



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
Kane County Commission Chambers
76 N. Main Street, Kanab, UT
August 14, 2024

CHAIRMAN: John Reese

MEMBERS PRESENT: John Reese, Doug Heaton, Byard Kershaw, Gwen Brown, Jeremy Chamberlain

MEMBERS ABSENT: Matt Cox, Mason Haycock

EX-OFFICIO MEMBER: Commissioner Wade Heaton

STAFF PRESENT Shannon McBride, Land Use Administrator; Wendy Allan, Assistant P&Z Administrator; Rob Van Dyke, Attorney

6:00 PM Meeting called to order John Reese
Invocation Gwen Brown
Pledge of Allegiance Doug Heaton

GENERAL BUSINESS

1. Update on Commission Decisions

Commissioner Wade Heaton reported that the County Commissioners approved the Deer Springs amended plat. Willow Reserve Estates came before the Commission and the developer asked for it to be put on hold for more review. Commissioner Heaton indicated that the Commission intends to uphold the Planning Commissions' recommendations for Willow Reserve Estates.

2. Approval of minutes

July 10, 2024

MOTION: Doug Heaton made a motion to **approve** the minutes of July 10, 2024. Gwen Brown seconded the motion.

VOTE: The **motion passed** unanimously.

3. Presentation on the 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).

Dixon Ekins, Utah Division of Drinking Water and Jay Olsen, Utah Department of AG made a presentation regarding water conservation planning requirements to be included in the county's General Plan (attachment #1).

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

VOTE: The **motion passed** unanimously.

4. Public Hearing – Zone Change: Base Leg LLC

An application for a zone change 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.

Susie Polnisch is requesting a zone change from Agricultural to Light Commercial. She passed out a packet of information to each Planning Commission member (attachment #2) Susie noted that her father was the original developer and in the packet she presented there are documents that show the intent to have parcels in Strawberry Valley designated commercial. This parcel is visible from Highway 14 and is the first parcel as you enter Strawberry Valley. The recorded maps and CC&Rs for Strawberry Estates, Strawberry Pines and Ponderosa Villa designate 40 parcels as commercial. Susie showed documents she believes supports her claims. This particular parcel was used for advertising and contained a large billboard advertising lots for sale. She stated that most in most subdivisions on the mountain you will find commercial next to residential. She believes that commercial property in this area would support residents of Strawberry Valley and surrounding areas.

Shannon showed the neighboring zones. She explained that the map on Eagleweb conflicts with the original subdivision plat that Susie showed. Shannon consulted with the County Recorder and discovered that our current zoning does not match the original plat map. The Recorder could not find any evidence to prove the usage or zones that were recorded with the original subdivision. Shannon's records show Forest Rec ½ zoning being converted to Residential ½. County maps as far back as 1982 do not show any commercial zones in this area. Surrounding lots are zoned R-1/2, R-1, R-5, AG and Forest Service. The Light Commercial zone is for offices, restaurants, etc.

Chairman Reese acknowledged that the Planning Commission has received all of the public emails that were sent in. **(The Land Use Office received 45 emails; 39 opposed and 6 in favor.)**

Commissioner Wade Heaton reminded the Planning Commission (P&Z) that this property owner requested a Commercial zone change a couple of years ago and the P&Z recommended denial based on all of the "scary" uses in the commercial zone. That is what prompted the creation of the Light Commercial zone.

Susie Polnisch stated they would like to develop a restaurant on the property.

Chairman Reese called the commission into public hearing.

David Zanze - He is the president of the Strawberry Valley Property Owners Association. He disclosed that he is a personal friend and business partner with Jack Polnisch, however his comments reflect the HOA's view. The property owners in Strawberry Valley are not happy with the proposed change.

Debra Rice – She owns property in Strawberry Valley and opposes this change. The mountain has commercial areas less than 4 miles away. The valley is a migration area for antelope and deer and she feels commercial activity would disturb that. She is also concerned about the effect of more light pollution.

Anna Hogan – Her family is strongly opposed to this request. Her family purchased their property over 30 years ago. They were told at that time that this property would remain agricultural property and would never be developed. The commercial area in Duck Creek is sufficient to meet the needs of the existing residents on the mountain.

Kim Roth – She showed an overlay of the flight path of the landing strip in Strawberry Valley noting that aircraft fly very low over the meadow, as low as 50 feet. She requested a safety risk assessment. She is concerned about maintenance of the road with increased traffic.

Angela Powers – She owns a lot adjacent to this property. This property is right next to the dumpsters. She fully supports a restaurant in this area and feels there is a need for more services on the mountain.

Linda Stinar – She is a resident of Strawberry Valley Estates. She does not see a need for more commercial. The current restaurants in Duck Creek Village struggle to stay open. She bought in this area because they did not want to be in a commercial area. The airport flight path goes towards Hwy 14 and they fly very low. She is concerned that the Light Commercial zone also contains residential and multi-residential uses. She feels there could be safety issues associated with those uses.

Wayne Vazil – He is questioning if the original plan was for commercial in the area why do the current maps not show that. He asked that it be left in Agricultural zoning.

Tom McLaughlin – Within the last 30-45 days he witnessed an 8 seater plane that banked extremely low along the road. Pilots do not maintain a consistent flight path. He is concerned about increased traffic and who will maintain the road.

Chairman Reese called the commission out of public hearing.

Jack Polnisch (applicant) stated that as a pilot he feels that the concerns about the flight plan are unfounded.

Rob Van Dyke, County Attorney, clarified that the P&Z can request additional information if they feel it is necessary to make a decision. A safety plan could be requested however it would

be hard to do that study without a specific use. A zone change is looking at potential uses, not approving a specific use. At the time of development, if a CUP is required, a safety plan could be requested at that time.

Byard talked about the conflicting scenarios regarding commercial businesses in the area.

Doug stated that as a pilot he does not feel that the flight path is a safety concern. He stated that the applicants intended use would have very little impact to the area. He feels that this is a good fit. He suggested that property rights should be a significant factor in this decision.

Gwen feels that they need to take into account the surrounding property owners. She is concerned about forcing this on the current residents when they bought in a residential area knowing that was an agricultural piece of land.

Jeremy stressed the difference between agricultural zoning versus agricultural use of the land and green belt tax status. Jeremy expressed the opinion that antelope is an invasive species. He stressed that a property owner only gains the rights to a piece of property they buy, not to the surrounding parcels.

MOTION: Jeremy Chamberlain made a motion to **recommend approving** the zone change for parcel 8-7-21-14A from Agriculture (AG) to Light commercial (LC) and Ordinance 2024-21 to the County Commission based on the facts and findings as documented in the staff report. Seconded by Byard Kershaw.

John stated that people buy lots with the understanding of the surrounding zones, expecting it to remain for the long term. He is for property rights as long as they do not infringe on the existing residents rights.

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

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.

5. Zone Change: Heely

An application for a zone change 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, Rafter H Homes.

Tyler Heely recently purchased this property. It borders Mountain View Drive. The parcels across the street are commercial properties. He showed pictures of the buildings across the street (attachment #2). He has looked for a place to build some affordable homes and it is difficult to find property that is suitable for multi-family, affordable housing. He felt that because this lot is on the edge of the subdivision, with the commercial zoning across the street, that this would be a good fit. He believes this lot would be a hard sell for a single family residence because of the triplex across the street. He has tried to meet with the current residents and explain his intent. Several are concerned that this zone change will set a precedent for future zone change requests. He is willing to put a deed restriction on the land that would restrict this lot to no more than 6 dwellings designated as primary residences. He is aware of the current CC&Rs that state only single family residents are allowed in the subdivision. He has considered vacating the lot out of the subdivision or amending the CC&Rs to state that this one lot is for multi-family residents and then spell out the conditions in the CC&Rs. He has talked with the neighbors and showed them a potential layout

(attachment #3). The neighbors conceded that, with some protections in place, this would be an appropriate use for the lot. If he is granted the zone change he will meet with the residents of the Sunflower Valley Subdivision before proceeding. He stressed that this will not be government housing, but affordable homes. He is committed to complying with the dark skies ordinances. He clarified that he plans to build three duplexes.

Shannon reminded the P&Z that she has been asked to remain neutral. Her job is to make sure that applications are treated fairly and are compliant with county ordinance. She reminded that P&Z that Willow Reserve requested a PUD but met with resistance with the townhomes and commercial areas. They have come back and applied for a subdivision. Sunflower Valley Estates was platted as a Residential 2 subdivision. The properties across the street in Vermillion Cliffs Estates were zoned Commercial when they were originally platted. Shannon showed the Multi-Residential uses table that indicated a conditional use permit is required for townhomes. As Shannon did her research she consulted with Tom Avant, the County Engineer, who stated that the CC&Rs run with the land however, the county does not uphold the CC&Rs.

Chairman Reese called the commission into public hearing.

(The Land Use office received 12 emails; 6 in favor and 6 opposed.)

Sujantha Romakrishna – She is against this zone change. She reminded the P&Z that a developer's intent is subject to change. She is concerned that if this is changed that more lots will be allowed to change to multi-residential. She reminded the P&Z that Mountain View Drive is a narrow two lane road.

Joan Rando-Moon – She is against this zone change for safety reasons. Mountain View Drive is a dangerous road. The ingress and egress at Vista and Mountain View is problematic. She recommends keeping this as R-2 as to not increase the traffic in the area.

Paul Child – He does not object the multi-residential idea. He is concerned about this setting precedence and starting a domino effect. He feels this could affect property values. He is not in favor of changing the CC&Rs. He noted they are approximately 50 STRs in the immediate area.

Shanell Heely – She is a real estate agent and has managed the local low income apartments in the area. She said many people do not qualify for the low income housing because they make a little too much income but they cannot afford the homes currently on the market. As she has called owners of the lots in Vermillion Cliffs that are zoned Commercial the owners' state they have the intent to build businesses on those lots. She feel that this project will be very beneficial to the community.

Steve Shrope – He indicated that in Vermillion Cliffs a single neighbor took someone to court and the court upheld the CC&Rs. He agreed that the CC&Rs will take precedence over a zone change. He noted that Tyler has good intentions. Tyler is willing to put deed restrictions on the property to keep these units as single family dwellings.

Sue Sugden – She is a neighboring property owner. She admires what Tyler is trying to do but she is against this zone change. They intentionally set their home so as to not see the homes across the street. She does not want multi-family residences next to her.

Shelly Cooper – She moved here from a small town in Utah county. That town is now riddled with townhomes. They intentionally looked for property in a quiet, rural setting. She cautioned that once they open the door to townhomes the trend will continue.

Martin Greenbank – He is for this zone change because we need more affordable homes. He started in a duplex and worked his way up to his own home.

Darren Cooper – He opposes this zone change stating that it will open a can of worms. He cautioned the P&Z to be mindful of the resources required for multifamily homes, especially water. He is also concerned about the lack of infrastructure and the lack of fire protection in the area.

Brian Konoske – He feels that this zone change is a dangerous way to achieve affordable housing. He is concerned that the developer of the subdivision could affect the outcome of the vote of Sunflower Valley residents. He reminded the P&Z that it is not the government's responsibility to assure the success of a developer. He stated that the Utah State Ombudsman's office has told him that a zone change is not a constitutionally protected right. A property owner has a vested and protected right to use their property as zoned. The maximum use of the requested zone is what should be considered during this decision.

Matt Fisher – He is opposed to this zone change. He questioned if this project is similar to the five-plex being built across the highway. He noted that plans can change up until the building permit is issued. He said there is a commercial lot available across the street and he pointed out that most of the commercial lots in Vermillion Cliffs Estates contain single family residents.

Thomas Sugden – He lives next door to this property and is opposed to this zone change. They have met with the developer but decided that they want to preserve the rural area they bought in.

Larry Crutchfield – He is opposed to the zone change. The property owner bought the property knowing the zoning and the CC&Rs and expected to get a zone change. The people who bought in the area bought their properties knowing the zoning they bought in. He is against changing a zone for the sole purpose of allowing a developer to make a profit.

Gene Gallia – He is opposed to this zone change. Lot size, zoning, home types, size and occupancy all affect property values. He feels that if this zone change is approved it will open the door to more lots divisions and untraditional homes. Multi-unit housing is desirable but it should be done during the initial development.

John Strong – He likes Tyler Heely but he is opposed to this zone change for the same reason others have mentioned. He may be more in favor of it if he removed the lot out of the subdivision.

Hilda Crutchfield – She is opposed to this zone change. Multi-family residential does not belong in this area. People bought in this area because of the zoning.

Celeste Meyeres – She asked how this might impact the East Corridor traffic plan.

Chairman Reese called the commission out of public hearing.

Shannon explained that there are already turn lanes in this area. As part of the CUP for the multi-family housing she would require a feasibility letter from UDOT.

Tyler Heely pulled his application request. He stated that he had decided that if the neighbors were not in favor of this project he would not proceed. He met with the neighbors last night and thought they were on board. After listening to the public comments he decided it would be best to pull the application. He thanked the P&Z for their time and apologized for the inconvenience.

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.

6. Public Hearing – 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 in Church Wells. Submitted by Chul Hyun Moon

Kevin Barnes spoke on behalf of the Mr. Moon. Mr. Moon would like to expand his operation and is requesting to put 7 cabins on his new combined lot. Utilities have been approved for this development. They have a fire protection agreement with Big Water Town.

Shannon mentioned that there are a few items under review. She will continue working with the applicant to finalize the plan in regards to fencing, lighting and health department approval. She is recommending approval knowing that the applicant cannot move forward until everything is in place.

MOTION: Byard Kershaw made a motion to **approve** 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. Seconded by Doug Heaton.

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

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.

7. Public Hearing: Lot Joinder: Stringer

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

Shannon explained that this a typical lot joinder. All termination agreements have been obtained and Shannon recommends approval.

Chairman Reese called the commission into public hearing.

(No Comments)

Chairman Reese called the commission out of public hearing.

MOTION: Gwen Brown made a motion to **recommend approval** to the Kane County Commissioners amending a subdivision plat for a lot joinder, and vacating (2) 7.5' utility easements, on behalf of Shereelee A. Stringer, Meadow View Estates Plat "D", lots 58 & 59 becoming new lot 58, based on the findings documented in the staff report. Seconded by Doug Heaton.

VOTE: The vote was **unanimous to recommend approval**.

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.

8. Public Hearing – Lot Joinder: Tillet

An application to amend subdivision plat for a lot joinder on behalf of Mark W. Tillet, joining lots 348 & 349, becoming new lot 349 containing 1.12 acres, and vacating (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.

Shannon explained that this is another simple lot joinder. There is a cabin built over the property line. All termination agreements have been submitted.

Chairman Reese called the commission into public hearing.

(No Comments)

Chairman Reese called the commission out of public hearing.

MOTION: Byard Kershaw made a motion to **recommend approval** to the Kane County Commissioners amending a subdivision plat for a lot joinder, combining lots 348 & 349, becoming new lot 349 and vacating (2) 7.5' public utility easements, meadow View Heights Plat "F", based on the findings documented in the staff report. Seconded by Doug Heaton.

VOTE: The vote was **unanimous to recommend approval**.

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.

9. Public Hearing – 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 8-781A 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.

Shannon showed that they are taking a portion of the Duck Creek meadow and adding it to the lots in the village to allow for more parking. Everything is in order and Shannon recommends approval.

Chairman Reese called the commission into public hearing.

(No Comments)

Chairman Reese called the commission out of public hearing.

MOTION: Jeremy Chamberlain made a motion to **recommend approval** to the Kane County Commissioners amending and extending a subdivision plat for a lot join/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. Seconded by Doug Heaton.

VOTE: The vote was **unanimous to recommend approval**.

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.

10. Public Hearing – 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. & Kimberly 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.

Shannon explained that the owners are taking three lots and combining them to make two larger lots. The zoning will remain the same. All termination easements have been submitted and everything is in order.

Chairman Reese called the commission into public hearing.

(No Comments)

Chairman Reese called the commission out of public hearing.

MOTION: Gwen Brown made a motion to **recommend approval** to the Kane County Commissioners amending a subdivision plat for a lot joinder, and vacating (4) 7.5’ public utility easements, in the Strawberry Valley Estates Subdivision, Unit 4, vacating lot 54 and combining it with lots 53 and 55, based on the findings documented in the staff report. Seconded by Doug Heaton.

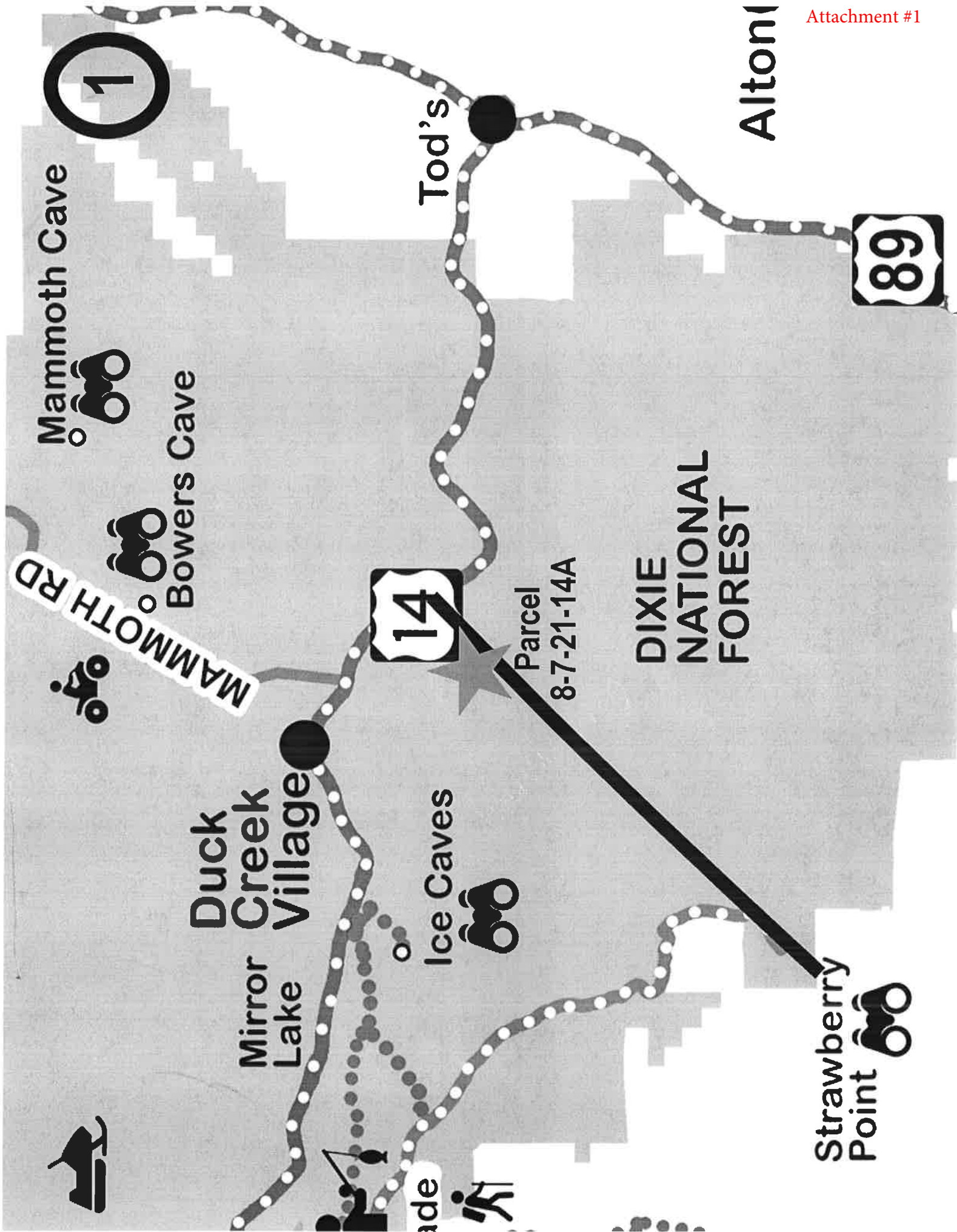
VOTE: The vote was **unanimous to recommend approval.**

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.

Byard made a motion to adjourn. Jeremy seconded the motion.
Meeting was adjourned at 8:10 pm.

Land Use Authority Chair
John Reese

Assistant Planning & Zoning Administrator
Wendy Allan

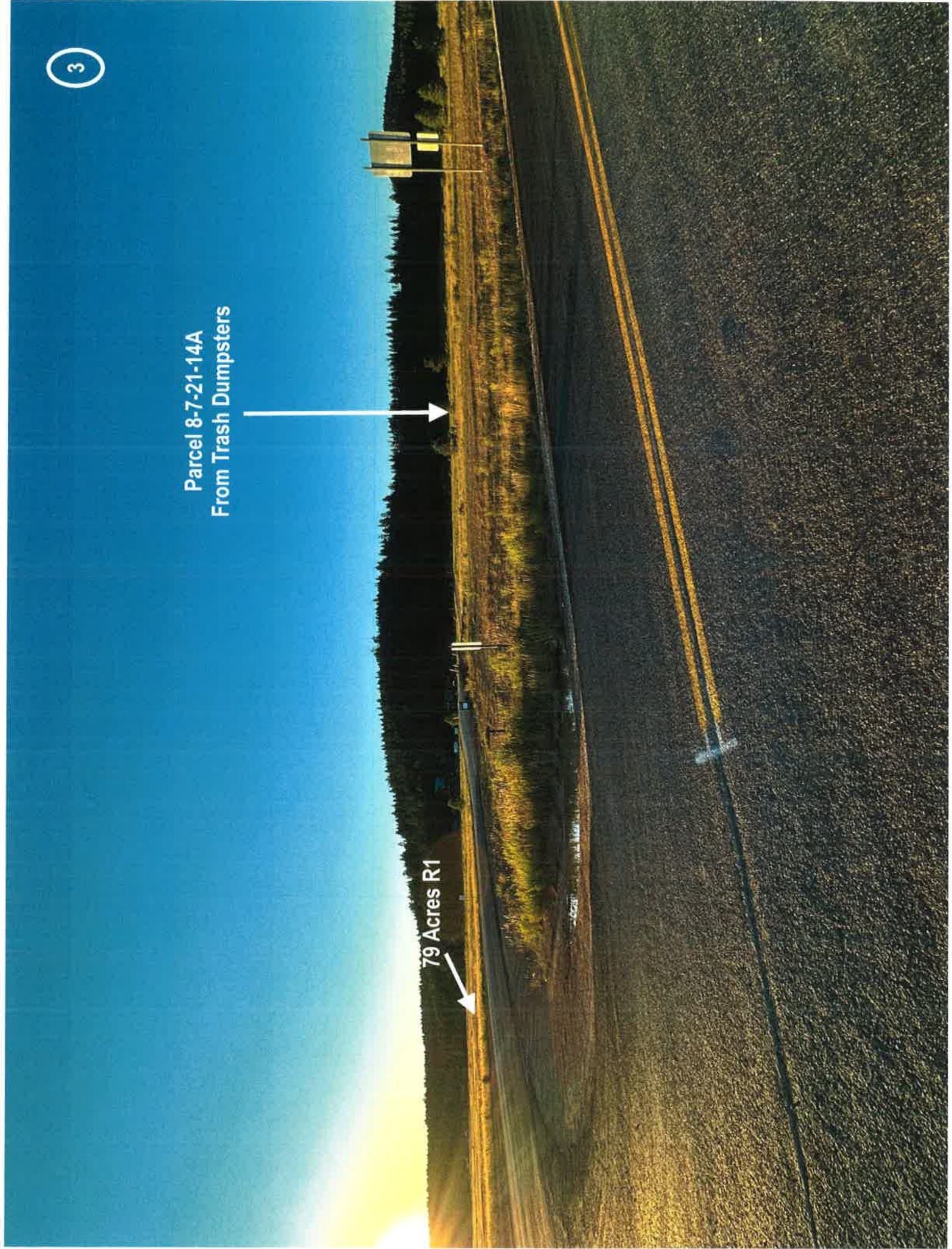


2



Parcel 8-7-21-14A
From Trash Dumpsters

79 Acres R1



4



Strawberry Valley Overview

5

Commercial ●



Productivity

UNIT B

6

246

DECLARATION OF RESTRICTIONS

for

PONDEROSA VILLA UNIT B

In Section 16, T38S, R7W, SLB&M

Kane County, Utah

KNOW ALL MEN BY THESE PRESENTS:

That Strawberry Valley Investment Corporation, a Utah Corporation, duly qualified to do business in the State of Utah, the legal and equitable owner of Ponderosa Villa Unit B, As shown by the plat thereof duly recorded in the records of Kane County, Utah, does hereby acknowledge, declare, and adopt the following restrictions:

1. All covenants and restrictions herein stated and set forth shall run with the land and shall be binding on all parties and persons claiming any interest in said lots or part thereof until twenty-five (25) years from the date hereof, at which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years, unless it is agreed by a vote of the majority of the then owners of said lots to change said covenants in whole or in part.

2. In order to conform with surrounding and adjoining subdivisions, no lot or parcel of property used for residential purposes shall contain less than 20,000 square feet of property, excluding roadways, and all dwellings shall be so located upon said property in compliance with the front and side yard regulations hereinafter prescribed and shall otherwise comply with the subdivision regulations and requirements of the ordinances of Kane County, Utah. In the event dwelling houses and related out buildings are placed upon parcels of property in the subdivision, which are presently large enough to accommodate two or more minimum lots of at least 20,000 square feet, they shall be so situated and located upon said property that if and when the property is actually subdivided that they will comply with the front, rear and side yard regulations provided in these restrictions and with the applicable ordinances of Kane County, Utah, and no more than one dwelling or structure shall be erected, altered, permitted or maintained on any one residential lot or area of at least 20,000 square feet, except for a garage and the normal utility buildings appurtenant to a dwelling house.

Multiple buildings, permitted and in compliance with the ordinances of Kane County, shall be permitted upon property within said subdivision which is designated as commercial property on the plat of said subdivision, provided that the plans for any such multiple buildings or structures shall first be approved in writing by the architectural committee, consisting of a committee appointed by the subdivider, prior to the commencement of any construction. All lots within said subdivision are deemed commercial except for lots 1, 2, 6, 7, 8, and 9.

3. No old, used, nor existing building nor structure of any kind and no part of an old, used, nor existing building nor structure shall be moved onto, placed on, or permitted to remain on any lot. All construction is to be of new materials.

4. Easements are reserved along and within 10 feet of the rear line, front line, and side lines of all lots in this subdivision for the construction and perpetual maintenance of conduits, poles, wires, and fixtures for electric lights, telephones, water mains, sanitary and storm sewers, road drains and other public and quasi-public utilities and to trim trees which at any time may interfere or threaten to interfere with the maintenance of such lines with right of ingress and egress across said premises to employees of said utilities. Said easements to also extend along any owner's side and rear property lines in case of fractional lots. It is understood and agreed that it shall not be considered a violation of the provisions of the easement if wires or cables carried by such pole lines pass over some portion of said lots, other than within the ten (10) foot wide easement strips, as long as such lines do not hinder the construction of buildings on any lots in this subdivision.

5. No residential structure, garage, storage shed, nor building of any type shall be located nearer to the front lot line than fifteen (15) feet, or nearer to the side street lines than fifteen (15) feet, or nearer to the lot line or rear lot line than ten (10) feet.

6. No permanent structure, corral, pen, or anything of this nature, for animals or birds, other than household pets, shall be located within fifty (50) feet of any exterior property line of the area owned by any person. In addition, all areas used by animals or birds, including household pets, shall be kept in a clean and sanitary condition, in such manner that there is no offensive smell or refuse that in any way bothers any neighbor. This paragraph shall not be interpreted as prohibiting grazing to the property lines, but in the event of any use whatsoever by animals or birds, due attention shall be given to sanitary requirements.

7. No noxious nor offensive trade nor activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighbors or other lot owners.

8. No vehicle nor trailers shall be parked within any roadway nor waterway located within the boundaries of said lots. No mobile trailer or trailers intended as a permanent structure shall be permitted to remain upon any lot in the subdivision for a period exceeding seven (7) months in a calendar year without the written consent of the subdivider or its successors in interest. When permits are granted, the lot owner shall maintain said trailer in as neat, orderly, livable condition as other permanent dwellings located on said subdivision.

9. No commercial business nor enterprises of any kind or nature shall be carried on or upon said premises which premises shall be restricted to residential use only, unless otherwise marked on the plat map as a commercial lot. Residences may be built on commercial lots above identified; if used for commercial purposes they shall be limited to lodges, motels, store sites and, while it is the intent of this paragraph to allow commercial uses that are normally in connection with recreation developments to be placed on these commercial lots, anything not specifically listed may not be placed on said commercial lots without the specific approval of the architectural committee.

10. All garbage, food waste, rubbish, trash, ashes, or any other waste materials shall be disposed of in accordance with the requirements of the Utah State Health Department.

Ponderosa Villa Unit F Recorded Subdivision Map

Commercial

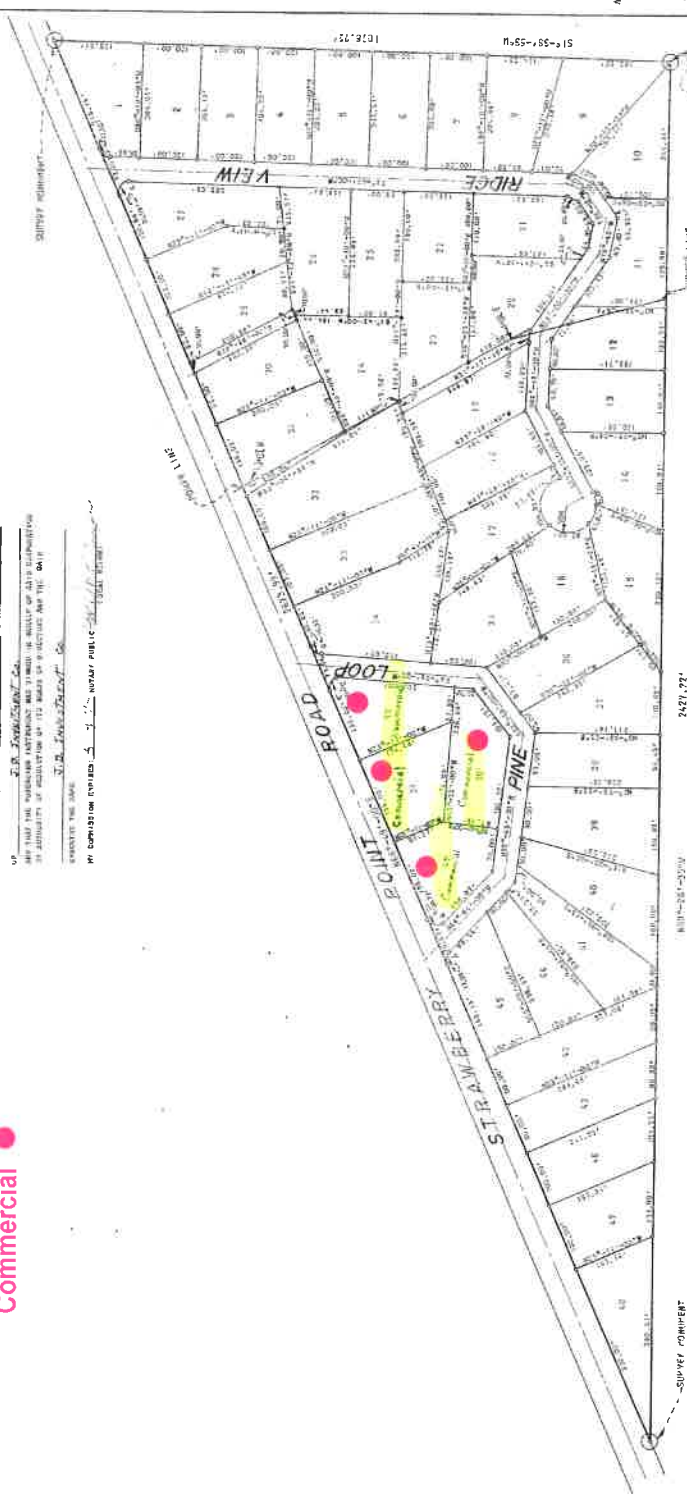
NOTICE TO ALL WHOM THESE PLANS MAY COME: THAT THE PLANS OF THIS SUBDIVISION MAP, BEING A PART OF THE PUBLIC RECORDS IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF SAN JOSE, CALIFORNIA, HAVE BEEN FILED FOR RECORD AND THE SAME ARE HEREBY MADE A PART OF THE PUBLIC RECORDS AND THE SAME ARE HEREBY MADE A PART OF THE PUBLIC RECORDS AND THE SAME ARE HEREBY MADE A PART OF THE PUBLIC RECORDS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE, AT SAN JOSE, CALIFORNIA, THIS 12TH DAY OF APRIL, A.D. 1972.

NOTARY PUBLIC

APPROVED FOR RECORD BY THE COUNTY CLERK OF THE COUNTY OF SAN JOSE, CALIFORNIA, THIS 12TH DAY OF APRIL, A.D. 1972.

APPROVED FOR RECORD BY THE COUNTY CLERK OF THE COUNTY OF SAN JOSE, CALIFORNIA, THIS 12TH DAY OF APRIL, A.D. 1972.



CURVE DATA TABLE

| STATION | CHORD BEARING | CHORD DISTANCE | CHORD BEARING | CHORD DISTANCE |
|---------|-----------------|----------------|-----------------|----------------|
| 1 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |
| 2 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |
| 3 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |
| 4 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |
| 5 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |
| 6 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |
| 7 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |
| 8 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |
| 9 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |
| 10 | N 11° 15' 00" E | 11.00 | S 88° 45' 00" W | 11.00 |

NOTES: 1. ALL LOTS EXCEPT STRAWBERRY RIDGE VIEW LOT 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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8

DECLARATION OF RESTRICTIONS

for

PONDEROSA VILLA, UNITS D, E, F, G, & H

In Sections 16 and 21, T38S, R7W, SLB&M

Kane County, Utah

KNOW ALL MEN BY THESE PRESENTS:

That STRAWBERRY VALLEY INVESTMENT CORPORATION, a Utah Corporation, duly qualified to do business in the State of Utah, the legal and equitable owner of Ponderosa Villa Units D, E, F, G, & H, as shown by the plat thereof duly recorded in the records of Kane County, Utah, does hereby acknowledge, declare, and adopt the following restrictions:

1. All covenants and restrictions herein stated and set forth shall run with the land and shall be binding on all parties and persons claiming any interest in said lots or part thereof until twenty-five (25) years from the date hereof, at which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years, unless it is agreed by a vote of the majority of the then owners of said lots to change said covenants in whole or in part.

2. No more than one dwelling nor structure shall be erected, altered, permitted, or maintained on any one residential lot except for a garage and the normal utility buildings appurtenant to a dwelling house, except for lots 2, 33, 34, 35, 36, 37, Unit E, which said lots shall be allowed two dwellings per lot.

3. Lot sizes, as prescribed by the subdivision plat for said subdivision, are considered minimum lot sizes and no person shall sell, lease or otherwise dispose of said lot in parcels smaller than the original lot as shown on the recorded plat of said subdivision.

4. No old, used, nor existing building nor structure of any kind and no part of an old, used, nor existing building nor structure shall be moved onto, placed on, or permitted to remain on any lot. All construction is to be of new materials.

5. Easements are reserved along and within ten (10) feet of the rear line, front line, and side lines of all lots in this subdivision for the construction and perpetual maintenance of conduits, poles, wires, and fixtures for electric lights, telephones, water mains, sanitary and storm sewers, road drains and other public and quasi-public utilities and to trim trees which at any time may interfere or threaten to interfere with the maintenance of such lines with right of ingress and egress across said premises to employees of said utilities. Said easements to also extend along any owner's side and rear property lines in case of fractional lots. It is understood and agreed that it shall not be considered a violation of the provisions of the easement if wires

ENTRY NO. 20040 RECORDED AT REQUEST OF WALKER
DATE 6-26-72 AT 9 A.M. WALKER
FEE \$17.00 KANE COUNTY RECORDER
DEPUTY BOOK 034 PAGE 1-4

1 1700

or cables carried by such pole lines pass over some portion of said lots, other than within the ten (10) foot wide easement strips, as long as such lines do not hinder the construction of buildings on any lots in this subdivision.

6. No residential structure, garage, storage shed, nor building of any type shall be located nearer to the front lot line than fifteen (15) feet, or nearer to the side street lines than fifteen (15) feet, or nearer to the side lot lines or rear lot line than ten (10) feet.

7. No animals nor birds, other than household pets, shall be kept on any residential lot, except for lots 35 and 36, Unit D, and lots 1, 2, 33, 34, 35, 36, 37, Unit E, which said lots due to their larger size, shall be permitted to keep horses, provided that no corral, pen, stable, or anything of this nature, for horses, animals, or birds, other than household pets, shall be located within fifty (50) feet of any exterior property line adjacent to any other lot. In addition, all areas used by horses, animals, or birds, including household pets, shall be kept in a clean and sanitary condition, in such manner that there is no offensive smell or refuse that in any way bothers any neighbor. This paragraph shall not be interpreted as prohibiting grazing to the property lines, but in the event of any use whatsoever by horses, animals or birds, due attention shall be given to sanitary requirements on those lots where horses are permitted. No more than four (4) horses, animals or birds of any kind, allowed per lot, without the written permission of the architectural committee.

8. No noxious nor offensive trade nor activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighbors or other lot owners.

9. No vehicle nor trailers shall be parked within any roadway nor waterway located within the boundaries of said subdivision. No mobile trailer nor trailers intended as a permanent structure shall be permitted to remain upon any lot in the subdivision for a period exceeding seven (7) months in a calendar year without the written consent of the subdivider or its successors in interest. When permits are granted, the lot owner shall maintain said trailer in as neat, orderly, livable condition as other permanent dwellings located on said subdivision.

10. No commercial business nor enterprises of any kind or nature shall be carried on or upon said premises, which premises shall be restricted to residential use only, unless otherwise marked on the plat or designated in these restrictions as a commercial lot. Lots 49, 50, 51, 52, Unit F, are hereby designated as commercial lots. Multiple buildings, permitted and in compliance with the ordinances of Kane County, shall be permitted upon property within said subdivision which is designated as commercial property provided that the plans for any such multiple buildings or structures shall first be approved in writing by the architectural committee, consisting of a committee appointed by the subdivider, prior to the commencement of any construction.

11. All garbage, food waste, rubbish, trash, ashes, or any other waste materials shall be disposed of in accordance with the requirements of the Utah State Health Department.

12. If a sewage disposal system is constructed in accordance with the requirements of the Utah State Department of Health to serve each dwelling located within said subdivision, all expenses of maintaining and installing such system shall be the responsibility of the buyer or buyers. The effluence from septic tanks shall not be permitted to discharge into a stream, storm sewer, open ditch, or drain, unless it has first passed through an absorption field approved by the Health authority.

[illegible]

COMMENCING AT THE NW CORNER OF SE 1/4 SECTION 24, T30S,
R. 2E, _____ SALT LAKE BASE & MERIDIAN; THENCE AS FOLLOWS:

[illegible][illegible]

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 14 DAY OF Nov, 1962

STATE OF UTAH
COUNTY OF UTAH
FILE NO. 14
PAGE 25
A.D. 1918

I, Charles J. P. [Signature]
 of the County of San Diego State of California
 do hereby certify that the foregoing is a true and correct
 copy of the original as the same appears in the files of the
 Commission.

ACCEPTANCE BY LEGISLATIVE BODY

By Barbara C. [Signature] of Verde

FOUGHT OF UTAH, APPROVES THE SUBMISSION AND HERBY ACCEPTS THE APPLICATION OF ALL CHIEFS, MINORS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE

OF THE PUBLIC TRUST 9 DAY OF Dec. 1968
Minister R. MacDonnell

16. $\frac{1}{2} \times \frac{1}{3} = \frac{1}{6}$

APPROVED _____

ENGINEER
(Not legal Seal)

BOARD OF HEALTH

CLERK (OPTIONAL)
(Not legal Seal)

CITY COUNTY HEALTH DEPARTMENT

APPROVED 7th DAY OF December 1968
PLANNING COMMISSION APPROVAL
PLANNING COMMISSION
PLANNING COMMISSION

DIRECTIONARY
 COUNTRY
 COUNTRY

STRAWBERRY

VALLEY ESTATES

SUBDIVISION NAME COUNTY, UTAH SCALE: 1" = 100' NET

[illegible]

10. The data required for each entry and for non-entry should be as follows:

[illegible]

Commercial per CC&Rs

BASEMENT LINE

DASHED LINES DENOTES 10-0
FOOT UTILITIES EASEMENTS ALON

DECLARATION OF RESTRICTIONS

for

STRAWBERRY VALLEY ESTATES, UNIT III

Located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T38S, R7W, SLB&M.

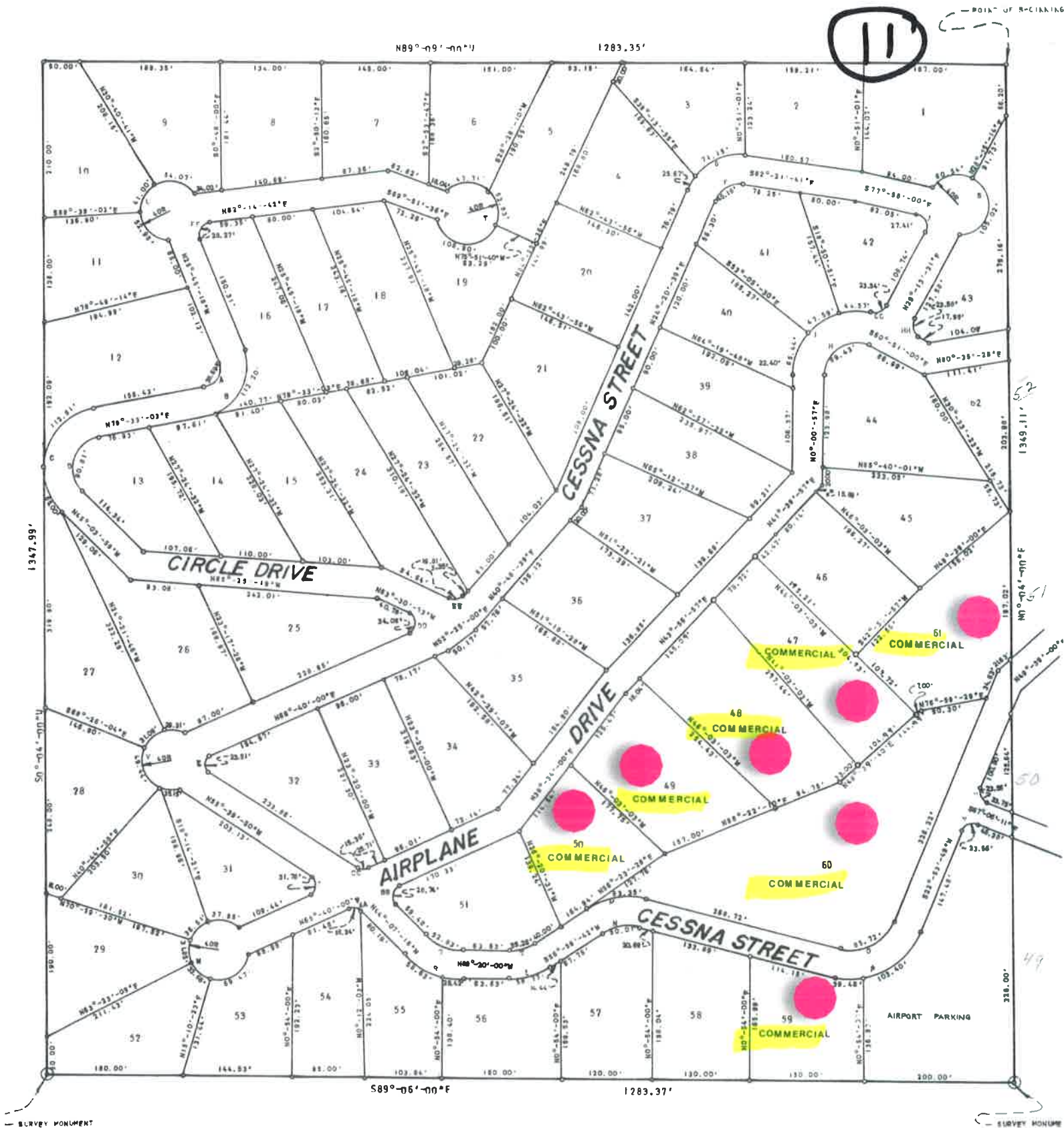
Kane County, Utah

Recorded March 5, 1969 as Entry No. 16020 in Book No. 024 Page 290 Kane County Recorder, Utah

KNOW ALL MEN BY THESE PRESENTS:

THAT PINE MEADOW ESTATES, INC., a Utah Corporation, duly qualified to do business in the State of Utah, the legal and equitable owner of Strawberry Valley Estates, Unit III, as shown by that plat thereof duly recorded in the records of Kane County, Utah, do hereby acknowledge, declare, and adopt the following restrictions:

1. All covenants and restrictions herein stated and set forth shall run with the land and shall be binding on all parties and persons claiming any interest in said lots or part thereof until twenty-five (25) years from the date hereof, at which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years, unless it is agreed by a vote of the majority of the then owners of said lots to change said covenants in whole or in part.
2. No more than one dwelling nor structure shall be erected, altered, permitted, or maintained on any one lot except for a garage and the normal utility buildings appurtenant to a dwelling house, except for Lots 14, 17, 18 and 19, Block 1.
3. Lot sizes, as prescribed by the subdivision plat for said subdivision, are considered minimum lot sizes and no person shall sell, lease or otherwise dispose of said lot in parcels smaller than the original lot as shown on the recorded plat of said subdivision, except for Lots 14, 17, 18, and 19, Block 1.
4. No old, used, nor existing building nor structure of any kind and no part of an old, used, or existing building nor structure shall be moved onto, placed on, or permitted to remain on any lot. All construction is to be of new materials.
5. Easements are reserved along and within 10 feet of the rear line, front line, and side lines of all lots in this subdivision for the construction and perpetual maintenance of conduits, poles, wires, and fixtures for electric lights, telephones, water mains, sanitary and storm sewers, road drains and other public and quasi-public utilities and to trim trees which at any time may interfere or threaten to interfere with the maintenance of such lines with right of ingress and egress across said premises to employees of said utilities. Said easements to also extend along any owner's side and rear property lines in case of fractional lots. It is understood and agreed that it shall not be considered a violation of the provisions of the easement if wires or cables carried by such pole lines pass over some portion of said lots, other than within the ten (10) foot wide easement strips, as long as such lines do not hinder the construction of buildings on any lots in this subdivision.
6. No residential structure, garage, storage shed, nor building of any type shall be located nearer to the front lot line than fifteen (15) feet, or nearer to the side street lines than ten (10) feet, or nearer to the lot line or rear lot line than ten (10) feet.
7. No animals nor birds, other than household pets, shall be kept on any lot.
8. No noxious nor offensive trade nor activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighbors or other lot owners.
9. No vehicle nor trailers shall be parked within any roadway nor waterway located within the boundaries of said lots. No mobile trailer nor trailers intended as permanent structures shall be permitted to remain upon any lot in the subdivision for a period exceeding seven (7) months in a calendar year without the written consent of the subdivider or its successors in interest. When permits are granted, the lot owner shall maintain said trailer in as neat, orderly, livable condition as other permanent dwellings located on said subdivision.
10. No commercial business nor enterprises of any kind or nature shall be carried on or upon said premises, which premises shall be restricted to residential use only, unless otherwise marked on the plat map as a commercial lot, except for Lots 14, 17, 18, and 19, Block 1.



**Strawberry Valley Estates Unit 4
Recorded Plat Map**

Commercial ●

**UNIT 4
STRAWBERRY VALLEY
ESTATES**

A SUBDIVISION IN KANE COUNTY, UTAH
SECTION 20, T38S, R7W

12

DECLARATION OF RESTRICTIONS

for

STRAWBERRY VALLEY ESTATES, UNIT IV

Located in Section 20, T38S, R7W, SLB&M.

Kane County, Utah

Recorded June 26, 1972 as Entry No. 20841, in Book 034 Page 5 Kane County Recorder, Utah

KNOW ALL MEN BY THESE PRESENTS:

THAT PINE MEADOW ESTATES, INC., a Utah Corporation, duly qualified to do business in the State of Utah, the legal and equitable owner of Strawberry Valley Estates, Unit IV, as shown by that plat thereof duly recorded in the records of Kane County, Utah, do hereby acknowledge, declare, and adopt the following restrictions:

1. All covenants and restrictions herein stated and set forth shall run with the land and shall be binding on all parties and persons claiming any interest in said lots or part thereof until twenty-five (25) years from the date hereof, at which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years, unless it is agreed by a vote of the majority of the then owners of said lots to change said covenants in whole or in part.

2. No more than one dwelling nor structure shall be erected, altered, permitted, or maintained on any one residential lot except for a garage and the normal utility buildings appurtenant to a dwelling house.

3. Multiple buildings, permitted and in compliance with the ordinances of Kane County, shall be permitted upon property within said subdivision which is designated as commercial property, provided that the plans for any such multiple buildings or structures shall first be approved in writing by the architectural committee, consisting of a committee appointed by the subdivider, prior to the commencement of any construction.

4. Lot sizes, as prescribed by the subdivision plat for said subdivision, are considered minimum lot sizes and no person shall sell, lease or otherwise dispose of said lot in parcels smaller than the original lot as shown on the recorded plat of said subdivision.

5. No old, used, nor existing building nor structure of any kind and no part of an old, used, or existing building nor structure shall be moved onto, placed on, or permitted to remain on any lot. All construction is to be of new materials.

6. Easements are reserved along and within ten (10) feet of the rear line, front line, and side lines of all lots in this subdivision for the construction and perpetual maintenance of conduits, poles, wires, and fixtures for electric lights, telephones, water mains, sanitary and storm sewers, road drains and other public and quasi-public utilities and to trim trees which at any time may interfere or threaten to interfere with the maintenance of such lines with right of ingress and egress across said premises to employees of said utilities. Said easements to also extend along any owner's side and rear property lines in case of fractional lots. It is understood and agreed that it shall not be considered a violation of the provisions of the easement if wires or cables carried by such pole lines pass over some portion of said lots, other

than within the ten (10) foot wide easement strips, as long as such lines do not hinder the construction of buildings on any lots in this subdivision.

7. No residential structure, garage, storage shed, nor building of any type shall be located nearer to the front lot line than fifteen (15) feet, or nearer to the side street lines than fifteen (15) feet, or nearer to the side lot lines or rear lot line than ten (10) feet.

8. No animals nor birds, other than household pets, shall be kept on any residential lot. Commercial lots shall be allowed to keep horses, provided that no corral, pen, stable, or anything of this nature, for horses, animals, or birds, other than household pets, shall be located within fifty (50) feet of any exterior property line adjacent to any other lot. In addition, all areas used by horses, animals, or birds, including household pets, shall be kept in a clean and sanitary condition, in such manner that there is no offensive smell or refuse that in any way bothers any neighbor. This paragraph shall not be interpreted as prohibiting grazing to the property lines, but in the event of any use whatsoever by horses, animals, or birds, due attention shall be given to sanitary requirements. No more than four (4) horses, animals, or birds of any kind allowed per commercial lot without the written permission of the architectural committee.

9. No noxious nor offensive trade nor activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighbors or other lot owners.

10. No vehicle nor trailers shall be parked within any roadway nor waterway located within the boundaries of said subdivision. No mobile trailer nor trailers intended as permanent structures shall be permitted to remain upon any lot in the subdivision for a period exceeding seven (7) months in a calendar year without the written consent of the subdivider or its successors in interest. When permits are granted, the lot owner shall maintain said trailer in as neat, orderly, livable condition as other permanent dwellings located on said subdivision.

11. No commercial business nor enterprises of any kind or nature shall be carried on or upon said premises, which premises shall be restricted to residential use only, unless otherwise marked on the plat map or designated in these restrictions as a commercial lot. Lots 47, 48, 49, 50, 59, 60, 61 are hereby designated as commercial lots.

12. All garbage, food waste, rubbish, trash, ashes, or any other waste materials shall be disposed of in accordance with the requirements of the Utah State Health Department.

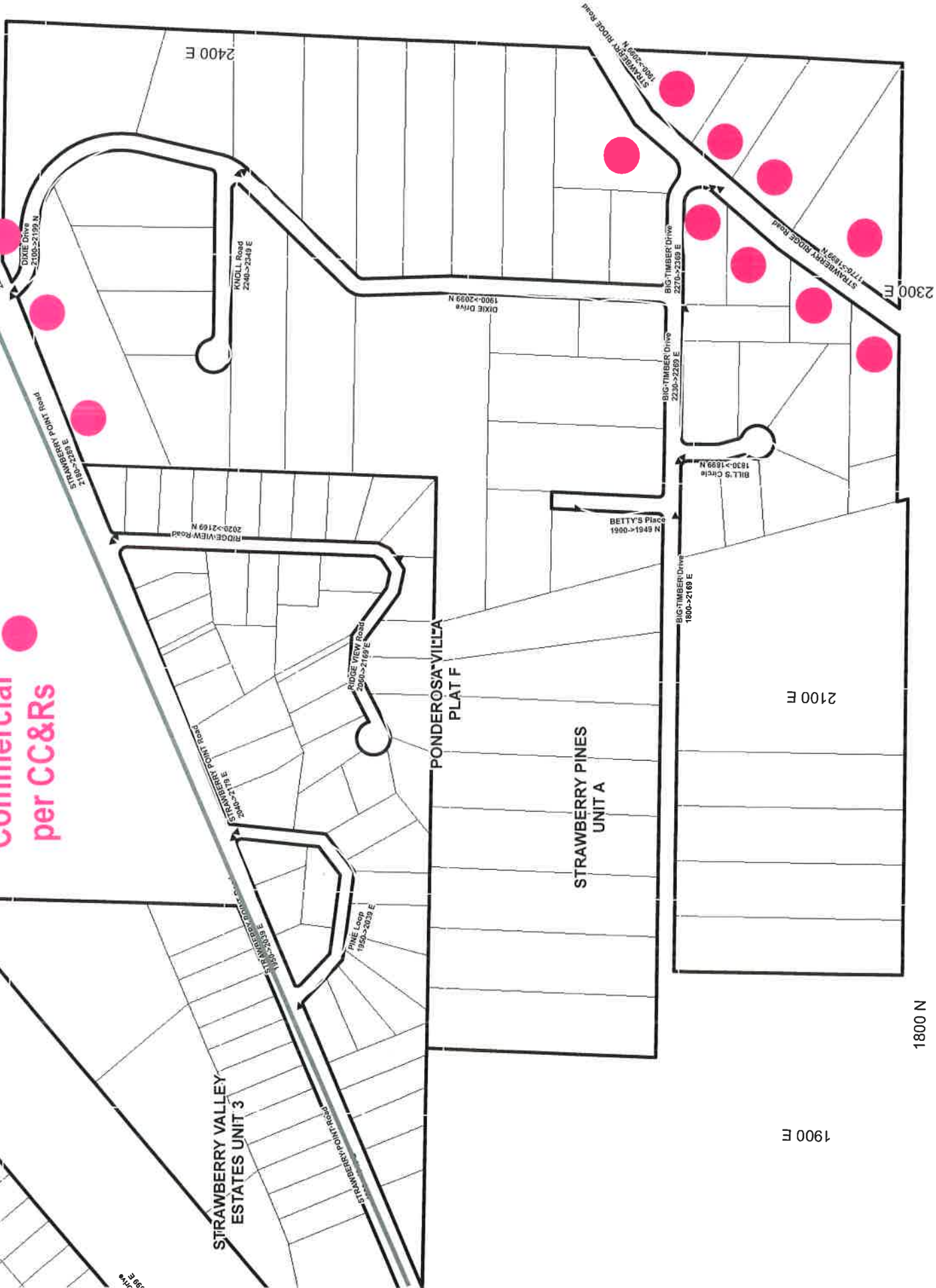
13. If a sewage disposal system is constructed in accordance with the requirements of the Utah State Department of Health to serve each dwelling located within said subdivision, all expenses of maintaining and installing such system shall be the responsibility of the buyer or buyers. The affluence from septic tanks shall not be permitted to discharge into a stream, storm sewer, open ditch, or drain, unless it has first passed through an absorption field approved by the health authority.

14. All structures shall be constructed in such a manner as to protect the natural growth or setting insofar as possible and the natural growth and other conditions of each lot, such as trees, shrubs, streams and natural setting, shall be preserved and remain as nearly as possible in the natural state.

Strawberry Pines - County Map

Commercial
per CC&Rs

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**PROTECTIVE COVENANTS FOR STRAWBERRY PINES SUBDIVISION
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
KANE COUNTY, UTAH**

Strawberry Pines Subdivision ("The Developer"), the legal and equitable owners of Strawberry Pines Subdivision do hereby acknowledge, declare and adopt the following protective covenants with regard to Strawberry Pines ("The Subdivision"), located in Kane County, Utah.

The protective covenants are to run with the land and shall be binding upon all parties and all persons owning lots within the Subdivision or claiming an interest under them.

If the owners of such lots, or any of them, or their heirs or assigns, shall violate any of the covenants hereinafter set out, it shall be lawful for any other person owning real property situated in the Subdivision to prosecute and pursue any proceedings at law or in equity against the persons or person violating any of such covenants, and prevent violation of such covenant, condition or restriction.

Invalidation of any of these covenants by judgments or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

1. General Use and Construction Restrictions.

a. No lot located within the Subdivision shall be used for any other purpose than a single-family residence except those lots fronting on Strawberry Valley road or on Strawberry Ridge road which may be used for commercial purposes. There shall not exist on any residential lot more than one residence. One garage or other storage building which is not of temporary construction may be located on residential lots. A lot of two acres or more may have two garages or other storage buildings which are not of temporary construction.

b. No tent or house trailer, motor home, camper or large truck shall be parked with the subdivision, except that a lot owner may park a motor home or trailer within the confines of his lot for a period not exceeding 90 days while constructing a permanent residence. Mobile or manufactured homes will not be allowed on a permanent basis. Seasonal use of mobile homes for residential purpose must receive permission in writing from the Trustees of the Owners Association.

c. All material used in the construction of buildings located on any lot shall be new. No old, used, existing building or structure of any kind and no part of an old, used, existing building or structure shall be moved onto, or permitted to remain on any lot.

ENTRY NO. 110941 RECORDED AT REQUEST OF KAYAN PRINGLE, FEE \$ 75.00
GATE AUG 12, 1988 AT 9:10 AM KANE COUNTY RECORDER
BY DEPUTY JIN BOOK 0285 PAGE 50-56

15

1967 Gov't Aerial Photo

Hwy 14

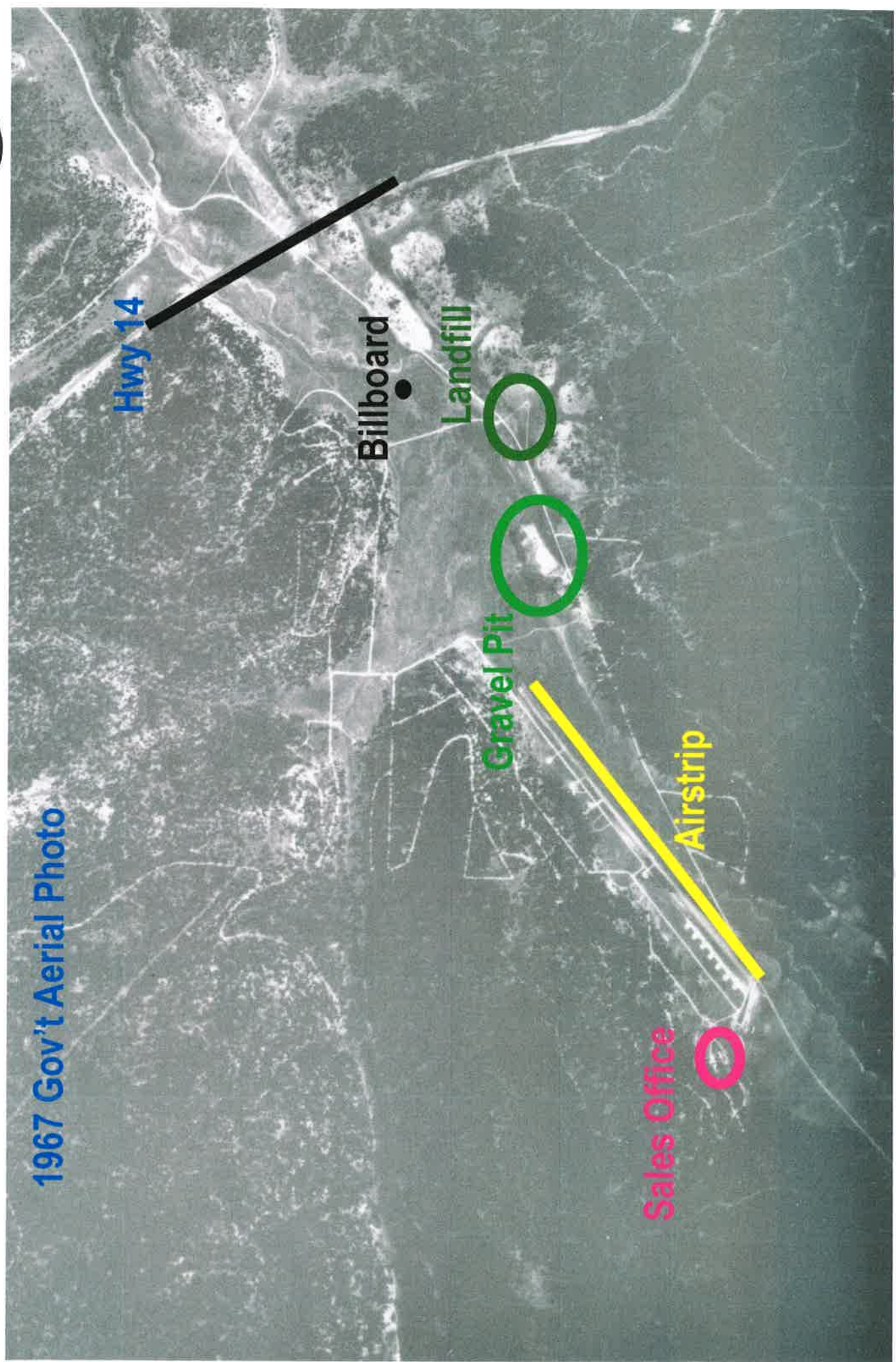
Billboard

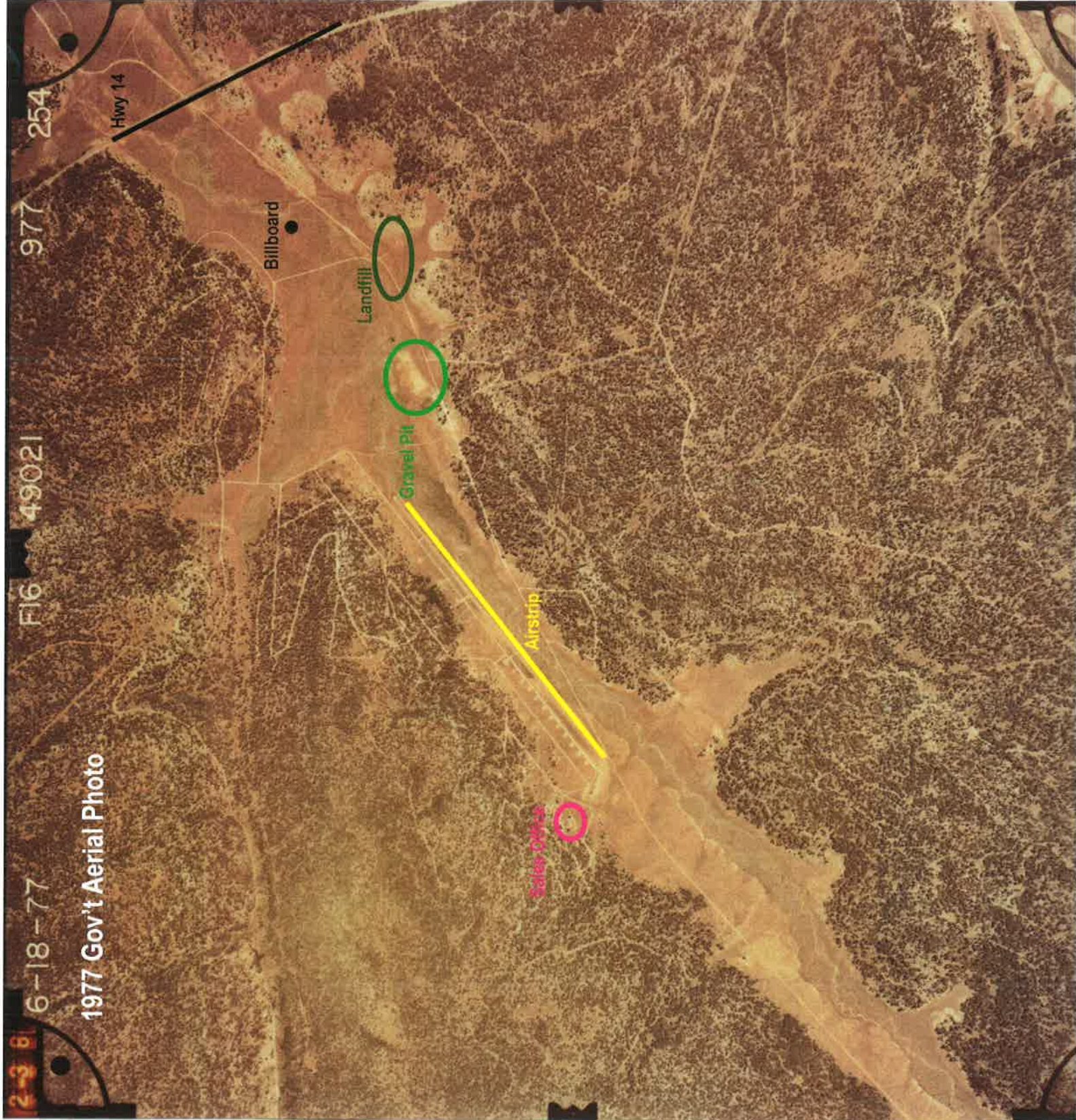
Landfill

Gravel Pit

Sales Office

Airstrip



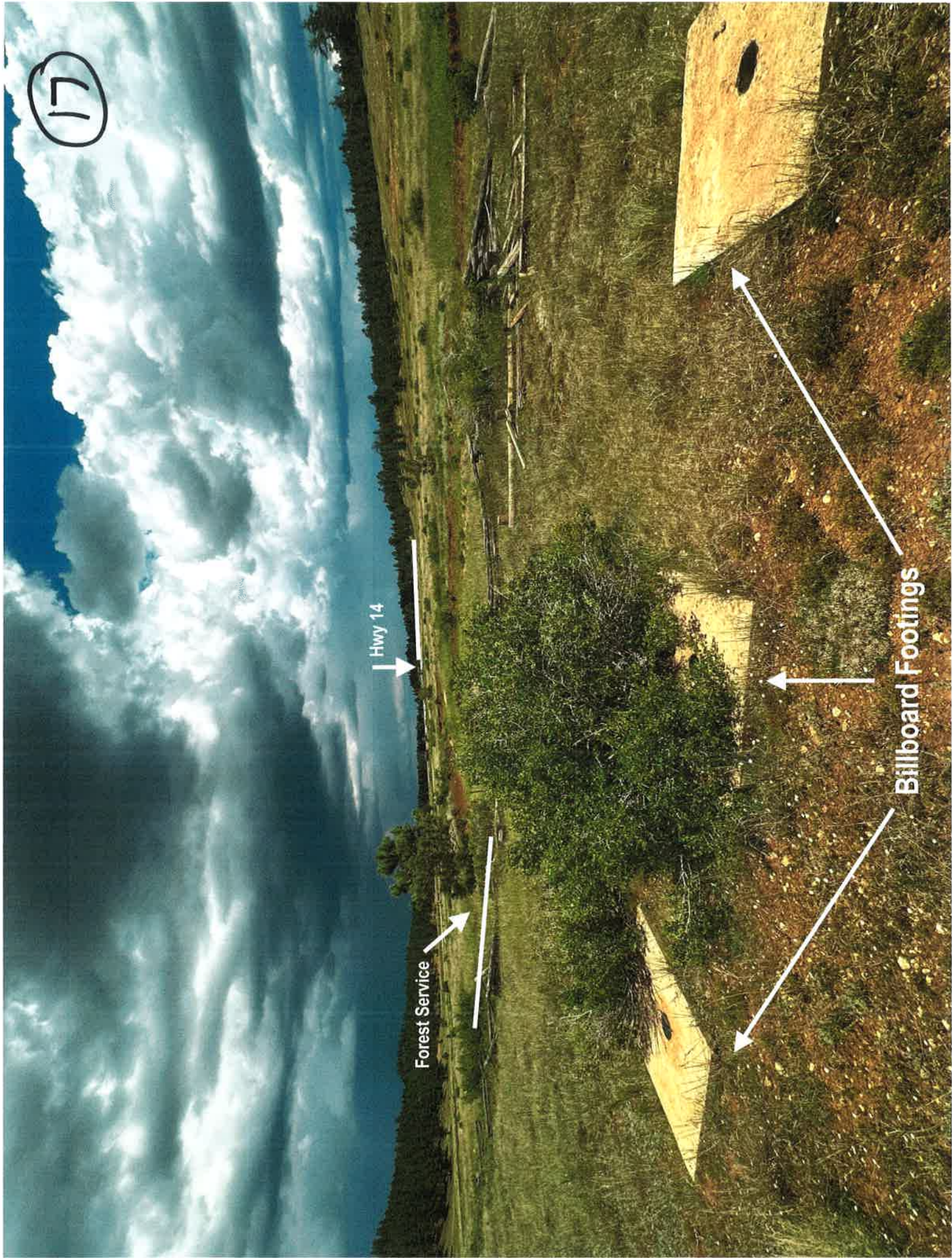


17

Hwy 14

Forest Service

Billboard Footings

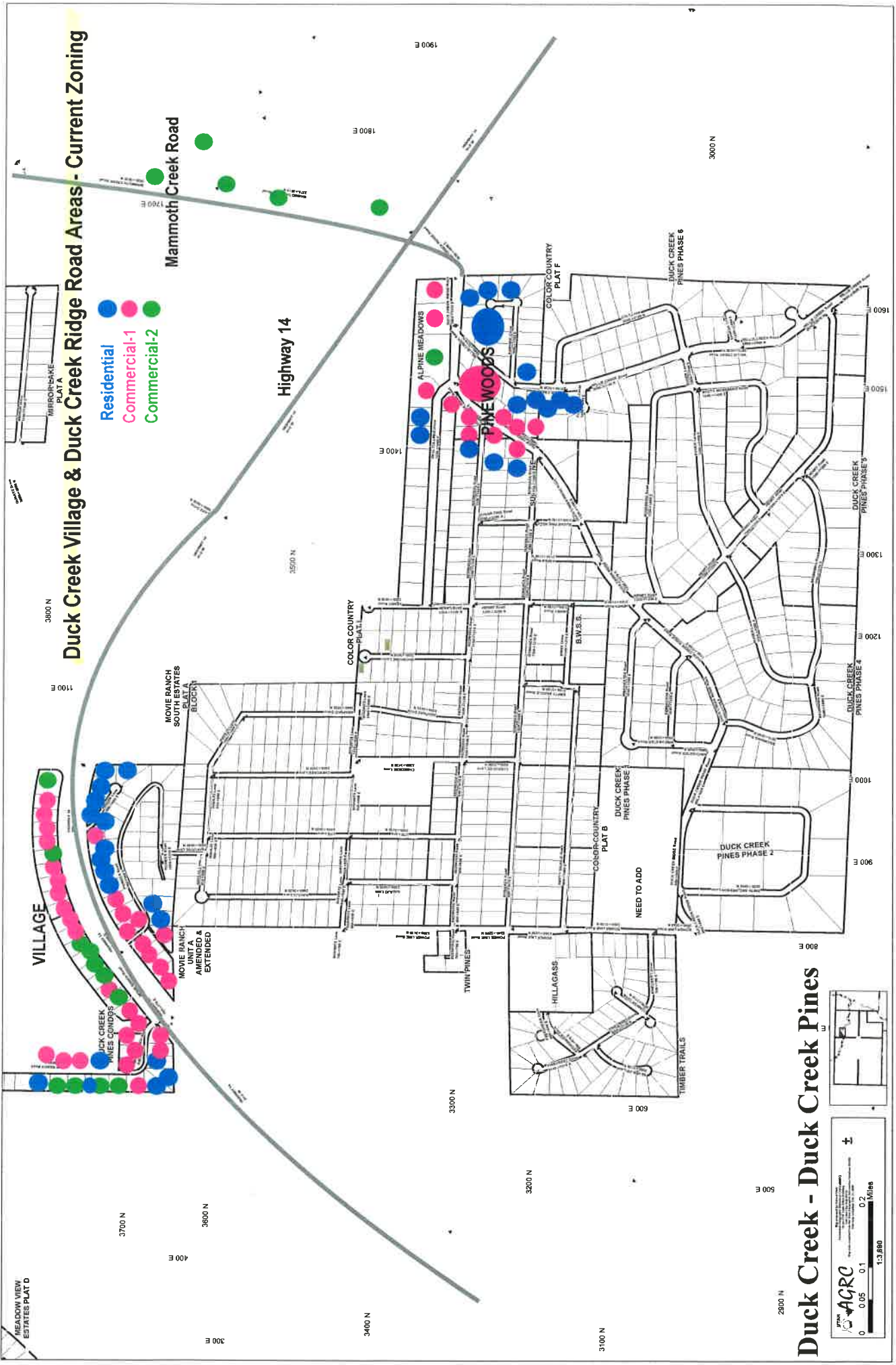


Duck Creek Village & Duck Creek Ridge Road Areas - Current Zoning

- Residential
- Commercial-1
- Commercial-2

Mammoth Creek Road

Highway 14



Duck Creek - Duck Creek Pines

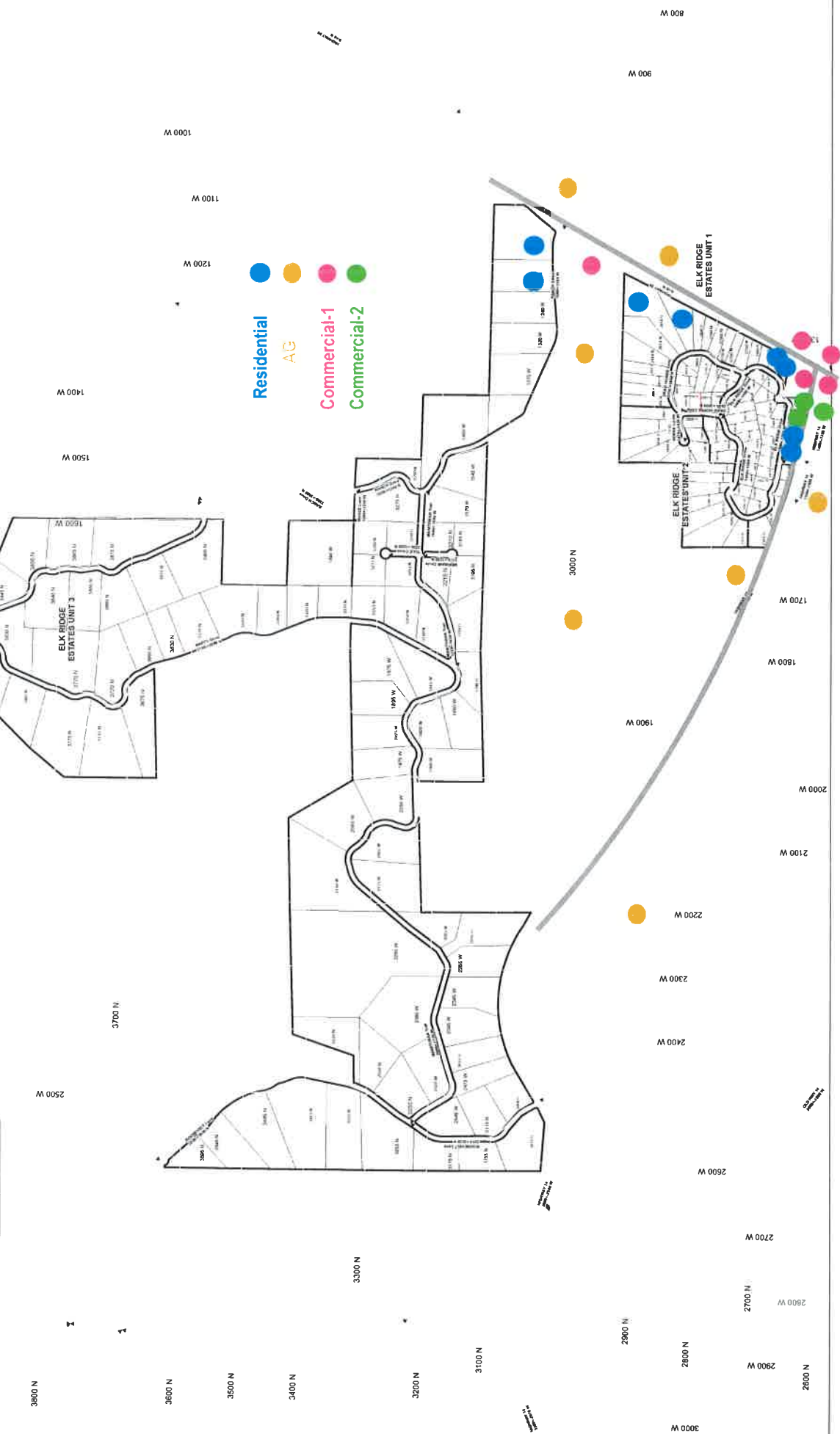




Alton - Elk Ridge



Elk Ridge Area (Hwy 14 & 89) - Current Zoning

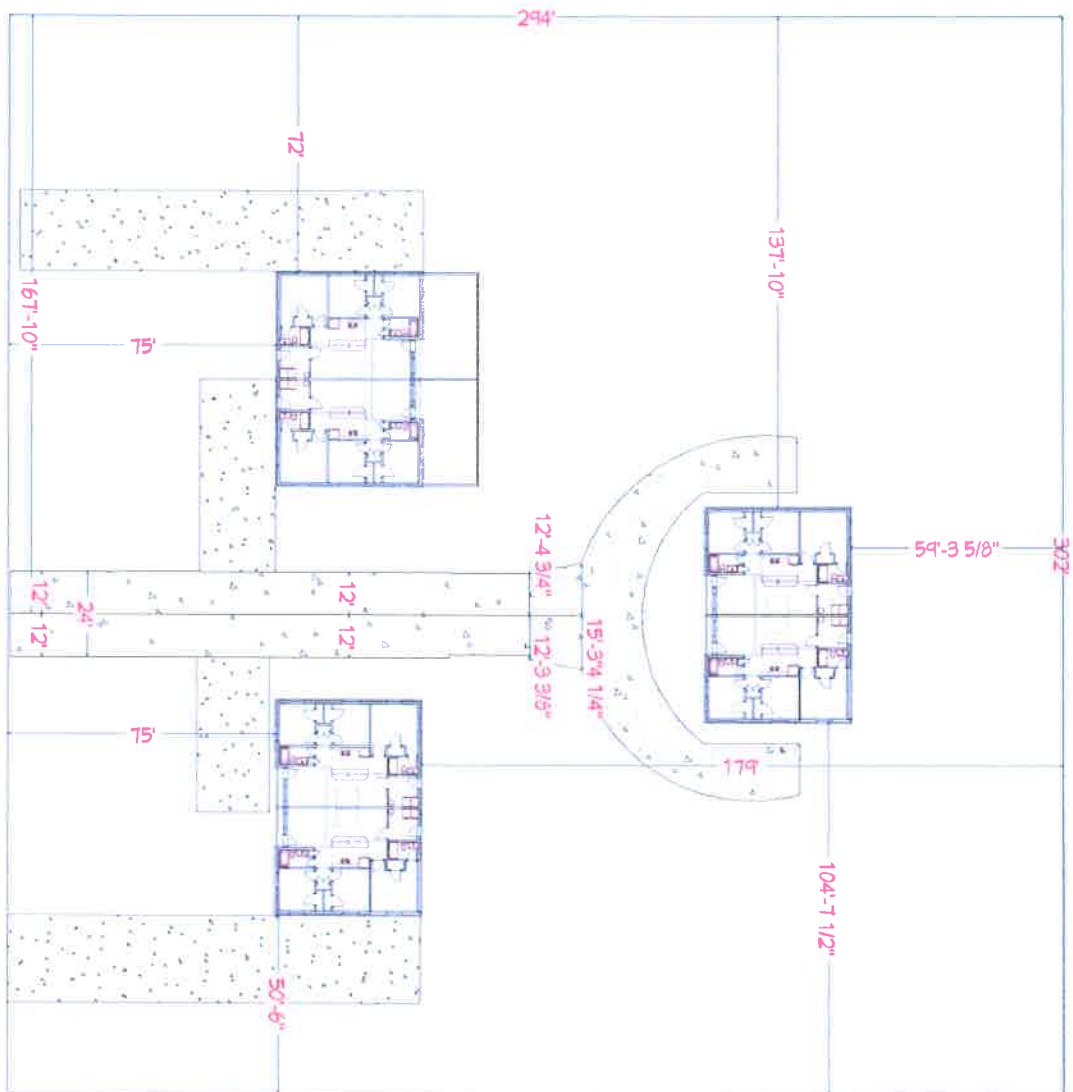






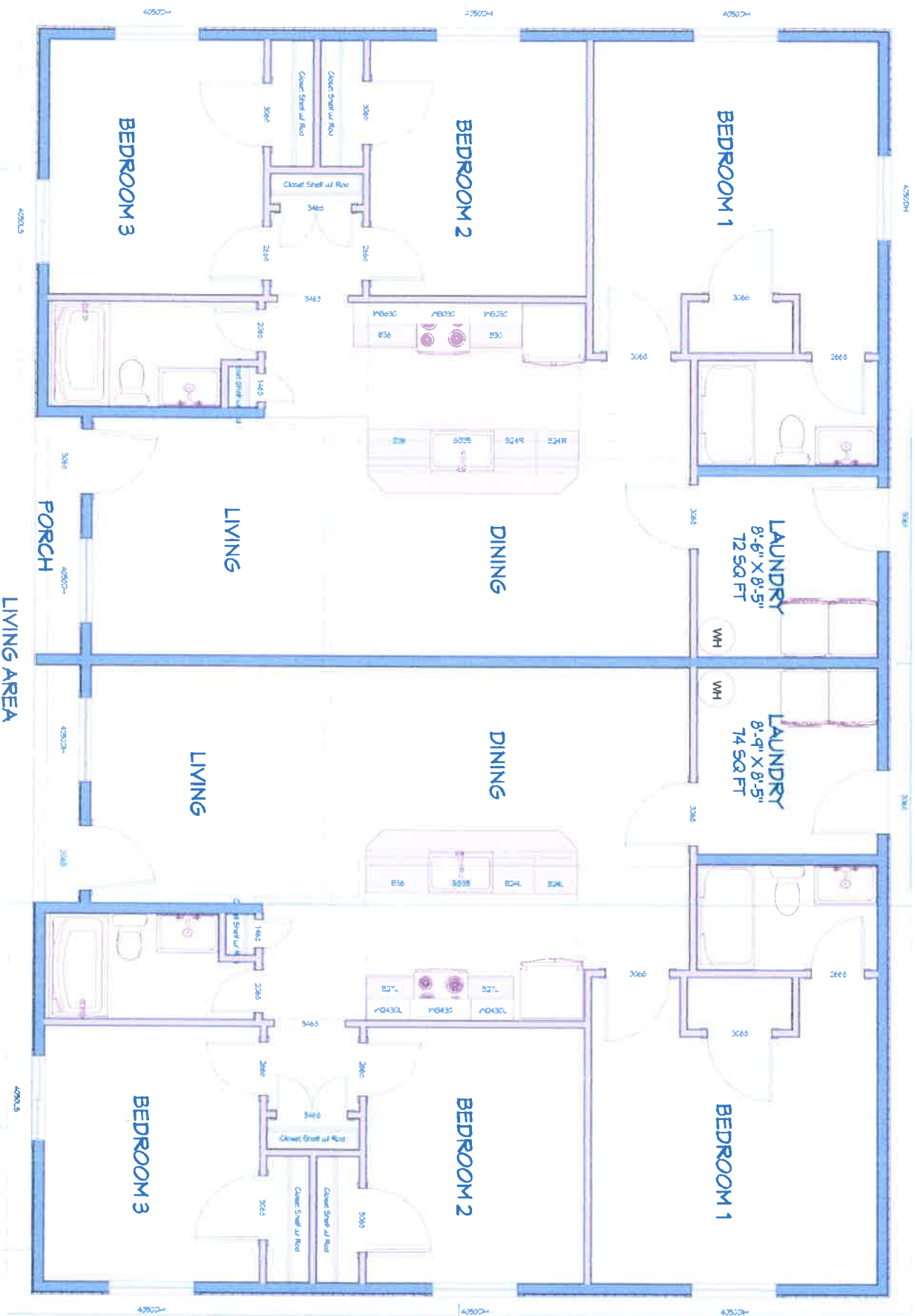






Mountain View DR

Site Plan



Floor Plan



A-8

SHEET:

SCALE:

DATE:

8/14/2024

DRAWINGS PROVIDED BY:

Rafter H Homes
Tyler Heely

Elevations

