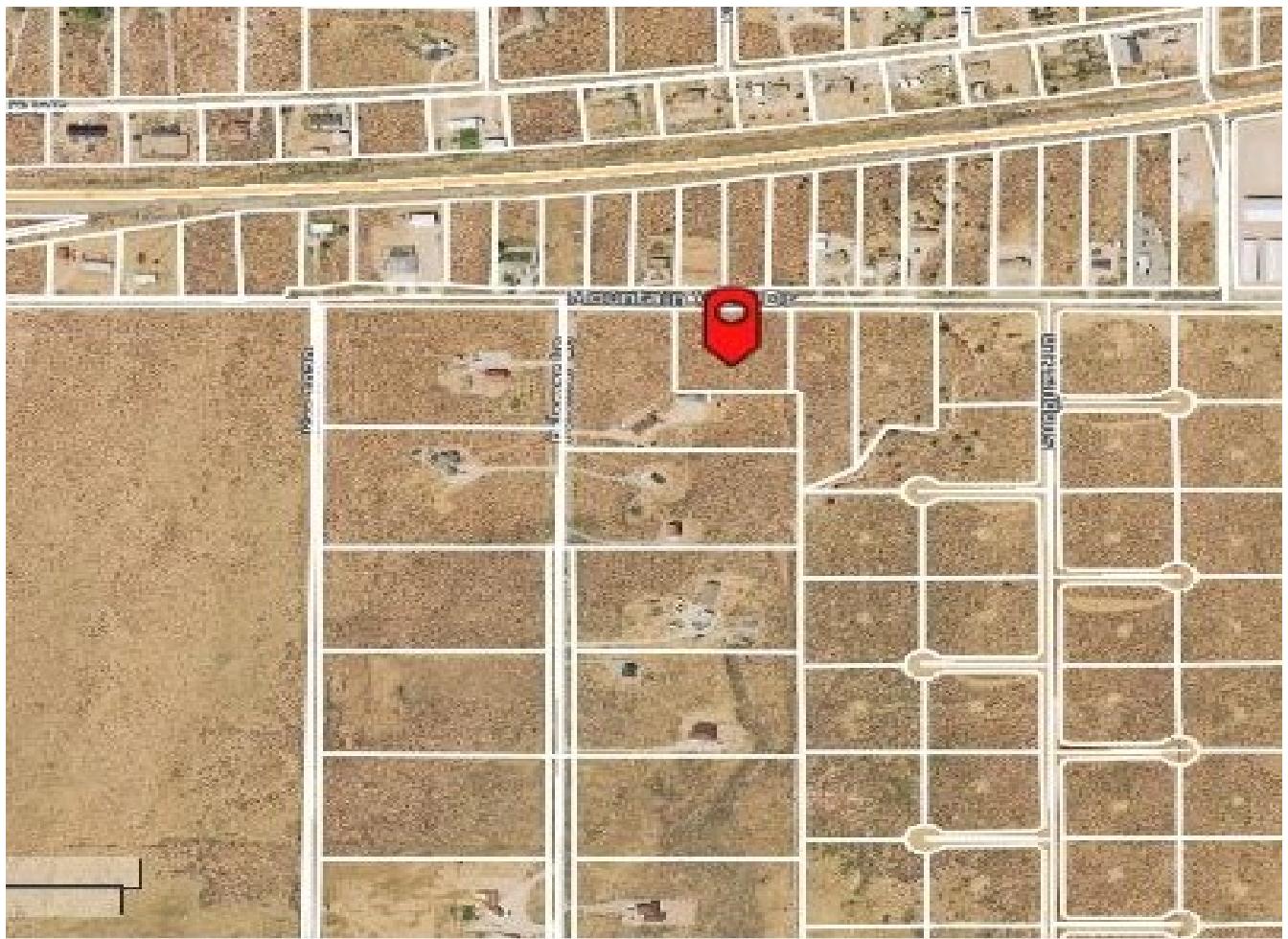
Conclusion: The applicant's request to rezone lot 331-1, from R-2 to M-R, would remain consistent with the Kane County General Plan and give private property rights deference. In the interest of growth, it would be beneficial to Kane County to allow properties to be utilized for the intended use if the use fits the qualifying zone; whether Commercial, Agricultural, Rural, or

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

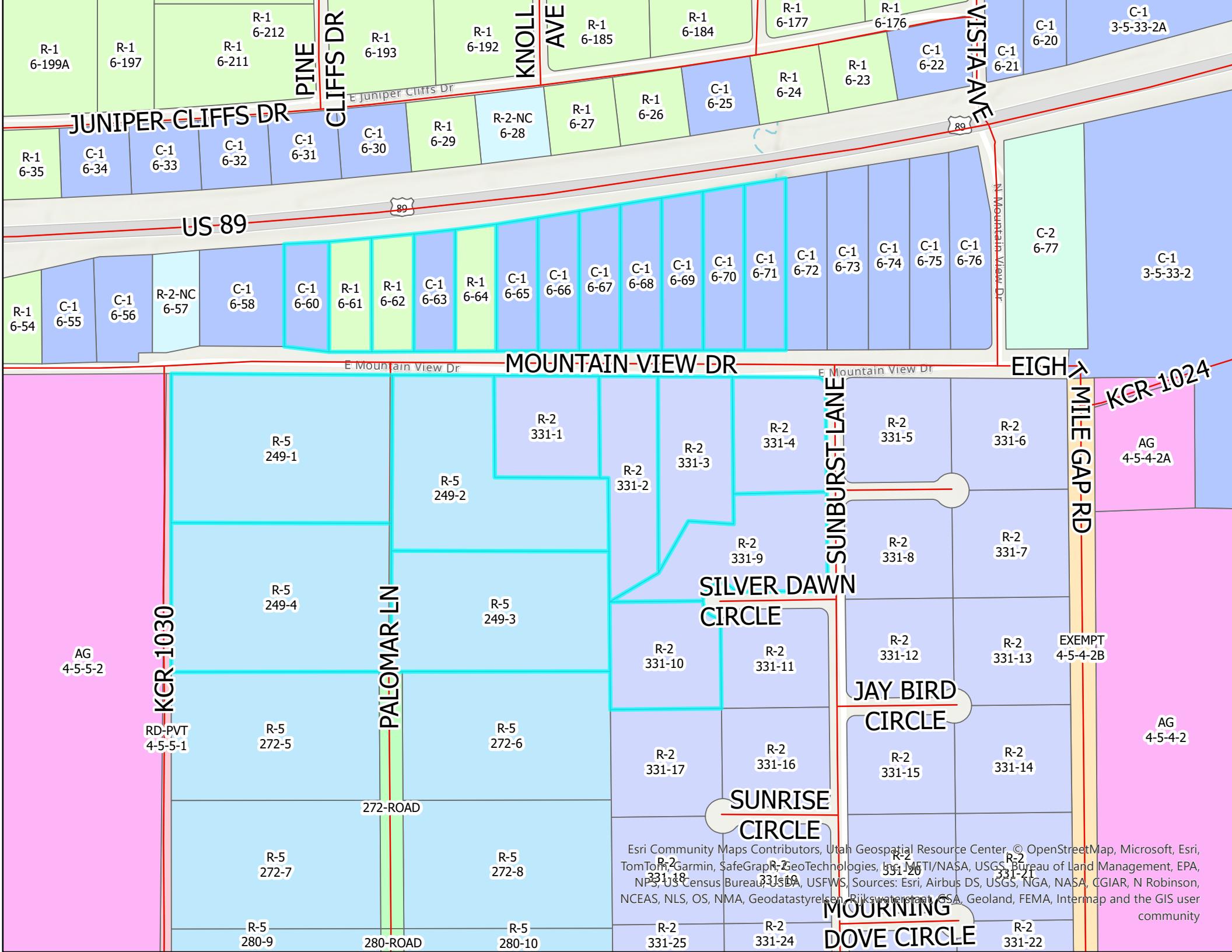
Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner;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

MOTION: I move to recommend denying/approving the zone change for lot 331-1 from Residential 2 (R-2) to Multi-Residential (M-R) & Ordinance O-2024-12 to the County Commission based on the facts and findings as documented in the staff report.





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



KANE COUNTY ORDINANCE NO. O 2024-12

**AN ORDINANCE AMENDING THE ZONING OF LOT 331-1
IN THE SUNFLOWER VALLEY ESTATES SUBDIVISION FROM RESIDENTIAL 2
TO MULTI-RESIDENTIAL**

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-6B-1: PURPOSE: To ensure that multi-residential developments will be of such character as to promote the objectives and purposes of this ordinance; to protect the integrity and characteristics of the districts contiguous to those in which multiple-family dwellings are located; and to protect other use values contiguous to or near these developments. (Ord. O-2022-18, 4-26-2022; amd. Ord. O-2023-13, 11-28-2023)

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

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

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to lot 331-1, from Residential 2 to Multi-Residential;

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

LEGAL DESCRIPTION: ALL of lot 331-1 of the Sunflower Valley Estates Subdivision.

Is hereby rezoned from Residential 2 to Multi-Residential and shall from here forth be zoned Multi-Residential.

Section 1. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 2. Effective Date

This ordinance is effective fifteen (15) days after adoption, and after publication and notice are completed as set forth below.

Section 3. Publication and Notice.

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

End of Ordinance.

ADOPTED this _____ day of _____, 2024.

ATTEST:

Chameill Lamb
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

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

Public Meeting

6. Conditional Use Permit: Moon

An application for a conditional use permit for 7 small cabins and a laundry building on new lot E-A-17, Church Wells, Kane County Utah. Submitted by Chul Hyun Moon.



STAFF REPORT

DATE: 07/22/24

PROJECT: The Applicant, Chul Hyun Moon, Moon Trailer Village, submitted a CUP for new lot E-A-17 adjacent to their original Conditional Use Permit (CUP) on new lot E-A-15 which consisted of no more than 5 RV sites, with 4 small cabins, a manager residence, a bathhouse, laundry, and BBQ/dining area. He would like to build 7 small cabins and a laundry on new lot E-A-17 consisting of .98 acres. The original CUP on lot E-A-15 was approved on September 12, 2018.

FINDINGS: The above application complies with Kane County Land Use Ordinance, 9-15A-(1-6) Conditional Uses and 9-7C-2 Commercial 2 Use Regulations which allows the use of RV Campgrounds and hotels or motels with a conditional use permit. The CUP has the conditions to mitigate safety issues and must be implemented at the time of the building permit application.

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

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

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

FINDINGS: The use of tiny cabins complies with the surrounding zones and commercial uses.

MITIGATIONS: All CUP requirements will be in order to mitigate health, safety, comfort, order, and welfare for those in the vicinity and staying in the cabins.

2. Assurance the use will:

- a. Comply with the intent, spirit and regulations of this title and Kane County General Plan;

FINDINGS: The cabins comply with Chapter 7, Commercial 2 regulations and Chapter 15 Conditional Uses.

MITIGATIONS: All conditions will be in place before the cabins' final occupancy permits are issued.

- b. Make the use harmonious with other neighboring uses in that zone;

FINDINGS: All of the surrounding front lots are zoned Commercial 1 or Commercial 2 and abut Highway 89.

MITIGATIONS: A wooden privacy fence will surround the new lot and phase.

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

FINDINGS: The site map complies with the above requirements for buildings, parking, traffic, noise, etc. Parking spaces and dimensions and ADA parking are shown on the site plan. The lighting plans need to be shown. All lights will be down hooded for dark sky compliance.

MITIGATIONS: All the above requirements are addressed in the site plan and have been reviewed by the Kane County Engineer and Land Use Administrator for compliance. At the time of the building permit stage Shums Coda, the commercial building plan reviewers, will review the building plans for compliance with the IBC Code.

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

FINDINGS: The Health department approved the septic system.

MITIGATION: All feasibility letters have been submitted.

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

FINDINGS: Hours of operation will be set. The manager will be on the premises.

MITIGATIONS: Encourage customers to stick with daylight hours and avoid late-night check-ins.

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

FINDINGS: The design will be reviewed by the Kane County Engineer.

MITIGATIONS: Gravel will be required for the driveway and cabin sites to mitigate dust concerns.

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

N/A

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

FINDINGS: All buildings and lot coverage comply.

MITIGATIONS: The site plan complies with ordinance requirements.

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

FINDINGS: The vehicle design for access and egress and parking area are in compliance with KCLUO Chapters 13 and 15 requirements.

MITIGATIONS: All access designs and parking areas will be inspected for compliance before the final inspection approval.

Dimensions of parking stalls have been placed on the site plan and reviewed by the KC Land Use Administrator and County Engineer.

9-13-3: PARKING REQUIRED: Upon approval of conditional use permit application, applicant must contact the Land Use Administrator to schedule a mandatory development meeting. The Development Committee along with the Land Use Administrator will provide information pertaining to required inspections and enforcement of conditions and Code compliance. (Ord. O-2018-6, 7-9-2018)

9-13-4: SPACE SIZE:

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

9-13-9: PARKING LOT REQUIREMENTS:

Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of asphalt or concrete composition or four inch (4") gravel road base.

Any parking lot adjacent to a residential zone shall be appropriately screened by a masonry wall or solid visual barrier fence or by other means not less than six feet (6') in height. Lights used to illuminate the lot shall be so arranged as to reflect the light away from the adjoining premises.

Each parking lot shall be permanently maintained. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

Hotels, motels, motor hotels	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner
------------------------------	---

9-13-10: PARKING LOT LIGHTS:

- A. Requirement: Parking lots used during hours of darkness shall be lighted by standards, a maximum of sixteen feet (16') in height above grade and using indirect, hooded light sources.
- B. Downlighting: To protect the views of the night sky, all outside lighting shall be "downlighting" so that lighting does not trespass to adjoining properties.
- C. Exterior Lighting: All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be shielded or hooded so that no light is allowed to spill onto adjacent properties. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-13-12: ACCESSIBLE PARKING:

- A. Required: Any parking area to be used by the general public shall provide accessible parking spaces. Accessible parking spaces shall conform to the standards of the international building code and the "Uniform Federal Accessibility Standards Manual". (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

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

Detailed plans for off street parking, loading, circulation, and screening shall be submitted to the land use authority for approval. Said plans shall be in compliance with all standards and provisions set forth in this title and shall receive written approval of the land use authority prior to the issuance of a building permit. Appropriate filing fees shall be determined by the land use authority and submitted with each plan.

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

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

N/A

- a. An essential link exists between a legitimate governmental interest and each exaction; and

b. Each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;

N/A

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

FINDINGS: Drainage plans will be reviewed by the Kane County Engineer.

MITIGATIONS: Drainage, water quality facilities and parking areas will all be inspected for compliance to KCLUO Chapters 13 and 15.

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

FINDINGS: If any signs are added they will be in compliance with Chapter 16, Sign Regulations and require a Utah Department of Transportation permit along with a CUP.

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

FINDINGS: All lighting will be down hooded for dark sky compliance.

MITIGATIONS: The building inspectors will inspect all lighting.

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

N/A

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

FINDINGS: Fencing will need to be installed on the eastern lot line which separates the use from adjoining uses and mitigates the potential for conflict.

MITIGATIONS: A 6 ft. high wood fence to match the other phase will be installed.

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

FINDINGS: The lot does not contain any historic, or cultural resources.

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

FINDINGS: The Health Department will sign off for septic.

18. Limiting noise generation;

FINDINGS: Hours of operation will be listed in advertising, and will try to limit late-night arrivals.

MITIGATIONS: Encourage early check-in. An onsite manager will be in place for any noise complaints.

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

FINDINGS: N/A

20. Requiring turn lane improvements at street intersections when:

- a. An unsafe condition would be created by the development without the improvements; or
- b. The projected increase in traffic generated by the new or expanded use will lower the level of service;

FINDINGS: N/A

21. Providing for emergency access;

FINDINGS: Access will have a loop system for a two-way access if needed.

MITIGATIONS: A fire lane is shown on the site plan and is adequate for emergency access.

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

FINDINGS: N/A

23. Requiring approval of septic and of water systems;

FINDINGS: The Health Department will approve all septic systems.

24. Requiring buildings to be built to specific requirements; (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

FINDINGS: All buildings and pedestals will require building permits.

MITIGATIONS: The building inspector will inspect and sign off on all building permits.

25. Cell tower fall zone conditions and setbacks: The minimum lot area for such uses will include all lands within the circumference of the fall zone. If the fall zone requirements cannot be met, they can be mitigated by a hold harmless agreement with the surrounding property owners, the radius of which shall be the height of the tower. All cell towers must adhere to the zone setback requirements; (Ord. O-2019-4, 3-25-2019)

N/A

26. Recreation vehicle parks: a) business license required; b) Transient Room Taxes required; c) the use must be consistent with the environmental, commercial, and economical land use purposes stated in the General Plan, as amended; d) an official site plan that clearly demonstrates that the park will not cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar unreasonable risks; the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets shall be reviewed; e) RV parks and campgrounds/glamping sites must have State and/or County approved access off a State highway, County B or D road, BLM road or, if off a private road, roads will meet Wild Land Interface Urban Code standards and will require a road maintenance agreement between property owners and easement holders memorializing the mutual understanding that an increased use to the road will result and that proof of easements to property would be required; f) Health Department permit required if over forty (40) RV sites; the Department of Environmental Quality permit is also required for water and waste; g) must comply with Building Department and building permit regulations; h) on-site manager for RV parks and campgrounds; unless the campground is considered a primitive campground; i) requirements for the management and maintenance of facilities is adequate; j) the use shall not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal; k) feasibility letters required for services extended to the RV parks and campgrounds to mitigate traffic safety conditions as to not adversely affect the use and surrounding areas; l) emergency access is adequate; m) a plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses is adequate; n) exterior lighting is adequate and does not unduly disturb the surrounding areas; o) exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-502; (Ord. O-2017-16, 1-8-2018)

MITIGATIONS: All the above conditions will be mitigated before final approval and inspections will be signed off

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

N/A

28. The conditions in subsection E26 of this section apply for campgrounds; limited to seven (7) sites per parcel of land. (Ord. O-2018-6, 7-9-2018)

As part of approving a conditional use permit, Kane County may require that a Traffic Impact Study (TIS) be completed for any development projects where it is deemed necessary. The traffic study shall, at a minimum, incorporate traffic engineering principles and standards as presented in national practices. Additional requirements and investigation may be imposed upon the applicant as necessary. The County shall determine the need and requirements for a traffic impact study. The requirements of the TIS may be expanded, reduced, or altered by the County based on the proposed project being analyzed. (Ord. O-2017-16, 1-8-2018)

N/A

9-15A-3: APPEALS:

Appeal of any decision of the Land Use Authority shall be to the Appeal Authority. Appeal shall be in writing and shall be filed at the Office of the Land Use Authority not more than thirty (30) days after the written decision by the Land Use Authority. The Appeal Authority may affirm, modify or reverse the decision of the Land Use Authority. However, the Appeal Authority shall present, in writing, the reasons for its action. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-15A-4: INSPECTION:

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

9-15A-5: TIME LIMIT:

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

9-15A-6: EXPANSION:

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

9-15A-7: REVOCATION:

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

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

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

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

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

STAFF RECOMMENDATION: Kane County Land Use Administrator, Shannon McBride recommends approving the CUP for seven cabins and laundry facility, submitted by the applicant, Chul Hyun Moon, on lot E-A-17.

I move to approve/deny (or if denied, the reasons for denial would need to be health, safety and welfare; in other words, what conditions could not be mitigated) the Conditional Use Permit for Chul Hyun Moon, for seven cabins and a laundry facility, on lot E-A-17, with the conditions as stated in the staff report.

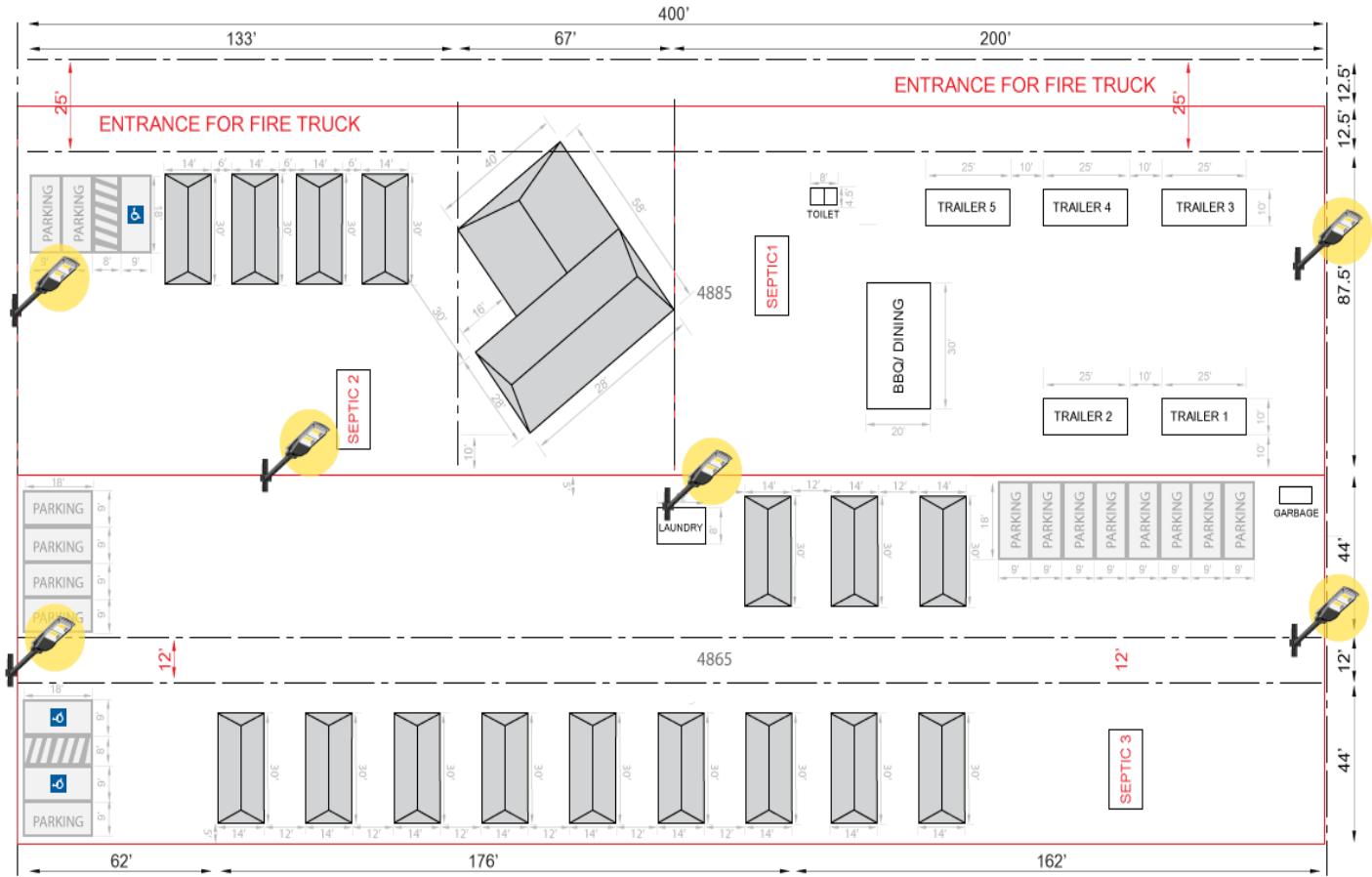
This does not need to be recommended to the County Commissioners.

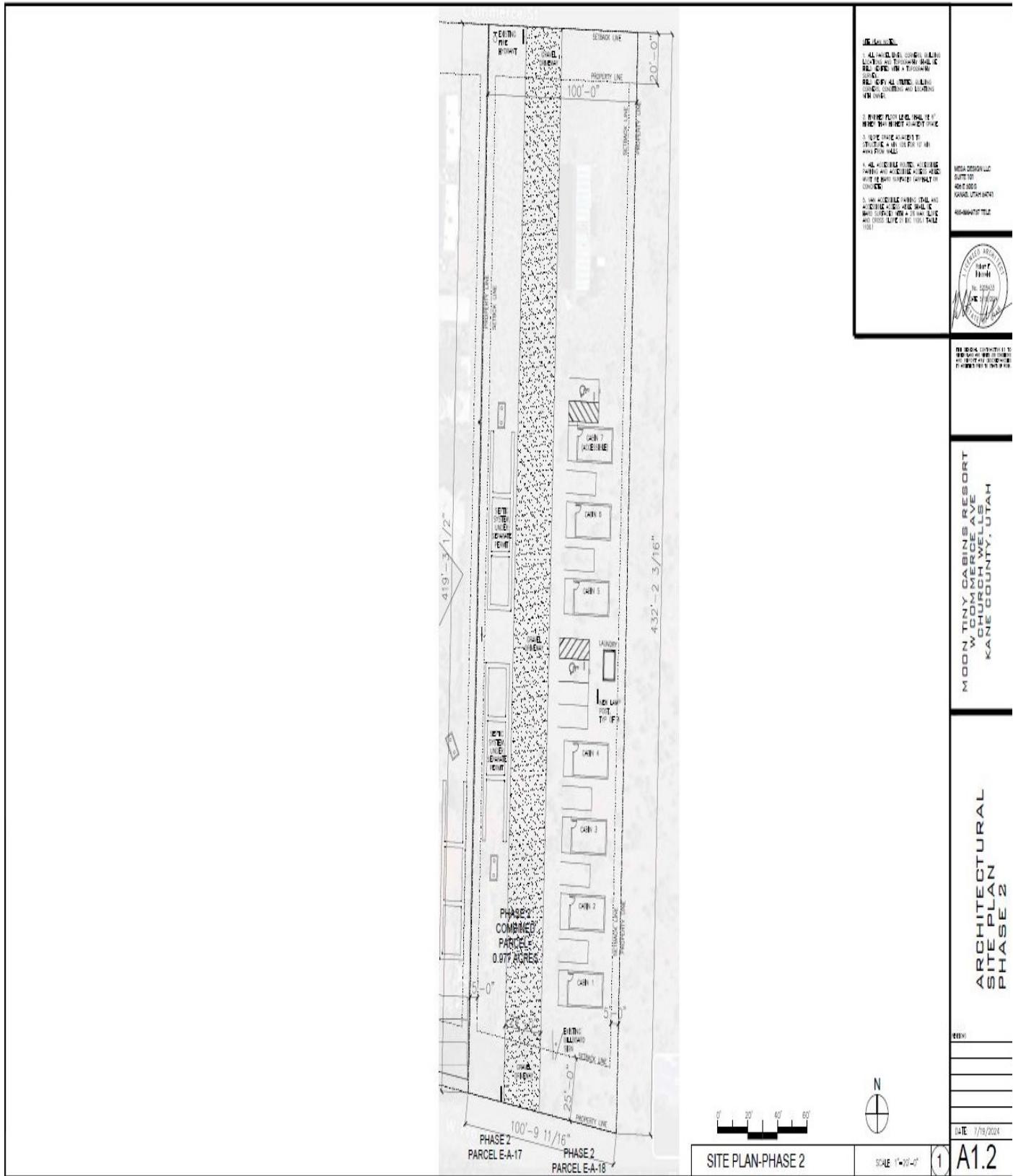
Please note: 9-15A-5: TIME LIMIT:

Action authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this

time, the permit shall expire and the holder must apply for a new permit. The Land Use Authority may grant an extension for good cause shown. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)







Public Hearing

7. Lot Joinder: Stringer

An application to amend a subdivision plat for lot joinder on behalf of Shereelee A. Stringer, joining lots 58 & 59, becoming new lot 58 containing 0.88 acres, and vacating two (2) 7.5' utility easements, Meadow View Estates Plat "D". Submitted by Tom Avant, Iron Rock Group, holding power of attorney.



STAFF REPORT

DATE: 7/17/24

PROJECT: A complete application for Amending a Subdivision Plat for a lot joinder, and vacating two 7.5 ft. public utility easements, on behalf of Shereelee A. Stringer, Trustee of the S&S Stringer Family Trust, in the Meadow View Estates Plat "D", lots 58 & 59 becoming new amended lot 58, consisting of .88 acre, within the NW ¼, Section 7, T38S, R7W SLB & M. The project was submitted by Tom Avant, Iron Rock Group, holding power of attorney. All lots are zoned Residential ½, as are all surrounding lots. The zoning will remain the same.

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

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

STAFF DETERMINATIONS: Kane County Surveyor, Paul Wilson, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with county and state ordinance requirements.

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners amending a subdivision plat for a lot joinder, and vacating two 7.5 ft. utility easements, on behalf of Shereelee A. Stringer, Meadow View Estates Plat "D", lots 58 & 59 becoming new amended lot 58, based on the findings documented in the staff report.

THANK YOU.

**AMENDED PLAT
LOTS 58 & 59
MEADOW VIEW ESTATES PLAT "D"**

KANE COUNTY, UTAH

LOCATED IN NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 7,
TOWNSHIP 38 SOUTH, RANGE 7 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 herein 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, 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 as measured between northeast corner of lot 59 and the southeast corner of lot 59 with a bearing of South 34°46'40" East and a distance of 110.20 feet, Utah State Plane coordinate system South Zone.

Legal Description:

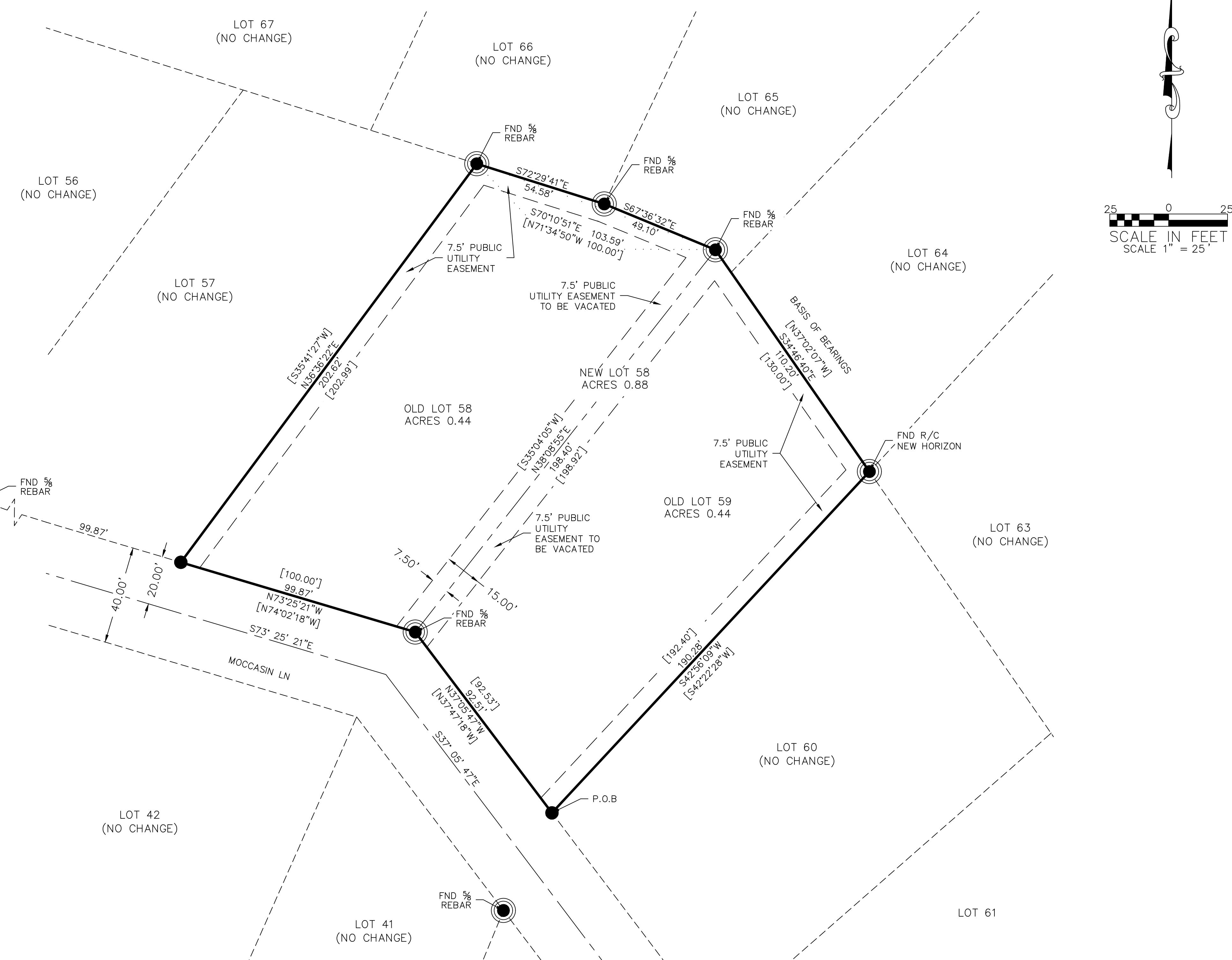
All of Lots 58 and 59 of Meadow View Estates Plat "D", as recorded on Plat 57 in the Office of the Kane County Recorder, Utah, more particularly described as follows:

BEGINNING at the Southerly Corner of said Lot 59; thence, along the southwesterly line of said lot, North 37° 05' 47" West 92.51 feet, to the south lot common to said lots; thence, along the south line of said Lot 58, North 73° 25' 21" West 99.87 feet, to the southwest corner of said lot; thence, along the northeasterly line of said lot, North 36° 36' 22" East 202.62 feet, to the northwesterly corner of said lot; thence, along the north line of said lot, South 72° 29' 41" East 54.58 feet, to an angle point on the north line of said lot; thence, continuing along said line, South 67° 36' 32" East 49.10 feet, to the Easterly corner of said lot; thence, along the southeasterly line of said lot, South 42° 56' 09" West 190.28 feet, to the POINT OF BEGINNING; containing 0.88 acres (more or less).

SURVEYED AT THE REQUEST OF:
SAMUEL E & SHEREELLE A STRINGER TRUST
P.O. BOX 782
PAHRUMP, NV 89041

REFERENCED DOCUMENTS

- FINAL PLAT MEADOW VIEW ESTATES PLAT "D"



LEGEND

- SET 5/8" x 36" REBAR WITH PLASTIC CAP
MARKED IR ENG. PLS 5561917
- FOUND MONUMENT AS NOTED
- RECORD BEARING AND DISTANCE

- SURVEY BOUNDARY
PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROP LINE TO BE REMOVED
- EASEMENT
- STREET CENTER LINE

Kane County Commission

We the Kane County Commission have reviewed the herein Survey and by authorization of said Kane County Commission recorded in the minutes of it's meeting of the _____ day of _____, 20_____, hereby accept the said Survey with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder.

Attest: _____ Chairman - Kane County Commission

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

On this _____ day of _____, 20_____, personally appeared before me SHEREELLE STRINGER, Trustee of the S & S Stringer Family Trust, Dated September 23, 2011 who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat.

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

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

OWNER'S DEDICATION

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

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

SHEREELLE STRINGER, Trustee of the S & S Stringer Family Trust, Dated September 23, 2011
P.O. BOX 782
PAHRUMP, NV 89041

COUNTY SURVEYOR CERTIFICATE

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

KANE COUNTY SURVEYOR

APPROVAL AND ACCEPTANCE by the Kane County Land Use Authority

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

Chairman - Kane County Land Use Authority

COUNTY ATTORNEY CERTIFICATE

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

KANE COUNTY ATTORNEY

CERTIFICATE OF RECORDING

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

KANE COUNTY RECORDER ENTRY NO. _____

RECORDED AND FILED AT THE REQUEST OF: _____

DATE TIME BOOK PAGE FEE

**STRINGER
AMENDED PLAT
LOTS 58 & 59 MEADOW VIEW ESTATES PLAT "D"
KANE COUNTY, UT**

INITIAL SUBMITTAL	DATE: 06-20-2024
REV#	DATE:
DESCRIPTION:	

DRAWN BY: CM
SCALE: 1" = 25'
SHEET: 1 OF 1

Public Hearing

8. Lot Joinder: Tillett

An application to amend a subdivision plat for a lot joinder on behalf of Mark W. Tillett, joining lots 348 & 349, becoming new lot 349 containing 1.12 acres, and vacating two (2) 7.5' public utility easements in the Meadow View Heights Subdivision Plat

“F’. Submitted by Brent Carter, New Horizon Engineering,
holding power of attorney.

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



STAFF REPORT

DATE: 7/27/24

PROJECT: A complete application for Amending and Vacating a Subdivision Plat for a lot joinder, combining lots 348 & 349 and vacating two (2) 7.5 ft. public utility easements, in the Meadowview Heights subdivision, Plat "F", becoming new amended lot 349 consisting of 1.12 acres, within the SW ¼, Section 5, T38S, R7W SLB & M on behalf of Mark W. Tillett. The project was submitted by Brent Carter, New Horizon Engineering, holding power of attorney. All lots are zoned Residential ½, as are all surrounding lots. The zoning will remain the same.

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

FINDINGS: Amending (joining) lots 348 & 349 and vacating two (2) 7.5-foot public utility easements for the above-stated lots conforms to the standards in Kane County Land Use Ordinance, 9-21E-9, (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The project has been posted in two public places and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. A sign was posted showing the vacating of two (2) 7.5-foot public utility easements. The new lot will retain the Residential ½ zoning (R-1/2). Combining these lots complies with all state and local ordinances.

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

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners amending a subdivision plat for a lot joinder, combining lots 348 & 349 becoming new lot 349 and vacating two (2) 7.5 ft. public utility easements, in the Meadowview Heights, Plat "F" based on the findings documented in the staff report.

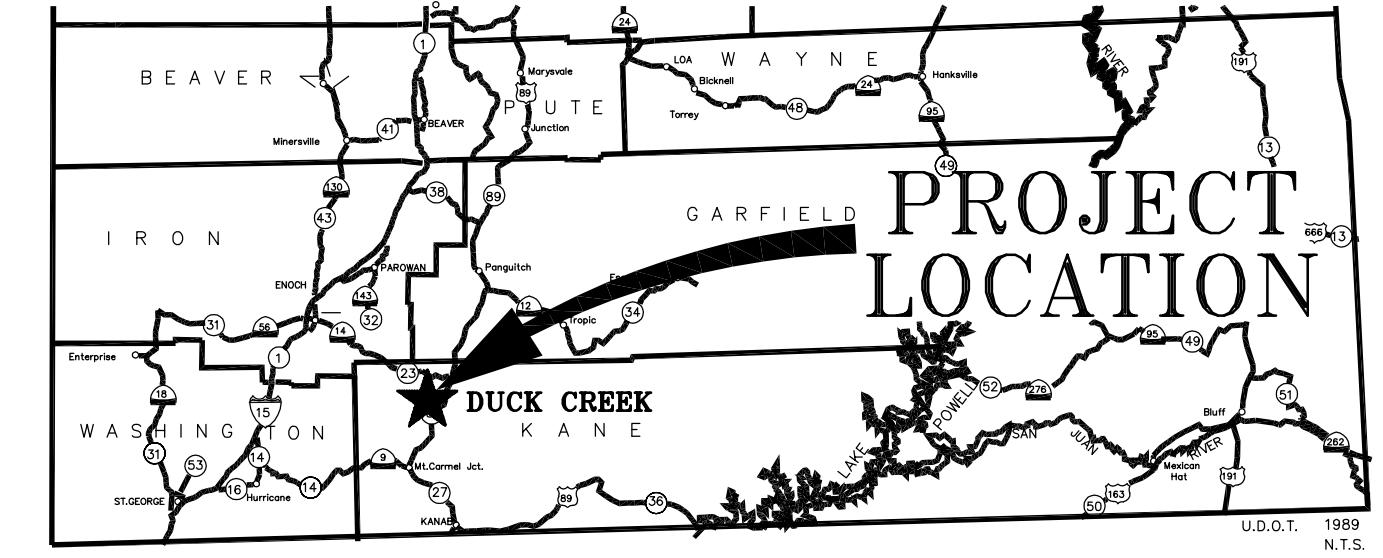
THANK YOU.

AMENDED PLAT OF LOTS 348 & 349, MEADOWVIEW HEIGHTS PLAT "F"
WITHIN SW 1/4 SECTION 5, T38S-R7W, S.L.B.&M., KANE COUNTY, UTAH.



TIMA2001.DWG

GRAPHIC SCALE
40 0 20 40
(IN FEET)
11" X 17" PRINTS 1"=80'
24" X 36" PRINTS 1"=40'



SURVEYOR'S CERTIFICATE

I, NEWELL BRENT CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 354372, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE THIS PLAT OF "AMENDED PLAT OF LOTS 348 & 349, MEADOWVIEW HEIGHTS PLAT "F", LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 348 & 349, MEADOWVIEW HEIGHTS PLAT "F" AFFECTED BY THIS AMENDMENT:

(NEW LOT 349) LOTS 348 & 349, MEADOWVIEW HEIGHTS PLAT "F", MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SE CORNER LOT 349, MEADOWVIEW HEIGHTS PLAT "F"; RUNNING THENCE N87°29'10"W 224.81 FEET TO THE ORIGINAL SW CORNER OF LOT 348; THENCE N04°09'51"E 228.51 FEET TO THE ORIGINAL NW CORNER OF LOT 348; SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SOUTHEASTERLY, CURVE DATA: DELTA=01°45'50", RADIUS=975.00', CHORD= S89°01'17"E 30.02'; THENCE ALONG THE ARC OF SAID CURVE 30.02 FEET TO THE PT; THENCE S87°13'47"E 169.99 FEET TO THE ORIGINAL NE CORNER OF LOT 349; THENCE S02°02'53"E 229.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.12 ACRES.

NEWELL BRENT CARTER DATE

COUNTY ATTORNEY CERTIFICATE

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

KANE COUNTY ATTORNEY

LAND USE AUTHORITY APPROVAL

ON THIS _____ DAY OF _____, 20____, THE LAND USE AUTHORITY OF KANE COUNTY, UTAH, HAVING REVIEWED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE LAND USE ORDINANCES, DO HEREBY APPROVE AND ORDER TO BE RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER.

LAND USE AUTHORITY CHAIRMAN - KANE COUNTY

COUNTY COMMISSION APPROVAL

I, CHAIRMAN OF THE COUNTY COMMISSION OF KANE COUNTY, DO HEREBY CERTIFY THAT THIS PLAT OF "AMENDED PLAT OF LOTS 348 & 349, MEADOWVIEW HEIGHTS PLAT "F", WAS ACCEPTED AND APPROVED BY THE KANE COUNTY COMMISSION ON THIS _____ DAY OF _____, AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE KANE COUNTY RECORDER. IN WITNESS WHEREOF, I HAVE SET MY HAND BY AUTHORITY OF A RESOLUTION OF THE COUNTY COMMISSION.

ATTEST:
CHAIRMAN - KANE COUNTY COMMISSION
KANE COUNTY CLERK

COUNTY SURVEYOR CERTIFICATE

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

KANE COUNTY SURVEYOR

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE PREPARATION AND RECORDING OF THIS AMENDED PLAT, ALSO TO THE ABANDONING OF LOT 348 & ADDING THAT AREA TO LOT 349, AS PER THIS PLAT. IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS P.O.A. FOR MARK W. TILLETT

ACKNOWLEDGEMENT

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

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

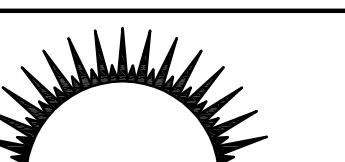
I, COUNTY RECORDER OF KANE COUNTY, UTAH DO HEREBY CERTIFY THAT THE ABOVE SUBDIVISION AMENDMENT PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS THE DAY OF _____, 20____.

BOOK _____ PAGE _____ FEE _____
KANE COUNTY RECORDER
ENTRY NO.: _____ DATE: _____ TIME: _____

RECORDED AT THE REQUEST OF: _____

KANE COUNTY
AMENDED PLAT OF LOTS 348 & 349,
MEADOWVIEW HEIGHTS PLAT "F"

PREPARED FOR: MARK W. TILLETT
LOCATION: SW 1/4 SECTION 5, T38S-R7W, S.L.B.&M.
MEADOWVIEW HEIGHTS PLAT "F"
DATE: 6/26/2024 REVISION #: 0/00/2024


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

Public Hearing

9. Lot Joinder: Ence

An application to vacate, amend and extend a subdivision plat for a lot joinder on behalf of Rodney & Pamela Ence, vacating a portion of parcel 8-7-8-1A and joining it with lots I-54 & I-55, becoming new lot 54 containing 0.85 acres and new lot 55 containing 0.85 acres, Movie Ranch Subdivision Unit A.

Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.



STAFF REPORT

DATE: 08/02/24

PROJECT: A complete application for Amending and Extending a subdivision plat and vacating a portion of a parcel 8-7-8-1A and adding it into lot 54 consisting of .85 acres & lot 55 consisting of .85 acres, in the Movie Ranch Subdivision Unit A, Amended and Extended, on behalf of Rodney and Pamela Ence, within the NW1/4, Section 8, T38S, R7W SLB & M. The project was submitted by Brent Carter, New Horizon Engineering, holding power of attorney. Both lots are zoned Commercial 1. The zoning will remain the same.

The reason for the lot joinder is to add more land to the rear of the 2 lots for building convenience.

FINDINGS: Amending, and joining the two lots and a parcel boundary adjustment stated above conforms to the standards in Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. §17-27a-609 (3) (a) "A legislative body may amend a portion of a subdivision." All requirements have been met. The project has been posted in two public places and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lots will retain the Commercial 1 zoning (C-1). Combining these two lots complies with all state and local ordinances.

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

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners Amending and Extending a Subdivision Plat, for a lot joinder/parcel boundary adjustment; vacating a portion of parcel 8-7-8-1A and adding it into lots 54 and 55 in the Movie Ranch Subdivision Unit A, Amended and Extended, based on the findings documented in the staff report.

THANK YOU.

AMENDED AND EXTENDED PLAT OF LOTS 54 & 55, MOVIE RANCH SUBDIVISION UNIT A - AMENDED AND EXTENDED

WITHIN NW 1/4 SECTION 8, T38S-R7W, S.L.B.&M., KANE COUNTY, UTAH.

COUNTY ATTORNEY CERTIFICATE

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

KANE COUNTY ATTORNEY

LAND USE AUTHORITY APPROVAL

ON THIS THE ____ DAY OF ____ 20____, THE LAND USE AUTHORITY OF KANE COUNTY, UTAH, HAVING REVIEWED THE ABOVE SUBDIVISION AMENDMENT PLAT, AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE LAND USE ORDINANCES. DO HEREBY APPROVE AND ORDER TO BE RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER.

LAND USE AUTHORITY CHAIRMAN - KANE COUNTY

COUNTY SURVEYOR CERTIFICATE

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

KANE COUNTY SURVEYOR

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF LWS BUILDING LLC, RODNEY ENCE AND PAMELA ENCE AS MEMBERS TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, TO ADD 130.00' FROM PARCEL 8-7-8-1A TO LOTS 54 AND 55, TO SATISFY THE REQUIREMENTS OF A PLAT AMENDMENT, AND TO PROVIDE A RECORD OF SAID SURVEY. THE BASIS OF BEARING IS S00°45'00"E 2677.36 FEET BETWEEN THE NW CORNER (1941 GLO BRASS CAP) AND THE WEST 1/4 CORNER (1941 GLO BRASS CAP) OF SECTION 8, T38S-R7W, S.L.B.&M. AS PER THE OFFICIAL PLAT OF "MOVIE RANCH SUBDIVISION UNIT A - AMENDED & EXTENDED".

COUNTY COMMISSION APPROVAL

I, THE CHAIRMAN OF THE COUNTY COMMISSION OF KANE COUNTY, DO HEREBY CERTIFY THAT THIS PLAT OF "AMENDED AND EXTENDED PLAT OF LOTS 54 & 55, MOVIE RANCH SUBDIVISION UNIT A - AMENDED AND EXTENDED", WAS ACCEPTED AND APPROVED BY THE KANE COUNTY COMMISSION ON THIS ____ DAY OF ____ AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE KANE COUNTY RECORDER. IN WITNESS WHEREOF, I HAVE SET MY HAND BY AUTHORITY OF A RESOLUTION OF THE COUNTY COMMISSION.

ATTEST:

CHAIRMAN - KANE COUNTY COMMISSION

KANE COUNTY CLERK

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE PREPARATION AND RECORDING OF THIS AMENDED PLAT; ALSO TO THE ABANDONING OF LOT 348 & ADDING THAT AREA TO LOT 349, AS PER THIS PLAT. IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS ____ DAY OF ____ 20____.

NEWELL BRENT CARTER AS P.O.A. FOR RODNEY ENCE - MEMBER OF LWS BUILDING LLC

NEWELL BRENT CARTER AS P.O.A. FOR PAMELA ENCE - MEMBER OF LWS BUILDING LLC

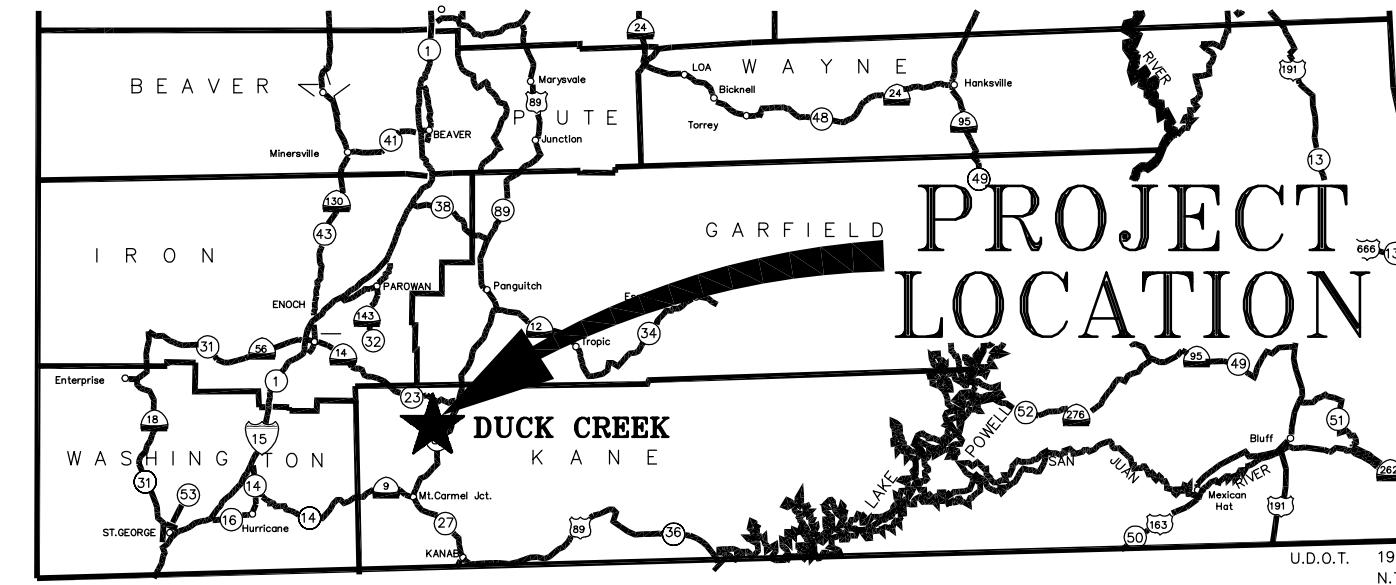
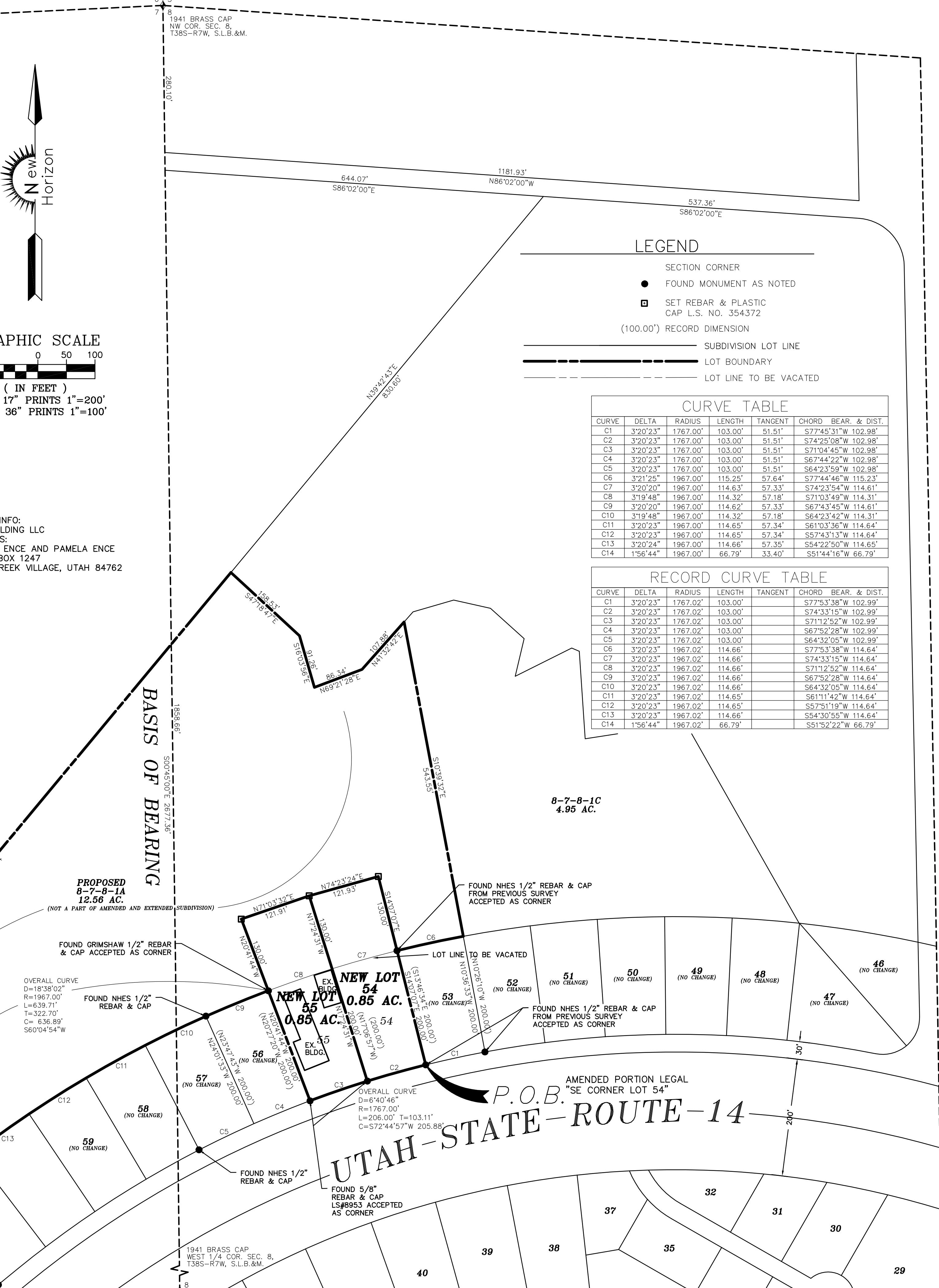
ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

ON THE ____ DAY OF ____ 20____ PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR RODNEY ENCE AND PAMELA ENCE MEMBERS OF LWS BUILDING, LLC, THE SIGNERS OF THE OWNERS CONSENT WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, NEWELL BRENT CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 354372, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE THIS PLAT OF "AMENDED AND EXTENDED PLAT OF LOTS 54 & 55, MOVIE RANCH SUBDIVISION UNIT A - AMENDED AND EXTENDED", LOCATED IN KANE COUNTY, UTAH, AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF MOVIE RANCH SUBDIVISION UNIT A - AMENDED AND EXTENDED AFFECTED BY THIS AMENDMENT:
(NEW LOTS 54 & 55) LOTS 54 & 55, MOVIE RANCH SUBDIVISION UNIT A - AMENDED AND EXTENDED AND A 130.00' FOOT PORTION OF PARCEL 8-7-8-1A DIRECTLY BEHIND AND ADJACENT TO SAID LOTS. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SE CORNER LOT 54, MOVIE RANCH SUBDIVISION UNIT A - AMENDED AND EXTENDED; RUNNING THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SOUTHWESTERLY, CURVE DATA: DELTA=06°40'46", RADIUS=1767.00', CHORD=S72°44'57" W 205.88' THENCE ALONG THE ARC OF SAID CURVE 206.00 FEET TO THE ORIGINAL SW CORNER OF LOT 55; THENCE N20°41'44" W 121.91 FEET; THENCE N74°23'24" E 121.93 FEET; THENCE S14°07'07" E TO AND ALONG THE EASTERLY LINE OF LOT 54, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.70 ACRES.

PROPOSED LEGAL DESCRIPTION OF REVISED PARCEL 8-7-8-1A:
BEGINNING AT A POINT S00°45'00"E 280.01 FEET & S86°02'00"E 644.07 FEET FROM THE NW CORNER OF SECTION 8, T38S-R7W, S.L.B.&M.; RUNNING THENCE S79°42'43" W 830.60 FEET TO THE TRUE POINT OF BEGINNING; RUNNING THENCE S47°18'47"E 158.53 FEET; THENCE S16°03'56"E 91.26 FEET; THENCE N69°21'28"E 86.34 FEET; THENCE N41°32'42"E 107.88 FEET; THENCE S10°39'32"E 543.55 FEET TO THE ORIGINAL NE CORNER OF LOT 53; MOVIE RANCH SUBDIVISION UNIT A - AMENDED AND EXTENDED; SAID POINT BEING ON THE ARC OF A CURVE TO THE LEFT, SOUTHWESTERLY, CURVE DATA: DELTA =03°20'23", RADIUS =1967.00 FT, CHORD BEARING =S77°44'46" W 115.23'; THENCE ALONG THE ARC OF SAID CURVE 115.25 FEET TO THE ORIGINAL NE CORNER OF LOT 55; THENCE DEPARTING SAID CURVE RUNNING N13°46'34" W 130.00 FEET; THENCE S74°33'14" W 122.22 FEET; THENCE S71°12'51" W 122.22 FEET; THENCE S20°27'30" E 130.00 FEET TO THE ORIGINAL NW CORNER OF LOT 55; SAID POINT BEING ON THE ARC OF A CURVE TO THE LEFT, SOUTHWESTERLY, CURVE DATA: DELTA =18°38'40", RADIUS =1967.00 FT, CHORD BEARING =S60°04'54" W 638.89'; THENCE ALONG THE ARC OF SAID CURVE 639.71 FEET; THENCE DEPARTING SAID CURVE AND SUBDIVISION BOUNDARY AND RUNNING N36°59'16" W 240.91 FEET; THENCE N39°42'43" E 1287.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.56 ACRES.

NEWELL BRENT CARTER

DATE

CERTIFICATE OF RECORDING

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

BOOK ____ PAGE ____ FEE ____
KANE COUNTY RECORDER
ENTRY NO.: ____ DATE ____ TIME ____

RECORDED AT THE REQUEST OF: _____

KANE COUNTY
AMENDED AND EXTENDED PLAT OF LOTS 54 & 55,
MOVIE RANCH SUBDIVISION
UNIT A - AMENDED AND EXTENDED

PREPARED FOR: LWS BUILDING LLC
LOCATION: NW 1/4 SECTION 8, T38S-R7W, S.L.B.&M.
MEADOWVIEW HEIGHTS PLAT "F"

DATE: 7/20/2024 REVISION #: 0/00/2024



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

Public Hearing

10. Lot Joinder: Weckesser/Bowler

An application to vacate and amend a subdivision plat for a lot joinder on behalf of Tommie J. Weckesser and Barry T. & Kimberley Bowler, vacating lot 54 and joining it with lots 53 & 55, becoming new lot 53 containing 0.68 acres and new lot 55 containing 0.65 acres and vacating four (4) 7.5' public utility easements, Strawberry Valley Estates Unit 4. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.



STAFF REPORT

DATE: 7/26/24

PROJECT: A complete application for Amending and Vacating a Subdivision Plat for a lot joinder, and vacating four (4) 7.5 ft. public utility easements, in the Strawberry Valley Estates subdivision, Unit 4, vacating lot 54 and splitting lot 54 and combining it with lots 53 and 55 becoming new amended lot 53 and 55 consisting of 1.33 acres, within the SE ¼, Section 20, T38S, R7W SLB & M on behalf of Tommie J. Weckesser and Barry T. and Kimberley Bowler. The project was submitted by Brent Carter, New Horizon Engineering, holding power of attorney. All lots are zoned Residential ½, as are all surrounding lots. The zoning will remain the same.

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

FINDINGS: Vacating lot 54 and Amending (joining) lots 53 and 55 and vacating four (4) 7.5-foot public utility easements for the above-stated lots conforms to the standards in Kane County Land Use Ordinance, 9-21E-9, (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have been met. The project has been posted in two public places and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. A sign was posted showing the vacating of four (4) 7.5-foot public utility easements. The new lot will retain the Residential ½ zoning (R-1/2). Combining these lots complies with all state and local ordinances.

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

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners amending a subdivision plat for a lot joinder, and vacating four (4) 7.5 ft. public utility easements, in the Strawberry Valley Estates Subdivision, Unit 4, vacating lot 54 and combining it with lots 53 and 55 becoming new amended lots 53 and 55, based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT OF LOTS 53, 54 & 55, STRAWBERRY VALLEY ESTATES, UNIT 4

WITHIN SE 1/4 SECTION 20, T38S-R7W, S.L.B.&M., KANE COUNTY, UTAH.

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF BARRY T. BOWLER, KIMBERLY BOWLER, AND TOMMIE J. WECKESSER TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, TO SATISFY THE REQUIREMENTS OF A PLAT AMENDMENT, AND TO PROVIDE A RECORD OF SAID SURVEY.

THE BASIS OF BEARING IS N89°06'00"W BETWEEN THE SE CORNER LOT 56 (FOUND 1/2" REBAR) AND THE SW CORNER OF LOT 54 (FOUND 5/8" REBAR) STRAWBERRY VALLEY ESTATES, UNIT 4. AS PER THE OFFICIAL PLAT THEREOF.

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE PREPARATION AND RECORDING OF THIS AMENDED PLAT, ALSO TO THE ABANDONING OF LOT 54, ADDING THE WEST 50% TO LOT 53 AND THE EAST 50% TO LOT 55, AS PER THIS PLAT.

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

NEWELL BRENT CARTER P.O.A. FOR BARRY T. BOWLER, TRUSTEE OF THE BKB REVOCABLE TRUST, DATED JULY 9, 2020.

NEWELL BRENT CARTER P.O.A. FOR KIMBERLY BOWLER, TRUSTEE OF THE BKB REVOCABLE TRUST, DATED JULY 9, 2020.

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE PREPARATION AND RECORDING OF THIS AMENDED PLAT, ALSO TO THE ABANDONING OF LOT 54, ADDING THE WEST 50% TO LOT 53 AND THE EAST 50% TO LOT 55, AS PER THIS PLAT.

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

NEWELL BRENT CARTER P.O.A. FOR TOMMIE J. WECKESSER, SUCCESSOR TRUSTEE OF THE WECKESSER LIVING TRUST, DATED DECEMBER 19, 2017.

COUNTY SURVEYOR CERTIFICATE

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

KANE COUNTY SURVEYOR

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

ON THE ____ DAY OF ____ 20____ PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER P.O.A. FOR BARRY T. BOWLER AND KIMBERLY BOWLER, TRUSTEES OF THE BKB REVOCABLE TRUST, DATED JULY 9, 2020, THE SIGNER OF THE OWNERS CONSENT WHO BEING BY ME DULY SWEORN, DID SAY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

ACKNOWLEDGEMENT

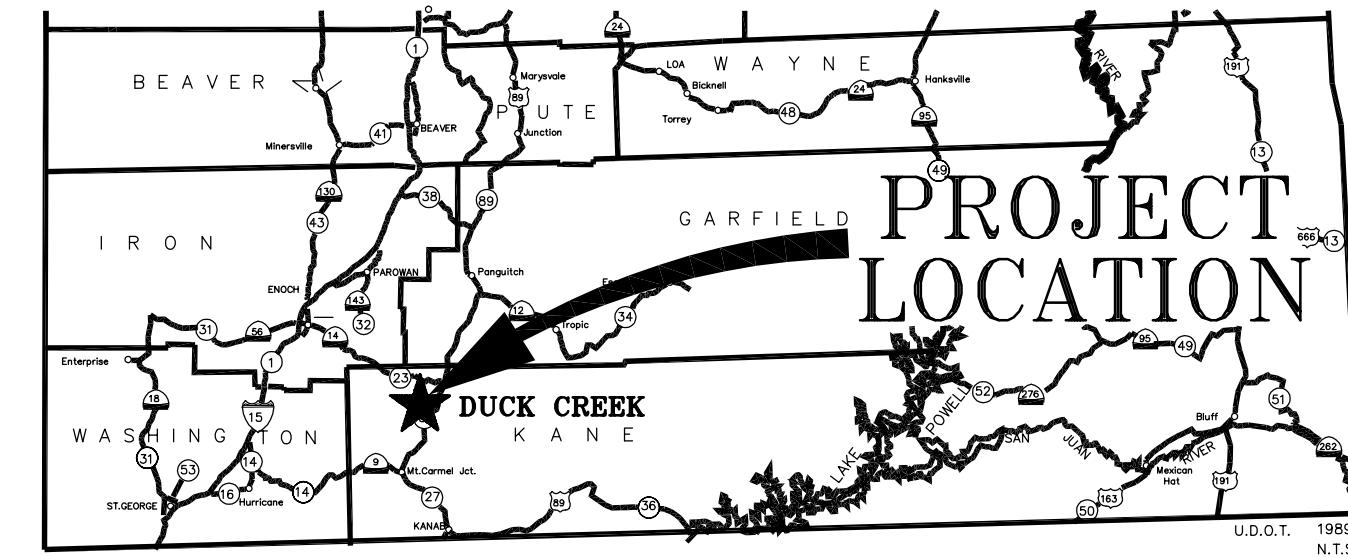
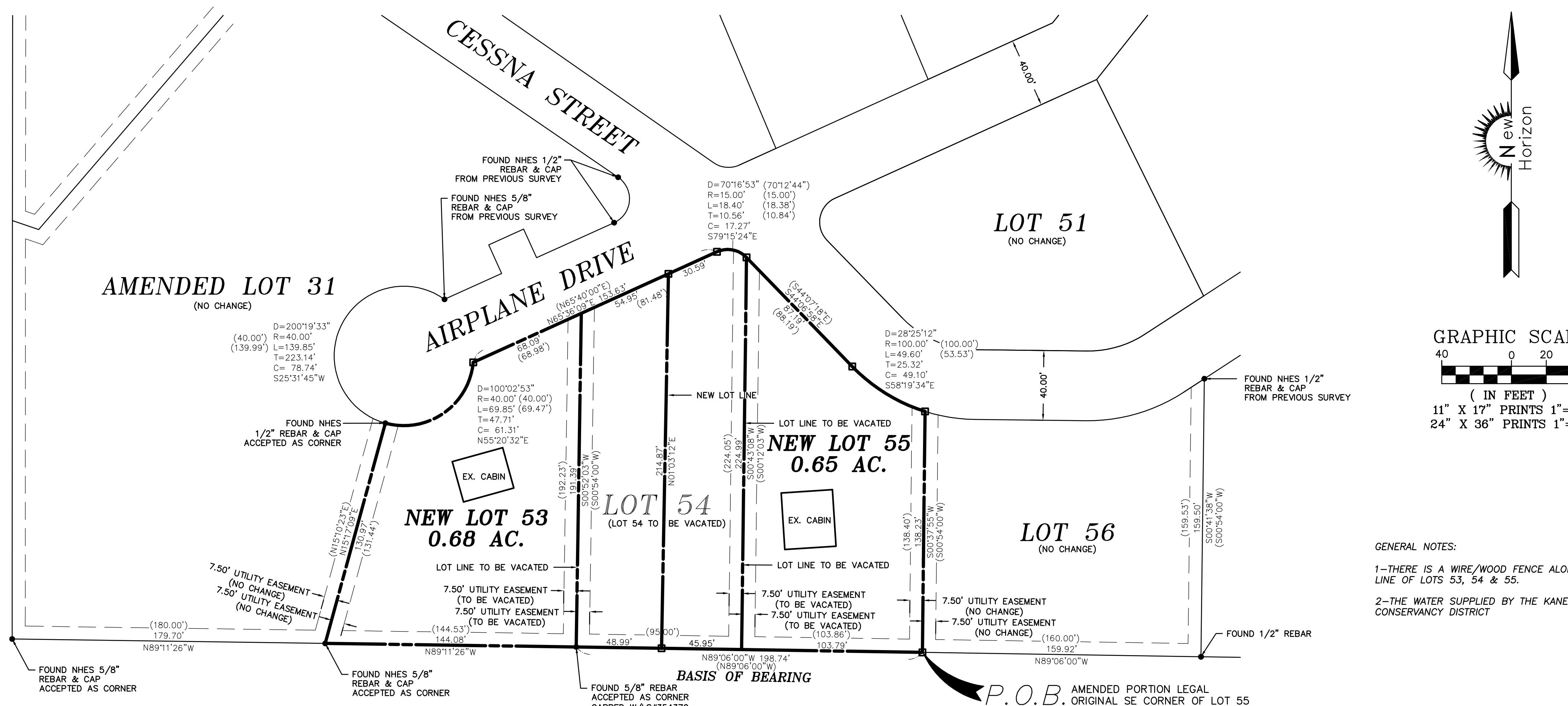
STATE OF _____
COUNTY OF _____

ON THE ____ DAY OF ____ 20____ PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER P.O.A. FOR TOMMIE J. WECKESSER, SUCCESSOR TRUSTEE OF THE WECKESSER LIVING TRUST, DATED DECEMBER 19, 2017. THE SIGNER OF THE OWNERS CONSENT WHO BEING BY ME DULY SWEORN, DID SAY THAT SHE IS THE OWNER OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

PORTION OF STRAWBERRY VALLEY ESTATES, UNIT 4



SURVEYOR'S CERTIFICATE

I, NEWELL BRENT CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 354372, AS PREScribed UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE THIS PLAT OF "AMENDED PLAT OF LOTS 53, 54 & 55, STRAWBERRY VALLEY ESTATES, UNIT 4", LOCATED IN KANE COUNTY, UTAH, AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF AMENDED PLAT OF LOTS 53, 54 & 55, STRAWBERRY VALLEY ESTATES, UNIT 4, EFFECTED BY THIS AMENDMENT:

LOTS 53, 54, & 55, STRAWBERRY VALLEY ESTATES, UNIT 4; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SE CORNER LOT 55, STRAWBERRY VALLEY ESTATES, UNIT 4; RUNNING THENCE N89°06'00"W 198.74 FEET TO THE ORIGINAL SW CORNER OF LOT 54; THENCE N89°11'26"W 144.08 FEET TO THE ORIGINAL SW CORNER OF LOT 53; THENCE N151°07'09"E 130.97 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, NORTHEASTERLY, CURVE DATA: DELTA= 100°02'53", RADIUS= 40.00', CHORD= N55°20'32"E 61.31', THENCE ALONG THE ARC OF SAID CURVE 69.85 FEET; SAID POINT BEING THE ORIGINAL BEGINNING OF NON-TANGENT CURVE OF LOT 53; THENCE N65°36'09"E 153.63 FEET TO THE ORIGINAL PC OF A CURVE TO THE RIGHT, LOT 54, CURVE DATA: DELTA= 7016'53", RADIUS= 15.00', CHORD= S79°15'24"E 17.27', THENCE ALONG THE ARC OF SAID CURVE 18.40 FEET TO THE PT. SAID POINT BEING THE ORIGINAL NW CORNER OF LOT 55; THENCE S44°06'58"E 87.19 FEET TO THE PC OF A CURVE TO THE LEFT, CURVE DATA: DELTA= 2825'12", RADIUS= 100.00', CHORD= S56°19'34"E 49.10', THENCE ALONG THE ARC OF SAID CURVE 49.61 FEET TO THE ORIGINAL NW CORNER OF LOT 55; THENCE DEPARTING SAID CURVE AND RUNNING S003755 W 138.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.33 ACRES.

NEWELL BRENT CARTER DATE

COUNTY ATTORNEY CERTIFICATE

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

KANE COUNTY ATTORNEY

CERTIFICATE OF RECORDING

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

BOOK ____ PAGE ____ FEE ____ KANE COUNTY RECORDER
ENTRY NO.: ____ DATE ____ TIME ____

RECORDED AT THE REQUEST OF: _____

KANE COUNTY
AMENDED PLAT OF LOTS 53, 54 & 55,
STRAWBERRY VALLEY ESTATES, UNIT 4

PREPARED FOR:
TOMMIE WECKESSER, BARRY AND KIMBERLEY BOWLER
LOCATION: SE 1/4 SECTION 20, T38S-R7W, S.L.B.&M.
STRAWBERRY VALLEY ESTATES, UNIT 4
DATE: 03/26/2024 REVISION #: 00/00/0000

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