



October 9, 2024, 6:00 PM
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

August 14, 2024

LEGISLATIVE ITEMS

Public Hearing*

3. Zone Change/Ordinance 2024-22: Kanab 160 LC

An application for a zone change from Agricultural (AG) to Residential 2 (R-2) by Ordinance 2024-22 for parcel 3-5-34-2, containing 160 acres, located east of the Lone Spur Subdivision. Submitted by Iron Rock Group, holding power of attorney.

Public Hearing*

4. Zone Change/Ordinance 2024-24: Hidden Canyon Holdings LLC

An application for a zone change from Agricultural (AG) to Rural 40 (RU-40) by Ordinance 2024-24 for parcel 1-9-1-1, containing 120 acres, located approximately a quarter mile off of Highway 9 near the Buffalo Ridge and Peaches Planned Unit Developments. Submitted by Kevin McLaws.

Public Hearing*

5. Zone Change/Ordinance 2024-25: Chamberlain Ranch Holdings LLC

An application for a zone change from Agricultural (AG) to Commercial 2 (C-2) by Ordinance 2024-25 for parcel 279-1, containing 10 acres, located near the North Fork Road roundabout on Highway 9. Submitted by Kevin McLaws.

ADMINISTRATIVE ITEMS

Public Hearing*

6. Lot Line Adjustment: De La Paz/Blackburn

An application to amend a subdivision plat for a lot line adjustment between lots 439 & 441, Swains Creek Pines, Unit 3. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing*

7. Lot Joinder: Fleming

An application to amend a subdivision plat for a lot joinder joining lots 540 & 541, becoming new lot 540, containing 1.04 acres, Swains Creek Pines, Unit 3. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing*

8. Lot Joinder: Bergevin

An application to amend a subdivision plat for a lot joinder joining lots 62 & 63, becoming new lot 63, containing 0.96 acres, and vacating (2) 7.5' public utility easements Meadow View Estates, Plat D. Submitted by Brent Carter, New Horizon Engineering holding power of attorney.

Public Hearing*

9. Lot Joinder: Swanson

An application to amend a subdivision plat for a lot joinder joining lots 31 & 49, becoming new lot 49, containing 0.87 acres and vacating (2) 5' public utility easements, Zion View Mountain Estates, Unit A. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing*

10. Lot Joinder: Wegener

An application to amend a subdivision plat for a lot joinder joining lots 118 & 119, becoming new lot 119, containing 0.54 acres, Zion View Mountain Estates, Unit A. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.

Public Hearing*

11. Lot Joinder: Williams/Radich

An application to amend a subdivision plat for a lot joinder joining lots 50 & 51, becoming new lot 50, containing 0.84 acres and joining lots 52 & 75, becoming new lot 75, containing 0.89 acres, and vacating (4) 7.5' public utility easements, Zion View Mountain Estates, Unit E. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.

Public Hearing*

12. Amended Plat/Ordinance 2024-26: Hackbart

An application to vacate, amend and extend a subdivision plat, by Ordinance 2024-26, vacating a portion of parcel 8-7-21-11 and joining it with lot 9, becoming new lot 9 containing 5.01 acres and vacating a portion of lot 9, joining it with lot 8, becoming new lot 8, containing 1.51 acres, Ponderosa Villa Plat F. Submitted by Mike Stewart, Red Sands Geomatics, 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.

DRAFT

2. Approval of Minutes

August 14, 2024

DRAFT

Public Hearing

3. Zone Change/Ordinance 2024-22: Kanab 160 LC

An application for a zone change from Agricultural (AG) to Residential 2 (R-2) by Ordinance 2024-22 for parcel 3-5-34-2, containing 160 acres, located east of the Lone Spur Subdivision. Submitted by Iron Rock Group, holding power of attorney.



Kane County Land Use
Authority

Staff Report

Kane County Land Use Administrator
DATE: September 10, 2024

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 24040: Zone Change Application, AG to R-2, Ordinance O-2024-22
Parcel 3-5-34-2 consisting of 160 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 public websites. A public notice was posted in two public locations, and a sign was posted on the lot.*

REQUEST: On September 10, 2024, Kanab 160 LLC, submitted a zone change application for parcel 3-5-34-2, east of Kanab City and east of the Lone Spur Subdivision in Kane County, Utah, requesting to rezone from Agricultural (AG) to Residential 2 (R-2). The intended use is to develop a subdivision.

LEGAL DESCRIPTION: THE W/2SE/4; & THE E/2SW/4 OF SEC 34 T43S R5W SLB&M. CONT 160.0 AC, M/L. LESS & EXCEPTING THEREFROM ANY PORTION OF SAID PROPERTY THAT MAY LIE WITHIN THE BOUNDS OF US HWY 89 OR OLD US HWY 89. SUBJECT TO R/W'S.

FACTS & FINDINGS:

- Parcel 3-5-34-2 meets the minimum acreage required to be zoned R-2. The parcel is currently zoned AG.
- The owner requests the parcel be zoned R-2 which requires a zone change.
- Surrounding lots and parcels are zoned R-1 and Agriculture.
- 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 parcel would gain access from Boulder Bluff Blvd.
- **9-6A-1: PURPOSE:** To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **Kane County General Plan**, 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.
- This parcel does not currently have fire protection in the area.
- If the zone change is approved the uses contained in the R-2 uses table will be allowed.
- The AG zone uses table is listed below showing the existing zone and current uses allowed.

9-5A-3: USES TABLE:

Uses	AG	AG-FAA
Accessory buildings and uses customarily incidental to conditional uses	C	C
Accessory buildings and uses customarily incidental to permitted uses	P	P
Agricultural industry or business including all livestock marketing, production, and wholesale	P	P
Agricultural tourism (agritourism)	P	P
Animal feed lot	P	P
Animal feeding operation	C	C
Apiary (beehives)	P	P
Automatic car wash	-	-
Automobile fuel filling station	-	-
Aviary	P	P
Bed and breakfast	P	-
Beer sales at public recreational facilities	C	-
Billiards or pool hall	-	-
Bowling alley; commercial skating	-	-
Boxing arena	-	-
Campground, glamp-ground, up to 7 sites for lots of 10 acres or more.	C	-
Cannabis, Marijuana, Hemp (without state license)	-	-

Cannabis production establishment (with state cannabis production establishment license) (must be located at least twelve and a half (12.5) miles away from any community location as the crow flies)	P	P
Commercial dwelling or residential facilities for elderly or disabled persons	P	-
Construction equipment and supply trailer, temporary	P	-
Convenience store with gasoline sales	-	-
Cottage industry that may be permitted to employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property	C	C
Dams, reservoirs and hydroelectric facilities	C	C
Dude ranch, family vacation ranch	C	C
Dwelling	P	P
Electrical power substation	C	C
Farms devoted to raising of chickens, turkeys or other fowl or poultry, fish and frogs	P	P
Forestry	P	P
Guest homes	P	P
Home occupation	P	P
Hotel, motel, inn	-	-
Industrial hemp (with state industrial hemp license) (must be located at least twelve and a half (12.5) miles away from any community location as the crow flies)	P	P
Kennel and/or cattery commercial or private	P	P
Large CAFO-Light	-	-
Large CAFO-Heavy	-	-
Lodges	C	-
Logging and lumber harvesting	P	P
Medical cannabis (with state medical cannabis license) (must be located at least twelve and a half (12.5) miles away from any community location as the crow flies)	P	P
Nightclub/social club	-	-
Parks	P	P
Park model	P	P
Parks, public	P	P
Personal agriculture, including crop production, grazing and pasturing of animals	P	P
Plant materials nursery or greenhouse	P	P
Power generation for on-site use under 50 kVA	P	P
Private airstrip	C	C

Private cemetery	P	P
Private roads	P	P
Processing and composting of State regulated Class A, B, and C biosolids and other acceptable organic waste such as chicken manure	C	C
Production agriculture, including crop and grazing and pasturing of animals	P	P
Public, quasi-public, and private service utility lines, pipelines, power lines, excluding overhead lines with base structure over 70 feet in height	P	P
Public riding stable, riding academy or riding ring, horse show barns, or facilities	P	P
Public use, quasi-public use, essential services, including accredited private school, with a curriculum corresponding to a public school	C	C
Radio and television transmitting stations and towers and wireless communications towers	C	C
Recreational grounds and facilities	C	C
Recreational vehicle park	-	-
Reservoir and hydroelectric facilities	C	C
Residential facilities	P	P
Second family dwelling for the household of a hired man or seasonal laborer, or members of owner's family	P	P
Seed/feed sales with no store front	P	P
Solar panels on a larger scale than residential producing 25 kW and above	C	C
Solar panels producing below 25 kW of energy	P	-
Solar power plant	C	-
Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment	P	-
Surface mines, quarries and gravel pits	C	-
Tourist based companies	P	-
Truck stop and truck wash	-	-
Underground mining, including underground and surface for mining and transporting of minerals and for processing such minerals for sale or use	C	-

(Ord. 2013-5, 8-12-2013, eff. 8-27-2013; amd. Ord. 2015-11, 7-27-2015; Ord. 2016-16, 12-12-2016; Ord. O-2017-14, 10-16-2017; Ord. O-2018-1, 1-12-2018; Ord. O-2018-2, 4-9-2018; Ord. O-2018-5, 7-9-2018; Ord. O-2019-2, 1-14-2019; Ord. O-2019-09, 5-14-2019; Ord. O-2019-25, 9-24-2019; Ord. O-2020-02, 1-28-2020; Ord. O-2020-05, 3-23-2020; Ord. 2020-20, 9-22-2020; Ord. 2020-22, 10-27-2020; Ord. O-2021-35, 9-14-2021; Ord. O-2021-38, 10-12-2021; Ord. O-2022-16, 3-22-2022; Ord. O-2022-23, 4-26-2022; Ord. O-2022-25, 5-24-2022; Ord. O-2023-13, 11-28-2023)

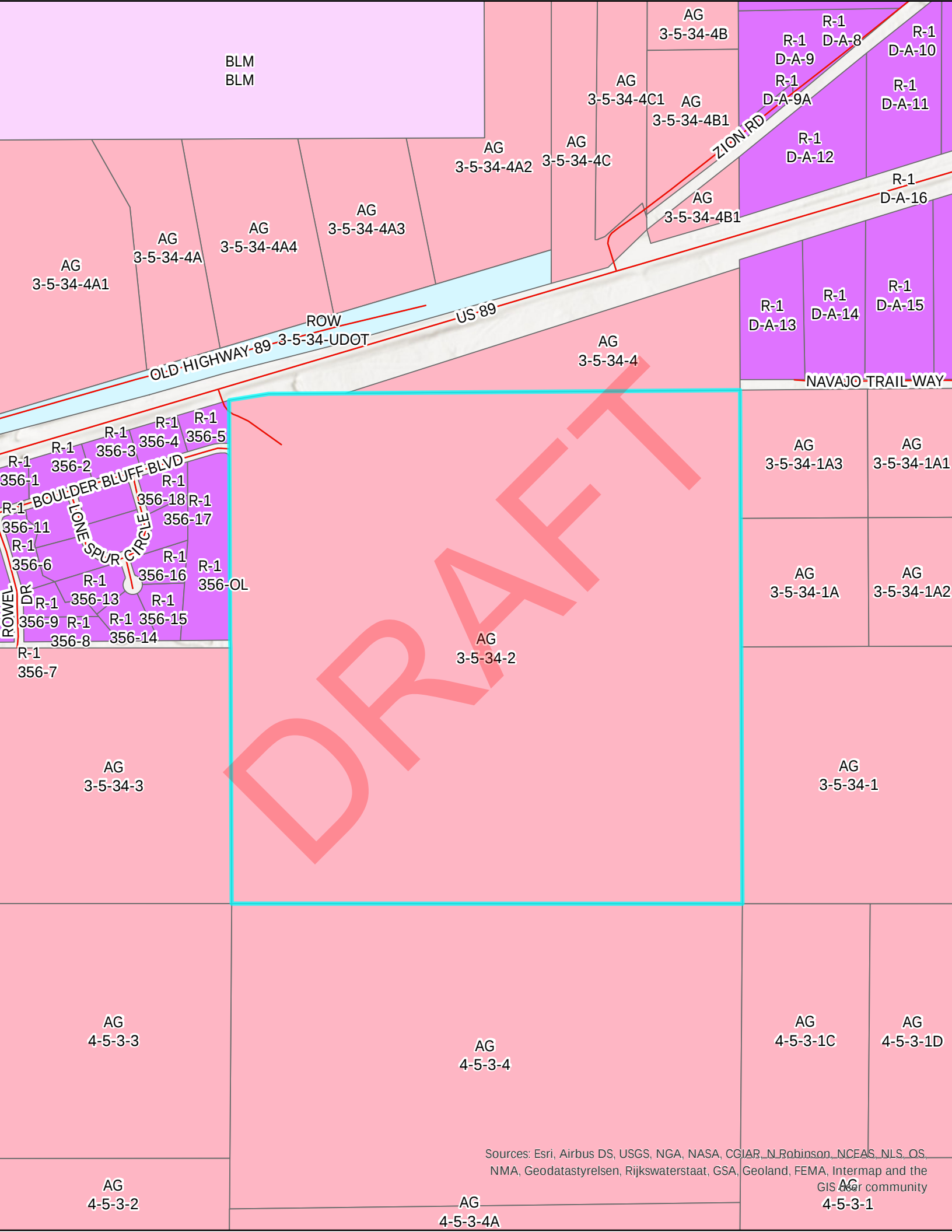
Conclusion: The applicant's request to rezone parcel 3-5-34-2, from AG to R-2, would remain consistent with the Kane County General Plan and give private property rights deference. In the interest of growth, it would be beneficial to Kane County to allow properties to be utilized for the intended use 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 parcel 3-5-34-2 from AG to R-2 & Ordinance O-2024-22 to the County Commission based on the facts and findings as documented in the staff report.







BLM
BLM

AG
3-5-34-4B

R-1
D-A-8

R-1
D-A-10

AG
3-5-34-4C1
AG
3-5-34-4B1

R-1
D-A-9

R-1
D-A-11

AG
3-5-34-4A2

AG
3-5-34-4C

R-1
D-A-12

R-1
D-A-16

AG
3-5-34-4A3

AG
3-5-34-4A4

AG
3-5-34-4A

AG
3-5-34-4A1

ROW
3-5-34-UDOT

US 89

AG
3-5-34-4

R-1
D-A-13

R-1
D-A-14

R-1
D-A-15

NAVAJO TRAIL WAY

AG
3-5-34-1A3

AG
3-5-34-1A1

AG
3-5-34-1A

AG
3-5-34-1A2

AG
3-5-34-2

AG
3-5-34-1

AG
3-5-34-3

AG
4-5-3-3

AG
4-5-3-4

AG
4-5-3-1C

AG
4-5-3-1D

AG
4-5-3-2

AG
4-5-3-4A

AG
4-5-3-1

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS,
NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the
GIS user community

KANE COUNTY ORDINANCE NO. O 2024-22

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 3-5-34-2
FROM AGRICULTURE TO RESIDENTIAL 2**

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-6A-1: PURPOSE: To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

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 27-27a-201- 205, 17-27a-308, and 17-27a-505;

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 3-5-34-2 from AG to R-2;

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

Parcel 3-5-34-2

LEGAL DESCRIPTION: THE W/2SE/4; & THE E/2SW/4 OF SEC 34 T43S R5W SLB&M. CONT160.0AC,M/L.LESS&EXCEPTINGTHEREFROMANYPORTIONOF SAID PROPERTY THAT MAY LIE WITHIN THE BOUNDS OF US HWY 89 OR OLD US HWY 89. SUBJECT TO R/W'S.

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

---- END OF ORDINANCE ----

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

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

ADOPTED this ____ day of _____, 2024.

ATTEST:

Chamille Lamb
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted ____
Commissioner Meyeres voted ____
Commissioner Kubeja voted ____

DRAFT

Public Hearing

4. Zone Change/Ordinance 2024-24: Hidden Canyon Holdings

An application for a zone change from Agricultural (AG) to Rural 40 (RU-40) by Ordinance 2024-24 for parcel 1-9-1-1, containing 120 acres, located approximately a quarter mile off of Highway 9 near the Buffalo Ridge and Peaches Planned Unit Developments. Submitted by Kevin McLaws.



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: September 18, 2024

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 24041: Zone Change Application, AG to RU-40, Ordinance O-2024-24
Parcels 1-9-1-1 consisting of a total of 120.00 acres

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

PROPERTY PROJECT HISTORY	
Project Number	Vacant Land
24024	Current zone is AG

REQUEST: On September 18, 2024, Hidden Canyon Holdings LLC, Kevin Mc Laws, submitted a zone change application for parcel 1-9-1-1, located approximately a quarter mile off Highway 9, close to Buffalo Ridge and Peaches Planned Unit Developments, requesting to rezone from AG to RU-40.

BACKGROUND: Parcel 1-9-1-1 is AG zoning.

Legal THE S/2SW/4: & THE SW/4SE/4 OF SEC 1 T41S R9W SLB&M, CONT 120.0 AC, M/L.

FACTS & FINDINGS:

- The parcel meets the minimum acreage required to be zoned RU-40. The parcel is currently zoned AG.
- The developer requests RU-40 zoning which requires a zone change.
- If the zone change is approved all uses contained in the RU-40 uses table will be allowed.

9-5C-6: USES TABLE:

Use	Rural 10		Rural 40	
Use			Rural 10	Rural 40
Accessory buildings and uses customarily incidental to conditional uses			C	C
Accessory buildings and uses customarily incidental to permitted uses			P	P
Animal shelter, commercial			C	C
Animal shelter, private			P	P

ATV tours & rentals	-	-
Building with a height greater than 35 feet	C	C
Cabins -- not to exceed 1500 Sq. ft. Limited to up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more	C	C
Campground/glamp-ground with up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more	C	C
Educational Shop	C	C
Fruit, fruit juice store; fruit and/or vegetable stand, or store	P	P
Gift shop; incidental to permitted uses	P	P
Golf courses	C	C
Helicopter tours	-	-
Helipad, private	-	C
Parks and other recreational areas	C	C
Parking lot incidental to a use conducted on the premises	P	P
Public parks and playground	P	P
Reception center and/or wedding chapel	P	P
Recreational center, recreational camp, facilities or area that is private and/or commercial	P	P
Recreational vehicle park	-	C
Restaurant	C	C
Shooting Range	C	C
Spa	C	C
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work	P	P
Tourist and tour guide companies or services	C	P
4x4 Vehicle tours & rentals	-	-

- All surrounding parcels are zoned AG and RU-40
- The parcel would gain access from Highway 9 onto Thurston's Coal Mine Road, a private road.
- All property owners within 500 ft. of this parcel have been mailed a public notice and a sign has been posted near the parcel.
- **9-5A-1: PURPOSE: (AG)** To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **9-5C-1: PURPOSE: (RU-40)** Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned

agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2023-03, 1-24-2023)

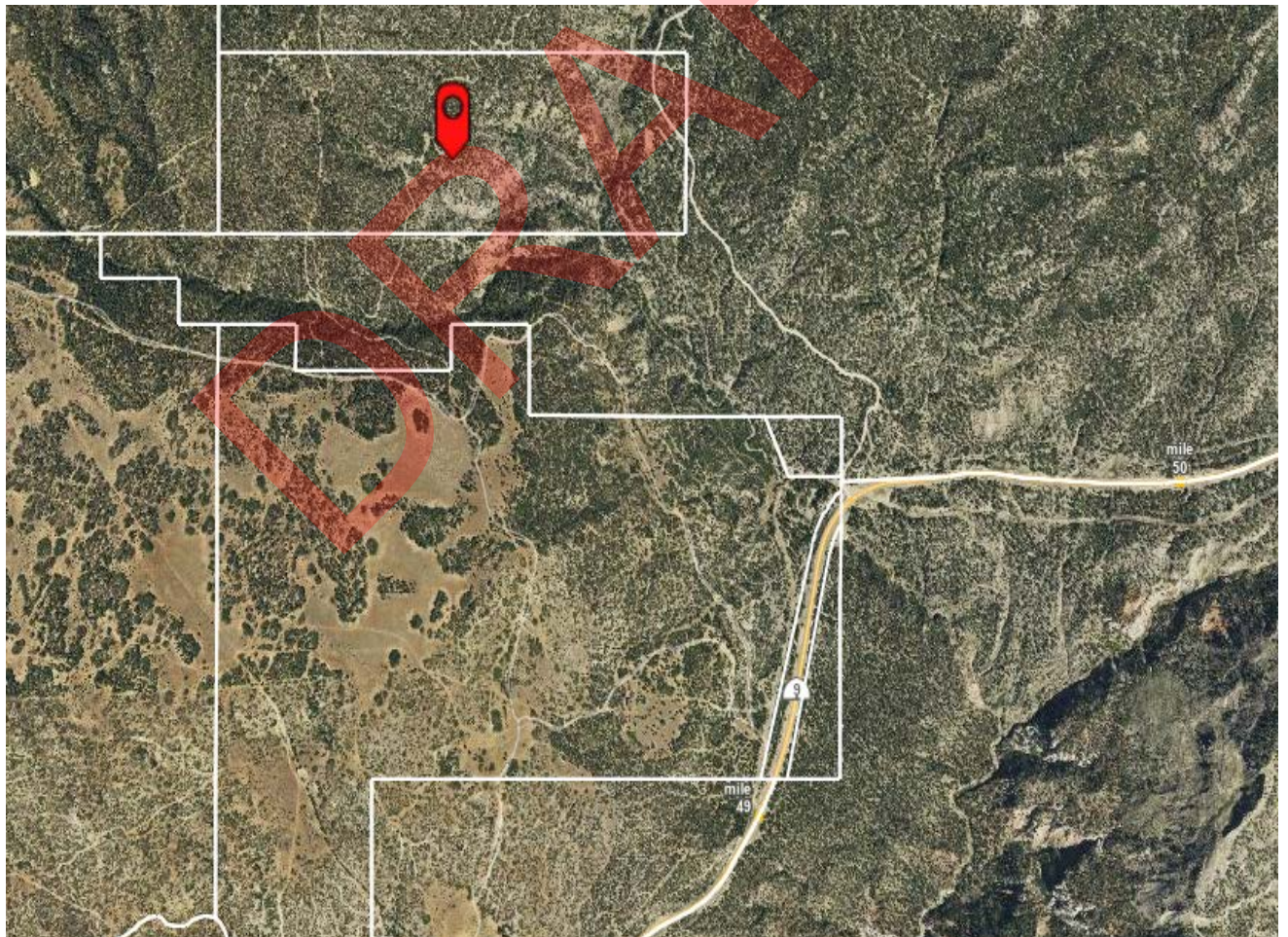
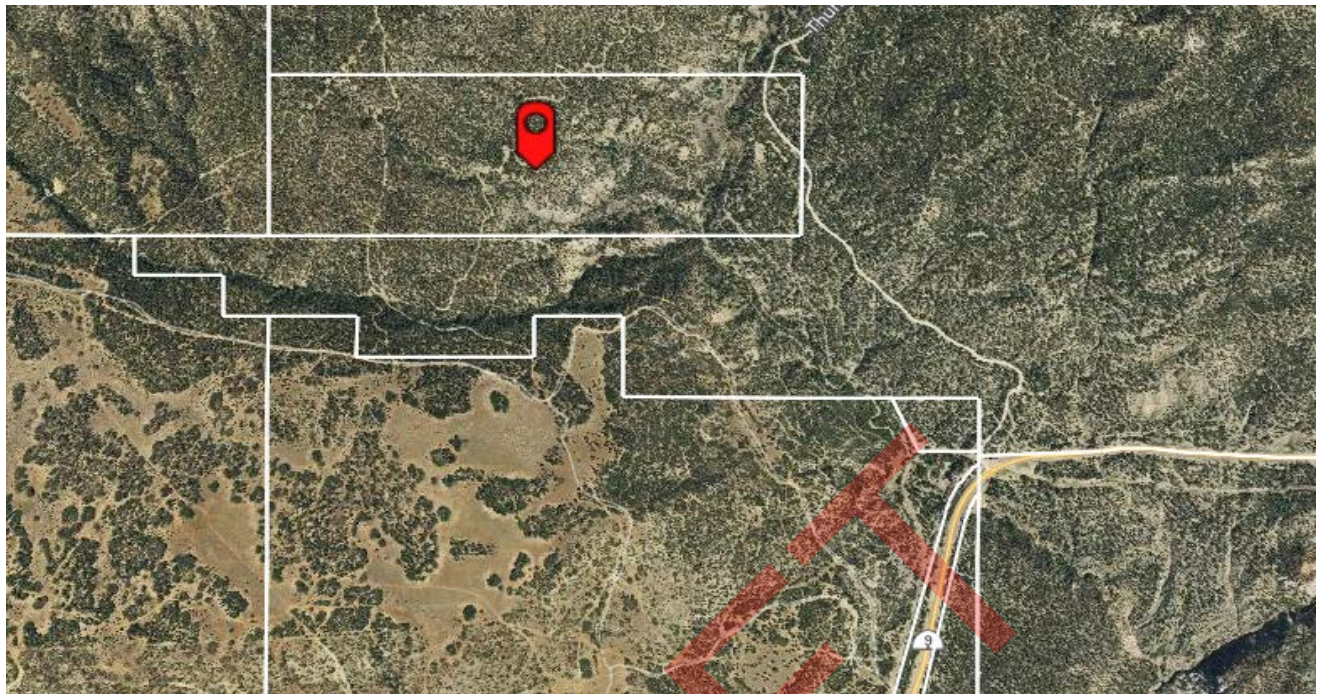
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
- **Kane County General Plan, Industrial and Commercial Land Use:** Industrial and commercial land uses are usually located at major highway intersections and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities.

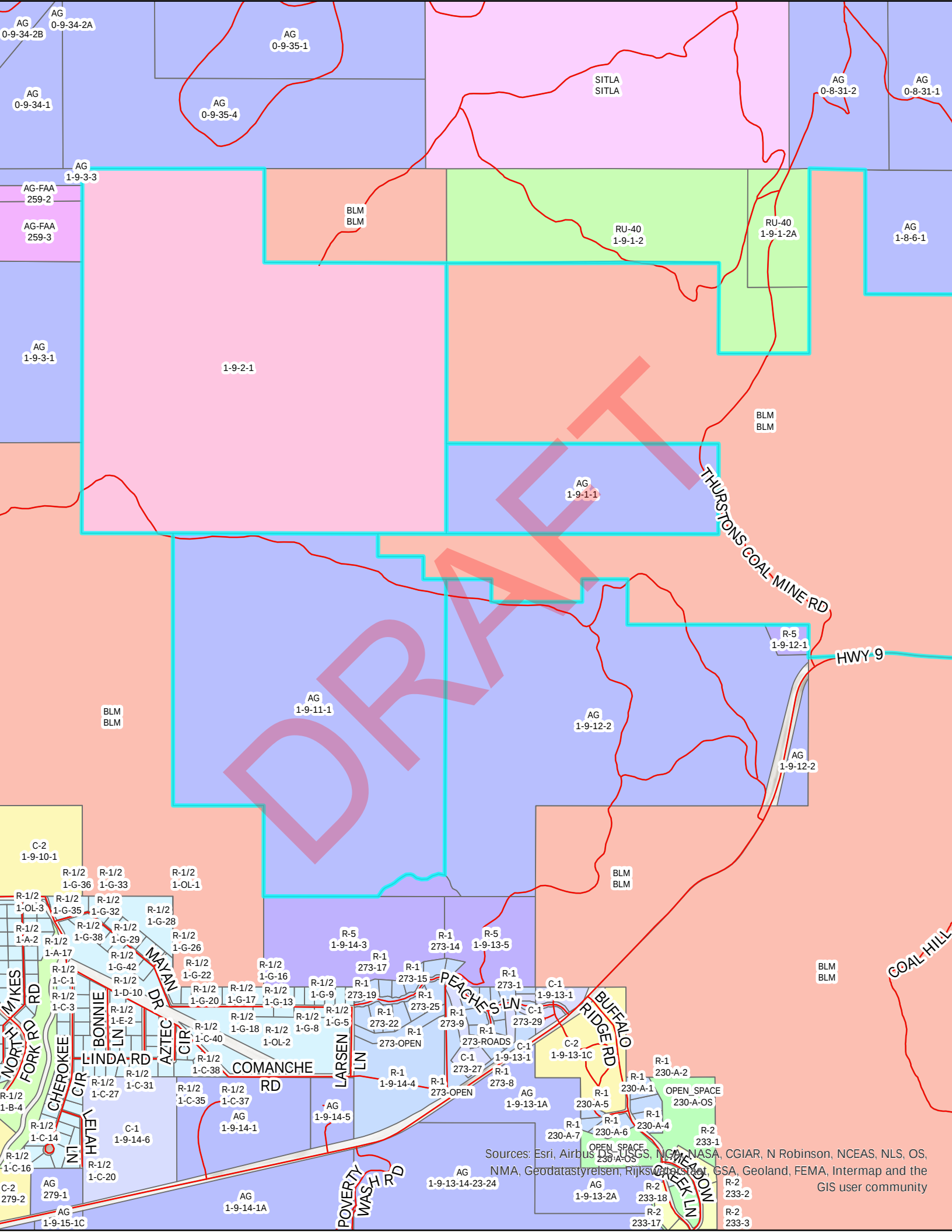
Conclusion: The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General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

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

If the zone change amendment is adopted, the regulations of the new zone of RU-40 can be found in the Kane County Land Use Ordinance, Chapter 5: Agriculture and Rural Zones RU-10 and RU-40.

MOTION: I move to recommend denying/approving the zone change from AG to RU-40 for parcel 1-9-1-1, & Ordinance O-2024-24 to the County Commission based on the facts and findings as documented in the staff report.





KANE COUNTY ORDINANCE NO. O 2024-24

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 1-9-1-1
FROM AGRICULTURE TO RURAL 40**

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

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

WHEREAS, the statutory authority for enacting this ordinance is Utah State Code Sections 27-27a-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 1-9-1-1 from AG to Rural 40;

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

Parcel 1-9-1-1

LEGAL DESCRIPTION: THE S/2SW/4: & THE SW/4SE/4 OF SEC 1 T41S R9W SLB&M, CONT 120.0 AC, M/L.

Is hereby rezoned from AG to Rural 40 and shall from here forth be zoned.

---- END OF ORDINANCE ----

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

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

ADOPTED this ____ day of _____, 2024.

ATTEST:

Chamille Lamb
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted ____
Commissioner Meyeres voted ____
Commissioner Kubeja voted ____

DRAFT

Public Hearing

5. Zone Change/Ordinance 2024-25: Chamberlain Ranch Holdings LLC

An application for a zone change from Agricultural (AG) to Commercial 2 (C-2) by Ordinance 2024-25 for parcel 279-1, containing 10 acres, located near the North Fork Road roundabout on Highway 9. Submitted by Kevin McLaws.



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: September 19, 2024

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 24049: Zone Change Application, AG to C-2, Ordinance O-2024-25
Lot 279-1 consisting of a total of 10.00 acres

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

PROPERTY PROJECT HISTORY	
Project Number	Vacant Land
24049	Current zone is AG

REQUEST: On September 18, 2024, Chamberlain Ranch Holdings LLC, Kevin Mc Laws, submitted a zone change application for lot 279-1, close to the North Fork roundabout entrance off of Hwy 9, requesting to rezone from AG to C-2.

BACKGROUND: Lot 279-1 is AG zoning.

Legal A PARCEL 1 NORTH FORK JUNCTION,A RURAL UNIMPROVED SUBDIVISION. COMM AT THE SE COR OF SEC 15 T41S R9W SLB&M; TH ALG THE E SEC LINE N 00°46'52" E 831.72 FT TO THE NLY R/W OF US HWY 9 & THE PT OF BEG, & RUN TH ALG SAID R/W S 78°38'04" W 779.90 FT; TH N 00°45'04" E 652.91 FT TO THE S 1/16 LINE OF SAID SEC; TH ALG SAID LINE S 89°17'30" E 762.77 FT TO THE E SEC LINE OF SAID SEC; TH ALG SAID LINE S 00°46' 52" W 489.74 FT TO THE PT OF BEG. CONT 10.00 AC (M/L)

FACTS & FINDINGS:

- The lot meets the minimum acreage required to be zoned C-2. The lot is currently zoned AG.
- The developer requests C-2 zoning which requires a zone change.
- If the zone change is approved all uses contained in the C-2 uses table will be allowed.

9-7C-2: USE REGULATIONS:

A. Permitted Uses: The following uses are permitted in the C-2 zone:

Any permitted use listed in the L-C and C-1 zones.

Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use.

Auditoriums, conference rooms, museums, theaters, libraries and community social centers.

Car wash (large).

Freight or trucking yard or terminal.

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

Heli pad commercial.
Propane storage tanks.
Repairing, renovating, painting and cleaning of goods, merchandise and equipment.
Retail and/or wholesale sale and/or rental of goods, merchandise and equipment, which may include storage and display outside an enclosed building.

B. Conditional Uses: The following uses are subject to the conditional use approval process outlined in chapter 15 of this title.

Accessory uses and buildings, customarily incidental and subordinate to an approved conditional use.

ATV's/UTV's rentals.

Dams and Reservoirs.

Hospital.

Hotel or motel.

Motor vehicle, trailer, camper and recreational vehicle sales agency.

Recreational Vehicle Parks.

Storage units.

Solar Power panels producing over 25 KW.

Substation.

C. Any combination of the above uses which meets all other provisions of this title.

D. Other: Any use not named which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the chapter by the Kane County Planning Commission in a public hearing and approval of the County Commission. (Ord. O-2022-42, 7-26-2022)

- All surrounding parcels are zoned AG and C-2
- The lot would gain access from Highway 9 and the North Fork Road.
- All property owners within 500 ft. of this lot have been mailed a public notice and a sign has been posted near the parcel.
- **(AG) 9-5A-1: PURPOSE:** To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **(C-2) 9-7C-1: PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. O-2022-42, 7-26-2022)
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.
- **Kane County General Plan, Industrial and Commercial Land Use:** Industrial and commercial land uses are usually located at major highway intersections and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities.

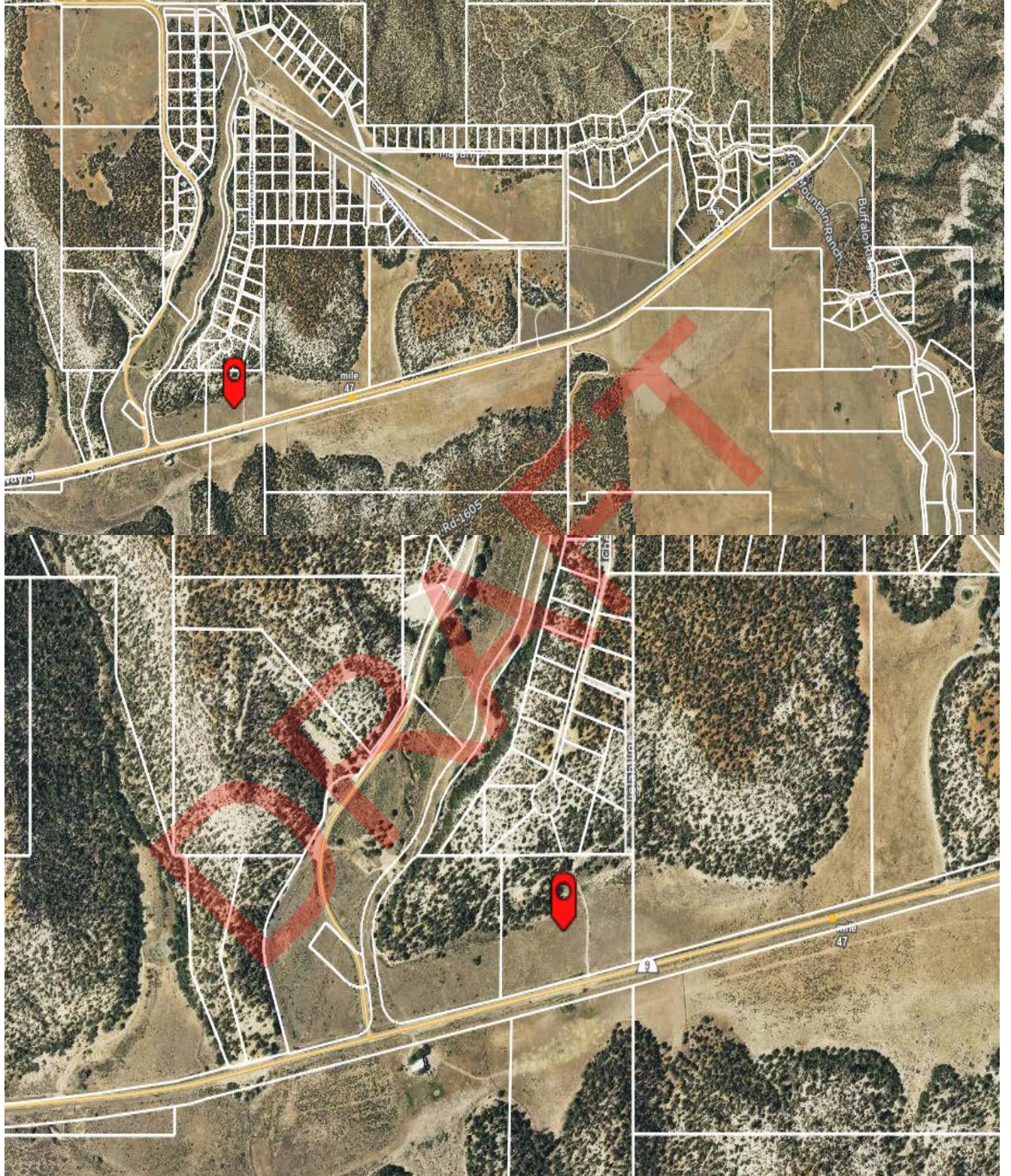
Conclusion: The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General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

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

If the zone change amendment is adopted, the regulations of the new zone of C-2 can be found in the Kane County Land Use Ordinance, Chapter 7: Commercial Zones.

MOTION: I move to recommend denying/approving the zone change from AG to C-2 for lot 279-1, & Ordinance O-2024-25 to the County Commission based on the facts and findings as documented in the staff report.

DRAFT



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 2024-25

**AN ORDINANCE AMENDING THE ZONING OF LOT 279-1
FROM AGRICULTURE TO C-2**

WHEREAS, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-7C-1: **PURPOSE:** The purpose of the commercial 2 zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (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 27-27a-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 279-1 from AG to C-2;

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

LOT 279-1

LEGAL DESCRIPTION: ARCEL 1 NORTH FORK JUNCTION, A RURAL UNIMPROVED SUBDIVISION. COMM AT THE SE COR OF SEC 15 T41S R9W SLB&M; TH ALG THE E SEC LINE N 00°46'52" E 831.72 FT TO THE N'LY R/W OF US HWY 9 & THE PT OF BEG, & RUN TH ALG SAID R/W S 78°38'04" W 779.90 FT; TH N 00°45'04" E 652.91 FT TO THE S 1/16 LINE OF SAID SEC; TH ALG SAID LINE S 89°17'30" E 762.77 FT TO THE E SEC LINE OF SAID SEC; TH ALG SAID LINE S 00°46' 52" W 489.74 FT TO THE PT OF BEG. CONT 10.00 AC (M/L).

Is hereby rezoned from AG to C-2 and shall from here forth be zoned.

---- END OF ORDINANCE ----

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

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

ADOPTED this ____ day of _____, 2024.

ATTEST:

Chamille Lamb
Kane County Clerk

Patty Kubeja, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted ____
Commissioner Meyeres voted ____
Commissioner Kubeja voted ____

DRAFT

Public Hearing

6. Lot Line Adjustment: De La Paz/Blackburn

An application to amend a subdivision plat for a lot line adjustment between lots 439 & 441, Swains Creek Pines, Unit 3. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

STAFF REPORT

DATE: 9/19/2024

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Line Adjustment, on behalf of Rudolf R. De La Paz, Trustee of the R.J.J.R. Trust Dated April 2, 2004 and Diane De La Paz and Steven J. Blackburn and Gina Marie Blackburn in the Swains Creek Pines Subdivision, Unit 3, lots 439 and 441, within SE ¼ Section 27, T38S, R7W SLB & M. The project was surveyed by Brent Carter with New Horizon Engineering. The owners are adjusting the line due to drive way access. These lots are zoned Residential 1/2 (R-1/2), as are most surrounding lots in the area. The zoning will remain the same.

The reason for the lot line adjustment is to address a drive way crossing property lines.

FINDINGS: Amending (lot line adjustment) 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. 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.

STAFF DETERMINATIONS: Kane County Engineer, Iron Rock Group, 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 **approve/deny** the amended subdivision plat for a Lot Line Adjustment, in the Swains Creek Pines Subdivision, Unit 3, lots 439 and 441, based on the findings documented in the staff report.

THANK YOU.



76 North Main Street, Kanab, Utah 84741

AMENDED PLAT OF LOTS 439 & 441, SWAINS CREEK PINES, UNIT 3

WITHIN THE SE 1/4 SECTION 27, T38S-R7W, S.L.B.&M.

OWNERS INFORMATION

LOT 439: STEVEN J. BLACKBURN AND GINA MARIE BLACKBURN
517 W. MESQUITE BLVD. UNIT 1012 MESQUITE, NEVADA 89027

LOT 441: RUDOLF R. DE LA PAZ TRUSTEE OF THE R.S.J.R. TRUST, DATED APRIL 2, 2004
AND DIANE DE LA PAZ
HC 82 BOX 1226 DUCK CREEK VILLAGE, UTAH 84762-1226

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, I DO HEREBY ORDER THAT IT BE FILED FOR RECORD IN THE OFFICE OF THE KANE COUNTY RECORDER.

LAND USE AUTHORITY CHAIRMAN - KANE COUNTY

COUNTY SURVEYOR CERTIFICATE

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, I DO HEREBY APPROVE AND ORDER TO BE RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER.

KANE COUNTY SURVEYOR

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

GENERAL NOTES

1-THERE ARE NO FENCES ON THE SUBJECT LOTS.
2-BOTH PROPERTIES ARE CONNECTED TO THE KANE COUNTY WATER CONSERVANCY DISTRICT WATER SYSTEM.

OWNERS CONSENT

THE OWNER(S) OF THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION, CONSENT TO THE ADJUSTING OF THE LOT LINE BETWEEN LOTS 439 & 441, AS PER THIS PLAT.
IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER WITH POWER OF ATTORNEY FOR:
STEVEN J. BLACKBURN

NEWELL BRENT CARTER WITH POWER OF ATTORNEY FOR:
GINA MARIE BLACKBURN

NEWELL BRENT CARTER WITH POWER OF ATTORNEY FOR:
RUDOLF R. DE LA PAZ, TRUSTEE OF THE R.S.J.R. TRUST, DATED APRIL 2, 2004

NEWELL BRENT CARTER WITH POWER OF ATTORNEY FOR:
DIANE DE LA PAZ

ACKNOWLEDGEMENT

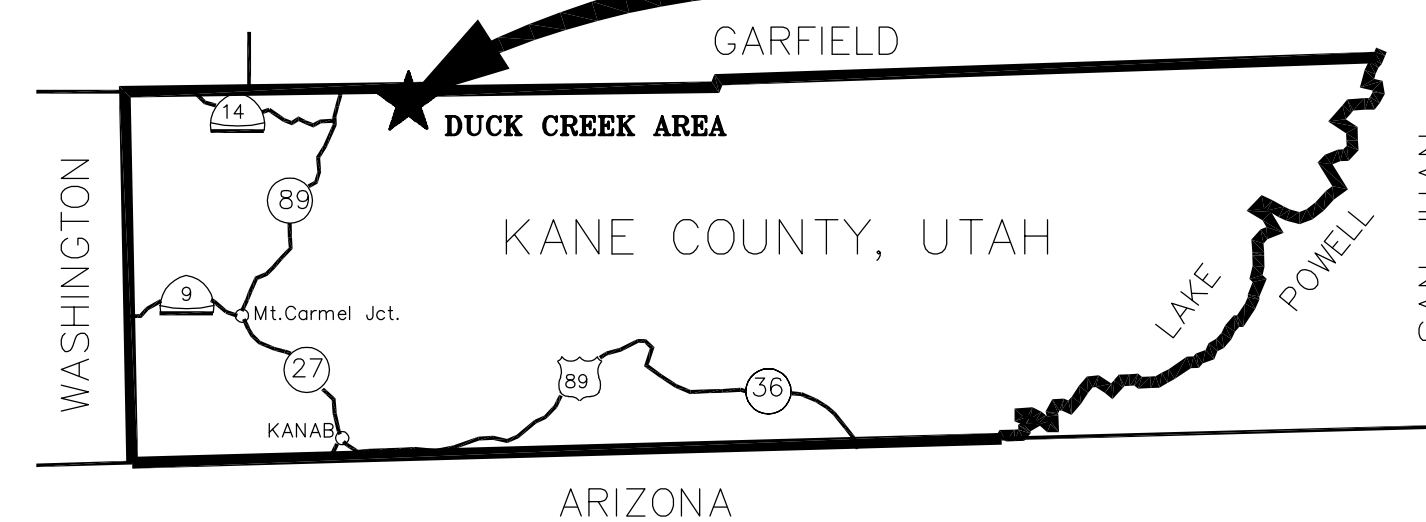
STATE OF _____ }
COUNTY OF _____ }

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER WITH POWER OF ATTORNEY FOR: STEVEN J. BLACKBURN, GINA MARIE BLACKBURN, RUDOLF R. DE LA PAZ, TRUSTEE OF THE R.S.J.R. TRUST, DATED APRIL 2, 2004 AND DIANE DE LA PAZ, THE SIGNERS OF THE OWNERS DEDICATION WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE OWNER(S) OF THE ABOVE DESCRIBED PROPERTY.

NOTARY PUBLIC

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

PROJECT LOCATION



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 439 & 441, SWAINS CREEK PINES, UNIT 3", Located in Kane County, Utah. As shown hereon and described as follows:

LEGAL DESCRIPTION OF THAT PORTION OF SWAINS CREEK PINES, UNIT 3, EFFECTED BY THIS AMENDMENT:

LOTS 439 & 441, SWAINS CREEK PINES, UNIT 3, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE ORIGINAL NE CORNER LOT 441, SWAINS CREEK PINES, UNIT 3; RUNNING THENCE S13°37'00"W 181.72 FEET TO THE ORIGINAL SE CORNER OF LOT 441; THENCE S76°27'18"E 17.61 FEET TO THE ORIGINAL NE CORNER OF LOT 439; THENCE S24°55'04"W 115.00 FEET TO THE ORIGINAL SE CORNER OF LOT 439; THENCE N71°44'31"W 277.72 FEET TO THE ORIGINAL SW CORNER OF LOT 439; THENCE N00°08'51"W 37.00 FEET TO THE ORIGINAL PC OF A CURVE TO THE RIGHT, (LOT 439) CURVE DATA" DELTA=17°58'53", RADIUS=173.28', CHORD= N08°50'36"E 54.16'; THENCE ALONG THE ARC OF SAID CURVE 54.38 FEET TO THE ORIGINAL NW CORNER OF LOT 439; THENCE S76°27'18"E 170.04 FEET TO THE ORIGINAL SW CORNER OF LOT 441; THENCE N13°37'00"E 179.88 FEET TO THE ORIGINAL NW CORNER OF LOT 441; THENCE S77°18'00"E 125.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.21 ACRES.

NEWELL BRENT CARTER

DATE

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF STEVEN J. BLACKBURN, GINA MARIE BLACKBURN, RUDOLF R. DE LA PAZ TRUSTEE OF THE R.S.J.R. TRUST, DATED APRIL 2, 2004 AND DIANE DE LA PAZ TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, TO SATISFY THE REQUIREMENTS OF A LOT LINE ADJUSTMENT WITHIN A PLATTED SUBDIVISION AND TO PROVIDE A RECORD OF SAID SURVEY.
THE BASIS OF BEARING IS N76°27'18"W 352.75' BETWEEN THE NE CORNER LOT 439 (FOUND 1/2" REBAR) AND THE NE CORNER OF LOT 414 (FOUND NHES 1/2" REBAR & CAP), SWAINS CREEK PINES, UNIT 3. AS PER THE OFFICIAL PLAT THEREOF.

CERTIFICATE OF RECORDING

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

BOOK _____ PAGE _____ FEE _____ KANE COUNTY RECORDER

ENTRY NO.: _____ DATE _____ TIME _____

RECORDED AT THE REQUEST OF: _____

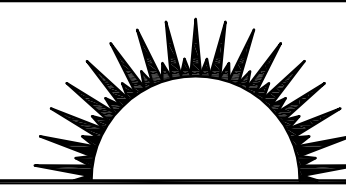
KANE COUNTY

AMENDED PLAT OF LOTS 439 & 441,
SWAINS CREEK PINES, UNIT 3

PREPARED FOR:
RUDOLF R. DE LA PAZ & STEVEN J. BLACKBURN

LOCATION: SE 1/4 SECTION 27, T38S-R7W, S.L.B.&M.
SWAINS CREEK PINES, UNIT 3

DATE: 11/3/2022 REVISION#2: 09/27/2024



NEW HORIZON

Engineering & Surveying LLC

4103 N. Morgan Drive
Enoch UT, 84721

(435) 559-4104
bcarter@mail2engineer.com

Public Hearing

7. Lot Joinder: Fleming

An application to amend a subdivision plat for a lot joinder joining lots 540 & 541, becoming new lot 540, containing 1.04 acres, Swains Creek Pines, Unit 3. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.



STAFF REPORT

DATE: 9/18/2024

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Steven and Phyllis Fleming, in the Swains Creek Pines Subdivision, Unit 3, consisting of lots 540 & 541, becoming new lot 540, containing 1.04 acres, within NW ¼, NW 1/4 Section 26, T38S, R7W, SLB & M. The project was surveyed and submitted by Brent Carter, New Horizon Engineering, holding power of attorney. These lots are zoned Residential 1/2 (R-1/2), as are most surrounding lots in the area. The zoning will remain the same.

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

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

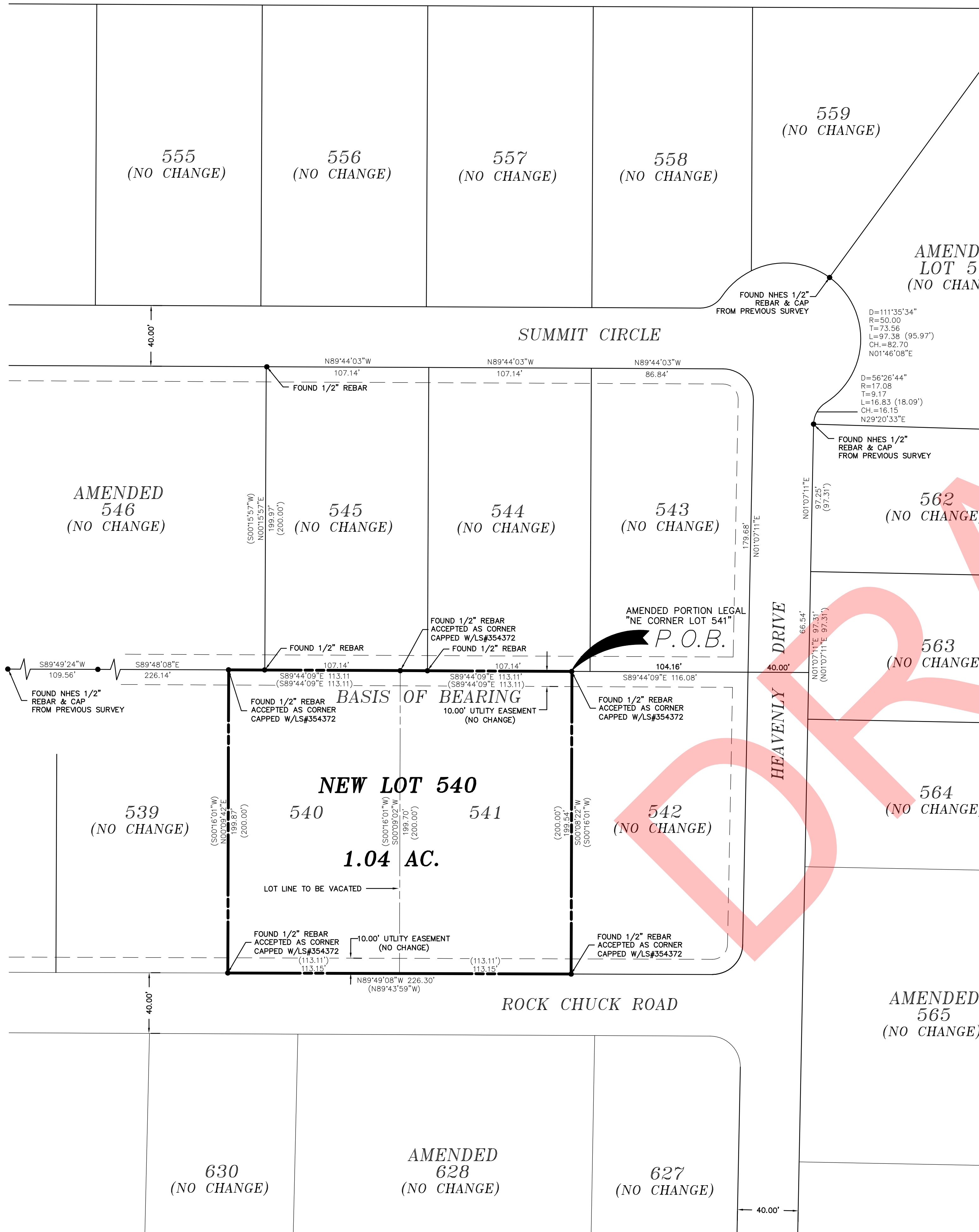
STAFF DETERMINATIONS: Kane County Engineer, Tom Avant, Iron Rock Group, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with county and state ordinance requirements.

MOTION: I move to **approve/deny** the amended subdivision plat for a Lot Joinder in the Swains Creek Pines Subdivision, Unit 3, consisting of lots 540 and 541 becoming new lot 540, based on the findings documented in the staff report.

THANK YOU.

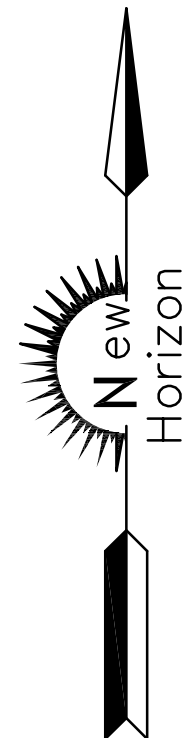
AMENDED PLAT OF LOTS 540 & 541, SWAINS CREEK PINES, UNIT 3

WITHIN NW1/4 NW1/4 SECTION 26, T38S-R7W, S.L.B.&M.



OWNER INFO:
STEVEN W. FLEMING AND PHYLIS H. FLEMING
AS TRUSTEES OF THE FLEMING LIVING TRUST
DATED MARCH 2, 2015
1098 N. VIA TRANQUILA
WASHINGTON, UTAH 84780

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



LEGEND

- SECTION CORNER
- FOUND 3/8" REBAR MONUMENT
- SET REBAR & PLASTIC CAP L.S. NO. 354372
- (100.00') RECORD DIMENSION
- SUBDIVISION LOT LINE
- LOT BOUNDARY
- LOT LINE TO BE VACATED

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 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 _____ 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 541 & ADDING THAT AREA TO LOT 540, AS PER THIS PLAT.
IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS P.O.A. FOR STEVEN W. FLEMING
AS TRUSTEE OF THE FLEMING LIVING TRUST DATED MARCH 2, 2015

NEWELL BRENT CARTER AS P.O.A. FOR PHYLIS H. FLEMING
AS TRUSTEE OF THE FLEMING LIVING TRUST DATED MARCH 2, 2015

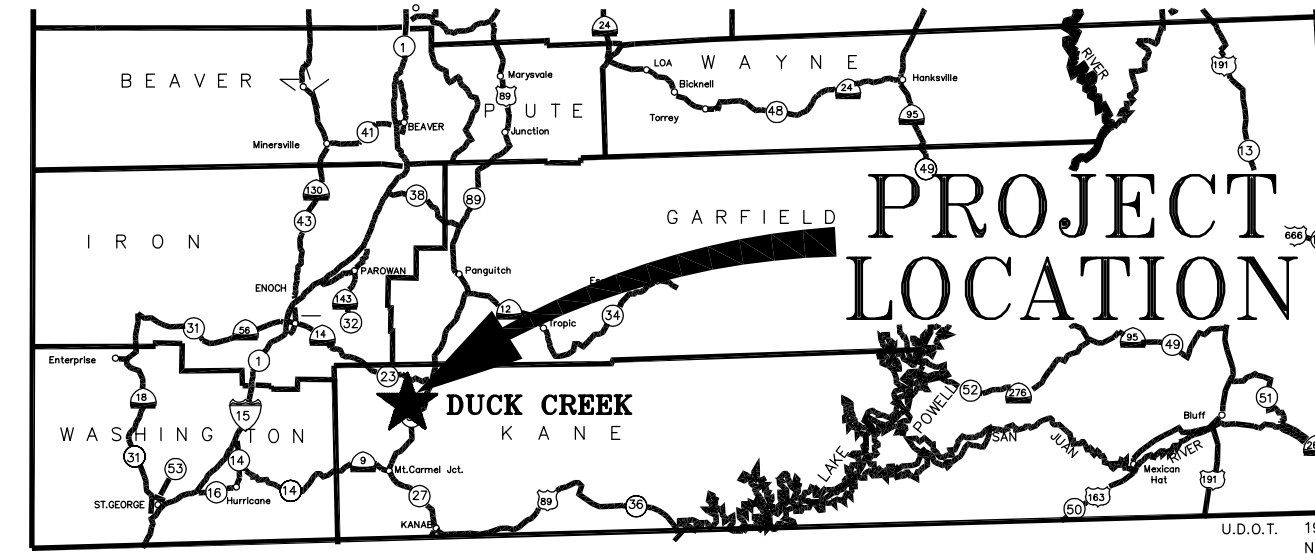
ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR STEVEN W. FLEMING AND PHYLIS H. FLEMING AS TRUSTEES OF THE FLEMING LIVING TRUST DATED MARCH 2, 2015, THE SIGNERS OF THE OWNERS CONSENT WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, NEWELL BRENT CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 354372, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE THIS PLAT OF "AMENDED PLAT OF LOTS 540 & 541, SWAINS CREEK PINES, UNIT 3", LOCATED IN KANE COUNTY, UTAH, AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF SWAINS CREEK PINES, UNIT 3 EFFECTED BY THIS AMENDMENT:

(NEW LOT 540) LOTS 540 & 541, SWAINS CREEK PINES, UNIT 3, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER LOT 541, SWAINS CREEK PINES, UNIT 3; RUNNING THENCE S00°08'22"W 199.54 FEET TO THE ORIGINAL SE CORNER OF LOT 541; THENCE N89°49'08"W 226.30 FEET TO THE ORIGINAL SW CORNER OF LOT 540; THENCE N00°09'42"E 199.87 FEET TO ORIGINAL NW CORNER OF LOT 540; THENCE S89°44'09"E 226.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.04 AC.

NEWELL BRENT CARTER

DATE

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF STEVEN W. FLEMING AND PHYLIS H. FLEMING AS TRUSTEES OF THE FLEMING LIVING TRUST DATED MARCH 2, 2015 TO ESTABLISH THE BOUNDARY AND MONUMENT THE CORNERS OF THE LOTS SHOWN HEREON, TO SATISFY THE REQUIREMENTS OF A PLAT AMENDMENT, AND TO PROVIDE A RECORD OF SAID SURVEY.
THE BASIS OF BEARING IS S89°44'09"E 226.22 FEET BETWEEN THE NW CORNER OF LOT 540 (FOUND 1/2" REBAR) AND THE NE CORNER LOT 541 (FOUND 1/2" REBAR), SWAINS CREEK PINES, UNIT 3. AS PER THE OFFICIAL PLAT THEREOF.

CERTIFICATE OF RECORDING

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

BOOK _____ PAGE _____ FEE _____

KANE COUNTY RECORDER

ENTRY NO.: _____ DATE _____ TIME _____

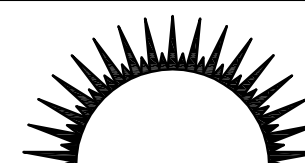
RECORDED AT THE REQUEST OF: _____

KANE COUNTY AMENDED PLAT OF LOTS 540 & 541, SWAINS CREEK PINES, UNIT 3

PREPARED FOR: FLEMING LIVING TRUST DATED MARCH 2, 2015

LOCATION: SECTION 26, T38S-R7W, S.L.B.&M.
SWAINS CREEK PINES, UNIT 3

DATE: 9/14/2024 REVISION #1: 9/24/2024



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

Public Hearing

8. Lot Joinder: Bergevin

An application to amend a subdivision plat for a lot joinder joining lots 62 & 63, becoming new lot 63, containing 0.96 acres, and vacating (2) 7.5' public utility easements Meadow View Estates, Plat D. Submitted by Brent Carter, New Horizon Engineering holding power of attorney.



STAFF REPORT

DATE: 9/18/24

PROJECT: A complete application for Amending and Vacating a Subdivision Plat for a lot joiner, combining lots 62 & 63, becoming new lot 63, consisting of .96 acres, and vacating two (2) 7.5 ft. public utility easements, in the Meadow View Estates Subdivision, Plat "D", consisting of .96 acres, within the SW ¼, Section 7, T38S, R7W SLB & M on behalf of Dean and Sherma Bergevin. 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 joiner request is to save on taxes.

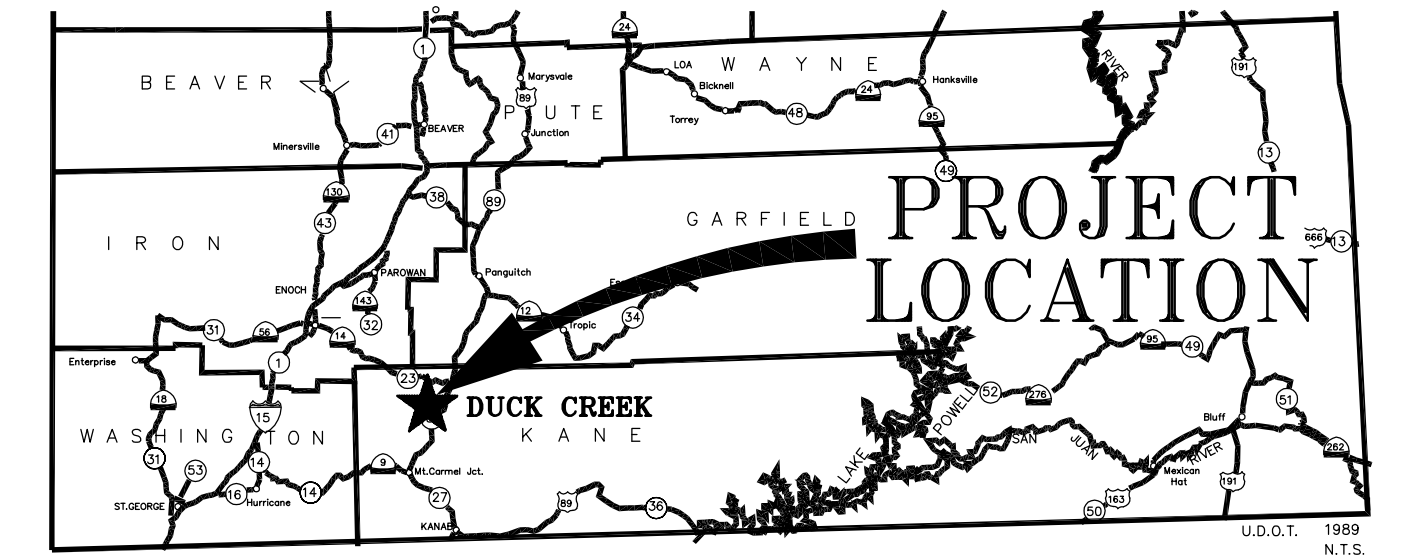
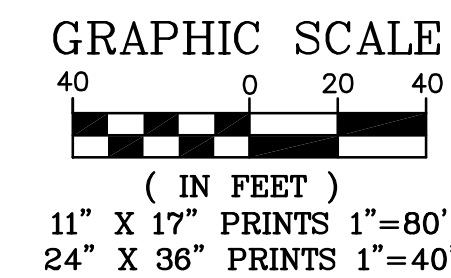
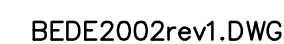
FINDINGS: Amending (joining) lots 62 & 63 and vacating two (2) 7.5-foot public utility easements for the above-stated lots conforms to the standards in Kane County Land Use Ordinance 9-21E-9 (A-F) and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5. All requirements have 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 joiner, combining lots 62 & 63 becoming new lot 63 and vacating two (2) 7.5 ft. public utility easements, in the Meadow View Estates, Plat "D" based on the findings documented in the staff report.

THANK YOU.

~~WITHIN NW 1/4 SECTION 7, T38S-R7W, S.L.B.&M., KANE COUNTY, UTAH.~~



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 62 & 63, MEADOW VIEW ESTATES PLAT "D"", LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 62 & 63, MEADOW VIEW ESTATES PLAT "D" AFFECTED BY THIS AMENDMENT:

(NEW LOT 63) LOTS 62 & 63, MEADOW VIEW ESTATES PLAT "D". MORE PARTICULARLY DESCRIBED AS FOLLOWS: AT THE ORIGINAL NORTH CORNER LOT 63, MEADOW VIEW ESTATES PLAT "D", RUNNING THENCE S36°14'52"E 210.26 FEET TO THE ORIGINAL NORTH PC OF LOT 62; CURVE TO THE RIGHT, CURVE DATA: DELTA=78°33'16", RADIUS=15.00", CHORD=S03°01'46" W 18.99; THENCE ALONG THE ARC OF SAID CURVE 20.57 FEET TO THE PIT; THENCE S42°18'24" W 176.22 FEET TO THE ORIGINAL SOUTH CORNER OF LOT 63; THENCE S37°42'15" W 22.57 FEET TO THE POINT OF BEGINNING OF LOT 62; THENCE N43°08'28"E 193.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.96 ACRES.

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

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

LAND USE AUTHORITY CHAIRMAN – KANE COUNTY

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

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 62 & ADDING THAT AREA TO LOT 63, AS PER THIS PLAT.

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

NEWELL BRENT CARTER AS P.O.A. FOR DEAN HARVEY BERGEVIN,
AS TRUSTEE OF THE DEAN AND SHERMA BERGEVIN FAMILY TRUST, DATED DECEMBER 30, 2013.

NEWELL BRENT CARTER AS P.O.A. FOR SHERMA JEANE BERGEVIN,
AS TRUSTEE OF THE DEAN AND SHERMA BERGEVIN FAMILY TRUST, DATED DECEMBER 30, 2013.

STATE OF _____
COUNTY OF _____

ON THE ____ DAY OF _____, 20____ PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR DEAN HARVEY BERGEVIN AND SHERMA JEANE BERGEVIN, AS TRUSTEES OF THE DEAN AND SHERMA BERGEVIN FAMILY TRUST, DATED DECEMBER 30, 2013, 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, _____ CHAIRMAN OF THE KANE COUNTY COMMISSION OF KANE COUNTY, DO HEREBY CERTIFY THAT THIS PLAT OF "AMENDED PLAT OF LOT 1 AND 6, 3RD FLOW VIEW ESTATES PLAT "D", 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.

CHAIRMAN – KANE COUNTY COMMISSION

ATTEST:
KANE COUNTY CLERK

THIS SURVEY WAS DONE AT THE REQUEST OF DEAN AND SHERMA BERGEVIN FAMILY TRUST, DATED DECEMBER 30, 2013 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 S42°12'42"W 301.62 BETWEEN THE EAST CORNER LOT 95 (FOUND NHES 1/2" REBAR & CAP) AND THE SOUTH CORNER LOT 97 (5/8" REBAR & CAP LS#8953), MEADOW VIEW ESTATES PLAT "D". AS PER THE OFFICIAL PLAT THEREOF.

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

BOOK_____ PAGE_____ FEE_____

_____ KANE COUNTY RECORDER

ENTRY NO.: _____ DATE _____ TIME _____

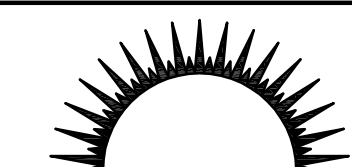
RECORDED AT THE REQUEST OF: _____

PREPARED FOR: DEAN AND SHERMA BERGEVIN FAMILY TRUST

LOCATION: NW 1/4 SECTION 7, T38S-R7W, S.L.B.&M.

MEADOW VIEW ESTATES PLAT "D"

DATE:	9/9/2024	REVISION #1:	9/24/2024
-------	----------	--------------	-----------



NEW HORIZON
Engineering & Surveying LLC

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

Public Hearing

9. Lot Joinder: Swanson

An application to amend a subdivision plat for a lot joinder joining lots 31 & 49, becoming new lot 49, containing 0.87 acres and vacating (2) 5' public utility easements, Zion View Mountain Estates, Unit A. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.



STAFF REPORT

DATE: 9/19/24

PROJECT: A complete application for Amending and Vacating a Subdivision Plat for a lot joiner, combining lots 31 & 49, becoming new lot 49, consisting of .87 acres, and vacating two (2) 5 -feet public utility easements, in the Zion View Mountain Estates, Revised, Unit A, consisting of .87acres, within the Section 2 T39S, R7W SLB & M, on behalf of Glen and Dianne Swanson. 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 joiner request is to save on taxes.

FINDINGS: Amending (joining) lots 31 & 49 and vacating two (2) 5-ft. 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 that was visible to the public indicating the vacating of two (2) 5 ft. 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.

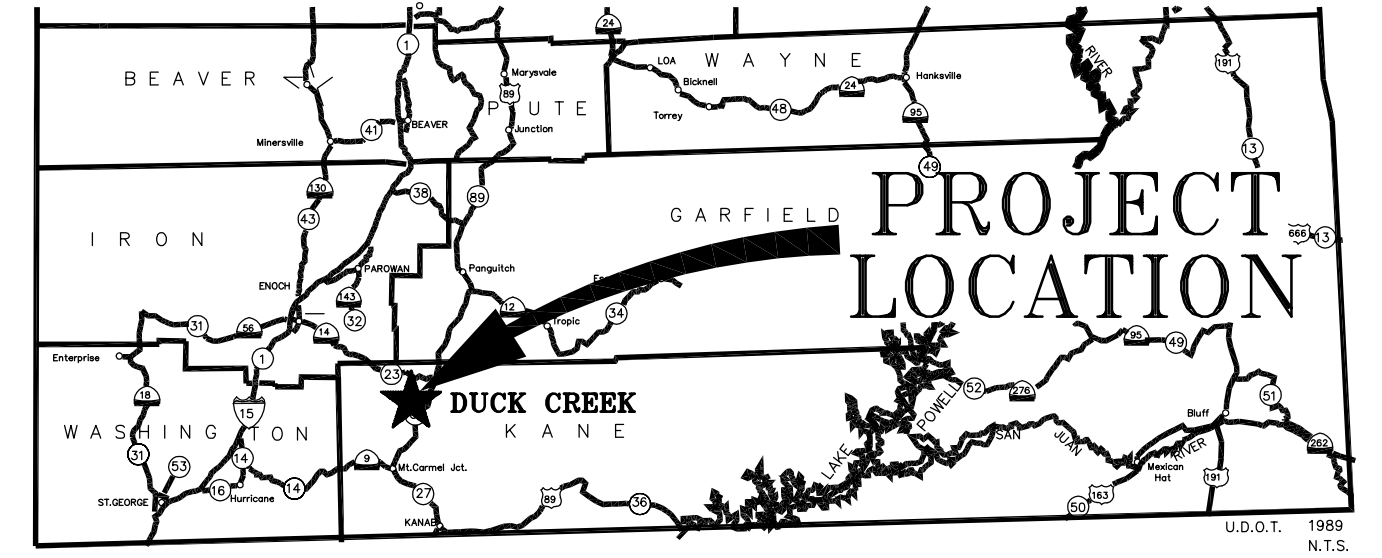
STAFF DETERMINATIONS: Kane County Engineer, Tom Avant, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with county and state ordinance requirements.

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners amending a subdivision plat for a lot joiner, combining lots 31 & 49, becoming new lot 49, and vacating two (2) 5 ft. public utility easements, in the Zion View Mountain Estates, Revised, Unit A, based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT OF LOTS 31 & AMENDED LOT 49,
ZION VIEW MOUNTAIN ESTATES REVISED, UNIT A

SECTION 2, T39S-R8W S.L.B.&M.



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 31 & AMENDED LOT 49, ZION VIEW MOUNTAIN ESTATES REVISED, UNIT A", LOCATED IN KANE COUNTY, UTAH, AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 31 & AMENDED LOT 49, ZION VIEW MOUNTAIN ESTATES REVISED, UNIT A, AFFECTED BY THIS AMENDMENT:
(NEW LOT 49) AMENDED PLAT OF LOTS 31 & AMENDED LOT 49, ZION VIEW MOUNTAIN ESTATES REVISED, UNIT A. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NE CORNER LOT 31, ZION VIEW MOUNTAIN ESTATES REVISED, UNIT A; RUNNING THENCE S04°35'00"W 184.74 FEET TO THE ORIGINAL SE CORNER OF LOT 31, SAID POINT BEING ON THE ARC OF A CURVE TO THE LEFT, CURVE DATA: DELTA=30°08'57", RADIUS=150.00', CHORD= N84°42'12"W 78.02', THENCE ALONG THE ARC OF SAID CURVE 78.93 FEET TO THE ORIGINAL SW CORNER OF LOT 31; THENCE N09°54'06"W 164.19 FEET TO THE ORIGINAL NW CORNER OF LOT 31; THENCE N82°49'10"E 18.52 FEET TO THE ORIGINAL SW CORNER OF LOT 49; THENCE N14°05'43"W 164.45 FEET TO THE ORIGINAL NW CORNER OF LOT 49, SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, NORTHEASTERLY, CURVE DATA: DELTA=14°11'01", RADIUS=603.61', CHORD= N82°59'47"E 149.04', THENCE ALONG THE ARC OF SAID CURVE 149.42 FEET TO THE NE CORNER OF AMENDED LOT 49; THENCE S01°56'09"W 164.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.87 ACRES.

NEWELL BRENT CARTER DATE

COUNTY COMMISSION APPROVAL

I, _____, CHAIRMAN OF THE COUNTY COMMISSION OF KANE COUNTY, DO HEREBY CERTIFY THAT THIS PLAT OF "AMENDED PLAT OF LOTS 31 & 49, ZION VIEW MOUNTAIN ESTATES REVISED, UNIT A", WAS ACCEPTED AND APPROVED BY THE KANE COUNTY COMMISSION ON THIS THE _____ DAY OF _____, AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE KANE COUNTY RECORDER. IN WITNESS WHEREOF, I HAVE SET MY HAND BY AUTHORITY OF A RESOLUTION OF THE COUNTY COMMISSION.

CHAIRMAN - KANE COUNTY COMMISSION ATTEST:
KANE COUNTY CLERK

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF GLEN EDWARD SWANSON AND DIANNE WEEKS SWANSON 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 S04°35'00"W 184.74 FEET BETWEEN THE SE CORNER OF LOT 31 (5/8" REBAR & CAP) AND THE NW CORNER LOT 39 (5/8" REBAR & CAP) ZION VIEW MOUNTAIN ESTATES REVISED, UNIT A, AS PER THE OFFICIAL PLAT THEREOF.

CERTIFICATE OF RECORDING

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

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

KANE COUNTY
AMENDED PLAT OF LOTS 31 & AMENDED LOT 49,
ZION VIEW MOUNTAIN ESTATES REVISED, UNIT A

PREPARED FOR: THE KOLBYJAKE FAMILY TRUST
LOCATION: SECTION 2, T39S-R8W S.L.B.&M.
ZION VIEW MOUNTAIN ESTATES REVISED, UNIT A
DATE: 8/30/2024 REVISION #1: 9/24/2024

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

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



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

LAND USE AUTHORITY CHAIRMAN - KANE COUNTY

COUNTY SURVEYOR CERTIFICATE

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

KANE COUNTY SURVEYOR

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 31 & ADDING THAT AREA TO NEW LOT 49, AS PER THIS PLAT.
IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR
GLEN EDWARD SWANSON, AS TRUSTEES OF THE KOLBYJAKE FAMILY TRUST, DATED OCTOBER 7, 2004.

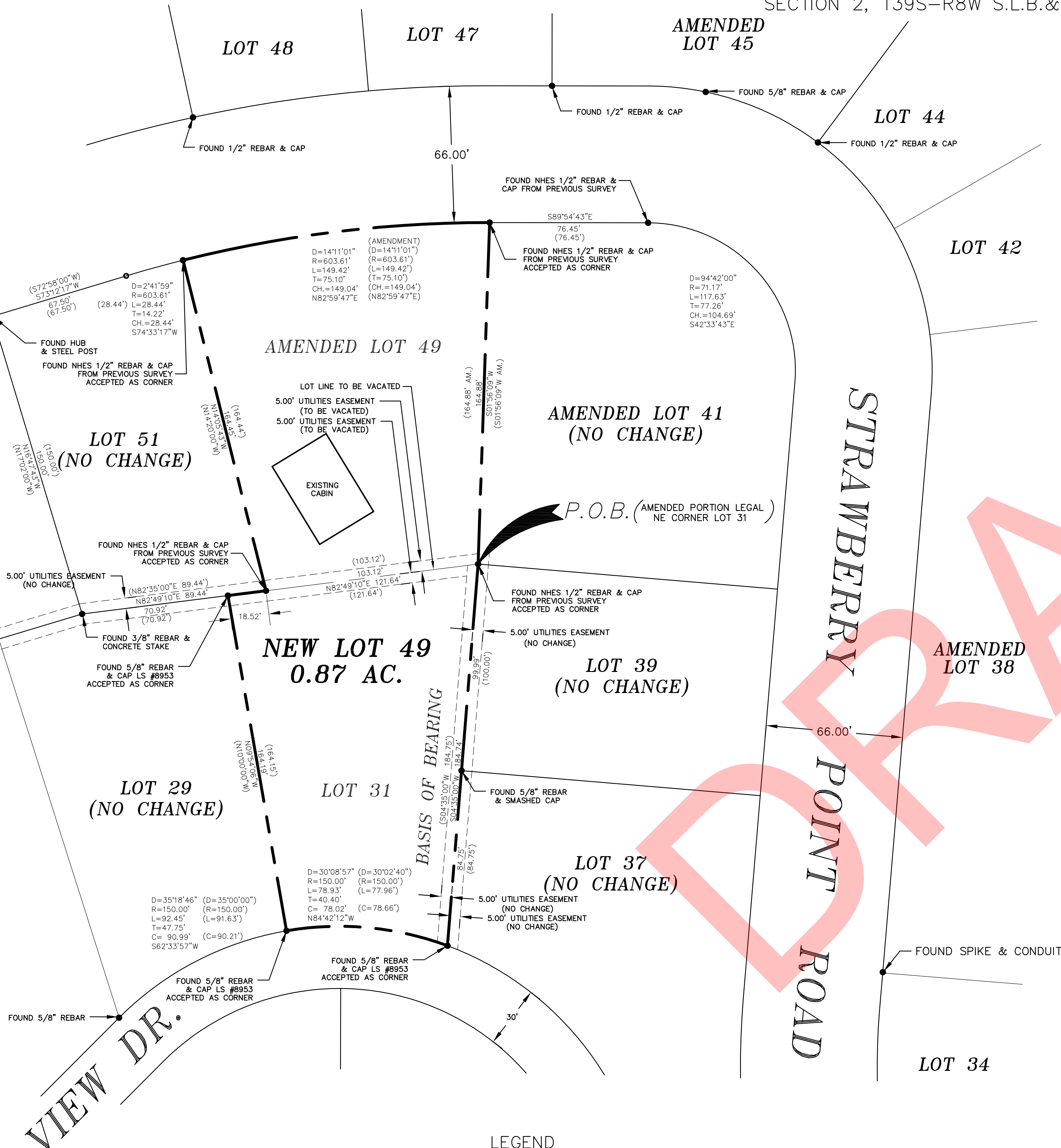
NEWELL BRENT CARTER AS POWER OF ATTORNEY FOR
DIANNE WEEKS SWANSON, AS TRUSTEES OF THE KOLBYJAKE FAMILY TRUST, DATED OCTOBER 7, 2004.

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ }
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR GLEN EDWARD SWANSON AND DIANNE WEEKS SWANSON, AS TRUSTEES OF THE KOLBYJAKE FAMILY TRUST, DATED OCTOBER 7, 2004, 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



LEGEND

- ◆ SECTION CORNER
- FOUND 3/8" REBAR MONUMENT
- SET REBAR & PLASTIC CAP L.S. NO. 354372
- (100.00') RECORD DIMENSION
- SUBDIVISION LOT LINE
- LOT BOUNDARY
- LOT LINE TO BE VACATED

GENERAL NOTES:
1-THERE ARE NO FENCES ALONG THE BOUNDARIES OF THE SUBJECT LOTS.
2-THE WATER IS SUPPLIED BY THE WKWCDC.

OWNER INFO:
LOTS 31 & 49,
GLEN EDWARD SWANSON AND DIANNE WEEKS SWANSON AS TRUSTEES OF THE KOLBYJAKE FAMILY TRUST, DATED OCTOBER 7, 2004.
7421 MYSTIC STREAM STREET
LAS VEGAS, NEVADA 89131

Public Hearing

10. Lot Joinder: Wegener

An application to amend a subdivision plat for a lot joinder joining lots 118 & 119, becoming new lot 119, containing 0.54 acres, Zion View Mountain Estates, Unit A. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.



DRAFT STAFF REPORT

DATE: 9/23/2024

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Richard and Sue Wegener, in the Zion View Mountain Estates, Revised Unit "A", consisting of lots 118 & 119, becoming new lot 119, containing .54 acres, within Section 2, T39S, R8W, SLB & M. The project was submitted by Michael Stewart, Red Sands Geomatics, holding power of attorney. These lots are zoned Residential 1/2 (R-1/2), as are most surrounding lots in the area. The zoning will remain the same.

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

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

STAFF DETERMINATIONS: Kane County Engineer, Tom Avant, Iron Rock Group, does **NOT** recommend approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends **conditional** approval. **There are questions about state code requirements that are in the process of being addressed during a conference call on Tuesday, October 8th, 2024.** The project complies with county and state ordinance requirements.

MOTION: I move to **approve/deny** the amended subdivision plat for a Lot Joinder in the Zion View Mountain Estates Subdivision, Unit "A", consisting of lots 118 & 119 becoming new lot 119, based on the findings documented in the staff report.

THANK YOU.

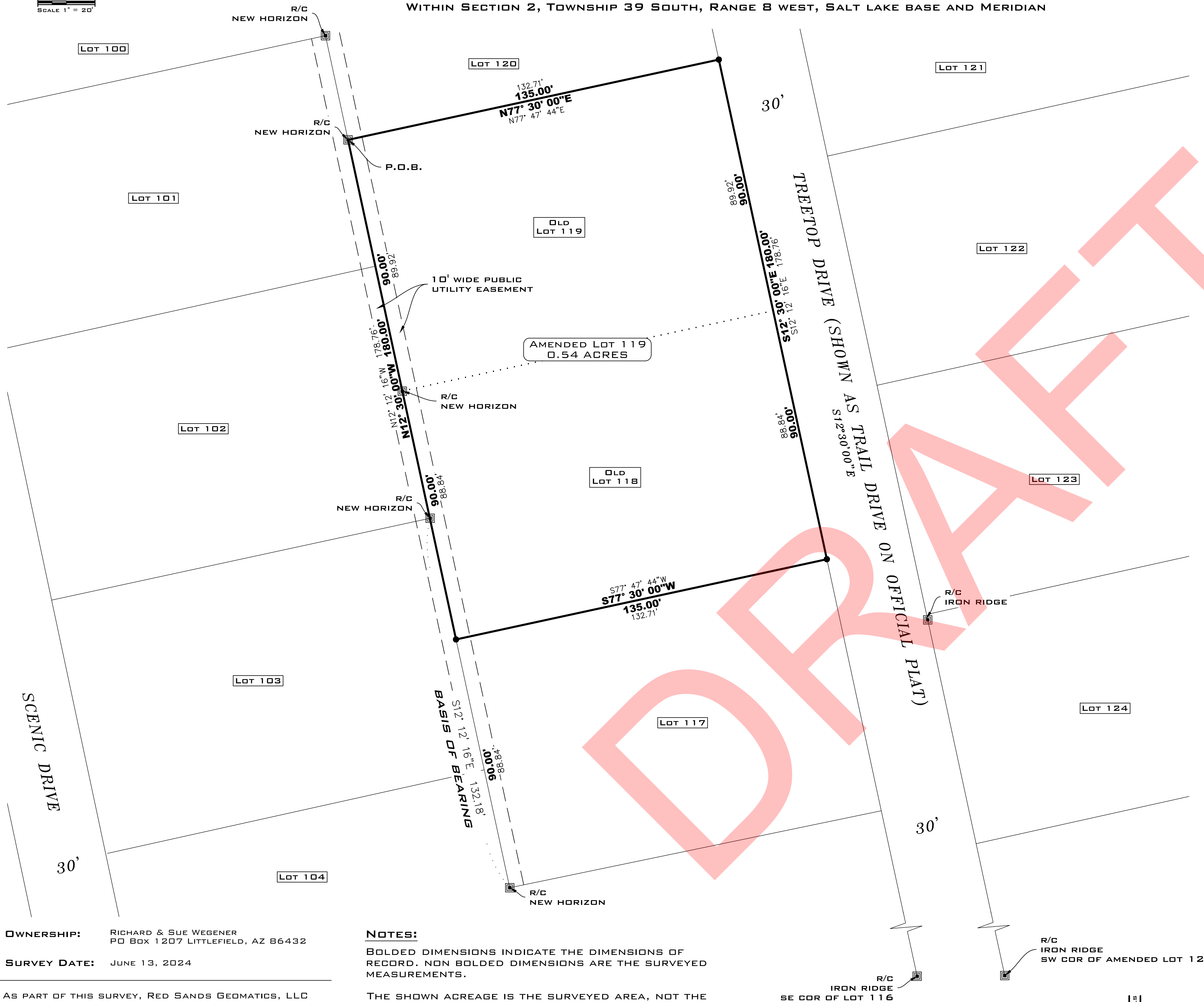


AMENDED LOTS 118 & 119

ZION VIEW MOUNTAIN ESTATES

REVISED UNIT "A"

WITHIN SECTION 2, TOWNSHIP 39 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN



OWNERSHIP: RICHARD & SUE WEGENER
PO BOX 1207 LITTLEFIELD, AZ 86432

SURVEY DATE: JUNE 13, 2024

NOTES:

BOLDED DIMENSIONS INDICATE THE DIMENSIONS OF RECORD. NON BOLDED DIMENSIONS ARE THE SURVEYED MEASUREMENTS.

THE SHOWN ACREAGE IS THE SURVEYED AREA, NOT THE RECORD.

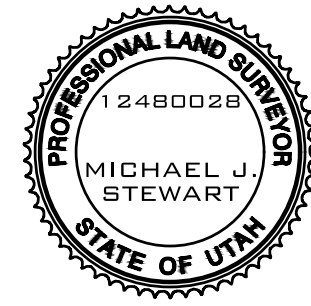
UTILITY EASEMENTS ARE 10.0' WIDE AND ARE LOCATED 5.0' ON EITHER SIDE OF ALL REAR LOT LINES.

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

- PLAT, 1963, ZION VIEW MOUNTAIN ESTATES REVISED UNIT 'A'
- RECORD OF SURVEY, 2009, LOT 119
- PLAT, 2010, AMENDED PLAT OF LOTS 96, 97, 101 & 102, ZION VIEW MOUNTAIN ESTATES UNIT A

LEGEND

- SET #5 REBAR & RED PLASTIC CAP MARKED RSG 12480028 (UNLESS NOTED)
- FOUND EXISTING CORNER AS DESCRIBED
- NOTHING SET
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPERTY LINE TO BE REMOVED
- - - EASEMENT AS DESCRIBED
- - - REBAR AND CAP MARKED AS SHOWN
- - - R/C
- - - P.O.B.
- - - POINT OF BEGINNING



SURVEYOR'S CERTIFICATE

I, MICHAEL J STEWART, A PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 12480028, HOLD THIS LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED THIS PLAT OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17. I CERTIFY THAT I HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE HEREON OWNERS, I HAVE MADE THIS PLAT OF:
"AMENDED LOTS 21 AND 22, PONDEROSA VILLA PLAT F".

MICHAEL J. STEWART UT PLS 12480028

DATE

SURVEY NARRATIVE

THE PURPOSE OF THIS AMENDED PLAT IS TO JOIN LOTS 118 AND 119. THIS AMENDMENT WAS REQUESTED BY THE OWNERS. ALL OTHER LOTS AND DIMENSIONS REMAIN UNCHANGED. I HAVE CONDUCTED A FIELD SURVEY OF THE SHOWN PROPERTY AND HAVE DISCOVERED DIFFERENCES IN RECORDED BEARINGS AND DISTANCES WHICH ARE SHOWN FOR INFORMATIONAL AND RETRACEMENT PURPOSES ONLY. DUE TO THE LEGAL AND CONVEYING CHARACTERISTIC OF A SUBDIVISION PLAT, PRIORITY IS BEING PLACED UPON THE ORIGINAL BEARING AND DISTANCES WHICH HAVE BEEN BOLDED ON THIS PLAT. IT IS THE INTENT OF THIS AMENDMENT TO ONLY CHANGE THE ABOVE MENTIONED LOTS AND TO LEAVE EVERYTHING ELSE AS IT HAS BEEN RECORDED, RELIED UPON, AND CONVEYED IN DEEDS AND OTHER LEGAL DOCUMENTS, THUS PRESERVING THE INTEGRITY AND BONA FIDE RIGHTS OF ADJACENT OWNERS (UTAH STATE CODE: 17-27A-6). EASEMENTS AFFECTED BY THIS AMENDMENT ARE DEPICTED HEREON. THE BASIS OF BEARINGS FOR THIS SURVEY IS BASED ON THE BELOW STATED COORDINATE SYSTEM AND CAN BE MEASURED BETWEEN THE NORTHEAST CORNER OF LOT 103 AND THE SOUTHWEST CORNER OF LOT 117, S12°12'16"E 132.18 FEET. THE GPS COORDINATE SYSTEM USED IN FIELD MEASUREMENTS WAS THE UTAH COORDINATE SYSTEM 1983 SOUTH ZONE, US SURVEY FEET, SCALED TO GROUND WITH NO ROTATION APPLIED. ORIGINAL BEARINGS HAVE BEEN ROTATED TO MATCH SAID COORDINATE SYSTEM. NO ORIGINAL CORNERS COULD BE FOUND ALONG TREETOP DRIVE. THUS, I REESTABLISHED THE FRONT CORNERS OF LOTS 118 AND 119 BY FIRST ESTABLISHING THE RIGHT-OF-WAY OF THE ROAD BY USING CORNERS SET BY OTHER SURVEYORS AND THEN I RAN THE PROPERTY LINES PERPENDICULAR FROM THE ESTABLISHED BACK LINE TO THE ROAD RIGHT-OF-WAY. AS DEPICTED ON THE ORIGINAL PLAT.

LEGAL DESCRIPTION

ALL OF LOTS 118 AND 119 OF ZION VIEW MOUNTAIN ESTATES UNIT A AS RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS-FOLLOWS:

BEGINNING AT THE NORTHWEST LOT CORNER OF SAID LOT 119; THENCE, ALONG THE NORTHERLY LINE OF SAID LOT 119, NORTH 77° 30' 00" EAST 135.00 FEET, TO THE WESTERLY RIGHT-OF-WAY OF TREETOP DRIVE (SHOWN AS TRAIL DRIVE ON ORIGINAL PLAT); THENCE, ALONG SAID RIGHT-OF-WAY, SOUTH 12° 30' 00" EAST 180.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 118; THENCE, ALONG THE SOUTH LINE OF SAID LOT 118, SOUTH 77° 30' 00" WEST 135.00 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 118; THENCE, ALONG THE WEST LINES OF SAID LOTS, NORTH 12° 30' 00" WEST 180.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 0.54 ACRES (MORE OR LESS).

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE RESPECTIVE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY EXECUTE THE SAME TO COMBINE LOTS 118 AND 119 OF ZION VIEW MOUNTAIN ESTATES UNIT A, TO BE HEREAFTER KNOWN AS AMENDED LOT 119 OF ZION VIEW MOUNTAIN ESTATES UNIT A, THE UNDERSIGNED HEREBY DEDICATE ALL OF AMENDED LOT 119 OF ZION VIEW MOUNTAIN ESTATES UNIT A, AS SET FORTH HEREIN, TO RICHARD & SUE WEGENER, THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES, IN WITNESS WHEREOF, WE HAVE SET OUR HAND THIS THE ____ DAY OF ____, 20__.

RICHARD WEGENER & SUE WEGENER
AS TO: LOTS 118 AND 119

RICHARD WEGENER

SUE WEGENER

ACKNOWLEDGMENT

STATE OF ____)
COUNTY OF ____) S.S.

ON THE ____ DAY OF ____, 20__, RICHARD AND SUE WEGENER; PERSONALLY APPEARED BEFORE ME, AND DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME.

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

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

REV. #	DATE	DESCRIPTION

SHEET

1 OF 1

Public Hearing

11. Lot Joinder: Williams/Radich

An application to amend a subdivision plat for a lot joinder joining lots 50 & 51, becoming new lot 50, containing 0.84 acres and joining lots 52 & 75, becoming new lot 75, containing 0.89 acres, and vacating (4) 7.5' public utility easements, Zion View Mountain Estates, Unit E. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.



DRAFT STAFF REPORT

DATE: 9/20/24

PROJECT: A complete application for Amending and Vacating a Subdivision Plat for a lot joiner, combining lots 52 & 75, becoming new lot 75, consisting of .89 acres, and vacating two (2) 7.5 ft. public utility easements, on behalf of Deborah A. Helms, Jerald L. Williams and Terry M. Williams, tenants in common and lots 50 & 51, becoming new lot 50, consisting of .84 acres, and vacating two (2) 7.5 ft. public utility easements, on behalf of George A. and Melanie Kim Radich in the Zion View Mountain Estates, Unit E, within Section 2, T39S, R8W SLB & M. The project was submitted by Michael Stewart, Red Sands Geomatics, holding power of attorney. All lots are zoned Residential ½, as are all surrounding lots. The zoning will remain the same.

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

FINDINGS: Amending (joining) lots 52, 75, 50 & 51 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 that was visible to the public indicating the vacating of four (4) 7.5-foot public utility easements. The new lots 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, does NOT recommend approval of this project per state code questions on interpretation that will be addressed on Tuesday, October 8, 2024. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends conditional approval. The project complies with county and state ordinance requirements.

MOTION: I move to recommend approval/denial to the Kane County Commissioners amending a subdivision plat for a lot joiner, combining lots 52 & 75 and 50 & 51 becoming new lots 50 & 75 and vacating four (4) 7.5 ft. public utility easements, in the Zion View Mountain Estates Subdivision, Unit E based on the findings documented in the staff report.

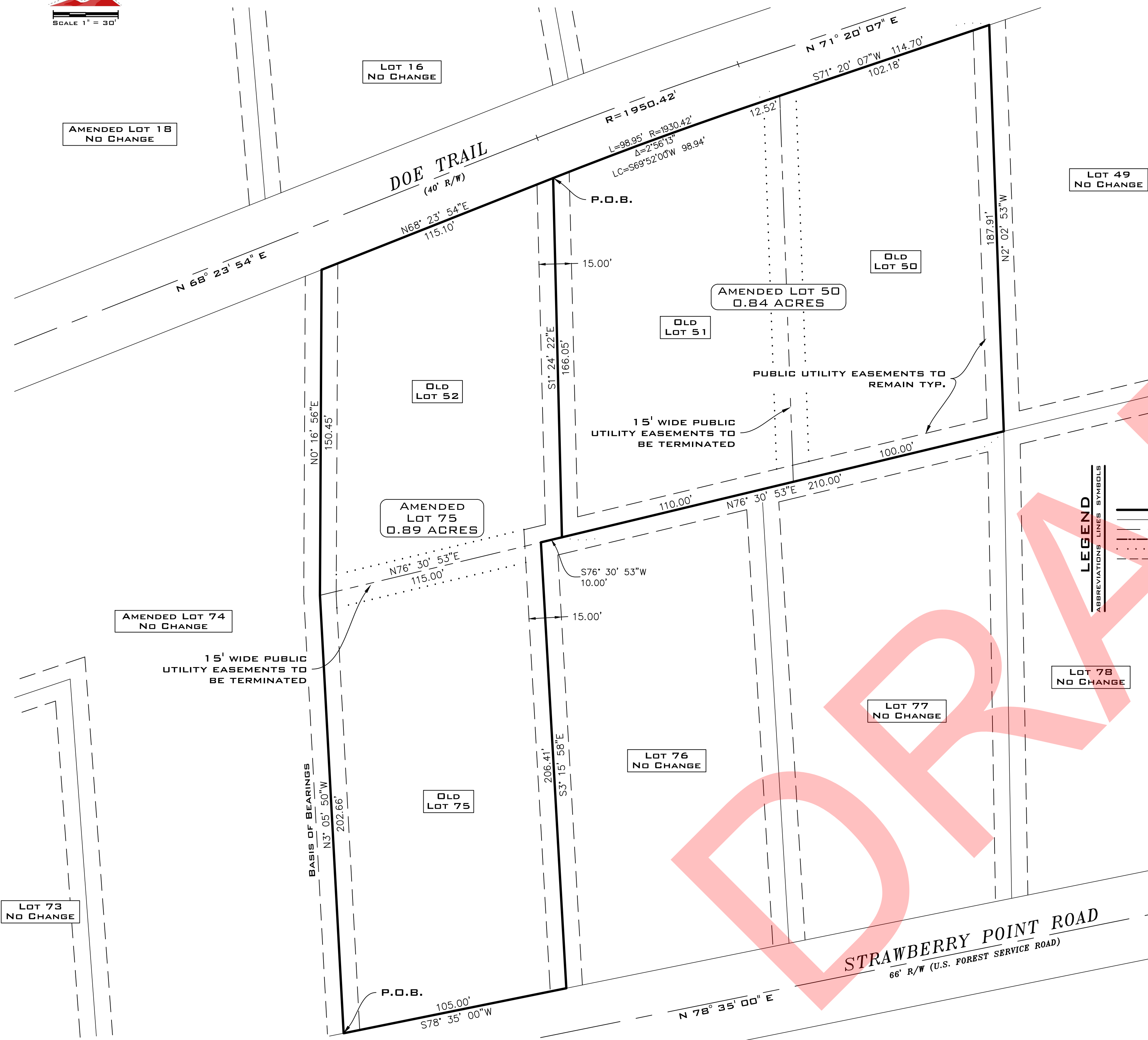
THANK YOU.



AMENDED LOTS 50 & 51 AND 52 & 75

ZION VIEW MOUNTAIN ESTATES UNIT E

WITHIN SECTION 2, TOWNSHIP 39 SOUTH, RANGE 8 WEST, SALT LAKE BASE AND MERIDIAN



NOTES:

SHOWN DIMENSIONS ARE RECORD DIMENSIONS BASED ON THE OFFICIAL PLAT OF ZION VIEW MOUNTAIN ESTATES UNIT E, 1972

UTILITY EASEMENTS ARE 15.0' WIDE AND ARE LOCATED 7.5' ON EITHER SIDE OF ALL LOT LINES NOT ADJACENT TO ROADS.

ORIGINAL CORNERS SET WERE STEEL PINS.

OWNERSHIP:

LOTS 50 & 51:
GEORGE A. & MELANIE KIM RADICH
THE TRUSTEES OF THE 1994 RADICH
FAMILY TRUST, AMENDED MARCH 8TH, 2018
6990 E. MESQUITE AVENUE
LAS VEGAS, NV 89110

LOTS 52 & 75:
DEBORAH A. HELMS, JERALD L.
WILLIAMS AND TERRY M. WILLIAMS,
TENANTS IN COMMON
367 INFLECTION STREET
HENDERSON, NV 89011

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) S.S.

ON THE _____ DAY OF _____, 20____, GEORGE A. & MELANIE KIM RADICH
THE TRUSTEES OF THE 1994 RADICH FAMILY TRUST, AMENDED MARCH 8TH, 2018;
PERSONALLY APPEARED BEFORE ME, AND DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME.

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

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

COUNTY SURVEYOR

I HEREBY VERIFY THAT THIS OFFICE EXAMINED THIS
AMENDED SUBDIVISION PLAT AND HEREBY
RECOMMENDS APPROVAL ON THIS _____ DAY OF
20____.

KANE COUNTY SURVEYOR

COUNTY ATTORNEY

I, _____, ATTORNEY FOR
KANE COUNTY, DO HEREBY CERTIFY THAT I HAVE
EXAMINED THE SHOWN 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

PLANNING COMMISSION

APPROVAL

ON THIS _____ DAY OF _____, 20____, THE
KANE COUNTY PLANNING COMMISSION, DOES
HEREBY CERTIFY THAT THE SHOWN PLAT HAS BEEN
APPROVED BY SAID COMMISSION AND IS HEREBY
RECOMMENDED TO THE KANE COUNTY COMMISSION
FOR APPROVAL, WITH ALL COMMITMENTS AND
OBLIGATIONS PERTAINING THERETO.

CHAIRMAN COUNTY PLANNING
COMMISSION
KANE COUNTY, UT

COUNTY COMMISSION

APPROVAL

ON THIS _____ DAY OF _____, 20____, THE
KANE COUNTY COMMISSION, HAVING REVIEWED
THE ABOVE PLAT AND HAVING FOUND THAT IT
COMPLIES WITH THE REQUIREMENTS OF KANE
COUNTY, AND BY AUTHORITY OF SAID COMMISSION,
HEREBY APPROVE SAID PLAT FOR RECORDING.

ATTEST:
KANE COUNTY CLERK

CHAIRMAN COUNTY COMMISSION
KANE COUNTY, UT

CERTIFICATE OF

RECORDING

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

BOOK _____ PAGE _____ FEE _____
ENTRY NO.: _____ DATE _____ TIME _____
RECORDED AT THE REQUEST OF: RED SANDS
GEOMATICS

KANE COUNTY RECORDER

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) S.S.

ON THE _____ DAY OF _____, 20____, DEBORAH A. HELMS; PERSONALLY
APPEARED BEFORE ME, AND DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE
SAME.

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

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

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) S.S.

ON THE _____ DAY OF _____, 20____, JERALD L. WILLIAMS; PERSONALLY
APPEARED BEFORE ME, AND DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE
SAME.

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

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

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) S.S.

ON THE _____ DAY OF _____, 20____, TERRY M. WILLIAMS; PERSONALLY
APPEARED BEFORE ME, AND DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE
SAME.

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

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



RED SANDS
G E O M A T I C S
LAND SURVEYING, LIDAR, & GIS

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

SURVEYOR'S CERTIFICATE

I, MICHAEL J. STEWART, A PROFESSIONAL LAND SURVEYOR, LICENSE
NUMBER 12480028, HOLD THIS LICENSE IN ACCORDANCE WITH TITLE 58,
CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND
SURVEYORS LICENSING ACT AND HAVE COMPLETED THIS PLAT OF THE
PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17.1
CERTIFY THAT I HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED
MONUMENTS AS REPRESENTED ON THIS PLAT. I FURTHER CERTIFY THAT BY
AUTHORITY OF THE HEREDON OWNERS, I HAVE MADE THIS PLAT OF:
"AMENDED LOTS 50 & 51 AND 52 & 75 ZION VIEW MOUNTAIN ESTATES
UNIT E".

MICHAEL J. STEWART UT PLS 12480028 DATE _____

SURVEY NARRATIVE

THE PURPOSE OF THIS AMENDED PLAT IS TO JOIN LOTS 52 AND 75 &
LOTS 50 AND 51. THIS AMENDMENT WAS REQUESTED BY THE OWNERS.
ALL OTHER LOTS AND DIMENSIONS REMAIN UNCHANGED. DUE TO THE
LEGAL AND CONVEYING CHARACTERISTIC OF A SUBDIVISION PLAT, PRIORITY
IS BEING PLACED UPON THE ORIGINAL BEARING AND DISTANCES. IT IS THE
INTENT OF THIS AMENDMENT TO ONLY CHANGE THE ABOVE MENTIONED LOTS
AND TO LEAVE EVERYTHING ELSE AS IT HAS BEEN RECORDED, RELIED UPON,
AND CONVEYED IN DEEDS AND OTHER LEGAL DOCUMENTS, THUS
PRESERVING THE INTEGRITY AND BONA FIDE RIGHTS OF ADJACENT OWNERS
(UTAH STATE CODE: 17-27A-6). EASEMENTS AFFECTED BY THIS
AMENDMENT ARE DEPICTED HEREON. THE BASIS OF BEARINGS FOR THIS
SURVEY CAN BE MEASURED BETWEEN THE SOUTHWEST CORNER AND THE
NORTHWEST CORNER OF OLD LOT 75, N03°05'50"W 202.66 FEET.

LEGAL DESCRIPTION

NOTE: THE FOLLOWING DESCRIBED DESCRIPTION FOR AMENDED LOT 50, DOES NOT
MATHEMATICALLY CLOSE BY 5.08'. THEREFORE, TO KEEP IN HARMONY WITH THE RECORD PLAT
AND OTHER REASONS STATUTE IN PARAGRAPH 1, I HOLD TO THE RECORD BEARINGS AND
DISTANCES FOR THE BASIS OF THIS DESCRIPTION AS FOUND ON THE ORIGINAL RECORDED PLAT
OF ZION VIEW MOUNTAIN ESTATES UNIT E.

AMENDED LOT 50

ALL OF LOT 50 AND 51 OF ZION VIEW MOUNTAIN ESTATES UNIT E, AS
RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER, MORE
PARTICULARLY DESCRIBED AS-FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 51; THENCE, ALONG THE
WEST LINE OF SAID LOT 51, SOUTH 01° 24' 22" EAST 166.05 FEET, TO THE
SOUTHWEST CORNER OF SAID LOT 51; THENCE, ALONG THE SOUTH LINES OF SAID
LOTS 51 AND 50, NORTH 76° 30' 53" EAST 210.00 FEET, TO THE SOUTHEAST
CORNER OF SAID LOT 50; THENCE, ALONG THE WEST LINE OF SAID LOT 50,
NORTH 02° 02' 53" WEST 187.92 FEET, TO THE SOUTHERLY RIGHT-OF-WAY OF
DOE TRAIL; THENCE, ALONG SAID RIGHT-OF-WAY OF DOE TRAIL, SOUTH 71° 1' 20'
07" WEST 114.70 FEET, TO THE BEGINNING OF A CURVE; THENCE, CONTINUING
ALONG SAID RIGHT-OF-WAY, AND CURVE TURNING TO THE RIGHT 98.94 FEET,
WITH A CENTRAL ANGLE OF 02° 56' 13", HAVING A RADIUS OF 1930.42 FEET,
TO THE POINT OF BEGINNING, CONTAINING 0.84 ACRES (MORE OR LESS).

AMENDED LOT 75

ALL OF LOTS 52 AND 75 OF ZION VIEW MOUNTAIN ESTATES UNIT E, AS
RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER, MORE
PARTICULARLY DESCRIBED AS-FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 75; THENCE, ALONG THE
WEST LINE OF SAID LOT 75, NORTH 03° 05' 50" WEST 202.66 FEET, TO THE
CORNER SAID LOTS 75 AND 52; THENCE, ALONG THE WEST LINE OF SAID LOT
52, NORTH 00° 16' 56" EAST 150.45 FEET, TO THE SOUTHERLY RIGHT-OF-WAY
OF DOE TRAIL; THENCE, ALONG SAID RIGHT-OF-WAY OF DOE TRAIL, NORTH 68°
23' 54" EAST 115.10 FEET, TO THE NORTHEAST CORNER OF SAID LOT 52;
THENCE, ALONG THE EAST LINE OF SAID LOT 52, SOUTH 01° 24' 22" EAST
166.05 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 52; THENCE, ALONG
THE SOUTH LINE OF SAID LOT 52, SOUTH 76° 30' 53" WEST 10.00 FEET, TO
THE NORTHEAST CORNER OF SAID LOT 75; THENCE, ALONG THE EAST LINE OF
SAID LOT 75, SOUTH 03° 15' 58" EAST 206.41 FEET, TO THE NORTHERLY
RIGHT-OF-WAY OF STRAWBERRY POINT ROAD; THENCE, ALONG SAID RIGHT-OF-WAY
OF STRAWBERRY POINT ROAD, SOUTH 78° 35' 00" WEST 105.00 FEET, TO THE
POINT OF BEGINNING, CONTAINING 0.89 ACRES (MORE OR LESS).

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE RESPECTIVE
OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY EXECUTE THE SAME
TO COMBINE LOTS 50 & 51 AND LOTS 52 & 75 ZION MOUNTAIN VIEW ESTATES UNIT
E INTO 2 LOTS, TO BE HEREAFTER KNOWN AS AMENDED LOT 50 AND AMENDED LOT 75
ZION MOUNTAIN VIEW ESTATES UNIT E, THE UNDERSIGNED HEREBY DEDICATE ALL OF
AMENDED LOT 50 ZION MOUNTAIN VIEW ESTATES UNIT E, AS SET FORTH HEREIN, TO
GEORGE A. RADICH AND MELANIE KIM RADICH THE TRUSTEES OF THE 1994 RADICH
FAMILY TRUST, AMENDED MARCH 8TH, 2018; AND AMENDED LOT 75 ZION MOUNTAIN
VIEW ESTATES UNIT E, AS SET FORTH HEREIN, TO DEBORAH A. HELMS, JERALD L.
WILLIAMS AND TERRY M. WILLIAMS, TENANTS IN COMMON; THE UNDERSIGNED OWNERS
ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL
NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT.
THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF
UTILITY LINES AND FACILITIES. IN WITNESS WHEREOF, WE HAVE SET OUR HAND THIS THE
____ DAY OF _____, 20____.

GEORGE A. & MELANIE KIM RADICH THE TRUSTEES OF THE 1994 RADICH
FAMILY TRUST, AMENDED MARCH 8TH, 2018 AS TO: AMENDED LOT 50
DEBORAH A. HELMS, JERALD L. WILLIAMS AND
TERRY M. WILLIAMS, TENANTS IN COMMON
AS TO: AMENDED LOT 75

GEORGE A. RADICH, TRUSTEE
DEBORAH A. HELMS
MELANIE KIM RADICH, TRUSTEE
JERALD L. WILLIAMS
TERRY M. WILLIAMS

DRAWN BY: AH/MJS

REV. #	DATE	DESCRIPTION

SHEET

1 OF 1

Public Hearing

12. Amended Plat/Ordinance 2024-26: Hackbart

An application to vacate, amend and extend a subdivision plat, by Ordinance 2024-26, vacating a portion of parcel 8-7-21-11 and joining it with lot 9, becoming new lot 9 containing 5.01 acres and vacating a portion of lot 9, joining it with lot 8, becoming new lot 8, containing 1.51 acres, Ponderosa Villa Plat F. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.



DRAFT STAFF REPORT

DATE: 9/24/24

PROJECT: A complete application, on behalf of Gary H. Hackbart A/K/A Ormsby McKnight, as Trustee of the Gary Hackbart A/K/A Ormsby McKnight Revocable Trust dated February 17, 2003 for amending and extending and vacating a portion of a subdivision plat through a lot line adjustment in the Ponderosa Villa Subdivision, Plat F, for amended lots 8 and 9 and parcel 8-7-21-11. A small triangular portion of lot 9 will be vacated and joined with parcel 8-7-21-11; the lower portion of lot 9 will be vacated and joined with amended lot 8; new lot 8 will be 1.51 acres; new lot 9 will be 5.01 acres; and parcel 8-7-21-11 will decrease in acreage from 2.25 acres to 1.49 acres; within Section 21, T38S, R7W SLB & M. The project was submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney. All lots are zoned Residential ½. Parcel 8-7-21-11 will remain R-1.

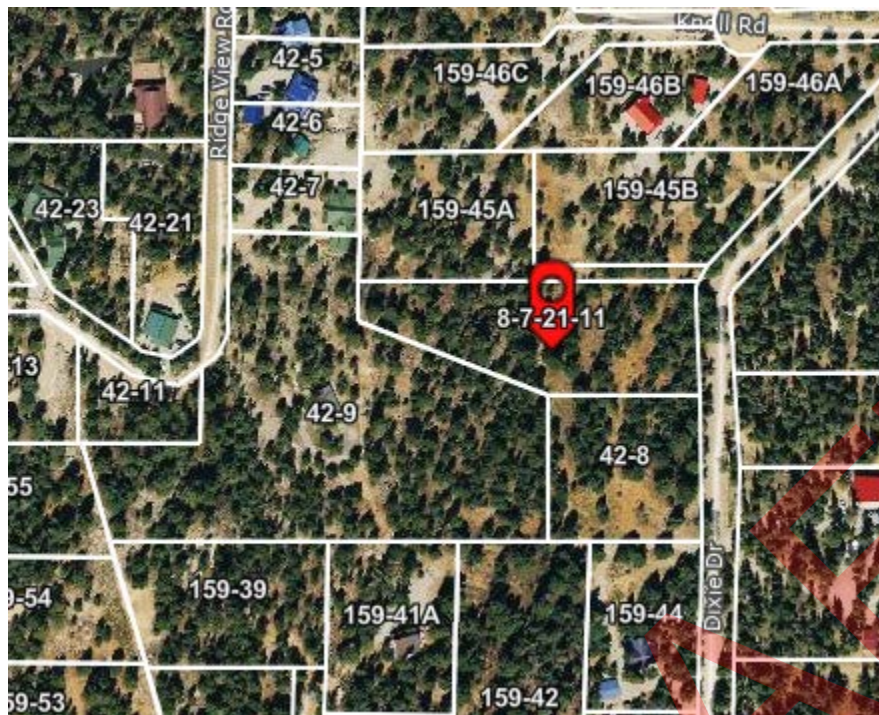
The reason for the amended plat is to clean up last year's project, finish straightening out errors from previous plats.

FINDINGS: Amending, extending and vacating a portion of parcel 8-7-21-11 and lots 8 & 9 by a lot line adjustment 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-607, 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, in a visible location giving notice to passers-by. The new lots will retain the Residential ½ zoning (R-1/2) and the parcel will retain the R-1 zoning. Amending these lots complies with all state and local ordinances.

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

MOTION: I move to recommend approval/denial to the Kane County Commissioners for amending, extending and vacating a portion of a Subdivision Plat, in the Ponderosa Villa, Plat F for lots 8 and 9, and parcel 8-7-21-11, on behalf of Gary H. Hackbart, based on the findings documented in the staff report.

THANK YOU.



76 North Main Street, Kanab, Utah 84741



AMENDED AND EXTENDED AMENDED LOTS 8 & 9

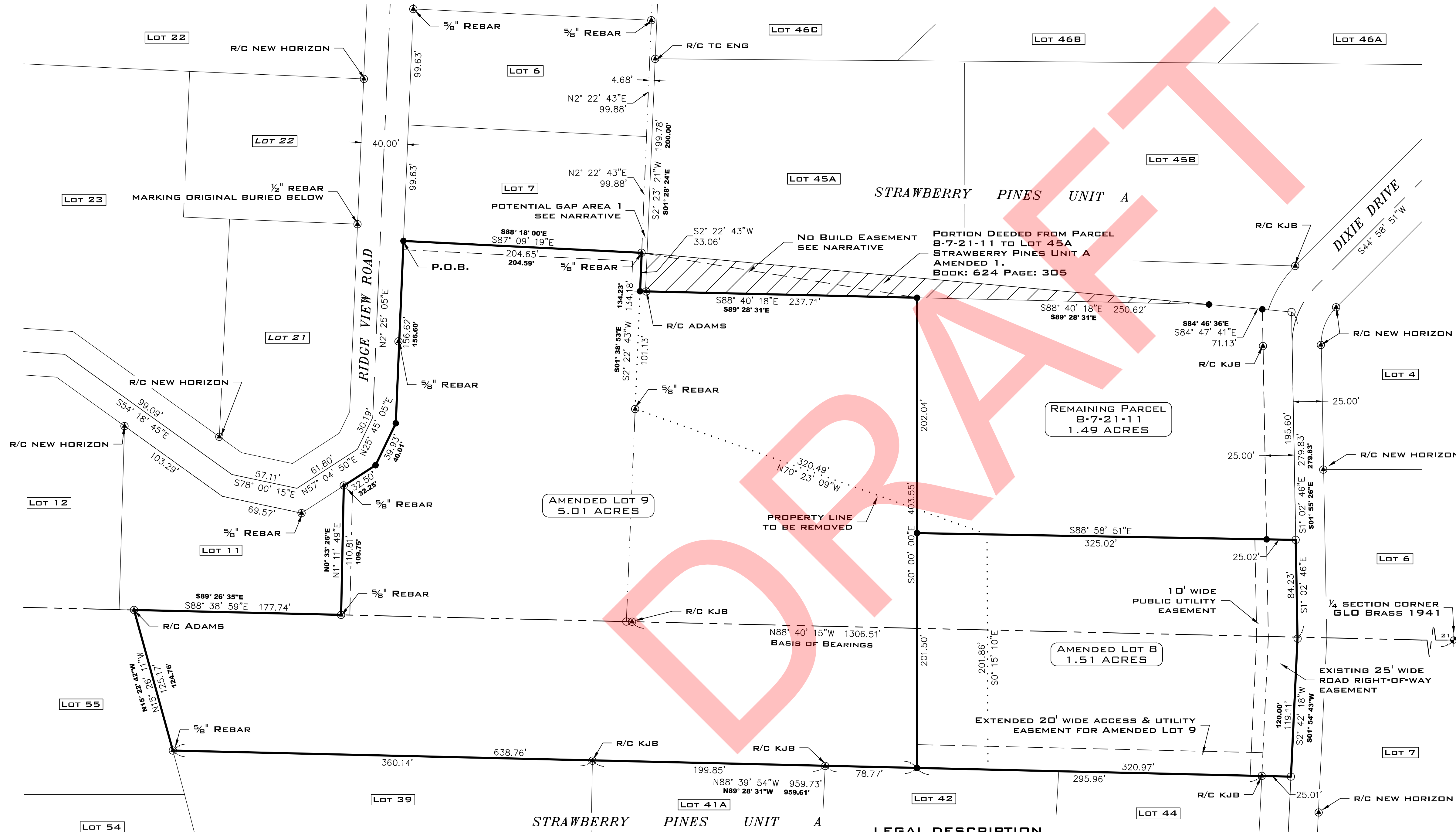
AMENDED AND EXTENDED LOTS 8, 9, & 10 PONDEROSA VILLA PLAT F

WITHIN SECTION 21, TOWNSHIP 38 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN

COUNTY SURVEYOR I HEREBY VERIFY THAT THIS OFFICE EXAMINED THIS AMENDED SUBDIVISION PLAT AND HEREBY RECOMMENDS APPROVAL ON THIS ____ DAY OF ____ 20__.	COUNTY ATTORNEY I, _____, ATTORNEY FOR KANE COUNTY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE SHOWN SUBDIVISION AMENDMENT PLAT AND SAID PLAT MEETS THE REQUIREMENTS OF KANE COUNTY AND IS HEREBY RECOMMENDED FOR APPROVAL, THIS ____ DAY OF ____ 20__.	PLANNING COMMISSION APPROVAL ON THIS ____ DAY OF ____ 20__, THE KANE COUNTY PLANNING COMMISSION, DOES HEREBY CERTIFY THAT THE SHOWN PLAT HAS BEEN APPROVED BY SAID COMMISSION AND IS HEREBY RECOMMENDED TO THE KANE COUNTY COMMISSION FOR APPROVAL, WITH ALL COMMITMENTS AND OBLIGATIONS PERTAINING THERETO. CHAIRMAN COUNTY PLANNING COMMISSION KANE COUNTY, UT	COUNTY COMMISSION APPROVAL ON THIS ____ DAY OF ____ 20__, THE KANE COUNTY COMMISSION, HAVING REVIEWED THE ABOVE PLAT AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF KANE COUNTY, AND BY AUTHORITY OF SAID COMMISSION, HEREBY APPROVE SAID PLAT FOR RECORDING. CHAIRMAN COUNTY COMMISSION KANE COUNTY, UT
KANE COUNTY SURVEYOR	KANE COUNTY ATTORNEY		

LEGEND

- MONUMENT AS DESCRIBED
- SET #5 REBAR & RED PLASTIC CAP MARKED RSG 12480028 (UNLESS NOTED)
- FOUND EXISTING CORNER AS DESCRIBED
- NOTHING SET
- PROPERTY LINE
- FENCE LINE
- ADJACENT PROPERTY LINE
- STREET CENTER LINE
- PROPERTY LINE TO BE REMOVED
- EASEMENT AS DESCRIBED
- 1/6 SECTION LINE (SEE NARRATIVE)
- 1/4 SECTION LINE



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

- AMENDED PLAT OF LOTS 12 & 13, PONDEROSA VILLA ESTATES, AMENDED PLAT F
- AMENDED PLAT OF LOTS 19, 20, & 23, PONDEROSA VILLA ESTATES, AMENDED PLAT F
- AMENDED PLAT OF LOTS 24-31, PONDEROSA VILLA ESTATES, AMENDED PLAT F
- OFFICIAL PLAT OF PONDEROSA VILLA STRAWBERRY PINES, UNIT A, AMENDED 1
- STRAWBERRY PINES, UNIT A, AMENDED 2
- AMENDED PLAT OF LOTS 3, 4, & 5 STRAWBERRY PINES, UNIT A
- STRAWBERRY PINES, UNIT A AMENDED, LOTS 34-38
- FINAL MAP OF STRAWBERRY PINES, UNIT A
- RECORD OF SURVEY, RICK BARKMEYER, CS-128
- RECORD OF SURVEY, B PRINGLE, STRAWBERRY PINES UNIT A, CS-393
- RECORD OF SURVEY, CHRIS HICKEY, CS-434
- RECORD OF SURVEY, DICK & MICHELLENE TURNER, CS-454
- US PATENT # 43-76-0019
- WARRANTY DEED, CONTINENTAL SERVICE CORP TO SECURITY TITLE CO., ENTRY #27771, #27772, AND #27773
- SPECIAL WARRANTY DEED, SECURITY TITLE CO. TO OVERTREE, ENTRY #32691
- WARRANTY DEED, OVERTREE TO SIEGEL, ENTRY #32682
- SPECIAL WARRANTY DEED, SECURITY TITLE CO. TO OVERTREE, ENTRY #54182
- WARRANTY DEED, OVERTREE TO PRINGLE, ENTRY #54183
- WARRANTY DEED, PRINGLE TO HACKBART, ENTRY #54195
- DEED, PRINGLE TO STEVENS, ENTRY #UNKNOWN, 1985, BOOK UNKNOWN, PAGE 67-68
- QUIT CLAIM DEED, HACKBART TO HACKBART TRUST, ENTRY #00116272

ALL OF AMENDED LOTS 8 AND 9 OF AMENDED AND EXTENDED LOTS 8, 9, 10 PONDEROSA VILLA PLAT F AND THAT PORTION OF SE 1/4 NE 1/4 AND THE N 1/2 SE 1/4 OF SECTION 21, TOWNSHIP 38 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID AMENDED LOT 8; THENCE, ALONG THE NORTH LINE OF SAID AMENDED LOT 8, SOUTH 87° 09' 19" EAST 204.65 FEET, TO THE NORTHEAST CORNER OF SAID AMENDED LOT 8; THENCE, ALONG THE EAST LINE OF SAID AMENDED LOT 8 SOUTH 02° 22' 43" WEST 33.06 FEET; THENCE, ALONG THE SOUTH LINE OF LOT 45A STRAWBERRY PINES UNIT A AMENDED 1, SOUTH 88° 40' 18" 237.71 FEET; THENCE SOUTH 202.04 FEET; THENCE SOUTH 88° 58' 51" EAST 325.02 FEET, TO THE EAST LINE OF SAID PARCEL; THENCE, ALONG SAID EAST LINE THE FOLLOWING TWO COURSES, SOUTH 01° 02' 46" EAST 84.23 FEET; SOUTH 02° 42' 18" WEST 119.11 FEET, TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL, NORTH 88° 39' 54" WEST 959.73 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE, ALONG THE MOST WESTERLY LINE OF SAID PARCEL, NORTH 15° 26' 11" WEST 125.17 FEET, TO THE EAST-WEST 1/4 SECTION LINE OF SAID SECTION 21; THENCE, ALONG SAID SECTION LINE, SOUTH 88° 38' 59" EAST 177.74 FEET, TO THE SOUTHEAST CORNER OF LOT 11 PONDEROSA VILLA PLAT F; THENCE, ALONG THE EAST LINE OF SAID LOT 11, NORTH 01° 11' 49" EAST 110.81 FEET, TO THE SOUTHEASTLY RIGHT-OF-WAY OF RIDGE VIEW ROAD; THENCE, ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE COURSES, NORTH 57° 04' 50" EAST 32.50 FEET; NORTH 25° 45' 05" EAST 39.93 FEET; NORTH 02° 25' 05" EAST 156.62 FEET, TO THE POINT OF BEGINNING, CONTAINING 6.52 ACRES (MORE OR LESS).

CERTIFICATE OF RECORDING

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

BOOK _____ PAGE _____ FEE _____ TIME _____

ENTRY NO.: _____

RECORDED AT THE REQUEST OF: RED SANDS GEOMATICS

KANE COUNTY RECORDER



SURVEYOR'S CERTIFICATE

I, MICHAEL J. STEWART, A PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 12480028, HOLD THIS LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED THIS PLAT OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND THE 2010 UCLS STANDARDS OF PRACTICE. I CERTIFY THAT I HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE HEREON OWNERS, I HAVE MADE THIS PLAT OF: "AMENDED AND EXTENDED LOTS 8, 9, 10 PONDEROSA VILLA PLAT F".

MICHAEL J. STEWART UT PLS 12480028

DATE

SURVEY NARRATIVE

THE PURPOSE OF THIS AMENDED AND EXTENDED PLAT IS TO AMEND AND EXTEND AMENDED LOTS 8 AND 9, OF THE AMENDED AND EXTENDED LOTS 8, 9, AND 10 PONDEROSA VILLA PLAT F SUBDIVISION. THIS AMENDMENT WAS REQUESTED BY THE OWNER. ALL OTHER LOTS AND DIMENSIONS REMAIN UNCHANGED. I HAVE CONDUCTED A FIELD SURVEY OF THE SHOWN PROPERTY AND HAVE DISCOVERED DIFFERENCES IN RECORDED BEARINGS AND DISTANCES. DUE TO THE LEGAL AND CONVEYING CHARACTERISTIC OF A SUBDIVISION PLAT, SPECIAL ATTENTION HAS BEEN PLACED UPON THE ORIGINAL BEARING AND DISTANCES WHICH HAVE BEEN BOLDED ON THIS PLAT. IT IS THE INTENT OF THIS AMENDMENT TO ONLY CHANGE THE ABOVE MENTIONED LOTS AND TO LEAVE EVERYTHING ELSE AS IT HAS BEEN RECORDED, RELIED UPON, AND CONVEYED IN DEEDS AND OTHER LEGAL DOCUMENTS, THUS PRESERVING THE INTEGRITY AND BONA FIDE RIGHTS OF ADJACENT OWNERS. THIS ACTION OF EXTENDING THE BOUNDARY OF THE ABOVE MENTIONED SUBDIVISION HAS PRESENTED UNIQUE CHALLENGES IN PRESERVING THE ORIGINAL NATURE OF THE RECORDED SUBDIVISION AS WELL AS MATCHING ADJACENT PLATTED SUBDIVISIONS, SO AS TO NOT CREATE ANY GAPS OR OVERLAPS DUE TO DIFFERENCES IN BASIS OF BEARINGS, LOCATION OF THE EAST 1/16TH LINE OF SECTION 21, AND OTHER FACTORS. IT IS THE INTENT OF THIS AMENDED AND EXTENDED PLAT TO NOT CREATE ANY GAPS OR OVERLAPS OF PROPERTY LINES. THUS TO COMPLY WITH THE REQUIREMENTS TO USE A METES AND BOUNDS DESCRIPTION TO DESCRIBE THE BOUNDARY OF THE AMENDED PLAT, I HAVE CHOSEN TO USE MEASURED DIMENSIONS WITH CALLS TO AND ALONG ADJOINERS TO PREVENT THE CREATION OF ANY GAPS OR OVERLAPS IN TITLE AND TO MITIGATE THE DIFFERENCES MENTIONED ABOVE.

GAP AREA 1: THERE ARE DISCREPANCIES IN THE LOCATION OF THE EAST 1/16TH SECTION LINE OF SECTION 21, SPECIFICALLY THE LOCATION OF THE CENTER-EAST 1/16TH CORNER. BOTH PONDEROSA VILLA PLAT F AND STRAWBERRY PINES UNIT A AMENDED 1 PLAT CALL TO AND ALONG THE 1/16TH LINE AS THEIR EAST AND WEST BOUNDARIES RESPECTIVELY. HOWEVER, ORIGINAL CORNERS FOR BOTH SUBDIVISIONS WERE LOCATED (SHOWN ON THIS PLAT) AND APPROXIMATELY A 5 FOOT GAP EXISTS BETWEEN THE TWO. THE POSSIBLE EXISTENCE OF THIS GAP DOES NOT AFFECT THIS AMENDED PLAT AND WAS NOT EXPLORED FURTHER. THE WEST LINE OF PONDEROSA VILLA PLAT F WAS HELD TO SINCE IT WAS FIRST RECORDED IN 1972.

NO BUILD EASEMENT: THE OVERLAP AREA DISCOVERED AND CALLED OUT IN THE PREVIOUS AMENDED PLAT OF LOTS 8, 9, AND 10 HAS BEEN RESOLVED AND NEW NO-BUILD EASEMENT WILL BE DEEDED AS SHOWN IN A SEPARATE INSTRUMENT.

EASEMENTS AFFECTED BY THIS AMENDMENT ARE DEPICTED HEREON. THE BASIS OF BEARINGS FOR THIS SURVEY IS S88°40'15"E 1306.51 FEET, AS MEASURED BETWEEN THE CENTER-EAST 1/6 CORNER AS SHOWN ON THE STRAWBERRY PINES UNIT A PLAT AND EAST 1/4 CORNER OF SECTION 21, TOWNSHIP 38 SOUTH, RANGE 7 WEST, SLB&M. THE GPS COORDINATE SYSTEM USED IN FIELD MEASUREMENTS WAS THE UTAH COORDINATE SYSTEM 1983 SOUTH ZONE SCALED TO GROUND.

Owner's Dedication

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE RESPECTIVE OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY EXECUTE THE SAME TO ADJUST THE LOT LINES FOR AMENDED LOTS 8 AND 9 HEREBY EXTENDING AMENDED AND EXTENDED LOTS 8, 9, AND 10 PONDEROSA VILLA PLAT F TO BE HEREAFTER KNOWN AS AMENDED AND EXTENDED AMENDED LOTS 8 AND 9 AMENDED AND EXTENDED LOTS 8, 9, AND 10 PONDEROSA VILLA PLAT F, THE UNDERSIGNED HEREBY DEDICATE ALL OF AMENDED LOTS 8 AND 9 AMENDED AND EXTENDED LOTS 8, 9, AND 10 PONDEROSA VILLA PLAT F, AS SET FORTH HEREIN, TO GARY HACKBART A/K/A ORMSBY MCKNIGHT REVOCABLE TRUST DATED FEBRUARY 17, 2003; THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. IN WITNESS WHEREOF, WE HAVE SET OUR HAND THIS THE ____ DAY OF ____ 20__.

GARY HACKBART A/K/A ORMSBY MCKNIGHT
REVOCABLE TRUST DATED FEBRUARY 17, 2003
AS TO: LOTS 8, 9, AND 10

GARY H. HACKBART A/K/A ORMSBY
MCKNIGHT - TRUSTEE

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) S.S.

ON THE ____ DAY OF ____ 20__, GARY H. HACKBART A/K/A ORMSBY MCKNIGHT, TRUSTEE OF THE GARY HACKBART A/K/A ORMSBY MCKNIGHT REVOCABLE TRUST DATED FEBRUARY 17, 2003; PERSONALLY APPEARED BEFORE ME, AND DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME.

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

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

REV. #	DATE	DESCRIPTION
#1	12/08/23	Planning & Zoning Comments
#2	12/08/23	Boundary Survey Comments
#3	12/12/23	Boundary Adjustment & Corrections

SHEET

1 OF 1

KANE COUNTY ORDINANCE NO. O- 2024- 26

AN ORDINANCE AMENDING, EXTENDING, AND VACATING AMENDED LOTS 8 AND 9 IN THE PONDEROSA VILLA SUBDIVISION, PLAT “F” AND VACATING A PORTION OF PARCEL 8-7-21-11 INTO THE PONDEROSA VILLA SUBDIVISION, PLAT “F”

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended amendments to vacate a portion of parcel 8-7-21-11 into lots 8 and 9, of the Ponderosa Villa Subdivision, Plat “F”, and vacate a small triangular portion of lot 9 into parcel 8-7-21-11, becoming extended and amended lots 8 & 9, and;

WHEREAS, amending this plat is in compliance with Kane County Land Use Ordinance 9-21E-9 Vacating and Amending a Subdivision Plat and Utah State Code §17-27a-608 & 609, and;

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

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

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

WHEREAS, the authority for this ordinance is found in Utah Code §17-27a-102, 17-27a-201, and 608 and 609;

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

Amending, extending, and vacating the subdivision plat for the Ponderosa Villa Subdivision, Plat “F”, vacating a portion of parcel 8-7-21-11 into amended and extended lots 8 and 9, in the Ponderosa Villa Subdivision, and vacating a small triangular portion of lot 9 into parcel 8-7-21-11, Section 2, T39S, R8W, SLB & M, Kane County, Utah.

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

End of Ordinance

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

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

ADOPTED this ____ day of _____, 2024.

ATTEST:

Chameill Lamb
Kane County Clerk

Patty Kubeja Chair
Board of Commissioners
Kane County

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