



November 13, 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

October 9, 2024

LEGISLATIVE ITEMS

Public Hearing*

3. Zone Change/Ordinance 2024-27: Midnight Properties LC

An application for a zone change from Agricultural (AG) to Rural 10 (RU-10) for parcel 1-9-12-2A, containing 11.54 acres, located on Highway 9 approximately one mile east of the Peaches Planned Unit Development. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.

Public Hearing*

4. Road Dedication/Ordinance 2024-29: Dehban

An application to vacate and dedicate an easement, vacating (4) 25' ingress & egress and public utility easements and recording a 50' ingress & egress and public utility easement to align with the existing Spencer Towers Road on parcels 9-6-29-56, 9-6-29-57 & 9-6-29-58. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.

ADMINISTRATIVE ITEMS

Public Meeting

5. Compliance Review: Holms

An application for a compliance review of previously divided property, parcels 8-3-1-1B and 8-3-1-1C. Submitted by Landon Holms.

Public Hearing*

6. Lot Joinder: Gormley

An application to amend a subdivision plat for a lot joinder joining lots 48, 49 & 50 becoming new lot 49 containing 1.49 acres, Strawberry Valley Estates, Unit 2. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing*

7. Lot Joinder: Johnson

An application to amend a subdivision plat for a lot joinder joining lots 250 & 255, becoming new lot 250 containing 1.40 acres, Swains Creek Pines, Unit 1 Amended. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing*

8. Lot Joinder: Schroeder

An application to amend a subdivision plat for a lot joinder joining lots 253 & 254, becoming new lot 254 containing 1.11 acres, Swains Creek Pines, Unit 1 Amended. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing*

9. Lot Joinder: Miller

An application to amend a subdivision plat for a lot joinder joining lots 18 & 19, becoming new lot 18 containing 0.88 acres, and vacating (2) 5' walkway easements, Block 1, Movie Ranch South Estates, Plat "A". Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing*

10. Lot Joinder: Speck

An application to amend a subdivision plat for a lot joinder joining lots 49 & 50, becoming new lot 49 containing 1.89 acres, Duck Creek Pines, Phase 3. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing*

11. Lot Joinder: Felli

An application to amend a subdivision plat for a lot joinder, joining lots 113 & 114, becoming new lot 114 containing 1.43 acres, and vacating (2) 7.5' public utility easements, Zion View Mountain Estates, Unit D. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.

Public Hearing*

12. Amended Plat/Ordinance 2024-28: Jorgensen

An application to vacate, amend and extend a subdivision plat, by Ordinance 2024-28, vacating lot 183 out of Swains Creek Pines, Unit 1, and joining it with lot 268, Swains Creek Pines, Unit 2, becoming new lot 268 containing 1.37 acres, and vacating (2) 6' public utility easements. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.

Public Hearing*

13. Lot Joinder: Bedier

An application to amend a subdivision plat for a lot joinder joining lots 193 & 194, becoming new lot 193 containing 1.10 acres, Swains Creek Pines, Unit 1 Amended. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.

Public Hearing*

14. Lot Joinder: Soucy

An application to amend a subdivision plat for a lot joinder joining lots 162 & 163A, becoming amended lot 163A containing 0.69 acres, Zion View Mountain Estates, Unit 1. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.

Public Hearing*

15. Lot Joinder: Mosteller

An application to amend a subdivision plat for a lot joinder joining lots 74, 75, 76 & 77, becoming amended lot 74 containing 1.93 acres, and vacating (10) 7.5' public utility easements, Zion View Mountain Estates, Unit D. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.

Public Meeting

16. Subdivision: Roth

An application a preliminary plat for the Chillville Subdivision, parcel 3-6-36-1B, creating two 5-acre lots, located east of Kanab and west of the Dark Sky RV Park. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.

Public Meeting

17. Plat Requirements: Mike Stewart

Mike Stewart will respond to last month's discussion on the Radich/Williams plat.

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

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

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:

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

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

1. Update on Commission Actions

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

2. Approval of Minutes

October 9, 2024

DRAFT

Public Hearing

3. Zone Change/Ordinance 2024-27: Midnight Properties LLC

An application for a zone change from Agricultural (AG) to Rural 10 (RU-10) for parcel 1-9-12-2A, containing 11.54 acres, located on Highway 9 approximately one mile east of the Peaches Planned Unit Development. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.



KANE COUNTY LAND USE AUTHORITY

Shannon McBride
LAND USE AUTHORITY
ADMINISTRATOR

Staff Report

DATE: October 21, 2024

To: Planning Commission
From: Shannon McBride, Land Use Administrator
Subject: Project # 24053 Zone Change Application, AG to RU-10, Ordinance O-2024-27
Parcel 1-9-12-2A consisting of a total of 11.54 acres

REQUEST: On October 2, 2024, Midnight Properties LC, submitted a zone change application for parcel 1-9-12-2A, located alongside Highway 9, requesting to rezone from AG to RU-10.

BACKGROUND: Parcel 1-9-12-2A is assigned AG zoning. This parcel was divided off with the minor lot application previously into a 30-acre piece, and then again, this year into a third split of 11.54 acres. The new lot is at least 1000 ft. away from the original minor lot split. The applicant is now asking for the Rural-10 zone.

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

LEGAL DESCRIPTIONS: Commencing at the East $\frac{1}{4}$ Corner of Section of Township 41 South, Range 9 West, Salt Lake Base and Meridian; thence, along the East-West $\frac{1}{4}$ Line, North $89^{\circ}03'07''$ West 331.01 feet, to the Westerly right-of-way of U.S. Highway 9 and the POINT OF BEGINNING, and running; thence, along said right-of-way, South $11^{\circ}34'06''$ West 679.83 feet, to the beginning of a curve; thence along the curve to the right, 395.05 feet, having a radius of 2764.80 feet, a central angle of $08^{\circ}11'12''$ and whose long chord bears South $15^{\circ}39'42''$ West 394.72 feet; thence, departing said right-of-way, North $79^{\circ}43'20''$ West 186.01 feet; thence North $43^{\circ}53'32''$ West 234.17 feet; thence North $03^{\circ}29'57''$ West 856.33 feet, to said $\frac{1}{4}$ line; thence, along said line, South $89^{\circ}03'07''$ East 640.62 feet, to the POINT OF BEGINNING; containing 11.54 acres (more or less).

FACTS & FINDINGS:

- Parcel 1-9-12-2A meets the minimum acreage required to be zoned RU-10. The parcel is currently zoned AG.
- The developer requests RU-10 zoning which requires a zone change.
- If the zone change is approved all uses contained in the RU-10 uses table will be allowed.

9-5C-6: USES TABLE:

Use	Rural 10		Rural 40	
Use			Rural 10	Rural 40
Accessory buildings and uses customarily incidental to conditional uses			C	C
Accessory buildings and uses customarily incidental to permitted uses			P	P
Animal shelter, commercial			C	C
Animal shelter, private			P	P
ATV tours & rentals			-	-
Building with a height greater than 35 feet			C	C
Cabins -- not to exceed 1500 Sq. ft. Limited to up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more			C	C
Campground/glamp-ground with up to 14 sites for the first 10 acres, and an additional 8 sites for each additional 10 acres up to a maximum of 70 sites on 80 acres or more			C	C
Educational Shop			C	C
Fruit, fruit juice store; fruit and/or vegetable stand, or store			P	P
Gift shop; incidental to permitted uses			P	P
Golf courses			C	C
Helicopter tours			-	-
Helipad, private			-	C
Parks and other recreational areas			C	C
Parking lot incidental to a use conducted on the premises			P	P
Public parks and playground			P	P
Reception center and/or wedding chapel			P	P
Recreational center, recreational camp, facilities or area that is private and/or commercial			P	P
Recreational vehicle park			-	C
Restaurant			C	C
Shooting Range			C	C
Spa			C	C

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

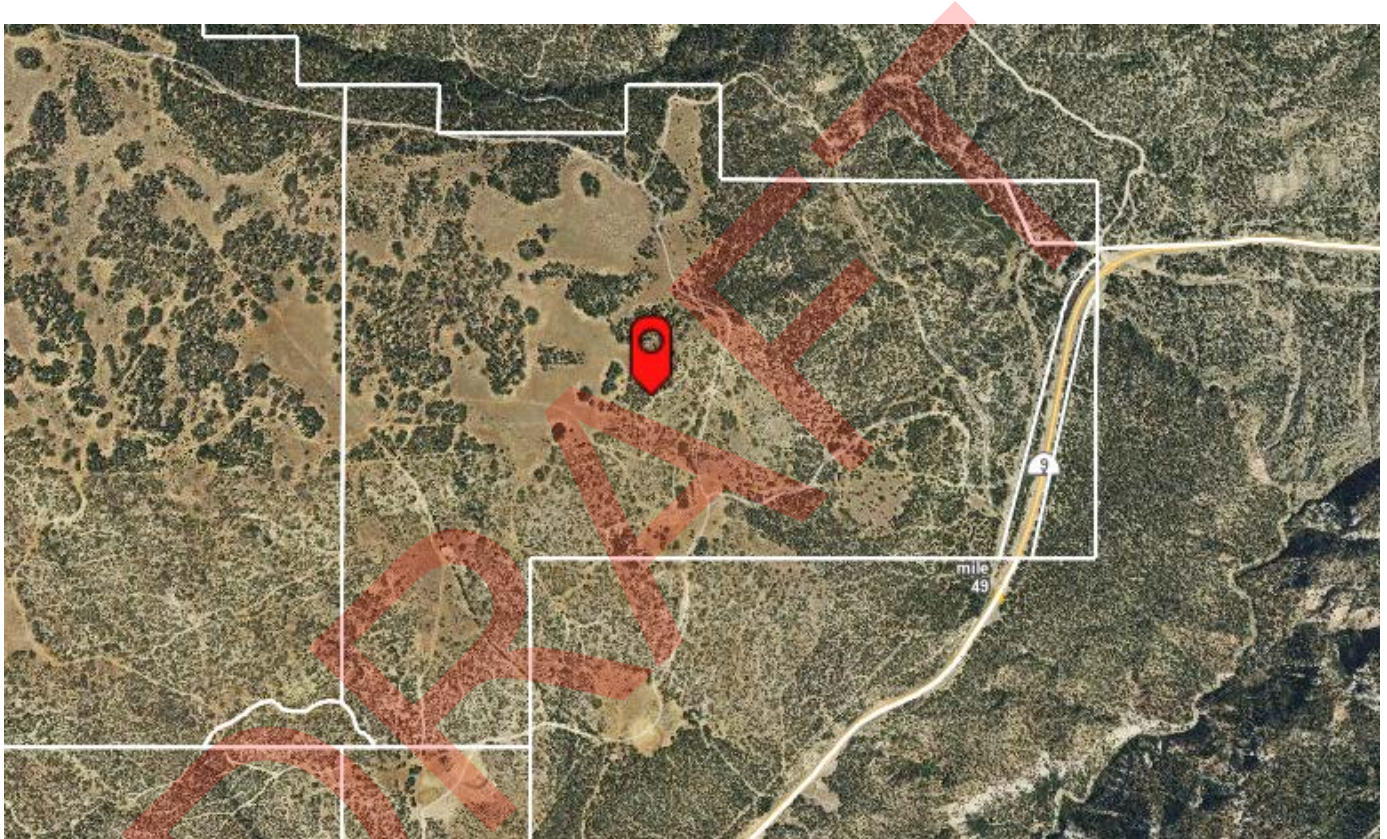
- Surrounding parcels are zoned AG, RU-10 and RU-40.
- The parcel would gain access from Highway 9 and Thurston Road.
- All property owners within 500 ft. of this parcel have been mailed a public notice and a sign has been posted near the parcel.
- **9-5A-1: AG PURPOSE:** To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- **9-5B-1: RURAL PURPOSE:** Kane County continues to grow and increase in economic development. In areas of the county where there is a large amount of land that is zoned agricultural there is very low density and many lands that retain a rural feel along with many traditional agricultural uses. These lands are not suitable to be zoned commercial with the possibility of many varied commercial uses that are much higher in density and come with a much larger impact to the surrounding areas. However, to promote appropriate growth and economic development in these low density rural areas there is a need to allow additional uses beyond what is allowed in the Agricultural Zone. The purpose of the Rural Zone is to allow uses that are similar to the Agricultural Zone but also allow some additional uses for growth and economic development, such as recreation and tourism related uses that are better suited for these rural areas. (Ord. O-2020-14, 6-23-2020)
- **Kane County General Plan, Preamble:** Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.

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

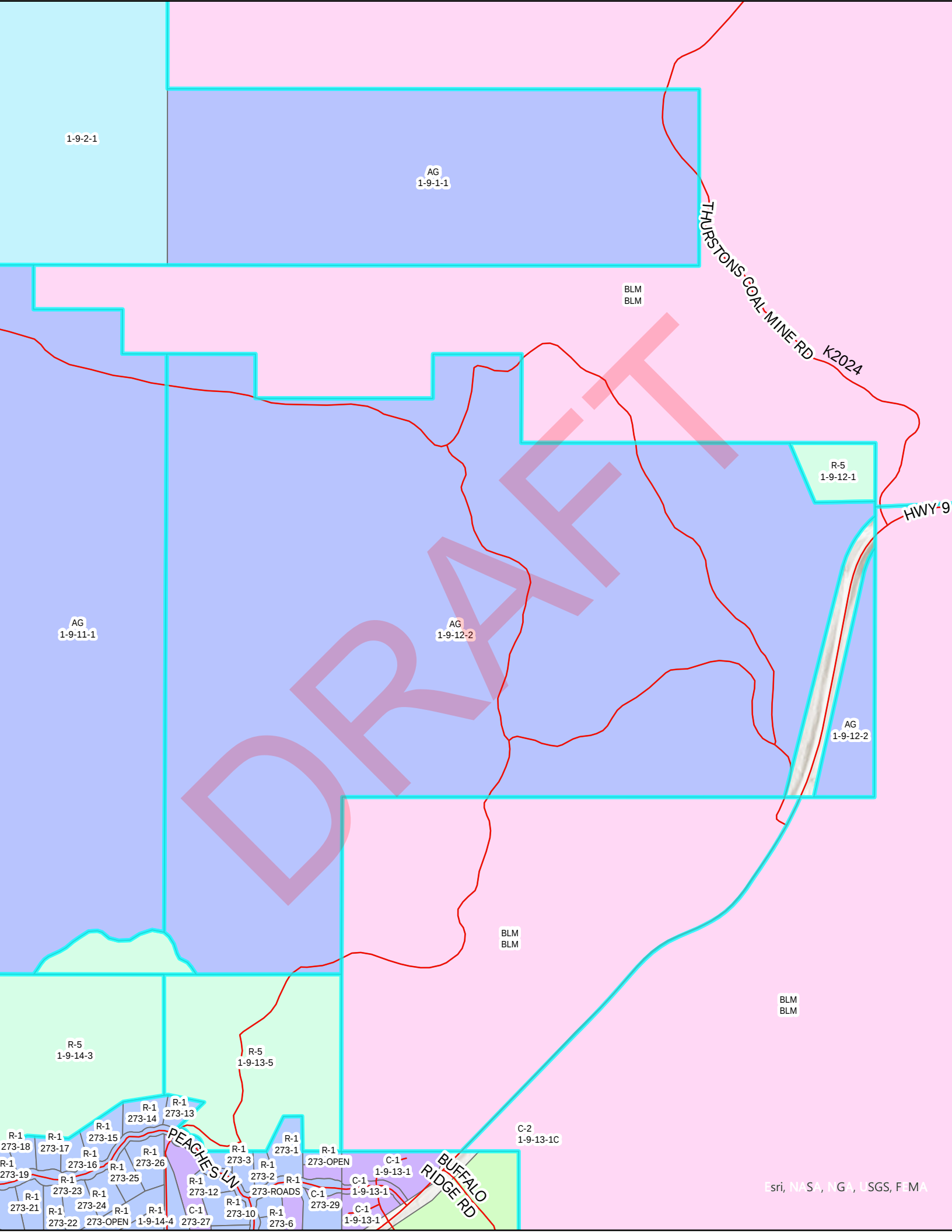
Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner;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

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

MOTION: I move to recommend denying/approving the zone change from AG to RU-10 for parcel 1-9-12-2A & Ordinance O-2024-27 to the County Commission based on the facts and findings as documented in the staff report.







KANE COUNTY ORDINANCE NO. O 2024-27

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 1-9-12-2A
FROM AGRICULTURE TO RURAL 10**

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

WHEREAS, the Kane County Planning Commission desires to implement the recommended zone change; and

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

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

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 1-8-12-2A from AG to Rural 10;

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

Parcel 1-9-12-2A

Acres 11.54

LEGAL DESCRIPTIONS: Commencing at the East $\frac{1}{4}$ Corner of Section of Township 41 South, Range 9 West, Salt Lake Base and Meridian; thence, along the East-West $\frac{1}{4}$ Line, North $89^{\circ}03'07''$ West 331.01 feet, to the Westerly right-of-way of U.S. Highway 9 and the POINT OF BEGINNING, and running; thence, along said right-of-way, South $11^{\circ}34'06''$ West 679.83 feet, to the beginning of a curve; thence along the curve to the right, 395.05 feet, having a radius of 2764.80 feet, a central angle of $08^{\circ}11'12''$ and whose long chord bears South $15^{\circ}39'42''$ West 394.72 feet; thence, departing said right-of-way, North $79^{\circ}43'20''$ West 186.01 feet; thence North $43^{\circ}53'32''$ West 234.17 feet; thence North $03^{\circ}29'57''$ West 856.33 feet, to said $\frac{1}{4}$ line; thence, along said line, South $89^{\circ}03'07''$ East 640.62 feet, to the POINT OF BEGINNING; containing 11.54 acres (more or less).

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

---- END OF ORDINANCE ----

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

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

ADOPTED this _____ day of _____, 2024.

ATTEST:

Patty Kubeja, Chair
Board of Commissioners Kane County

Chameill Lamb
Kane County Clerk

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

Public Hearing

4. Road Dedication/Ordinance 2024-29: Dehban

An application to vacate and dedicate an easement, vacating (4) 25' ingress & egress and public utility easements and recording a 50' ingress & egress and public utility easement to align with the existing Spencer Towers Road on parcels 9-6-29-56, 9-6-29-57 & 9-6-29-58. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.

DRAFT STAFF REPORT

DATE: 10/30/2024

PROJECT: A complete application for an EASEMENT DEDICATION and VACATING portions of the public ingress/egress and public utility easements through parcels 9-6-2-56, 9-6-29-57, and 9-6-29-58, consisting of LEGAL DESCRIPTION: The South 25.00 feet of the E1/2 E1/2 SW1/4 SW1 /4 of Section 29, Township 39 South, Range 6 West, Salt Lake Base and Meridian. The East 25.00 feet of the SW1/4 SW1/4 and the West 25.00 feet of the SE1/4 SW1/4 of Section 29, Township 39 South, Range 6 West, Salt Lake Base and Meridian, which lies south of the below described easement.

New Dedication of Egress and Public Utilities Easement: An easement being 50.00 feet in width, being 25.00 feet on each side of the following described centerline: Commencing at the Southwest Corner of Section 29, Township 39 South, Range 6 West, Salt Lake Base and Meridian; thence, along the South Section Line, South 88° 35' 25" East 956.60 feet, to the East-West-West 1/256 Corner; thence, along the East-West-West 1/256 Line, North 00° 18' 49" West 698.03 feet, to the POINT OF BEGINNING, thence South 48° 21' 22" East 42.07 feet, to the beginning of a curve; thence, along the curve to the left, 53.04 feet, having a radius of 180.00 feet, a central angle of 16° 52' 55" and whose long chord bears South 56° 47' 49" East 52.84 feet; thence South 65° 14' 17" East 110.12 feet, to the beginning of a curve; thence, along the curve to the right, 102.37 feet, having a radius of 685.00 feet, a central angle of 08° 33' 44" and whose long chord bears South 60° 57' 25" East 102.27 feet; thence South 56° 40' 33" East 327.38 feet, to the beginning of a curve; thence, along the curve to the right, 308.02 feet, having a radius of 1020.00 feet, a central angle of 17° 18' 09" and whose long chord bears South 48° 01' 28" East 306.85 feet; thence South 39° 22' 24" East 236.38 feet, to the South Section Line and the POINT OF ENDING, with sidelines being extended and/or trimmed to said line; containing 1.35 acres (more or less).

This dedication will be through Ordinance-2024-29. The reason for the easement DEDICATION and VACATION is to realign the easements into one easement on the Spencer Tower Road with the County maintaining the easement as approved by Bert Harris Roads Supervisor.

FINDINGS: Dedicating and vacating portions of the prescriptive easement and public utility easements by Ordinance 2024-29 conforms to the standards in the Kane County Land Use Ordinance, 9-21F-1-6. Utah Code Sections §17-27a-201, 202, 206, 208, 308 & §17-27a-607 & 608 & 609 & 609.5 requirements have all been met. The project has been posted and noticed in the local newspaper, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project and those properties that are accessed by the right-of-way, or easement. A sign was posted on or near the easement in a manner that is calculated to alert the public. Good cause exists for dedicating and vacating portions of the right-of-way; neither the public interest nor any person will be materially injured by the proposed dedication of the above right-of-way/easement. Dedicating and Vacating portions of the easement, right-of-way is in compliance with all state and local ordinances. Bert Harris, Kane County Roads Department, is in support of this easement dedication, vacation and realignment.

Bert Harris, Roads Department agreed that road maintenance will be accepted by Kane County since they have already been maintaining the easement.

STAFF RECOMMENDATIONS: Kane County alternate surveyor, Paul Wilson, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends **CONDITIONAL** approval. The termination agreements are missing from the local utility companies. The project complies with county and state ordinance requirements.

MOTION: I move to recommend approving/denying to the Kane County Commission, Ordinance 2024-29 for an EASEMENT DEDICATION and EASEMENT VACATION. Dedicating and vacating portions of the public ingress/egress and public utility easements through parcels 9-6-2-56, 9-6-29-57, and 9-6-29-58, consisting of 1.35 acres (more or less) based on the findings documented in the staff report. The easement maintenance will be accepted by Kane County since they are currently maintaining the road

Thank you.





ARTICLE F. DEDICATION AND ACCEPTANCE OF STREETS AND PUBLIC IMPROVEMENTS

9-21F-1: DEDICATION OF SUBDIVISION ROADS:

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

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

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

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

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

9-21F-7: RIGHT-OF-WAY IMPROVEMENTS FOR COMMERCIAL DEVELOPMENTS:

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

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

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

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

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

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

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

AVERAGE DAILY TRAFFIC USAGE TABLE

Land Uses	Units	Daily (Weekday) Average Rate
Single family home	Dwelling units	9.52

(Ord. O-2018-2, 4-9-2018)

Utah State Code 17-27a-607 Dedication of streets and other public places.

- (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in this part, operates, when recorded, as a dedication of all streets and other public places, and vests the fee of those parcels of land in the county for the public for the uses named or intended in the plat.
- (2) The dedication established by this section does not impose liability upon the county for streets and other public places that are dedicated in this manner but are unimproved.

STAFF RECOMMENDATIONS: Kane County alternate surveyor Paul Wilson, Civil Science, reviewed this project and recommends **CONDITIONAL** approval. Kane County Land Use Administrator, Shannon McBride, recommends approval to the Kane County Commission based on the findings as stated in the staff report.

This project needs to be recommended to the Commissioners due to the road dedication and vacation requiring dedication to the County for acceptance.

Utah State Code

-Effective 5/5/2021

17-27a-609.5. Petition to vacate a public street.

- (1) In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Sections [17-27a-603](#) through [17-27a-609](#), a legislative body may approve a petition to vacate a public street in accordance with this section.
- (2) A petition to vacate some or all of a public street or county utility easement shall include:
 - (a) the name and address of each owner of record of land that is:
 - (i) adjacent to the public street or county utility easement between the two nearest public street intersections; or
 - (ii) accessed exclusively by or within 300 feet of the public street or county utility easement;
 - (b) proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or county utility easement sought to be vacated; and
 - (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.
- (3) If a petition is submitted containing a request to vacate some or all of a public street or county utility easement, the legislative body shall hold a public hearing in accordance with Section [17-27a-208](#) and determine whether:
 - (a) good cause exists for the vacation; and
 - (b) the public interest or any person will be materially injured by the proposed vacation.
- (4) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or county utility easement if the legislative body finds that:
 - (a) good cause exists for the vacation; and
 - (b) neither the public interest nor any person will be materially injured by the vacation.
- (5) If the legislative body adopts an ordinance vacating some or all of a public street or county utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
 - (a) a plat reflecting the vacation; or
 - (b)
 - (i) an ordinance described in Subsection (4); and
 - (ii) a legal description of the public street to be vacated.
- (6) The action of the legislative body vacating some or all of a public street or county utility easement that has been dedicated to public use:
 - (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way, or easement; and
 - (b) may not be construed to impair:
 - (i) any right-of-way or easement of any parcel or lot owner;
 - (ii) the rights of any public utility; or
 - (iii) the rights of a culinary water authority or sanitary sewer authority.
- (7) (a) A county may submit a petition, in accordance with Subsection (2), and initiate and complete a process to vacate some or all of a public street.

- (b) If a county submits a petition and initiates a process under Subsection [\(7\)\(a\)](#):
 - (i) the legislative body shall hold a public hearing;
 - (ii) the petition and process may not apply to or affect a public utility easement, except to the extent:
 - (A) the easement is not a protected utility easement as defined in Section [54-3-27](#);
 - (B) the easement is included within the public street; and
 - (C) the notice to vacate the public street also contains a notice to vacate the easement; and
 - (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.
- (8) A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

Effective 5/14/2019

17-27a-607. Dedication by plat of public streets and other public places.

- (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in this part, operates, when recorded, as a dedication of all public streets and other public places, and vests the fee of those parcels of land in the county for the public for the uses named or intended in the plat.
- (2) The dedication established by this section does not impose liability upon the county for public streets and other public places that are dedicated in this manner but are unimproved unless:
 - (a) adequate financial assurance has been provided in accordance with this chapter; and
 - (b) the county has accepted the dedication.

Amended by Chapter [384](#), 2019 General Session

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

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

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

EXHIBIT A

INGRESS AND EGRESS AND PUBLIC
UTILITY EASEMENT TO BE TERMINATED
LOCATED IN THE SW 1/4 OF SECTION 29,
TOWNSHIP 39 SOUTH, RANGE 6 WEST,
SALT LAKE BASE AND MERIDIAN

Easements to TERMINATE:

Easements to Vacate:

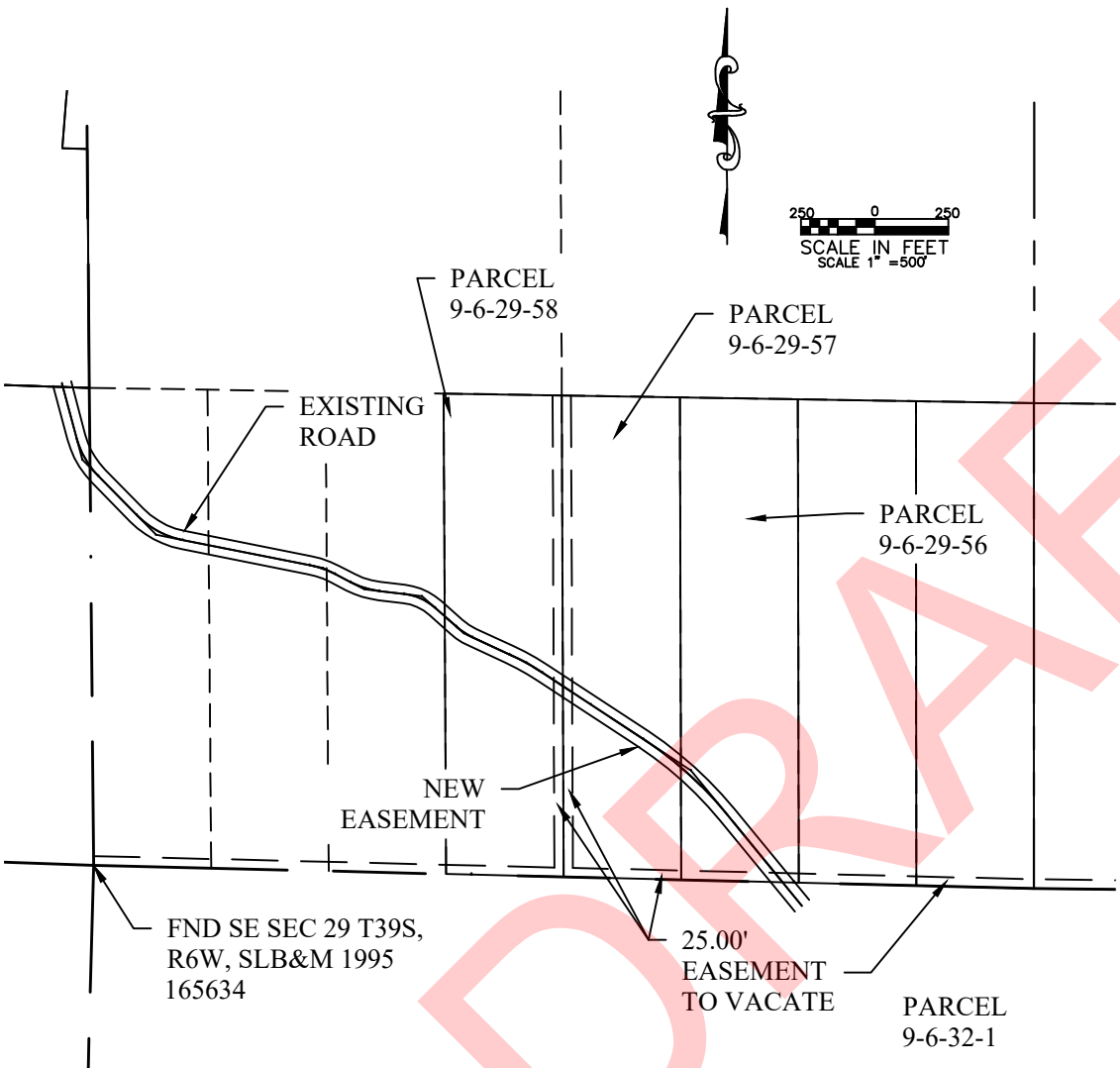
The South 25.00 feet of the E1/2 E1/2 SW1/4 SW1/4, SE1/4 SW1/4 and the SW1/4 SE1/4 of Section 29, Township 39 South, Range 6 West, Salt Lake Base and Meridian.

The East 25.00 feet of the SW1/4 SW1/4 and the West 25.00 feet of the SE1/4 SW1/4 of Section 29, Township 39 South, Range 6 West, Salt Lake Base and Meridian, which lies south of the below described easement.

Ingress and Egress and Public Utilities Easement:

An easement being 50.00 feet in width, being 25.00 feet on each side of the following described centerline:

Commencing at the Southeast Corner of Section 29, Township 39 South, Range 6 West, Salt Lake Base and Meridian; thence, along the South Section Line, South 88° 35' 25" East 956.60 feet, to the East-West-West 1/256 Corner; thence, along the East-West-West 1/256 Line, North 00° 18' 49" West 698.03 feet, to the POINT OF BEGINNING, thence South 48° 21' 22" East 42.07 feet, to the beginning of a curve; thence, along the curve to the left, 53.04 feet, having a radius of 180.00 feet, a central angle of 16° 52' 55" and whose long chord bears South 56° 47' 49" East 52.84 feet; thence South 65° 14' 17" East 110.12 feet, to the beginning of a curve; thence, along the curve to the right, 102.37 feet, having a radius of 685.00 feet, a central angle of 08° 33' 44" and whose long chord bears South 60° 57' 25" East 102.27 feet; thence South 56° 40' 33" East 327.38 feet, to the beginning of a curve; thence, along the curve to the right, 308.02 feet, having a radius of 1020.00 feet, a central angle of 17° 18' 09" and whose long chord bears South 48° 01' 28" East 306.85 feet; thence South 39° 22' 24" East 236.38 feet, to the South Section Line and the POINT OF ENDING, with sidelines being extended and/or trimmed to said line; containing 1.35 acres (more or less).



FND SE SEC 29 T39S,
R6W, SLB&M 1995
165634



Building on Solid
Foundations

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

EASEMENTS TO TERMINATE

EXHIBIT A

PARCELS 9-6-29-58, 9-6-29-57 & 9-6-29-56
KANE COUNTY, UTAH

DATE: 6/03/2023

DESCRIPTION:

DATE:

REV#

DRAWN BY: CH

SCALE: 1" = 500'

SHEET:

1 OF 1

KANE COUNTY ORDINANCE NO. O-2024-29

AN ORDINANCE DEDICATING PUBLIC UTILITY INGRESS EGRESS EASEMENTS FOR A PORTION OF THE SPENCER TOWER ROAD

WHEREAS, A complete application for vacating and dedicating portions of the Spencer Tower Road for public utilities and ingress, egress consisting of parcels 9-6-2-56, 9-6-29-57, and 9-6-29-58; and

WHEREAS, Good cause exists for dedicating and vacating portions of the public right-of-way; neither the public interest nor any person will be materially injured by the proposed dedication of the above right-of-way, public utility easement. Dedicating and Vacating portions of the easement, right-of-way is in compliance with all state and local ordinances; and

WHEREAS, these lot owners intend to dedicate portions as listed below in the legal description as well as having Kane County keeping responsibility for maintaining the easement; and

WHEREAS, dedicating this easement right-of-way conforms to the standards in the Kane County Land Use Ordinance, 9-21F-1-6, as well as Utah Code Sections §17-27a-201, 202, 206, 208, 608 & 609, & §17-27a-607 (2) The dedication established by this section does not impose liability upon the county for streets and other public places that are dedicated in this manner but are unimproved; and

WHEREAS, good cause to amend and dedicate the above roads right-of-way exists, and by dedicating the right-of-way; neither the public interest nor any person will be materially injured by the proposed dedication of the above public right-of-way/easement, and the prescriptive easement will be dedicated public for these portions, and

WHEREAS, authority is granted to Kane County by virtue of Utah Code Sections §17-27a-207, P §17-27a-607 & 608, and the Kane County Planning Commission, after a duly noticed public hearing desire to implement this Ordinance and therefore recommended its approval, and the Kane County Board of Commissioners, in a duly noticed public hearing, received the Planning Commission recommendation and likewise desires to enact this Ordinance.

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

Dedicating easement for LEGAL DESCRIPTION: The South 25.00 feet of the E1/2 E1/2 SW1/4 SW1 /4 of Section 29, Township 39 South, Range 6 West, Salt Lake Base and Meridian. The East 25.00 feet of the SW1/4 SW1/4 and the West 25.00 feet of the SE1/4 SW1/4 of Section 29, Township 39 South, Range 6 West, Salt Lake Base and Meridian, which lies south of the below described easement.

New Dedication of Egress and Public Utilities Easement: An easement being 50.00 feet in width, being 25.00 feet on each side of the following described centerline: Commencing at the Southwest Corner of Section 29, Township 39 South, Range 6 West, Salt Lake Base and Meridian; thence, along the South Section Line, South 88° 35' 25" East 956.60 feet, to the East-West-West 1/256 Corner; thence, along the East-West-West 1/256 Line, North 00° 18' 49" West 698.03 feet, to the POINT OF BEGINNING, thence South 48° 21' 22" East 42.07 feet, to the beginning of a curve; thence, along the curve to the left, 53.04 feet, having a radius of 180.00 feet, a central angle of 16° 52' 55" and whose long chord bears South 56° 47' 49" East 52.84 feet; thence South 65° 14' 17" East 110.12 feet, to the beginning of a curve; thence, along the curve to

the right, 102.37 feet, having a radius of 685.00 feet, a central angle of 08° 33' 44" and whose long chord bears South 60° 57' 25" East 102.27 feet; thence South 56° 40' 33" East 327.38 feet, to the beginning of a curve; thence, along the curve to the right, 308.02 feet, having a radius of 1020.00 feet, a central angle of 17° 18' 09" and whose long chord bears South 48° 01' 28" East 306.85 feet; thence South 39° 22' 24" East 236.38 feet, to the South Section Line and the POINT OF ENDING, with sidelines being extended and/or trimmed to said line; containing 1.35 acres (more or less) is hereby DEDICATED to, and ACCEPTED by, Kane County.

The amended plat RECORD OF SURVEY and dedicated road is described and set forth more fully on the plat map attached hereto. As stated above.

//

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, 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 November 12, 2024.

ATTEST:

Patty Kubeja, Chair
Board of Commissioners
Kane County

Chameill Lamb
Kane County Clerk

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

Public Meeting

5. Compliance Review: Holms

An application for a compliance review of previously divided property, parcels 8-3-1-1B and 8-3-1-1C. Submitted by Landon Holms.

DRAFT

STAFF REPORT

DATE: 10/25/2024

TO: Kane County Planning Commission

FROM: Shannon McBride, Kane County Land Use Administrator

RE: Compliance Review of Previously Divided Property
APPLICANT: Landon Holm
Parcels: 8-3-1-1C and 8-3-1-1B

Pursuant to Resolution No. R 2015-10, the Land Use Administrator has received an application for Compliance Review of Previously Divided Property ("Compliance Review Application") from Landon Holm, for a parcel that was subdivided in 1997. The property was divided by a realtor who did not submit the record of survey to the Planning Commission which was required at that time for 10-acre splits. Pursuant to the Resolution, **no fee was collected** for consideration of this application, and there has been no review by the County Engineer/Surveyor. The following was considered and determined relating to subdivision compliance, as required by the Resolution:

1. Whether the County considers the real property that is the subject of this application to be illegally or improperly subdivided:
FINDING: YES, the real property is considered to be illegally/improperly subdivided.
2. At the time this subdivision of property occurred, the following were the **substantive requirements of Utah State Code** to subdivide real property:
 - a. Utah State Code 17-27-806-Exemptions from plat requirement. (See Attached)
 - b. FINDING: Upon review, the Land Use Administrator has found that the Applicant was compliant with Utah State Code substantive requirements at the time of the subdivision. Except a record of survey was not filed, and they did not go through the Planning Commission.
3. At the time this subdivision of real property occurred, the following were the **substantive requirements of the Kane County Ordinance** to subdivide real property:
 - a. See Attached
 - b. FINDING: Upon review, the Land Use Administrator has found that the Applicant was compliant with County Ordinance substantive requirements at the time of the subdivision. A record of survey has been filed and the Planning Commission needs to recommend approval for the parcel to be compliant.
4. At the time this subdivision of property occurred, the following was **procedurally required by Utah State Code** to subdivide real property:
 - a. See attached Utah State Code.
 - b. FINDING: Upon review, the Land Use Administrator has found that the Applicant was compliant with Utah State Code substantive requirements at the time of the subdivision. The applicant has filed a record of survey and is asking for the Planning Commission's approval for recommendation to be in compliance with the 1997 requirements under the exemption to the plat.

5. At the time this subdivision of property occurred, the following was **procedurally required by County Ordinance**:
- a. [See attached County Code]

"If all substantive requirements were met but not all procedural requirements were met at the time of the illegal division of land the Land Use Administrator shall present the application to the Planning Commission/Land Use Authority for review and approval. All of the land included in an application that has been approved by the Planning Commission/Land Use Authority shall be considered legally divided as of the time of the division."

FURTHER FINDINGS: No minutes were found showing the subdivision went before the Planning Commission as required per Utah State Code. Landon combined parcel 8-3-1-1C back into the parent parcel 8-3-1-1B to be compliant with the requirements.

RECOMMENDATION: Based on staff review and analysis, it is recommended that the Kane County Planning Commission approve the Compliance Review Application, adopting the findings contained in this Staff Report, and authorizing the Chair and Land Use Administrator to execute any documentation to that affect.

MOTION: I move to approve the Compliance Review of Previously Divided Property, on behalf of Landon Holm, for parcel 8-3-1-1B, based on the findings as documented in the staff report.

Utah State Code 1997 17-27-806

the record.

The filing of a petition does not stay the decision of board of adjustment.

(i) Before filing the petition, the aggrieved party may petition the board of adjustment to stay its decision.

(ii) Upon receipt of a petition to stay, the board of adjustment may order its decision stayed pending district court review if the board of adjustment finds it to be in the best interest of the county.

(iii) After the petition is filed the petitioner may seek an injunction staying the board of adjustment's decision.

1991

PART 8

SUBDIVISIONS

1. Enactment of subdivision ordinance.

Legislative body of any county may enact a subdivision ordinance requiring that a subdivision plat comply with the provisions of the subdivision ordinance and be approved as provided by this part before:

- (i) it may be filed or recorded in the county recorder's office; and
- (ii) lots may be sold.

1991

2. Preparation — Adoption.

The planning commission shall:

- (i) prepare and recommend a proposed subdivision ordinance to the legislative body that regulates the subdivision of land in the county;

(2) (a) The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgement of conveyances of real estate.

(b) The surveyor making the plat shall certify it.

(c) The county legislative body shall approve the plat as provided in this part. Before the legislative body may approve a map or plat, the owner of the land shall provide the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the plat has been acknowledged, certified, and approved, the owner of the land shall file and record it in the county recorder's office in the county in which the lands platted and divided are situated.

1997

17-27-805. Subdivision approval procedure.

A person may not submit a plat of a subdivision to the county recorder's office for filing or recording unless a recommendation has been received from the planning commission and:

(1) the plat has been approved by:

(a) the legislative body; or

(b) other officers that the legislative body designates in an ordinance; and

(2) the approvals are entered in writing on the plat by the chief executive officer or chairperson of the legislative body or by the other officers designated in the ordinance.

1997

17-27-806. Exemptions from plat requirement.

In subdivisions of less than ten lots, land may be sold by metes and bounds, without the necessity of recording a plat if:

(1) a recommendation has been received from the planning commission;

(2) the deed contains a stamp or other mark indicating that the subdivision has been approved by:

(a) the legislative body; or

(b) other officers that the legislative body designates in an ordinance;

(3) the subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and

(4) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the board of adjustment.

1995

17-27-807. Dedication of streets.

(1) Maps and plats, when made, acknowledged, filed, and recorded according to the procedures specified in this part, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land in the county for the public for the uses named or intended in those maps or plats.

(2) The dedication established by this section does not impose liability upon the county for streets and other public places that are dedicated in this manner but unimproved.

1991

17-27-808. Vacating or changing a subdivision plat.

(1) (a) The county legislative body or any other officer that the legislative body designates by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

(b) If a petition is filed, the responsible body or officer

contained in a subdivision plat, to a public hearing after giving the

(6) Petitions to adjust lot lines may be executed upon the record if:

(a) no new dwelling lot or lot line adjustment;

(b) the adjoining property adjustment;

(c) the lot line adjustment land that did not previously

(d) the adjustment does not violate zoning requirements.

17-27-809. Notice of hearing

(1) (a) The responsible body the proposed plat change to owner of property located within that is the subject of the plat to the owner's mailing address the county assessor of the located.

(b) The responsible body notice includes:

(i) a statement that proposed plat change must change within ten day;

(ii) a statement that received by the legislative no public hearing will

(iii) the date, place, be held, if one is required alteration, or amendment written objections are petition that does not owners as required by

(2) If the proposed change is a street, the

Public Hearing

6. Lot Joinder: Gormley

An application to amend a subdivision plat for a lot joinder joining lots 48, 49 & 50 becoming new lot 49 containing 1.49 acres, Strawberry Valley Estates, Unit 2. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.



STAFF REPORT

DATE: 10/24/24

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Mark Ryan Gormley and Jessica Marie Gormley, Trustees of the MR and JM Gormley Revocable Living Trust dated December 9, 2016, in the Strawberry Valley Estates subdivision, Unit No. 2, consisting of lots 48, 49 & 50, becoming new lot 49, containing 1.49 acres, within SW ¼ NW ¼ Section 21, 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.

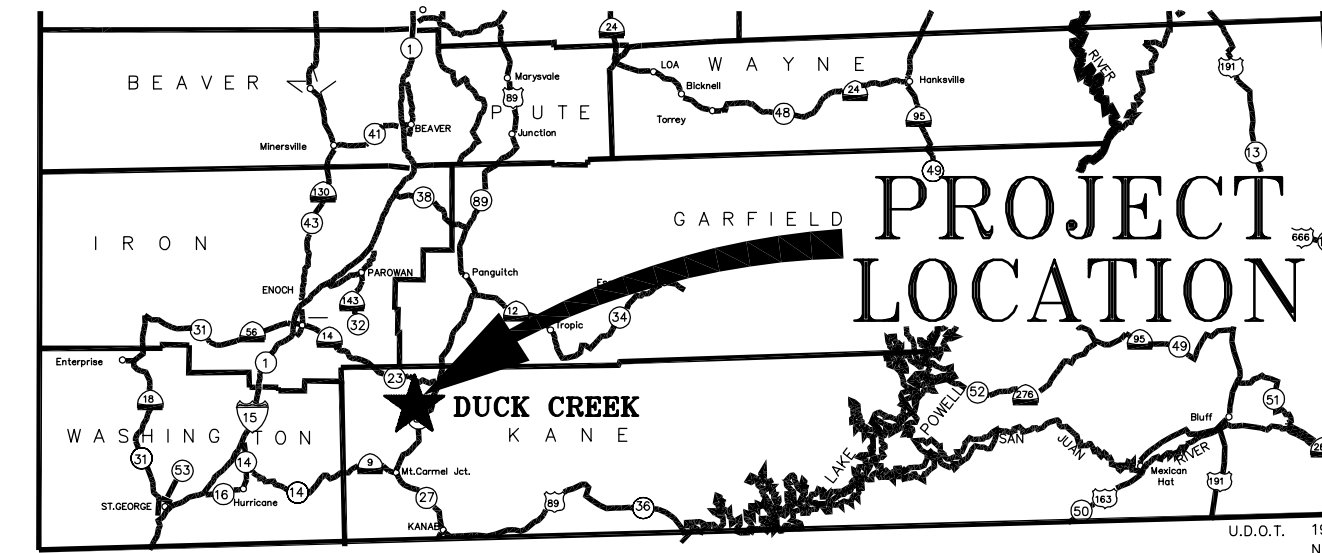
STAFF DETERMINATIONS: Kane County Engineer, Tom Avant, Iron Rock Group, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with county and state ordinance requirements.

MOTION: I move to **approve/deny** the amended subdivision plat for a Lot Joinder in the Strawberry Valley Estates, Unit No. 2 Subdivision, consisting of lots 48, 49 & 50 becoming new lot 49, based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT OF LOTS 48, 49 & 50, STRAWBERRY VALLEY ESTATES, UNIT NO. 2

WITHIN SW1/4 NW1/4 SECTION 21, T38S-R7W, 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 "STRAWBERRY VALLEY ESTATES, UNIT NO. 2, LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 48, 49, & 50, STRAWBERRY VALLEY ESTATES, UNIT NO. 2 AFFECTED BY THIS AMENDMENT:

(NEW LOT 49) LOTS 48, 49 & 50, STRAWBERRY VALLEY ESTATES, UNIT NO. 2. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SOUTH CORNER LOT 48, STRAWBERRY VALLEY ESTATES, UNIT NO. 2.; RUNNING THENCE N40°20'10"W 96.10 FEET TO THE ORIGINAL WEST CORNER OF LOT 48; THENCE N57°15'00"E 231.46 FEET TO THE ORIGINAL ANGLE POINT OF LOT 48; THENCE N71°36'00"E 11.40 FEET TO THE ORIGINAL NW CORNER OF LOT 48; THENCE S40°21'00"E 172.56 FEET TO THE ORIGINAL EAST CORNER OF LOT 49; THENCE S49°39'00"W 400.00 FEET TO THE ORIGINAL SOUTH CORNER OF LOT 50; THENCE N40°21'00"W 126.57 FEET TO THE ORIGINAL WEST CORNER OF LOT 50; THENCE N55°05'19"E 160.70 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.49 ACRES.

OWNER INFO:
MARK RYAN GORMLEY AND JESSICA GORMLEY,
AS TRUSTEES OF THE MR AND JM GORMLEY REVOCABLE TRUST,
DATED DECEMBER 9, 2016
5608 RAINBOW SPRINGS COURT - LAS VEGAS, NV. 89149

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 AND IS HEREBY ORDERED FILED FOR RECORD 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 LOTS 48 & 50 AND ADDING THAT AREA TO LOT 49, AS PER THIS PLAT. IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS P.O.A. FOR MARK RYAN GORMLEY,
AS TRUSTEE OF THE MR AND JM GORMLEY REVOCABLE TRUST, DATED DECEMBER 9, 2016

NEWELL BRENT CARTER AS P.O.A. FOR JESSICA GORMLEY,
AS TRUSTEE OF THE MR AND JM GORMLEY REVOCABLE TRUST, DATED DECEMBER 9, 2016

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

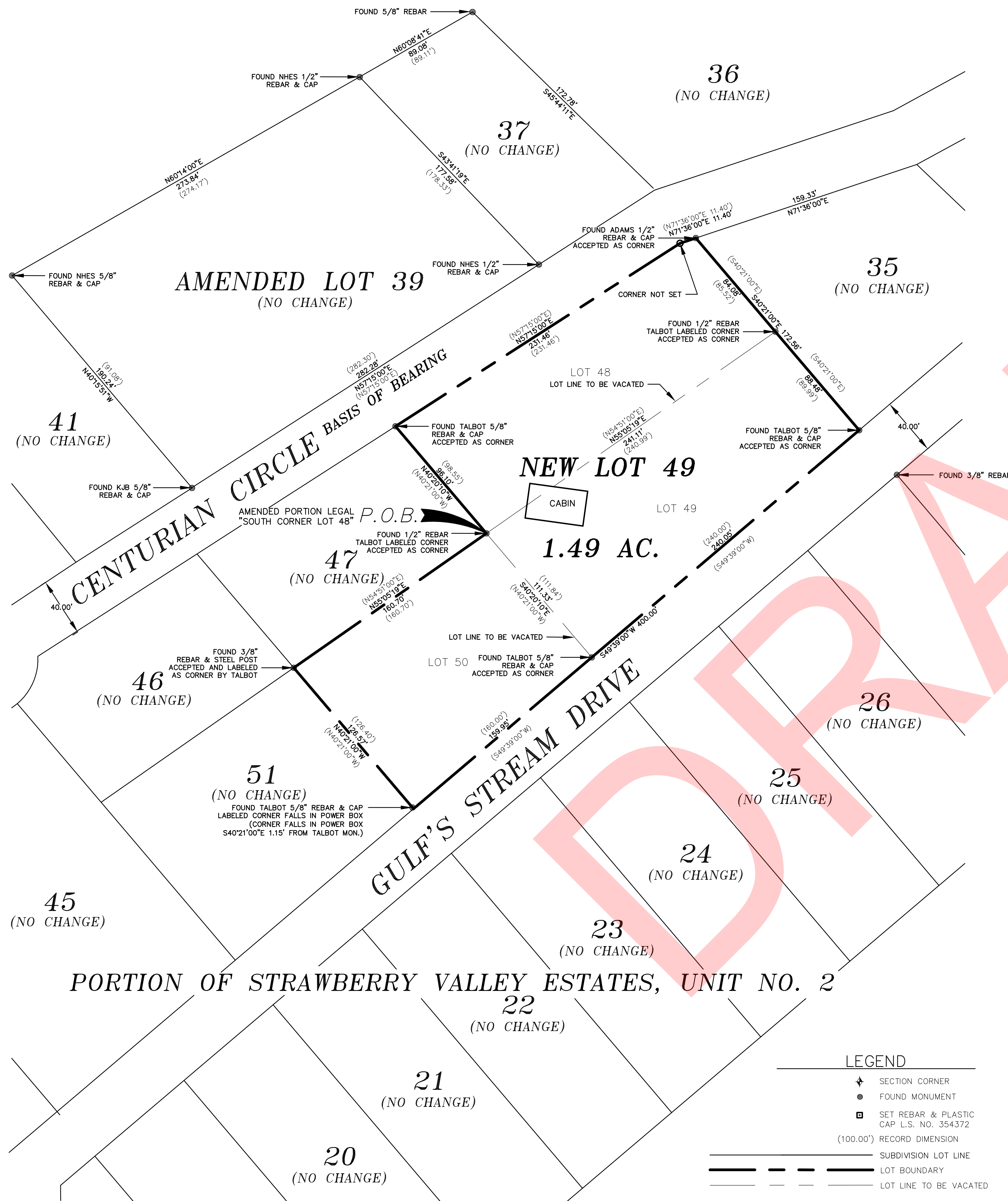
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR MARK RYAN GORMLEY AND JESSICA GORMLEY, AS TRUSTEES OF THE MR AND JM GORMLEY REVOCABLE TRUST, DATED DECEMBER 9, 2016, THE SIGNERS OF THE OWNERS CONSENT WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

LEGEND

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



GOR1001.DWG

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF THE TRUSTEES OF THE "MR AND JM GORMLEY REVOCABLE TRUST, DATED DECEMBER 9, 2016" 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 N57°15'00"E 282.28 FEET BETWEEN THE SOUTH CORNER AMENDED LOT 39 (FOUND KJB 5/8" REBAR & CAP) AND THE EAST CORNER SAID LOT (NHES 1/2" REBAR & CAP), STRAWBERRY VALLEY ESTATES, UNIT NO. 2. 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 48, 49 & 50,
STRAWBERRY VALLEY ESTATES, UNIT NO. 2

PREPARED FOR: "MR AND JM GORMLEY REVOCABLE TRUST"

LOCATION: SW1/4 NW1/4 SECTION 21, T38S-R7W, S.L.B.&M.
STRAWBERRY VALLEY ESTATES, UNIT NO. 2

DATE: 10/21/2024 REVISION #0: 00/00/2024

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

Public Hearing

7. Lot Joinder: Johnson

An application to amend a subdivision plat for a lot joinder joining lots 250 & 255, becoming new lot 250 containing 1.40 acres, Swains Creek Pines, Unit 1 Amended. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.



STAFF REPORT

DATE: 10/24/24

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Kenneth Thomas Johnson and Diana Pearce Johnson as Trustees of the Foxtree Johnson Trust, Dated August 30, 2023, in the Swains Creek Pines subdivision, Unit 1 Amended, consisting of lots 250 & 255, becoming new lot 250, containing 1.40 acres, within SE ¼ NW ¼ Section 33, 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 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 1 Amended, consisting of lots 250 & 255 becoming new lot 250, based on the findings documented in the staff report.

THANK YOU.

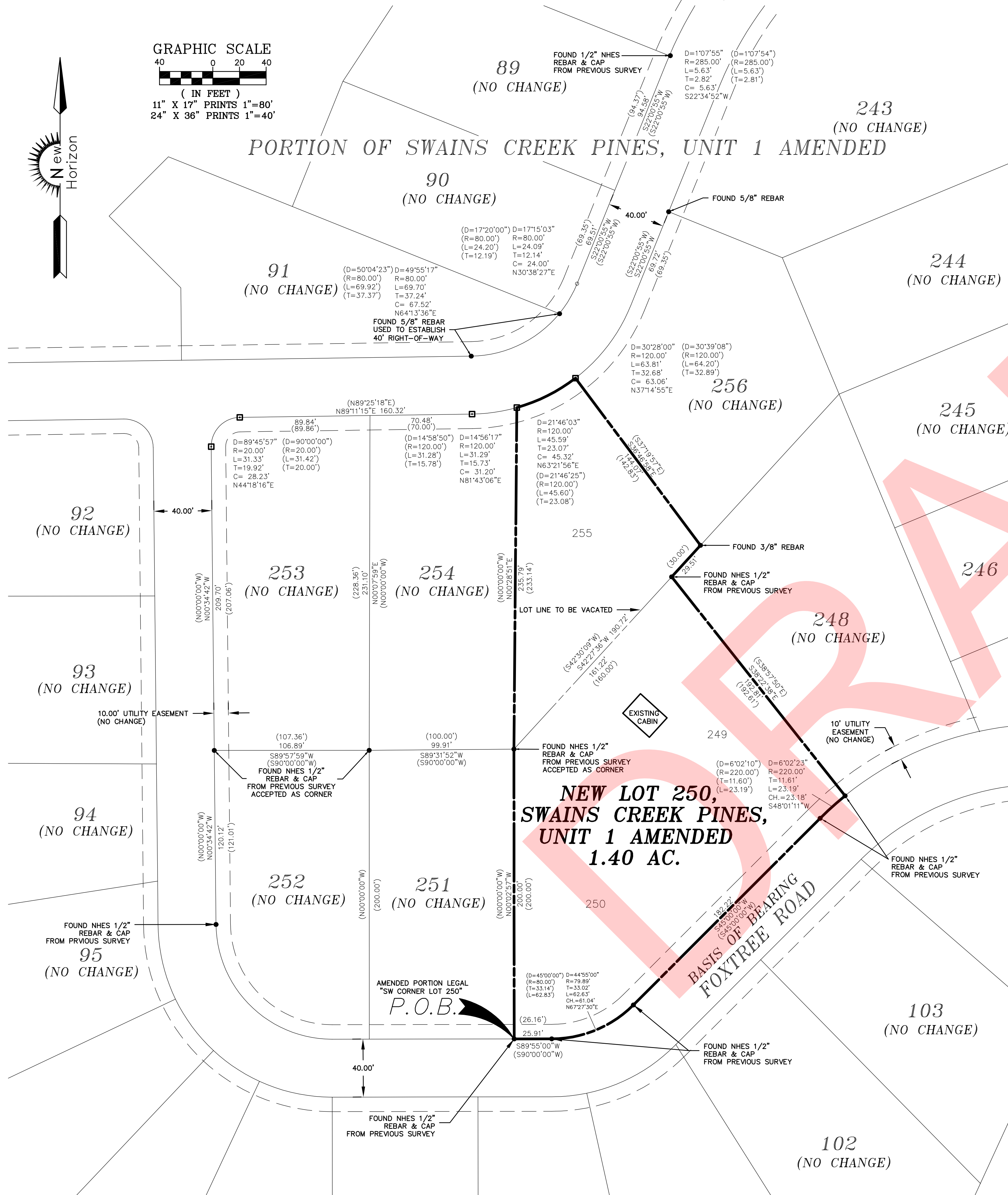
AMENDED PLAT OF LOTS 255 & AMENDED LOT 250, SWAINS CREEK PINES, UNIT 1 AMENDED

WITHIN SE 1/4 SECTION 33, T38S-R7W, S.L.B.&M.

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



PORTION OF SWAINS CREEK PINES, UNIT 1 AMENDED



OWNER INFO:
KENNETH THOMAS JOHNSON AND DIANA PEARCE JOHNSON AS TRUSTEES OF
THE FOXTREE JOHNSON TRUST, DATED AUGUST 30, 2023
3541 EAST BROKEN MESA DRIVE
SAINT GEORGE, UTAH 84790-4220

LEGEND

- SECTION CORNER
- FOUND WEC 1/2" REBAR & CAP
- 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 AND IS HEREBY
ORDERED FILED FOR RECORD 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 AMENDMENT PLAT, ALSO TO THE ABANDONING OF LOT 255
AND ADDING THAT AREA TO (PREVIOUSLY) AMENDED LOT 250, AS PER THIS PLAT.
IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS P.O.A. FOR KENNETH THOMAS JOHNSON
AS TRUSTEE OF THE FOXTREE JOHNSON TRUST, DATED AUGUST 30, 2023

NEWELL BRENT CARTER AS P.O.A. FOR DIANA PEARCE JOHNSON
AS TRUSTEES OF THE FOXTREE JOHNSON TRUST, DATED AUGUST 30, 2023

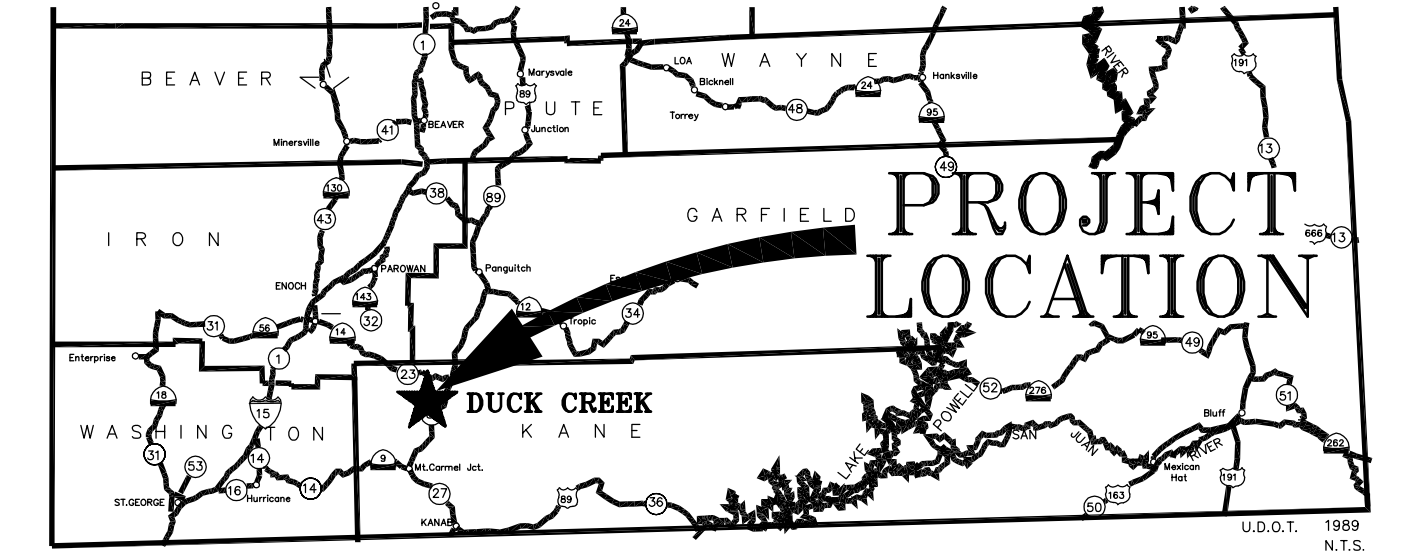
ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME,
NEWELL BRENT CARTER AS P.O.A. FOR KENNETH THOMAS JOHNSON AND DIANA PEARCE JOHNSON
AS TRUSTEES OF THE FOXTREE JOHNSON TRUST, DATED AUGUST 30, 2023, 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 253 &
254, SWAINS CREEK PINES, UNIT 1 AMENDED, LOCATED IN KANE COUNTY, UTAH. AS SHOWN
HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF SWAINS CREEK PINES, UNIT 1 AMENDED, EFFECTED BY
THIS AMENDMENT:

(NEW LOT 250) LOTS 255 & (PREVIOUSLY) AMENDED LOT 250, SWAINS CREEK PINES, UNIT 1
AMENDED, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SW
CORNER LOT 250, SWAINS CREEK PINES, UNIT 1 AMENDED; RUNNING THENCE N00°02'57"W 200.00
FEET TO THE ORIGINAL NW CORNER OF LOT 250; THENCE N00°28'51"E 235.79 FEET TO THE
ORIGINAL NW CORNER OF LOT 255; SAID POINT BEING ON THE ARC OF A CURVE TO THE LEFT,
NORTHEASTERLY, CURVE DATA: DELTA= 21°46'03", RADIUS= 120.00', CHORD= N63°21'56"E
45.32', THENCE ALONG THE ARC OF SAID CURVE 45.59 FEET; THENCE DEPARTING SAID CURVE
AND RUNNING THENCE S36°46'58"E 144.07 FEET TO THE ORIGINAL EAST CORNER OF LOT 255;
THENCE S42°27'36"W 29.51 FEET TO THE ORIGINAL NORTH CORNER OF LOT 249; THENCE
S38°22'38"E 192.81 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT,
SOUTHWESTERLY, CURVE DATA: DELTA= 06°02'23", RADIUS= 220.00', CHORD BEARING=
S48°01'11"W 23.18', THENCE ALONG THE ARC OF SAID CURVE 23.19 FEET TO THE PT; THENCE
S45°00'00"W 182.22 FEET TO THE ORIGINAL EAST PC OF LOT 250; CURVE TO THE RIGHT, CURVE
DATA: DELTA= 44°55'00", RADIUS= 79.89', CHORD BEARING= S67°27'30"W 61.04'; THENCE ALONG
THE ARC OF SAID CURVE 62.63 FEET TO PT; THENCE S89°55'00"W 25.91 FEET TO THE POINT OF
BEGINNING AND CONTAINING 1.40 ACRES.

NEWELL BRENT CARTER

DATE

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF KENNETH THOMAS JOHNSON AND DIANA PEARCE
JOHNSON AS TRUSTEES OF THE FOXTREE JOHNSON TRUST, DATED AUGUST 30, 2023 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 S45°00'00"W 182.22 FEET ALONG THE SOUTHEASTERLY LINE OF
AMENDED LOT 250 BETWEEN TWO FOUND NHES 1/2" REBAR & CAP, SWAINS CREEK PINES, UNIT
1 AMENDED, 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____.

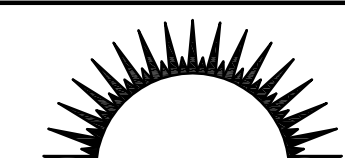
BOOK _____ PAGE _____ FEE _____ KANE COUNTY RECORDER

ENTRY NO.: _____ DATE _____ TIME _____

RECORDED AT THE REQUEST OF: _____

KANE COUNTY
AMENDED PLAT OF LOTS 255 & AMENDED LOT 250,
SWAINS CREEK PINES, UNIT 1 AMENDED

PREPARED FOR: FOXTREE JOHNSON TRUST
LOCATION: WITHIN SE 1/4 SECTION 33, T38S-R7W, S.L.B.&M.
SWAINS CREEK PINES, UNIT 1 AMENDED
DATE: 10/21/2024 REVISION #0: 00/00/2024



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

Public Hearing

8. Lot Joinder: Schroeder

An application to amend a subdivision plat for a lot joinder joining lots 253 & 254, becoming new lot 254 containing 1.11 acres, Swains Creek Pines, Unit 1 Amended. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney



STAFF REPORT

DATE: 10/24/2024

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Brandon and Tiffany Schroeder, in the Swains Creek Pines Subdivision, Unit 1, consisting of lots 253 & 254, becoming new lot 254, containing 1.11 acres, within SE ¼ W Section 33, 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 1 consisting of lots 253 & 254 becoming new lot 254, based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT OF LOTS 253 & 254, SWAINS CREEK PINES, UNIT 1 AMENDED

WITHIN SE 1/4 SECTION 33, T38S-R7W, S.L.B.&M.

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



PORTION OF SWAINS CREEK PINES, UNIT 1 AMENDED

OWNER INFO:
BRANDON AND TIFFANY SCHROEDER
2937 S. KATE LANE
WASHINGTON, UTAH 84780-1410

LEGEND

- SECTION CORNER
- FOUND WEC 1/2" REBAR & CAP
- SET REBAR & PLASTIC CAP L.S. NO. 354372
- 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 AND IS HEREBY ORDERED FILED FOR RECORD 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 253 AND ADDING THAT AREA TO LOT 254, AS PER THIS PLAT. IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS P.O.A. FOR BRANDON SCHROEDER

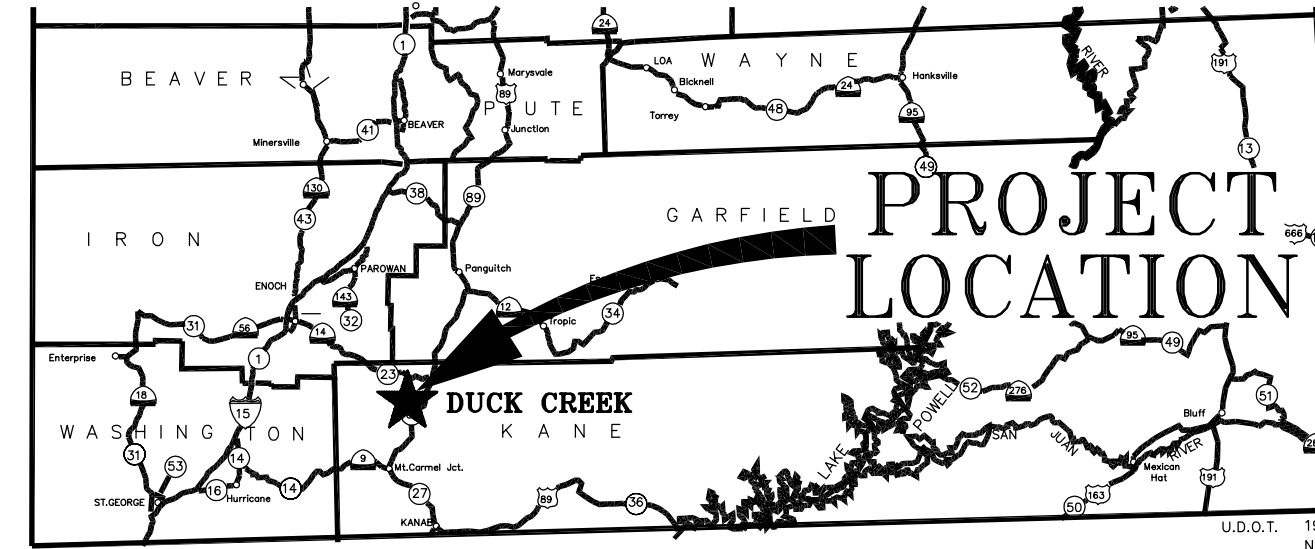
NEWELL BRENT CARTER AS P.O.A. FOR TIFFANY SCHROEDER

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR BRANDON SCHROEDER AND TIFFANY SCHROEDER, 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 253 & 254, SWAINS CREEK PINES, UNIT 1 AMENDED, LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 253 & 254, SWAINS CREEK PINES, UNIT 1 AMENDED AFFECTED BY THIS AMENDMENT:
(NEW LOT 254) LOTS 253 & 254, SWAINS CREEK PINES, UNIT 1 AMENDED. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SE CORNER LOT 254, SWAINS CREEK PINES, UNIT 1 AMENDED; RUNNING THENCE S89°31'52"W 99.91 FEET TO THE ORIGINAL SE CORNER OF LOT 253; THENCE S89°57'59"W 106.89 FEET TO THE ORIGINAL SW CORNER OF LOT 253; THENCE N00°34'42"W 209.70 FEET TO THE ORIGINAL PC OF A CURVE TO THE RIGHT, (LOT 253) CURVE DATA: DELTA=89°45'57", RADIUS= 20.00', CHORD= N44°18'16" 28.23', THENCE ALONG THE ARC OF SAID CURVE 31.33 FEET TO THE PT; THENCE N89°11'15"E 160.32 FEET TO THE PC OF A CURVE TO THE LEFT, CURVE DATA: DELTA=14°56'17", RADIUS= 120.00', CHORD= N81°43'06"E 31.20', THENCE ALONG THE ARC OF SAID CURVE 31.29 FEET TO THE ORIGINAL NE CORNER OF LOT 254, THENCE S00°28'51"W 235.79 FEET TO POINT OF BEGINNING AND CONTAINING 1.11 ACRES.

NEWELL BRENT CARTER

DATE

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF BRANDON AND TIFFANY SCHROEDER 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 S45°00'00"W 182.22 FEET ALONG THE SOUTHEASTERLY LINE OF AMENDED LOT 250 BETWEEN TWO FOUND NHES 1/2" REBAR & CAP, SWAINS CREEK PINES, UNIT 1 AMENDED. 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 _____

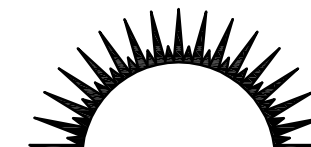
RECORDED AT THE REQUEST OF: _____

KANE COUNTY AMENDED PLAT OF LOTS 253 & 254, SWAINS CREEK PINES, UNIT 1 AMENDED

PREPARED FOR: BRANDON AND TIFFANY SCHROEDER

LOCATION: WITHIN SE 1/4 SECTION 33, T38S-R7W, S.L.B.&M.
SWAINS CREEK PINES, UNIT 1 AMENDED

DATE: 10/21/2024 REVISION #0: 00/00/2024



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

Public Hearing

9. Lot Joinder: Miller

An application to amend a subdivision plat for a lot joinder joining lots 18 & 19, becoming new lot 18 containing 0.88 acres, and vacating (2) 5' walkway easements, Block 1, Movie Ranch South Estates, Plat "A". Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.



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

DATE: 10/25/24

PROJECT: A complete application to Amend and Vacate a Subdivision Plat for a lot joinder combining lots 18 & 19 and vacating two (2) 5-foot public walking easements, within the Movie Ranch South Estates Subdivision Plat "A." The new amended lot 18 will consist of .88 acres, located within the SW ¼, Section 8 T39S, R7W SLB & M, on behalf of Duane Donald and Carol Ann Miller as Trustees of the Donald and Carol Miller Family Revocable Trust, Dated December 14, 2018. This 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 classification will remain the same.

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

FINDINGS: Amending (joining) lots 18 & 19 and vacating two (2) 5-foot public walking easements for the above-stated lots conforms to the standards in Kane County Land Use Ordinance, (Section 9-21E-9, A-F) and Utah Code (Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609 and 609.5). All submission requirements have been met, including:

1. Public notification: Posted in two public locations and on both the county and state websites.
2. Mailings: Notices were mailed out to all property owners within a 500-foot radius of the easement.
3. On-site posting: A sign was posted showing the vacating of two (2) 5-foot public walking easements.
4. Zoning: The new lot will retain the Residential ½ zoning (R-1/2). The original subdivision plat dedicated all easements to Kane County. The commissioners hold the legislative authority which allows for the vacating of the walking easements. This particular easement does not lead to forest land or other trails, making it eligible for vacation under the stated conditions.

Staff Determinations:

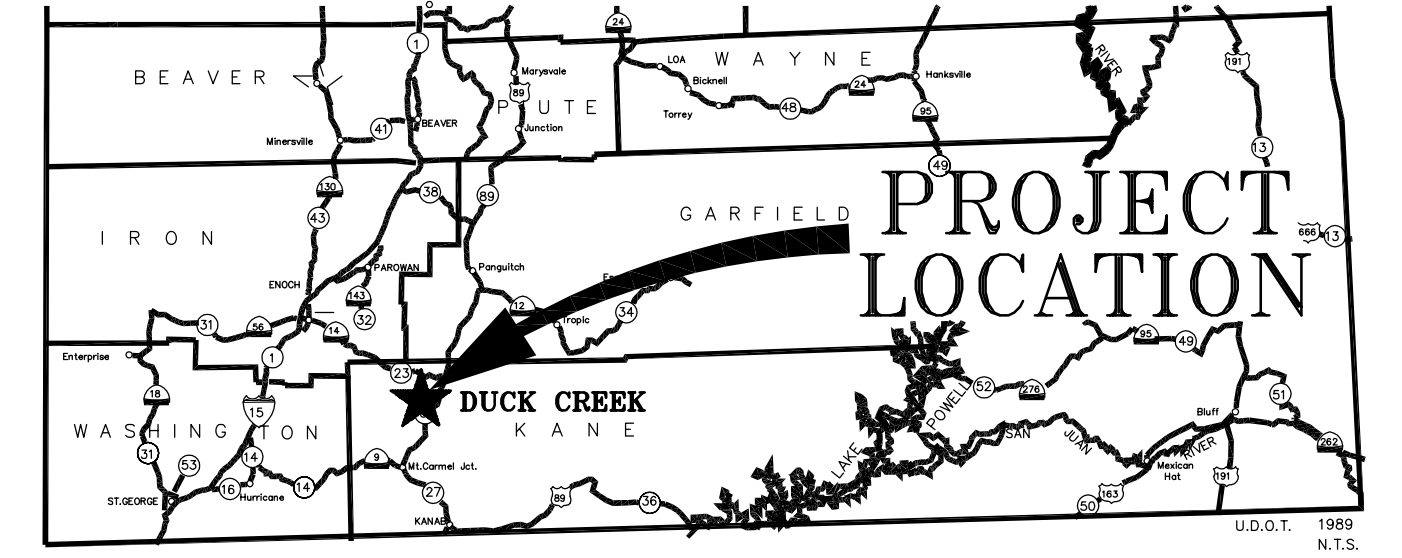
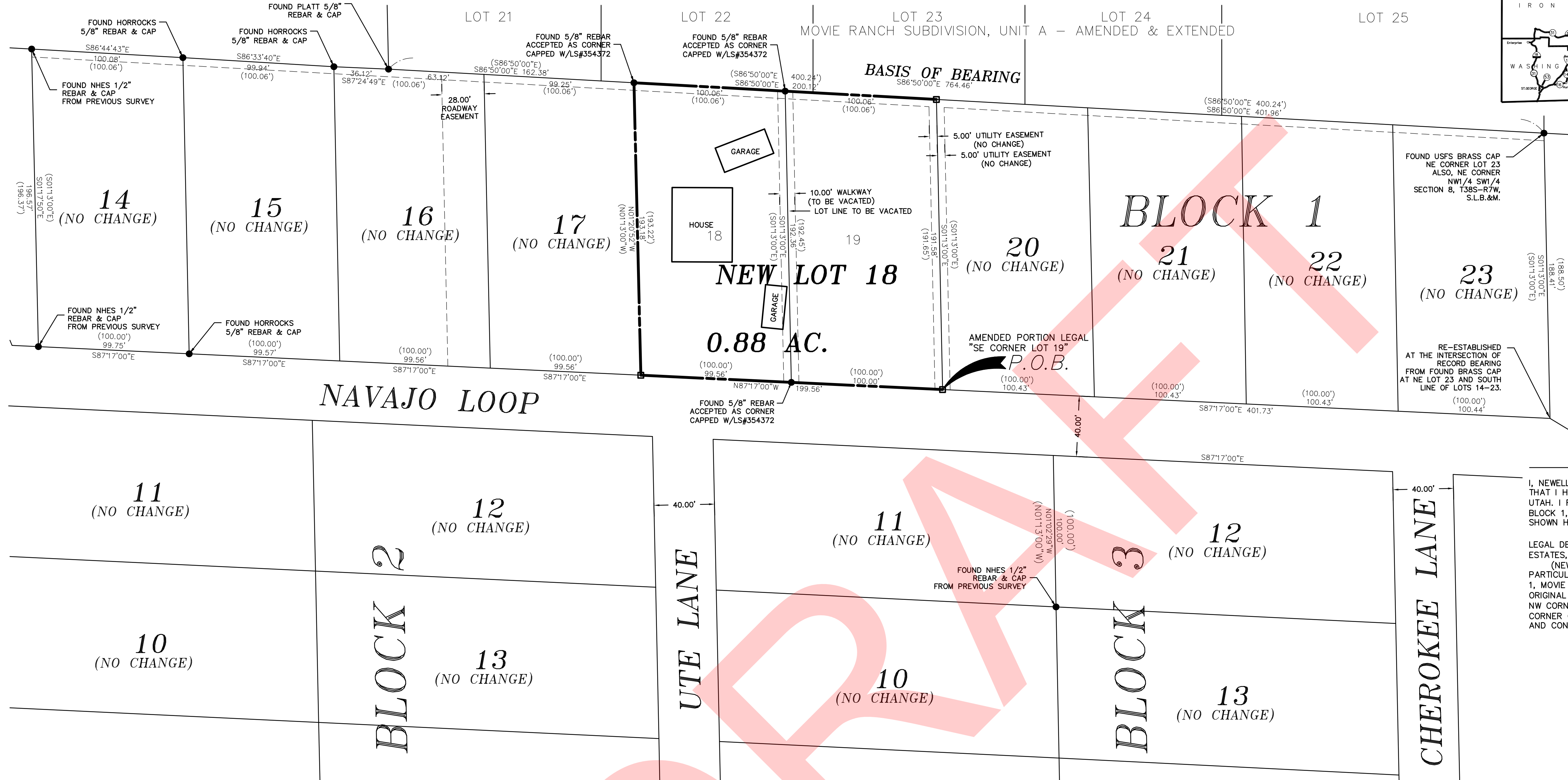
- **Kane County Engineer, Tom Avant:** Recommends approval of the proposed lot joinder and easement vacation.
- **Kane County Land Use Administrator, Shannon McBride:** Has reviewed all application materials and supporting documentation and also recommends approval.

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners the amendment of a subdivision plat for a lot joinder, on behalf of Duane Donald and Carol Ann Miller, combining lots 18 & 19 becoming new lot 18 and vacating two 5-foot public walking easements in the Movie Ranch South Estates Subdivision based on the findings as documented in the staff report.

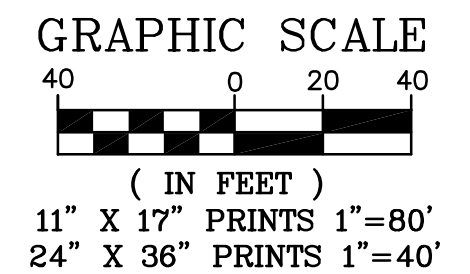
THANK YOU.



AMENDED PLAT OF LOTS 18 & 19, & VACATING A 10.00 FOOT WALKWAY
BETWEEN LOT 18 & 19, BLOCK 1, MOVIE RANCH SOUTH ESTATES, PLAT "A"
WITHIN SW 1/4 SECTION 8, T38S-R7W, S.L.B.&M., KANE COUNTY, UTAH.



OWNER INFO:
DUANE DONALD MILLER AND CAROL ANN MILLER AS
TRUSTEES OF THE DONALD AND CAROL MILLER FAMILY
REVOCABLE TRUST, DATED DECEMBER 14, 2018
HC82 BOX 1005 - DUCK CREEK VILLAGE, UTAH 84762



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 18 & 19, BLOCK 1, MOVIE RANCH SOUTH ESTATES, PLAT "A", LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 18 & 19, BLOCK 1, MOVIE RANCH SOUTH ESTATES, PLAT "A" AFFECTED BY THIS AMENDMENT:
(NEW LOT 18) LOTS 18 & 19, BLOCK 1, MOVIE RANCH SOUTH ESTATES, PLAT "A". MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SE CORNER LOT 19, BLOCK 1, MOVIE RANCH SOUTH ESTATES, PLAT "A"; RUNNING THENCE N87°17'00"W 199.56 FEET TO THE ORIGINAL SW CORNER OF LOT 18, BLOCK 1; THENCE N01°20'52"W 193.18 FEET TO THE ORIGINAL NW CORNER OF LOT 18, BLOCK 1; THENCE S86°50'00"E 200.12 FEET TO THE ORIGINAL NE CORNER OF LOT 19, BLOCK 1; THENCE S01°13'00"E 191.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.88 ACRES.

NEWELL BRENT CARTER DATE

CERTIFICATE OF RECORDING

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

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

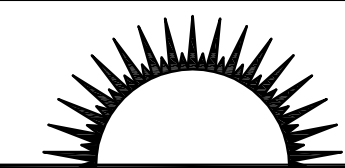
KANE COUNTY

AMENDED PLAT OF LOTS 18 & 19, & VACATING
A 10.00 FOOT WALKWAY BETWEEN LOT 18 & 19,
BLOCK 1, MOVIE RANCH SOUTH ESTATES, PLAT "A"

PREPARED FOR: DONALD AND CAROL MILLER FAMILY REVOCABLE TRUST

LOCATION: SW 1/4 SECTION 8, T38S-R7W, S.L.B.&M.,
MOVIE RANCH SOUTH ESTATES, PLAT "A"

DATE: 10/21/2024 REVISION #0: 00/00/2024



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

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

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

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 19 & ADDING THAT AREA TO NEW LOT 18, AND ALSO TO THE ABANDONING OF AN EXISTING 10.00 WALKWAY BETWEEN LOTS 18 & 19, ADDING THAT AREA TO NEW LOT 18, AS PER THIS PLAT. IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS P.O.A. FOR DUANE DONALD MILLER AS TRUSTEE OF THE DONALD AND CAROL MILLER FAMILY REVOCABLE TRUST, DATED DECEMBER 14, 2018

NEWELL BRENT CARTER AS P.O.A. FOR CAROL ANN MILLER AS TRUSTEE OF THE DONALD AND CAROL MILLER FAMILY REVOCABLE TRUST, DATED DECEMBER 14, 2018

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ }
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR DUANE DONALD MILLER AND CAROL ANN MILLER AS TRUSTEES OF THE DONALD AND CAROL MILLER FAMILY REVOCABLE TRUST, DATED DECEMBER 14, 2018, 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 MONUMENT
- SET REBAR & PLASTIC CAP L.S. NO. 354372
- (100.00') RECORD DIMENSION
- SUBDIVISION LOT LINE
- LOT BOUNDARY
- - - LOT LINE TO BE VACATED

COUNTY COMMISSION APPROVAL

I, _____, CHAIRMAN OF THE COUNTY COMMISSION OF KANE COUNTY, DO HEREBY CERTIFY THAT THIS PLAT OF "AMENDED PLAT OF LOTS 18 & 19, MEADOW VIEW ESTATES PLAT "D", WAS ACCEPTED AND APPROVED BY THE KANE COUNTY COMMISSION ON THIS THE _____ DAY OF _____, 20____, 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 TRUSTEES OF THE DONALD AND CAROL MILLER FAMILY REVOCABLE TRUST, DATED DECEMBER 14, 2018 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 S86°50'00"E 764.46' BETWEEN THE SW CORNER LOT 21 (FOUND PLATT 5/8" REBAR & CAP) AND THE SE CORNER LOT 25 (U.S.F.S. BRASS CAP 1/16" CORNER), MOVIE RANCH SUBDIVISION, UNIT A - AMENDED & EXTENDED. (WHICH IS ALSO THE SAME BEARING AS THE NORTH LINE OF THIS SUBDIVISION), AS PER THE OFFICIAL PLAT THEREOF.

Public Hearing

10. Lot Joinder: Speck

An application to amend a subdivision plat for a lot joinder joining lots 49 & 50, becoming new lot 49 containing 1.89 acres, Duck Creek Pines, Phase 3. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.



STAFF REPORT

DATE: 10/24/24

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Ilene H. Speck, trustee of the Ilene H. Speck Family Living Trust dated September 21, 2007, in the Duck Creek Pines Subdivision Phase 3, consisting of lots 49 & 50, becoming new lot 49, containing 1.89 acres, within NE ¼ W Section 17, 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.

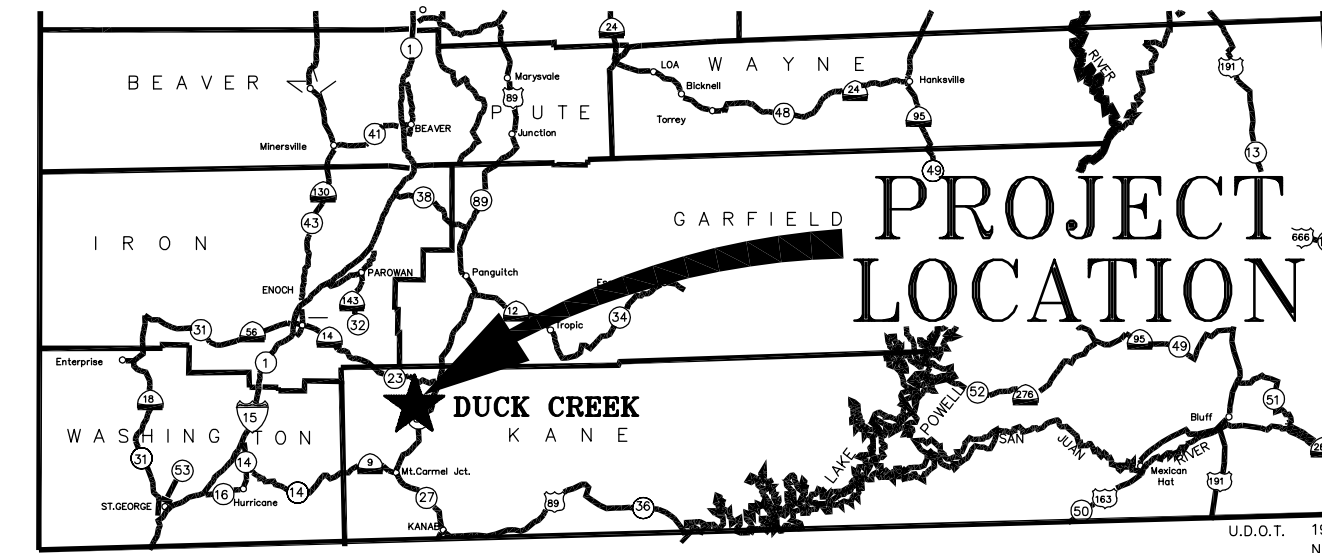
STAFF DETERMINATIONS: Kane County Engineer, Tom Avant, Iron Rock Group, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with county and state ordinance requirements.

MOTION: I move to **approve/deny** the amended subdivision plat for a Lot Joinder in the Duck Creek Pines Subdivision, Phase 3, consisting of lots 49 & 50 becoming new lot 49, based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT OF LOTS 49 & 50, DUCK CREEK PINES, PHASE 3

WITHIN NE1/4 SECTION 17, T38S-R7W, 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 49 & 50, DUCK CREEK PINES, PHASE 3, LOCATED IN KANE COUNTY, UTAH. AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 49 & 50, DUCK CREEK PINES, PHASE 3 AFFECTED BY THIS AMENDMENT:

(NEW LOT 49) LOTS 49 & 50, DUCK CREEK PINES, PHASE 3. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NE CORNER LOT 50, DUCK CREEK PINES, PHASE 3; RUNNING THENCE S03°05'10"E 265.54 FEET TO THE ORIGINAL SE CORNER OF LOT 50; SAID POINT BEING ON THE ARC OF A CURVE TO THE LEFT, SOUTHWESTERLY, CURVE DATA: DELTA=15°46'04", RADIUS= 500.00', CHORD= S79°48'21"W 137.17', THENCE ALONG THE ARC OF SAID CURVE 137.60 FEET TO THE PT, SAID POINT BEING THE ORIGINAL SW CORNER OF LOT 50; THENCE S71°53'19"W 167.20 FEET TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DELTA=107°38'27", RADIUS= 25.00', CHORD= N54°17'27"W 40.36', THENCE ALONG THE ARC OF SAID CURVE 46.97 FEET TO THE PT, THENCE N00°28'14"W 145.45 FEET TO THE PC OF A CURVE TO THE RIGHT, CURVE DATA: DELTA=45°32'40", RADIUS= 25.00', CHORD= N22°18'06"E 19.35', THENCE ALONG THE ARC OF SAID CURVE 19.87 FEET TO THE PT, THENCE N45°04'26"E 52.32 FEET TO THE ORIGINAL ANGLE POINT OF LOT 49; THENCE N50°38'36"E 192.74 FEET TO THE ORIGINAL NORTH ANGLE POINT OF LOT 50; THENCE S87°48'38"E 120.24 FEET TO POINT OF BEGINNING AND CONTAINING 1.89 ACRES.

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 AND IS HEREBY ORDERED FILED FOR RECORD 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 50 AND ADDING THAT AREA TO LOT 49, AS PER THIS PLAT. IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS P.O.A. FOR ILENE H. SPECK,
AS TRUSTEE OF THE ILENE H. SPECK FAMILY LIVING TRUST, DATED SEPTEMBER 21, 2007

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR ILENE H. SPECK AS TRUSTEE OF THE ILENE H. SPECK FAMILY LIVING TRUST, DATED SEPTEMBER 21, 2007, THE SIGNER OF THE OWNERS CONSENT WHO BEING BY ME DULY SWORN, DID SAY THAT SHE IS THE OWNER OF THE ABOVE DESCRIBED PROPERTY.

RESIDING IN _____ COUNTY
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

LEGEND

- SECTION CORNER
- FOUND WEC 1/2" REBAR & CAP
- SET REBAR & PLASTIC CAP L.S. NO. 354372
- (100.00') RECORD DIMENSION
- SUBDIVISION LOT LINE
- LOT BOUNDARY
- LOT LINE TO BE VACATED

HENRY ROAD

DUCK CREEK RIDGE ROAD

MOSSBERG ROAD

NEW LOT 49

LOT 51
(NO CHANGE)

LOT 52
(NO CHANGE)

LOT 65
(NO CHANGE)

LOT 66
(NO CHANGE)

PORTION OF DUCK CREEK PINES, PHASE 3
LOT 67
(NO CHANGE)

LOT 68
(NO CHANGE)

Public Hearing

11. Lot Joinder: Felli

An application to amend a subdivision plat for a lot joinder, joining lots 113 & 114, becoming new lot 114 containing 1.43 acres, and vacating (2) 7.5' public utility easements, Zion View Mountain Estates, Unit D. Submitted by Brent Carter, New Horizon Engineering, holding power of attorney.



STAFF REPORT

DATE: 10/25/24

PROJECT: A complete application for Amending and Vacating a Subdivision Plat for a lot joiner, combining lots 113 & 114 becoming new amended lot 114, and vacating two (2) 7.5 ft. public utility easements, in the Zion View Mountain Estates, Unit D, consisting of 1.43 acres, within the NW ¼, Section 2, T39S, R8W SLB & M, on behalf of Sam and Shawna Felli as Trustees of the Sam and Shawna Felli Family Trust dated March 31, 1994. This 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 113 & 114 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).

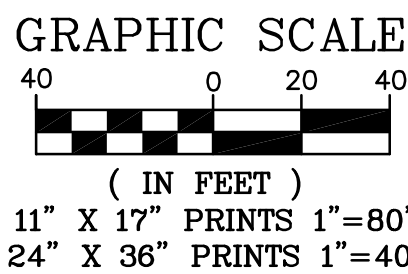
STAFF DETERMINATIONS: Kane County Engineer, Tom Avant, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with county and state ordinance requirements.

MOTION: I move to recommend approval/denial to the Kane County Commissioners amending a subdivision plat for a lot joiner, on behalf of Sam and Shawna Felli, combining lots 113 & 114 becoming new lot 114 and vacating (2) 7.5 ft. public utility easements, in the Zion View Mountain Estates, Unit D, based on the findings documented in the staff report.

THANK YOU.

AMENDED PLAT OF LOTS 113 & 114, ZION VIEW MOUNTAIN ESTATES, UNIT D

WITHIN NW 1/4 SECTION 2, T39S-R8W, S.L.B.&M.



LEGEND

- SECTION CORNER
- FOUND MONUMENT
- SET REBAR & PLASTIC CAP L.S. NO. 354372
- RECORD DIMENSION
- SUBDIVISION LOT LINE
- LOT BOUNDARY
- LOT LINE TO BE VACATED

OWNER INFO:
SAM FELLI AND SHAWNA FELLI AS TRUSTEES OF THE SAM AND SHAWNA FELLI FAMILY TRUST DATED MARCH 31, 1994
9980 CORBETT STREET LAS VEGAS, NV. 89149

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 113 & ADDING THAT AREA TO LOT 114, AS PER THIS PLAT. IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____.

NEWELL BRENT CARTER AS P.O.A. FOR SAM FELLI AS TRUSTEE OF THE SAM AND SHAWNA FELLI FAMILY TRUST DATED MARCH 31, 1994

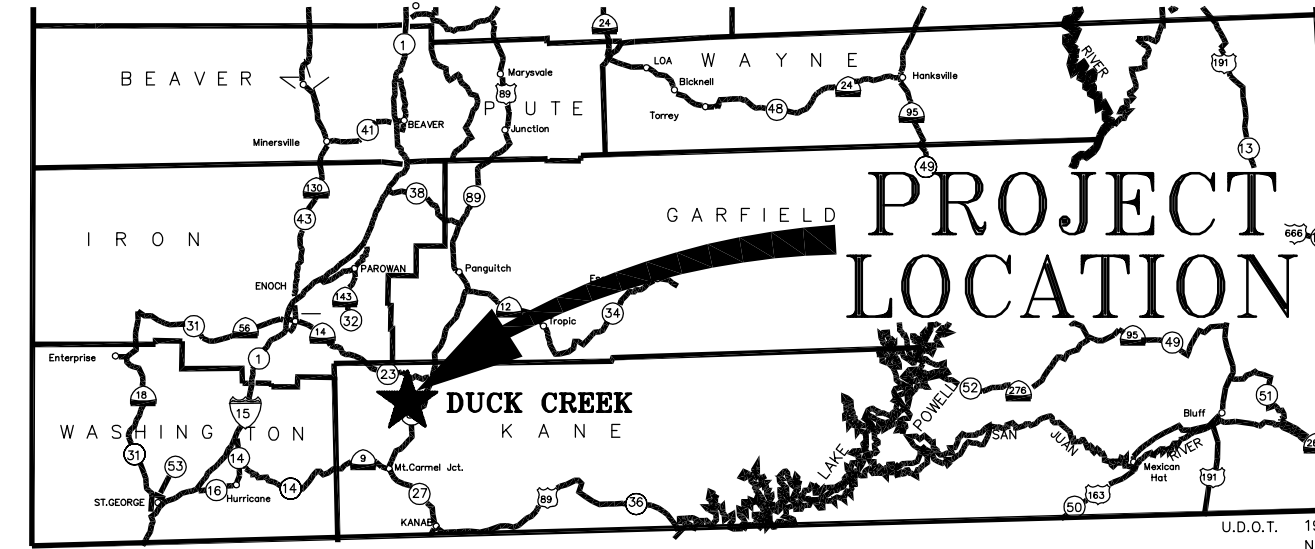
NEWELL BRENT CARTER AS P.O.A. FOR SHAWNA FELLI AS TRUSTEE OF THE SAM AND SHAWNA FELLI FAMILY TRUST DATED MARCH 31, 1994

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, NEWELL BRENT CARTER AS P.O.A. FOR SAM FELLI AND SHAWNA FELLI AS TRUSTEES OF THE SAM AND SHAWNA FELLI FAMILY TRUST DATED MARCH 31, 1994, 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 113 & 114, ZION VIEW MOUNTAIN ESTATES, UNIT D", LOCATED IN KANE COUNTY, UTAH, AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THAT PORTION OF LOTS 113 & 114, ZION VIEW MOUNTAIN ESTATES, UNIT D, AFFECTED BY THIS AMENDMENT:
(NEW LOT 113) LOTS 113 & 114, ZION VIEW MOUNTAIN ESTATES, UNIT D. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL SOUTH CORNER LOT 113, ZION VIEW MOUNTAIN ESTATES, UNIT D; RUNNING THENCE N38°39'03"W 142.99 FEET TO THE ORIGINAL WEST CORNER OF LOT 113; THENCE N12°21'20"E 131.32 FEET TO THE ORIGINAL NW CORNER OF LOT 113; THENCE N24°06'27"E 135.70 FEET TO THE ORIGINAL NW CORNER OF LOT 114; THENCE S72°06'11"E 159.44 FEET TO THE ORIGINAL NE CORNER OF LOT 114; THENCE S14°36'20"W 74.89 FEET TO AN ORIGINAL ANGLE POINT OF LOT 114; THENCE S11°18'50"E 100.24 FEET TO THE AN ORIGINAL ANGLE POINT OF LOT 113; THENCE S31°58'14"E 59.45 FEET TO THE ORIGINAL SE CORNER OF LOT 113; THENCE S62°16'58"W 201.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.43 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 113 & 114, ZION VIEW MOUNTAIN ESTATES, UNIT D", WAS ACCEPTED AND APPROVED BY THE KANE COUNTY COMMISSION ON THIS THE _____ DAY OF _____, 20____, AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE KANE COUNTY RECORDER, IN WITNESS WHEREOF, I HAVE SET MY HAND BY AUTHORITY OF A RESOLUTION OF THE COUNTY COMMISSION.

ATTEST:

CHAIRMAN - KANE COUNTY COMMISSION

KANE COUNTY CLERK

SURVEY NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF THE SAM AND SHAWNA FELLI FAMILY TRUST DATED MARCH 31, 1994 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 N24°06'27"E 297.40 BETWEEN THE SW CORNER LOT 114 (FOUND NHES 1/2" REBAR & CAP) AND THE NW CORNER LOT 115 (FOUND NHES 1/2" REBAR & CAP), ZION VIEW MOUNTAIN ESTATES, UNIT D. 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 _____

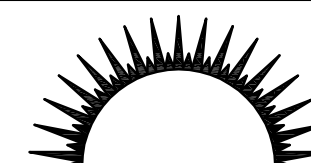
RECORDED AT THE REQUEST OF: _____

KANE COUNTY
AMENDED PLAT OF LOTS 113 & 114,
ZION VIEW MOUNTAIN ESTATES, UNIT D

PREPARED FOR: SAM AND SHAWNA FELLI FAMILY TRUST

LOCATION: NW 1/4 SECTION 2, T39S-R8W, S.L.B.&M.
ZION VIEW MOUNTAIN ESTATES, UNIT D

DATE: 10/21/2024 REVISION #0: 00/00/2024



NEW HORIZON
Engineering & Surveying LLC

4103 N. MORGAN DRIVE
ENOCH UT, 84721

(435) 559-4104
bcarter@mail2engineer.com

Public Hearing

12. Amended Plat/Ordinance 2024-28: Jorgensen

An application to vacate, amend and extend a subdivision plat, by Ordinance 2024-28, vacating lot 183 out of Swains Creek Pines, Unit 1, and joining it with lot 268, Swains Creek Pines, Unit 2, becoming new lot 268 containing 1.37 acres, and vacating (2) 6' public utility easements. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.



STAFF REPORT

DATE: 10/29/24

PROJECT: A complete application to Amend, Extend and Vacate a portion of the Swains Creek Subdivision for a lot joinder, by Ordinance 2024-28, vacating lot 183 out of Swains Creek Pines Unit 1 and joining it with lot 268. This will create a new Lot 268, consisting of 1.37 acres, in the Swains Creek Pines Subdivision, Unit 2, and will vacate two (2) 6-foot public utility easements by Ordinance 2024-28, in the Swain's Creek Pines Subdivision Unit No. 1 & No. 2 Amended, within the W 1/2, Section 34, T38S, R7W SLB & M, on behalf of Anita and April Lyn Jorgensen. The project was submitted by Tom Avant, Iron Rock Group Engineering, who holds power of attorney. All lots are zoned Residential 1/2, as are all surrounding lots. The zoning will remain the same.

The reason for the subdivision amendment is to join two lots to save on taxes.

FINDINGS: Amending lots 183 & 268 and vacating lot 183 and joining lots 183 & 268 thereby extending lot 268 into Unit 2 with vacating two (2) 6-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) 6-foot public utility easements. The new lot will retain the Residential 1/2 zoning (R-1/2).

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

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners to amend, extend and vacate a portion of the Swains Creek Pines Subdivision Units 1 and 2 for a lot joinder, combining lots 183 and 268 becoming new lot 268 and vacating two (2) 6-foot public utility easements by Ordinance O-2024-28, in the Swains Creek Pines Unit No. 1 and Unit No. 2 Amended, based on the findings documented in the staff report.

THANK YOU.

AMENDED & EXTENDED LOT 268 SWAINS CREEK PINES UNIT NO. 2

LOCATED IN W¹/₂ OF SECTION 34
TOWNSHIP 38 SOUTH, RANGE 7 WEST
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, License No. 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the Property described hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this plat. I certify that by authority of the hereon owners, I have made a survey of the tract of land as shown on this Plat and have joined the same tract into 1 lot as well as Public Utility and Ingress & Egress Easements, as shown, which are herein after known as

"AMENDED & EXTENDED PLAT LOT 268 OF SWAIN'S CREEK PINES UNIT NO. 2."
and that the same has been correctly surveyed and staked on the ground as shown on this plat.

Thomas W. Avant, PLS # 5561917

Date:

NARRATIVE

The purpose of this survey was to retrace and mark on the ground the lines as shown on this Record of Survey at the request of the client. The purpose of the survey is to delineate the boundaries for Lot 268 Swain's Creek Pines Unit Number Two & Lot 183 of Swain's Creek Pines Unit Number One. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone as measured between the C-W ¹/₁₆ Corner and the Northeast Corner of old Lot 268 with a bearing of N0°37'06"W and a distance of 215.55', as shown on this plat.

Legal Description:

All of Lot 183 of Swains Creek Pines Unit 1 Amended, as recorded on Plat 25-A in the Office of the Kane County Recorder, Utah.

All of Lot 268 of Swains Creek Pines Unit 2, as recorded on Plat 64 in the Office of the Kane County Recorder, Utah.

Survey Narrative:

The Northeast Corner of Swain Creek Pines Unit 1 Amended was marked by a Set Brass Cap, which was replaced by a Forest Service Aluminum Cap in 1990. There was also found a 5/8" rebar located 7.69 feet south of the Aluminum Cap. By holding the Aluminum Cap for Unit 1 Amended, the other found lot corners closely match those of record. By using the Aluminum Cap to verify the lots in Unit 2 there is an approximately 7.42 error (short) to the Northeast Corner of Lot 268. If the found 5/8" rebar is used as the Southeast Corner of Lot 268, the line matches close to record. However, it appears that the Aluminum Cap is the true Northeast Corner of Unit 1 Amended and it holds senior rights to Unit 2. The Aluminum Cap was held as the True Southeast Corner of Unit 2 and Lot 268 is short approximately 7.42 feet. These conclusions also match the occupied line and objects on the ground.

REFERENCED DOCUMENTS

- RECORD OF SURVEY, BULLOCH BROTHERS, CS-324 2003.
- RECORD OF SURVEY, GRIMSHAW SURVEYING INC, CS-328 2003
- RECORD OF SURVEY, DON BARRIE & ASSOCIATES, CS-371 2004
- RECORD OF SURVEY, IRON ROCK ENGINEERING, CS-892 2017
- FINAL PLAT SWAINS CREEK PINES UNIT NO. ONE AMENDED
- FINAL PLAT SWAINS CREEK PINES UNIT NO. TWO

Client Information:

ANITA JORGENSEN
HC 82 BOX 1816
DUCK CREEK VILLAGE, UT 84762

LEGEND

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

- SURVEY BOUNDARY
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROP LINE TO BE REMOVED
- EASEMENT
- STREET CENTER LINE
- ¹/₁₆ SECTION LINE
- ¹/₄ SECTION LINE

Kane County Commission

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

Attest: _____ Chairman —
Kane County Commission

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

On this _____ day of _____, 20____, personally appeared before me Anita Jorgensen and April Lynn Jorgensen who is personally know to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat.

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

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

OWNER'S DEDICATION

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

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

Anita Jorgensen
HC 82 Box 1816
Duck Creek Village, UT 84762

April Lynn Jorgensen
HC 82 Box 1816
Duck Creek Village, UT 84762

COUNTY SURVEYOR CERTIFICATE

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

KANE COUNTY SURVEYOR

APPROVAL AND ACCEPTANCE by the Kane County Land Use Authority

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

Chairman —
Kane County Land Use Authority

COUNTY ATTORNEY CERTIFICATE

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

KANE COUNTY ATTORNEY

CERTIFICATE OF RECORDING

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

KANE COUNTY RECORDER

ENTRY NO. _____

RECORDED AND FILED AT THE REQUEST OF: _____

DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____

INITIAL SUBMITTAL	DATE: 10-17-2024		DESCRIPTION:						
	REV#	DATE:							

DRAWN BY: CM

SCALE: 1" = 40'

SHEET:

1 OF 1

AMENDED & VACATED LOT 183 SWAINS CREEK PINES UNIT NO. 1 AMENDED

LOCATED IN W¹/₂ OF SECTION 34
TOWNSHIP 38 SOUTH, RANGE 7 WEST
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, License No. 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the Property described hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this plat. I certify that by authority of the hereon owners, I have made a survey of the tract of land as shown on this Plat and have joined the same tract into 1 lot as well as Public Utility and Ingress & Egress Easements, as shown, which are herein after known as

"AMENDED & VACATED LOT 183 OF SWAIN'S CREEK PINES UNIT NO. 1, AMENDED."

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

Thomas W. Avant, PLS # 5561917

Date:

NARRATIVE

The purpose of this survey was to retrace and mark on the ground the lines as shown on this Record of Survey at the request of the client. The purpose of the survey is to delineate the boundaries for Lot 268 Swain's Creek Pines Unit Number Two & Lot 183 of Swain's Creek Pines Unit Number One. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone as measured between the C-W ¹/₆ Corner and the Northeast Corner of old Lot 268 with a bearing of N0°37'06"W and a distance of 215.55', as shown on this plat.

Legal Description:

All of Lot 183 of Swains Creek Pines Unit 1 Amended, as recorded on Plat 25-A in the Office of the Kane County Recorder, Utah.

All of Lot 268 of Swains Creek Pines Unit 2, as recorded on Plat 64 in the Office of the Kane County Recorder, Utah.

Survey Narrative:

The Northeast Corner of Swain Creek Pines Unit 1 Amended was marked by a Set Brass Cap, which was replaced by a Forest Service Aluminum Cap in 1990. There was also found a 5/8" rebar located 7.69 feet south of the Aluminum Cap. By holding the Aluminum Cap for Unit 1 Amended, the other found lot corners closely match those of record. By using the Aluminum Cap to verify the lots in Unit 2 there is an approximately 7.42 error (short) to the Northeast Corner of Lot 268. If the found 5/8" rebar is used as the Southeast Corner of Lot 268, the line matches close to record. However, it appears that the Aluminum Cap is the true Northeast Corner of Unit 1 Amended and it holds senior rights to Unit 2. The Aluminum Cap was held as the True Southeast Corner of Unit 2 and Lot 268 is short approximately 7.42 feet. These conclusions also match the occupied line and objects on the ground.

REFERENCED DOCUMENTS

- RECORD OF SURVEY, BULLOCH BROTHERS, CS-324 2003.
- RECORD OF SURVEY, GRIMSHAW SURVEYING INC, CS-328 2003
- RECORD OF SURVEY, DON BARRIE & ASSOCIATES, CS-371 2004
- RECORD OF SURVEY, IRON ROCK ENGINEERING, CS-892 2017
- FINAL PLAT SWAINS CREEK PINES UNIT NO. ONE AMENDED
- FINAL PLAT SWAINS CREEK PINES UNIT NO. TWO

Client Information:

ANITA JORGENSEN
HC 82 BOX 1816
DUCK CREEK VILLAGE, UT 84762

LEGEND

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

- SURVEY BOUNDARY
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROP LINE TO BE REMOVED
- EASEMENT
- STREET CENTER LINE
- ¹/₆ SECTION LINE
- ¹/₄ SECTION LINE

Kane County Commission

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

Attest: _____ Chairman —
Kane County Commission

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

On this _____ day of _____, 20____, personally appeared before me Anita Jorgensen and April Lynn Jorgensen who is personally know to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat.

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

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

OWNER'S DEDICATION

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

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

Anita Jorgensen
HC 82 Box 1816
Duck Creek Village, UT 84762

April Lynn Jorgensen
HC 82 Box 1816
Duck Creek Village, UT 84762

COUNTY SURVEYOR CERTIFICATE

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

KANE COUNTY SURVEYOR

APPROVAL AND ACCEPTANCE by the Kane County Land Use Authority

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

Chairman —
Kane County Land Use Authority

COUNTY ATTORNEY CERTIFICATE

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

KANE COUNTY ATTORNEY

CERTIFICATE OF RECORDING

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

KANE COUNTY RECORDER

ENTRY NO. _____

RECORDED AND FILED AT THE REQUEST OF: _____

DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____

INITIAL SUBMITTAL	DATE: 10-17-2024		DESCRIPTION:						
	REV#	DATE:							

DRAWN BY: CM

SCALE: 1" = 40'

SHEET:

1 OF 1

KANE COUNTY ORDINANCE NO. O- 2024- 28

AN ORDINANCE AMENDING, EXTENDING, AND VACATING AMENDED LOTS 183 AND 268 IN THE SWAIN'S CREEK PINES UNIT NO. 2 SUBDIVISION, AND VACATING LOT 183 OUT OF UNIT NO. 1 AND JOINING IT WITH LOT 268 UNIT NO. 2 AND VACATING TWO SIX-FOOT PUBLIC UTILITY EASEMENTS

WHEREAS, the Kane County Planning Commission and Kane County Board of Commissioners desire to make recommended amendments to vacate lot 183 out of the Swains Creek Pines Subdivision, Unit No. 1 Amended into the Swains Creek Pines Subdivision, Unit No. 2 becoming extended and amended new lot 268, of the Swains Creek Pines Subdivision Unit No. 2, 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 & 609.5, and;

WHEREAS, the Kane County Planning Commission finds that there is good cause to vacate, amend and extend the plat and vacate two six-foot public utility easements, 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, 609 and 609.5;

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

Amending, extending, and vacating a portion of Swains Creek Pines Subdivision Plat Units 1 & 2 vacating lot 183 in the Swains Creek Pines Subdivision, Unit No. 1 Amended into the Swains Creek Pines Subdivision, Unit No. 2 becoming extended and amended new lot 268, of the Swains Creek Pines Subdivision Unit No. 2, Section 34 T38S, R7W, 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 _____

Public Hearing

13. Lot Joinder: Bedier

An application to amend a subdivision plat for a lot joinder joining lots 193 & 194, becoming new lot 193 containing 1.10 acres, Swains Creek Pines, Unit 1 Amended. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.

STAFF REPORT

DATE: 10/28/2024

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Jeremy and Aspen Bedier in the Swains Creek Pines Unit No. 1 Amended Subdivision, consisting of lots 193 & 194 becoming new lot 193, containing 1.10 acres, within Section 34, T38S, R7 West SLB & M. The project was surveyed and submitted by Tom Avant, Iron Rock Group Engineering holding power of attorney. These lots are zoned Residential ½ (R-1/2), most surrounding lots in the area are zoned R-1/2. 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 Surveyor, Paul Wilson, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride, has reviewed the application and supporting documents and recommends approval. The project complies with county and state ordinance requirements.

MOTION: I move to **approve/deny** the amended subdivision plat for a Lot Joinder, on behalf of Jeremy and Aspen Bedier in the Swains Creek Pines Subdivision, consisting of lots 193 and 194 becoming new lot 193, based on the findings documented in the staff report.

THANK YOU.

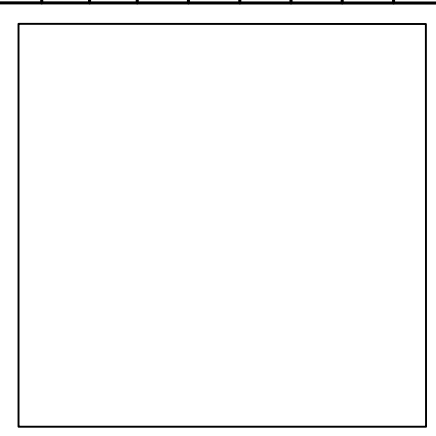


Building on Solid Foundations

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

AMENDED PLAT
LOT 193 & 194
SWAINS CREEK PINES UNIT NO. 1, AMENDED
KANE COUNTY, UT

INITIAL SUBMITTAL	DATE: 10-23-2024		DESCRIPTION:						
	REV#	DATE:							



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

1 OF 1

AMENDED PLAT LOT 193 and 194 SWAINS CREEK PINES UNIT NO. 1 AMENDED

LOCATED IN W¹/₂ OF SECTION 34
TOWNSHIP 38 SOUTH, RANGE 7 WEST
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, License No. 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the Property described hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this plat. I certify that by authority of the hereon owners, I have made a survey of the tract of land as shown on this Plat and have joined the same tract into 1 lot as well as Public Utility and Ingress & Egress Easements, as shown, which are herein after known as

"AMENDED PLAT OF LOT 193 and 194 OF SWAIN'S CREEK PINES UNIT NO. 1, AMENDED."
and that the same has been correctly surveyed and staked on the ground as shown on this plat.

Thomas W. Avant, PLS # 5561917

Date:

NARRATIVE

The purpose of this survey was to retrace and mark on the ground the lines as shown on this Record of Survey at the request of the client. The purpose of the survey is to delineate the boundaries for Lot 193 & 194 of Swain's Creek Pines Unit Number 1, Amended. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone as measured between the West Corner of old lot 193 and the North Corner of old Lot 193 with a bearing of N71°13'43"E and a distance of 217.20', as shown on this plat.

Legal Description:

All of Lot 193 of Swains Creek Pines Unit 1 Amended, as recorded on Plat 25-A in the Office of the Kane County Recorder, Utah.

All of Lot 194 of Swains Creek Pines Unit 1 Amended, as recorded on Plat 25-A in the Office of the Kane County Recorder, Utah.

REFERENCED DOCUMENTS

- FINAL PLAT SWAINS CREEK PINES UNIT NO. 1, AMENDED
- AMENDED PLAT, LOT 208 & 209 SWAINS CREEK PINES, UNIT NO. 1, AMENDED
- AMENDED PLAT, LOT 208 & 207 SWAINS CREEK PINES, UNIT NO. 1, AMENDED

Client/Owner Information:

Jeremy & Aspen Bedier
PO Box 1040
Lehi, UT 84043-1040

STATE OF UTAH,	) s.s.
COUNTY OF	)
On this _____ day of _____, 20____, personally appeared before me Jeremy Bedier and Aspen Bedier who is personally know to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat.	
Notary Public Full Name: _____	
Commission Number: _____	
My Commission Expires: _____	
A Notary Public Commissioned in Utah	
Notary Public (signature) No Stamp required (Utah Code 46-1-16(6))	

OWNER'S DEDICATION

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

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

Jeremy Bedier
PO Box 1040
Lehi, UT 84043-1040

Aspen Bedier
PO Box 1040
Lehi, UT 84043-1040

CERTIFICATE OF RECORDING

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

KANE COUNTY RECORDER

ENTRY NO.

RECORDED AND FILED AT THE
REQUEST OF:

DATE

TIME

BOOK

PAGE

FEE

COUNTY SURVEYOR CERTIFICATE

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

KANE COUNTY SURVEYOR

APPROVAL AND ACCEPTANCE by the Kane County Land Use Authority

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

Chairman
Kane County Land Use Authority

COUNTY ATTORNEY CERTIFICATE

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

KANE COUNTY ATTORNEY

Public Hearing

14. Lot Joinder: Soucy

An application to amend a subdivision plat for a lot joinder joining lots 162 & 163A, becoming amended lot 163A containing 0.69 acres, Zion View Mountain Estates, Unit 1. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.



STAFF REPORT

DATE: 10/28/2024

PROJECT: A complete application for Amending a Subdivision Plat for a Lot Joinder, on behalf of Glenn and Pamela Soucy, AKA Glenn and Pam Soucy and Sue Wegener, in the Zion View Mountain Estates, Unit 1, consisting of lots 163A & 162, becoming new lot 163A, containing .69 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 alternate surveyor, Paul Wilson, Civil Science, 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 Zion View Mountain Estates Subdivision, Unit 1 Amended, consisting of lots 163A & 162 becoming new lot 163A, based on the findings documented in the staff report.

THANK YOU.



AMENDED LOTS 163A & 162

ZION VIEW MOUNTAIN ESTATES UNIT 1 AMENDED LOTS 163 & 166 AND

ZION VIEW MOUNTAIN ESTATES UNIT 1

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



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 17-27A-608. I CERTIFY THAT I HAVE COMPLETED THE SURVEY SHOWN HEREON IN ACCORDANCE WITH SECTION 17-23-1.7 AS OUTLINED IN SECTION 17-27A-608(6)(B)(III)(A), AND 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 163A & 162 ZION VIEW MOUNTAIN ESTATES UNIT 1
AMENDED LOTS 163 & 166 AND ZION VIEW MOUNTAIN ESTATES UNIT 1".

MICHAEL J. STEWART UT PLS 12480028

DATE

COUNTY SURVEYOR

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

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 ____.

KANE COUNTY ATTORNEY

LAND USE AUTHORITY

APPROVAL

ON THIS ____ DAY OF ____, 20__, THE KANE COUNTY PLANNING COMMISSION, DOES HEREBY CERTIFY THAT THE SHOWN PLAT HAS BEEN APPROVED BY SAID AUTHORITY 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

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 THE ____ DAY OF ____, 20__.

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

KANE COUNTY RECORDER

SURVEY NARRATIVE

THE PURPOSE OF THIS AMENDED PLAT IS TO JOIN LOTS 162 AND 163A. 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. 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 AND THE SOUTHEAST CORNER OF AMENDED LOT 163A. SDO°36'26"W 241.53 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. ZION VIEW MOUNTAIN ESTATES REVISED UNIT A PLAT SHOWS NORTH MOUNTAIN DRIVE AS BEGIN 30 FEET WIDE. THE NEIGHBORING ZION VIEW MOUNTAIN ESTATES UNIT E PLAT DOES NOT SPECIFY THE ROAD WIDTH BUT APPEARS TO MATCH THE UNIT A PLAT. CORNERS WERE LOCATED FOR BOTH UNITS AND IT WAS FOUND THAT THE ROAD WIDTH IS GREATER THAN 30' AND IS CLOSER TO 50'. HOWEVER, THIS ISSUE WAS NOT EXPLORED FURTHER AT THIS TIME. FOR THE SAKE OF THIS AMENDED PLAT I HAVE SHOWN THE CENTERLINE OF NORTH MOUNTAIN DRIVE AS BEING 15' OFFSET FROM THE PROPERTY LINES OF UNIT A.

LEGAL DESCRIPTION

ALL OF LOTS 163A ZION VIEW MOUNTAIN ESTATES REVISED UNIT "A" - AMENDED LOTS 163 AND 166 AND LOT 162 ZION VIEW MOUNTAIN ESTATES REVISED UNIT "A" (COMBINED), AS RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER UTAH.

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 162 OF ZION VIEW MOUNTAIN ESTATES, REVISED UNIT A AND NEW LOT 163A OF ZION VIEW MOUNTAIN ESTATES, REVISED UNIT A AMENDED LOTS 162 & 166, TO BE HEREAFTER KNOWN AS AMENDED LOTS 163A & 162 ZION VIEW MOUNTAIN ESTATES UNIT 1 AMENDED LOTS 163 & 166 AND ZION VIEW MOUNTAIN ESTATES UNIT 1, THE UNDERSIGNED HEREBY DEDICATE ALL OF AMENDED LOTS 163A & 162 ZION VIEW MOUNTAIN ESTATES UNIT 1 AMENDED LOTS 163 & 166 AND ZION VIEW MOUNTAIN ESTATES UNIT 1, AS SET FORTH HEREIN, TO GLENN AND PAMELA SOUCY, 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__.

GLENN AND PAMELA SOUCY

GLENN SOUCY

PAMELA SOUCY

NOTARY ACKNOWLEDGMENT

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

ON THE ____ DAY OF ____, 20__, GLENN AND PAMELA SOUCY; 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))

DRAWN BY: MJS SURVEY DATE: AUGUST 9, 2024

REV. #	DATE	DESCRIPTION

SHEET

1 OF 1

OWNERSHIP: GLENN AND PAMELA SOUCY
3835 SPITZE DR
LAS VEGAS, NV 89103

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.

- ZION VIEW MOUNTAIN ESTATES REVISED UNIT A
- ZION VIEW MOUNTAIN ESTATES UNIT E
- AMENDED PLAT OF LOTS 163 AND 166 ZION VIEW MOUNTAIN ESTATES REVISED UNIT A
- AMENDED PLAT OF LOTS 161, 164, AND 165 ZION VIEW MOUNTAIN ESTATES REVISED 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



STREET CENTER LINE



PROPERTY LINE TO BE REMOVED



EASEMENT AS DESCRIBED



REBAR AND CAP MARKED AS SHOWN



RECORD DIMENSIONS FROM ZION VIEW MOUNTAIN ESTATES UNIT 1



RECORD DIMENSIONS FROM ZION VIEW MOUNTAIN ESTATES UNIT 1 AMENDED LOTS 163 & 166

Public Hearing

15. Lot Joinder: Monsteller

An application to amend a subdivision plat for a lot joinder joining lots 74, 75, 76 & 77, becoming amended lot 74 containing 1.93 acres, and vacating (10) 7.5' public utility easements, Zion View Mountain Estates, Unit D. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.



STAFF REPORT

DATE: 10/28/24

PROJECT: A complete application for Amending a Subdivision Plat for a lot joinder, and vacating ten 7.5-foot public utility easements, on behalf of Christopher Robert Mosteller, in the Zion View Mountain Estates Unit D, lots 74, 75, 76 & 77 becoming new amended lot 74 consisting of 1.93 acre, within the SW $\frac{1}{4}$, Section 2, T39S, R8W SLB & M. The project was submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney. All lots are zoned Residential $\frac{1}{2}$, as are all surrounding lots. The zoning will remain the same.

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

FINDINGS: Amending (joining) the lots and vacating ten 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 ten 7.5-foot public utility easements. The new lot will retain the Residential $\frac{1}{2}$ zoning (R-1/2).

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

MOTION: I move to **recommend approval/denial** to the Kane County Commissioners amending a subdivision plat for a lot joinder, and vacating ten 7.5 -foot utility easements, in the Zion View Mountain Estates Subdivision, Unit D, lots 74, 75, 76, & 77 becoming new amended lot 77, on behalf of Christopher Robert Mosteller, based on the findings documented in the staff report.

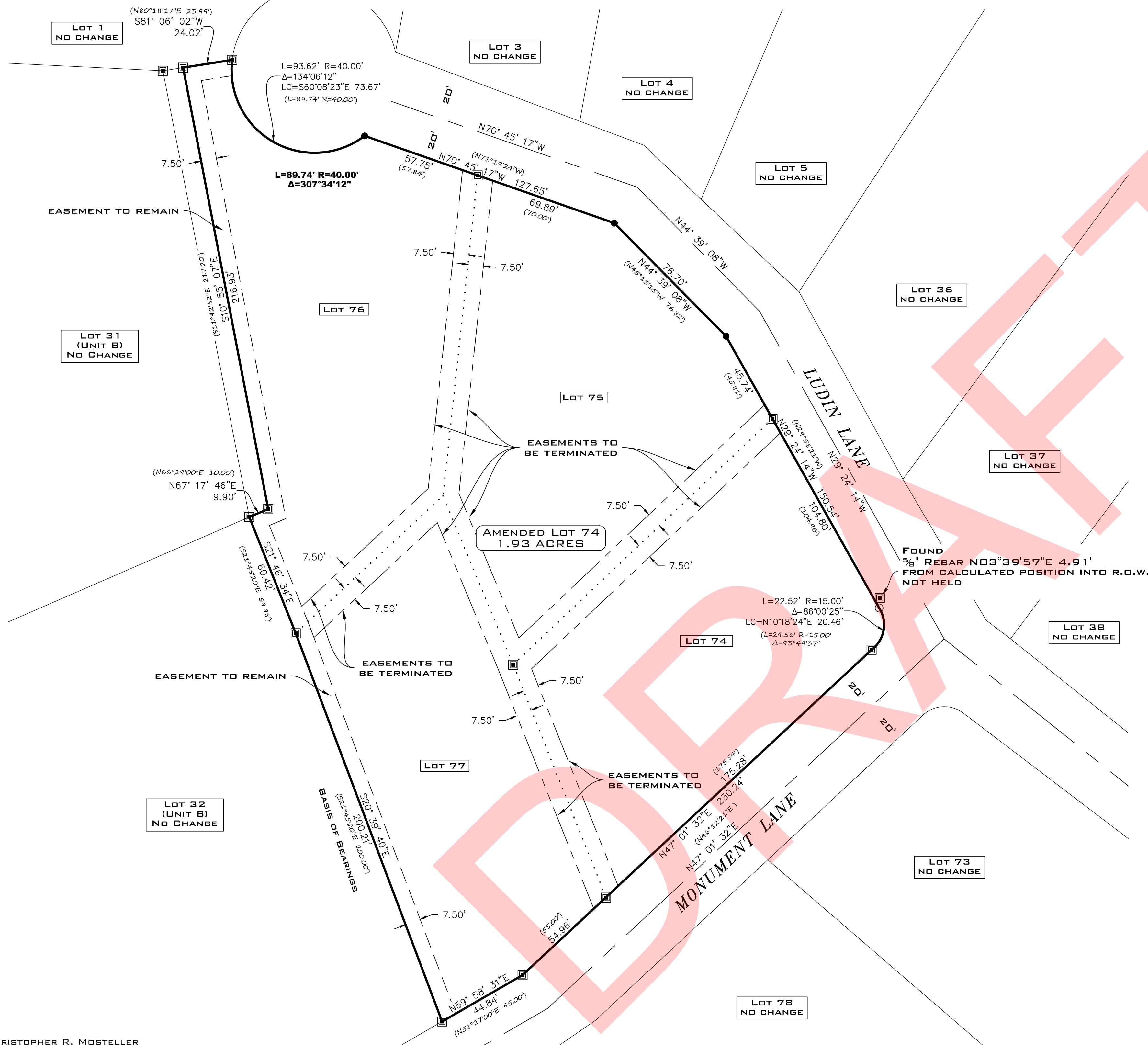
THANK YOU.



AMENDED LOTS 74, 75, 76, & 77

ZION VIEW MOUNTAIN ESTATES UNIT D

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



OWNERSHIP: CHRISTOPHER R. MOSTELLER
PO BOX 273
WASHINGTON, UT 84780-0273

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.

- ZION VIEW MOUNTAIN ESTATES UNIT "C", 1972
- ZION VIEW MOUNTAIN ESTATES UNIT "B", 1965

NOTES:

RECORD DIMENSIONS SHOWN IN PARENTHESIS.

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

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

LEGEND

- SET #5 REBAR & RED PLASTIC CAP MARKED RSG 12480028 (UNLESS NOTED)
- FOUND 5/8" REBAR
- NOTHING SET
- PROPERTY LINE
- FENCE LINE
- ADJACENT PROPERTY LINE
- STREET CENTER LINE
- PROPERTY LINE TO BE REMOVED
- - - EASEMENT AS DESCRIBED
- - - EASEMENT TO BE REMOVED
- - - REBAR AND CAP MARKED AS SHOWN
- R/C



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

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

SURVEYOR'S CERTIFICATE

I, MICHAEL J STEWART, A PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 12480028, HOLD THIS LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED THIS PLAT OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-27A-608. I CERTIFY THAT I HAVE COMPLETED THE SURVEY SHOWN HEREON IN ACCORDANCE WITH SECTION 17-23-17 AS OUTLINED IN SECTION 17-27A-608(6)(B)(III)(A), AND 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:

MICHAEL J. STEWART UT PLS 12480028

DATE

SURVEY NARRATIVE

THE PURPOSE OF THIS AMENDED PLAT IS TO JOIN LOTS 74, 75, 76 AND 77. 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. 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 NORTHWEST CORNER OF LOT 77 AND THE SOUTHWEST CORNER OF LOT 77, S20°39'40"E 200.21 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.

LEGAL DESCRIPTION

ALL OF LOTS 74, 75, 76, AND 77 (COMBINED) OF ZION MOUNTAIN VIEW ESTATES UNIT D AS RECORDED IN THE OFFICE OF THE KANE COUNTY RECORDER, UTAH.

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 74, 75, 76 AND 77 OF ZION MOUNTAIN VIEW ESTATES UNIT D, TO BE HEREAFTER KNOWN AS AMENDED LOTS 74, 75, 76 AND 77 OF ZION MOUNTAIN VIEW ESTATES UNIT D, THE UNDERSIGNED HEREBY DEDICATE ALL OF AMENDED LOTS 74, 75, 76 AND 77 OF ZION MOUNTAIN VIEW ESTATES UNIT D, AS SET FORTH HEREIN, TO CHRISTOPHER R. MOSTELLER, 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__.

CHRISTOPHER R. MOSTELLER
AS TO: LOTS 74, 75, 76 AND 77

CHRISTOPHER R. MOSTELLER

ACKNOWLEDGMENT

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

ON THE ____ DAY OF ____, 20__, CHRISTOPHER R. MOSTELLER; 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))

DRAWN BY: AH SURVEY DATE: JULY 30, 2024

REV. #	DATE	DESCRIPTION
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SHEET

1 OF 1

Public Meeting

16. Subdivision: Roth

An application a preliminary plat for the Chillville Subdivision, parcel 3-6-36-1B, creating two 5-acre lots, located east of Kanab and west of the Dark Sky RV Park. Submitted by Mike Stewart, Red Sands Geomatics, holding power of attorney.

DRAFT STAFF REPORT

DATE: 11/01/2024

PROJECT: A complete application was submitted on behalf of Britt Roth, Quad Power LLC with Michael Stewart, Red Sands Geomatics and Bart Batista, Cliffside Engineering, for a Preliminary Plat for Chillville a two-lot subdivision, lots 1 & 2, zoned R-5, for parcel 3-6-36-1B, consisting of 10 acres. This project is located east of Kanab City and west of the Dark Sky R.V. Park.

FINDINGS: The Chillville Subdivision, application and preliminary plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607 and 608. The Chillville Subdivision preliminary plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21E-I, Subdivision Regulations. All requirements for rights-of-way and easements conform to the standards in the Kane County Land Use Ordinance and the Kane County Construction and Design Standards. All notices are in conformance to the standards and notice requirements of 17-27a-201 & 202. A notice for the public meeting was posted in two public places; notices were mailed out to all affected entities and posted on the Utah State and Kane County websites as a public meeting.

STAFF RECOMMENDATION: Kane County Engineer, Tom Avant, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride recommends approval.

Motion: I move to **recommend approval/denial**, to the Kane County Commissioners, the Preliminary Plat for the two-lot Chillville Subdivision, on behalf of Britt Roth.

THANK YOU

SECTION:

9-21D-1: General Requirements

9-21D-2: Required General Submission Items; Administrative

9-21D-3: Submitted Drawing Requirements

9-21D-4: Review Procedure

9-21D-5: Land Use Authority Approval

9-21D-6: Site Construction

9-21D-1: GENERAL REQUIREMENTS:

Copies of all required materials for preliminary plat review shall be submitted to the Kane County Land Use Authority Administrator by the developer/subdivider or their authorized representative a minimum of twenty one (21) days prior to the Kane County Land Use Authority's meeting date at which the preliminary plat is to be reviewed. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21D-2: REQUIRED GENERAL SUBMISSION ITEMS; ADMINISTRATIVE:

- A. One copy of application for subdivision and planned unit development.
- B. Subdivisions and planned unit development deposit. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)
- C. Agreement - subdivision and planned unit development.
- D. Statement of taxes and assessments paid.
- E. Certificate of title insurance.
- F. Articles of incorporation (LLC, partnership or corporation).
- G. Notarized affidavit that applicant is the owner or authorized by the owner to make application for the proposed land to be subdivided.
- H. Signed proposed deed restrictions. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2016-4, 10-15-2018)
- I. Development agreement draft (as applicable). (Ord. 2014-1, 1-27-2014, eff. 2-11-2014; amd. Ord. O-2016-4, 10-15-2018)
- J. Engineer's cost estimate.
- K. Soils and maps report. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2016-4, 10-15-2018)

L. Three (3) copies of on-lot disposal report. (Ord. 2014-1, 1-27-2014, eff. 2-11-2014; amd. Ord. O-2016-4, 10-15-2018)

M. Letters of feasibility/will serve letters (as applicable):

1. Water system (Southwest Utah Public Health Department, Utah Department of Environmental Quality or Kane County Water Conservancy District, etc.);

2. Sewage treatment from Southwest Utah Public Health Department or Utah Department of Environmental Quality;

3. Telephone;

4. Garkane Energy;

5. Solid waste disposal;

6. Access - Utah Department of Transportation and/or Kane County; (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2016-4, 10-15-2018)

7. United States Kanab Post Master for the location of mail delivery cluster boxes; (Ord. O-2018-2, 4-9-2018)

8. Other (as requested). (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2016-4, 10-15-2018; Ord. O-2018-2, 4-9-2018)

9-21D-3: SUBMITTED DRAWING REQUIREMENTS:

A. Three (3) copies of preliminary plat map (24 inches x 36 inches).

B. The accuracy of location of alignments, boundaries and monuments shall be keyed to USGS monuments and certified by a registered land surveyor licensed to do such work in the State of Utah. The plat map shall be done in a professional manner with all of the requirements clearly shown. Poorly drawn, illegible or incomplete plat maps are sufficient cause for rejection.

C. The plat map shall be drawn to a scale not less than one inch equals fifty feet (1" = 50'), if feasible, and shall indicate the basis of bearings, true north point, name of subdivision, name of county, township, range, section and quarter section, block and lot number of the proposed subdivision, keyed to USGS survey monuments.

D. Location and vicinity map (on plat).

E. Drawing requirements:

1. Area map showing area plus one-half ($\frac{1}{2}$) mile;

2. Traverse map of subdivision;

3. Lot and street layout;

4. Dimensions of all lots;

5. Total acreage and legal description;
6. Lots numbered consecutively;
7. Location and names of existing and proposed easements;
8. Existing and proposed street names;
9. Drainage direction for existing and proposed streets;
10. All fence lines;
11. Heavily wooded areas located;
12. Site to be reserved or dedicated for public use;
13. Sites listed to be used for nonsingle-family dwellings;
14. Dedicated public space;
15. Signature blocks.

F. Overall site plan requirements:

1. Future street layout for area not being subdivided (phased subdivisions and planned unit development);
2. Watercourses and proposed drainage systems;
3. 100-year flood boundaries;
4. Existing buildings, easements or utilities within two hundred feet (200');
5. Location and size of proposed utilities; (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)
6. Location and size of mail delivery collection box units or simply cluster box units. (Ord. O-2018-2, 4-9-2018)
7. Any other covenants, easements or restrictions. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2018-2, 4-9-2018)

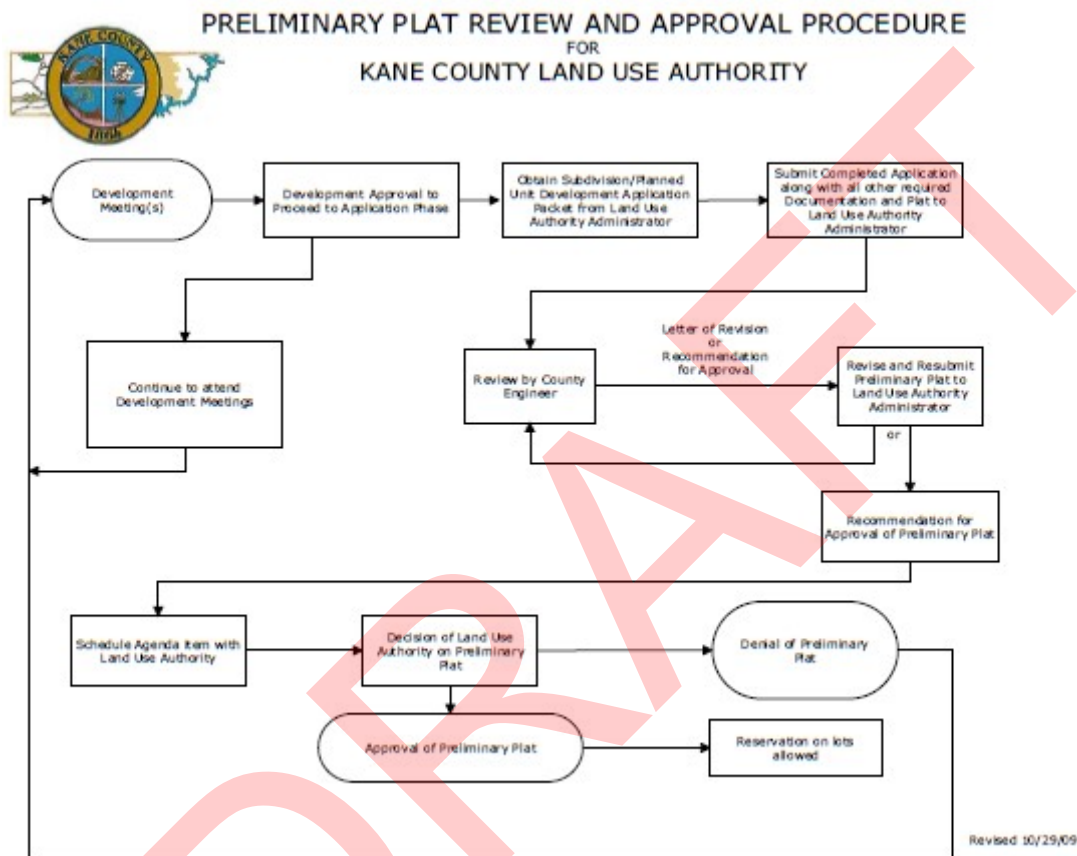
G. Summary statement (on plat):

1. Total development area;
2. Number of proposed dwelling units;
3. Total number of square feet in nonresidential floor space;
4. Total number of off street parking spaces;
5. Amount of water per lot;
6. Estimated gallons per day of sewage;

7. Survey notes of perimeter survey. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21D-4: REVIEW PROCEDURE:

When the preliminary plat and all documentation has been received, reviewed and approved by the Land Use Authority Administrator and Kane County Engineer, it shall be placed on the Kane County Land Use Authority's agenda for review within forty five (45) days.



(Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21D-5: LAND USE AUTHORITY APPROVAL:

A. The Kane County Land Use Authority shall review all completed applications for preliminary plat approval and shall forward to the Land Use Authority only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this chapter and all other ordinances and laws of Kane County and the State of Utah; including, but not limited to, land use ordinances, general plan and transportation plan.

B. At a public meeting the Land Use Authority may recommend approval to the County Commission, with or without conditions, table until additional information has

been provided or disapprove the preliminary plat. In the event that the Kane County Land Use Authority disapproves a preliminary plat, it shall state, in writing, within thirty (30) days to the developer/subdivider the reason for disapproval via certified mail, return receipt requested.

C. If recommended for approval to the County Commission, the County Commission shall review the application for approval, approval with conditions, or denial at the next regularly scheduled County Commission meeting. (Ord. O-2016-4, 10-15-2018)

9-21D-6: SITE CONSTRUCTION:

A. No infrastructure site work may be started, even with preliminary plat approval, until construction drawings are submitted and approved by the Kane County Engineer.

B. Failure to comply will be punishable as a Class B misdemeanor with a one hundred dollar (\$100.00) per day fine until situation is rectified. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

ARTICLE G. DESIGN STANDARDS

SECTION:

9-21G-1: General Provisions

9-21G-2: Lots

9-21G-3: Streets

9-21G-4: Curvature And Alignment

9-21G-5: Block And Cul-De-Sac Standards

9-21G-6: Pedestrian Crosswalks

9-21G-7: Easement Standards

9-21G-8: Exterior Perimeters

9-21G-9: Alleys

9-21G-10: Sanitary Sewage Disposal

9-21G-11: Water Supply

9-21G-12: Sanitation Collection Sites

9-21G-1: GENERAL PROVISIONS:

All subdivisions must comply with the following standards:

A. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.

B. Land subject to hazardous conditions such as, but not limited to, slides, mudflows, rockfalls, snow avalanches, possible mine subsidence, shallow water table, open

quarries, floods, abandoned landfills, and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

C. The "Kane County Standard Specifications And Drawing Details For Design And Construction". (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-2: LOTS:

A. All lots shown on the subdivision plan shall conform to the minimum requirements of the Kane County zoning ordinance for the zone in which the subdivision is located, and to the minimum requirements of the engineer and the Southwest Utah health department for sewage disposal. The minimum width for any building lot shall be as required by the Kane County land use ordinance.

B. All lots shall abut a dedicated or private street. Streets shall be at least twenty eight foot (28') travel width. In the event a lot abuts a public right of way created by use, the subdivider shall improve the right of way to the standards required by this chapter and the "Kane County Standard Specifications And Drawing Details For Design And Construction".

C. Corner lots shall have extra width to allow for mandatory setbacks on both streets.

D. Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be shown.

E. All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.

F. Where the land in a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the Kane County recorder.

G. No single lot shall be divided by a municipal or county boundary.

H. A lot shall not be divided by a road, alley or other lot.

I. No wedge shaped lot shall be less than thirty feet (30') in width at the front property line, or the lot frontage required by the zoning ordinance, whichever is larger.

J. All residential lots in subdivisions shall front on a public street or on a private street or court approved by the Kane County land use authority and the Kane County commission, except as may be approved for planned unit developments or other special dwellings. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-3: STREETS:

A. Minor streets shall be laid out to discourage through traffic.

B. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivision. Not more than three (3) lots shall front stub streets, except where a temporary cul-de-sac turnaround side is provided.

C. Intersections of minor streets with major streets shall be kept to the minimum.

D. No half streets are permitted.

E. Dead end streets, including stub streets, shall be permitted or required by the Kane County engineer only to provide future access to adjoining property, except for dead end street systems in cluster subdivisions, planned unit developments, condominium developments, or similar special projects.

F. Permanent cul-de-sac streets serving no more than six (6) lots, and not more than eight hundred feet (800') long, whichever is more restrictive, may be permitted and shall be provided with a right of way at the turnaround of fifty five and one-half feet ($55\frac{1}{2}'$) radius or more, and the outside curb or pavement edge radius shall be forty eight feet (48') or more.

G. No more than four (4) streets shall enter an intersection.

H. Streets should intersect at ninety degrees (90°). All others may be designed only with approval of the Kane County engineer.

I. Two (2) subordinate streets meeting a through street from opposite sides shall meet at the same point, or their centerlines shall be offset at least two hundred feet (200').

J. Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names within the area. All street names shall be approved by the Kane County GIS Director. Permanent signs shall be installed by developer at his expense at time of installation of other off site improvements with locations approved by Kane County.

K. Where a residential subdivision abuts a major highway, frontage roads may be required. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. O-2022-07, 2-22-2022)

9-21G-4: CURVATURE AND ALIGNMENT:

Ensure adequate sight distances. When street roadway lines deflect more than five degrees (5°), connection shall be made by horizontal curves. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-5: BLOCK AND CUL-DE-SAC STANDARDS:

Block lengths shall be one thousand feet (1,000') or less. Cul- de-sac shall be no longer than eight hundred feet (800'). (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-6: PEDESTRIAN CROSSWALKS:

Pedestrian rights of way of not less than ten feet (10') in width may be required by the Kane County engineer through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet (5') in width shall be placed within the rights of way, as required by the Kane County engineer. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-7: EASEMENT STANDARDS:

- A. Utility easements shall follow front lot lines wherever possible. (See design standards drawing RD02.)
- B. Where front line easements are not possible, easements shall follow rear and side lot lines and shall have a minimum total width of fifteen feet (15') apportioned equally on abutting properties.
- C. All easements shall be designed so as to provide efficient installation of utilities.
- D. All power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider unless the Kane County engineer determines it is not feasible to do so. This determination would be based upon application by a subdivider, supported by recommendation of the county engineer, and approved by the Kane County Land Use Authority and Kane County Commission. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-8: EXTERIOR PERIMETERS:

Based on the Utah State Open Range Policy, it is a landowner's responsibility to fence their property as to keep livestock out. If fencing, gates or cattle guards already exist that keep cattle off the highway or public lands, said fencing gates or cattle guards must remain in place. However, they may be moved to conform to new lot lines. (Ord. O-2017-4, 6-26-2017)

9-21G-9: ALLEYS:

The Kane County Engineer may approve service access to the interior of blocks in certain instances, in which case alleys must be indicated on the plan and plat. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-10: SANITARY SEWAGE DISPOSAL:

- A. Except as otherwise provided below, the subdivider shall provide, or have provided, an approved piped sanitary sewage system to the property line of every lot in the subdivision. The sewage system shall meet the minimum standards and requirements of the State Department of Environmental Quality. Certification of compliance shall be provided to the Kane County Land Use Authority by the subdivider.
- B. All subdivisions, and all phases of subdivisions, proposing on site wastewater disposal systems, which did not acquire on site wastewater disposal feasibility approval before December 9, 1997, shall comply with the Southwest Utah Public Health Department's wastewater ordinance effective that date or as further modified, and shall

comply with the regulations of the local or special service district that serves the area that are in effect at the time. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than a distance of three hundred feet (300') multiplied by the number of proposed lots within the subdivision, from the boundary of the subdivision.

C. Where the Kane County General Plan or other plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Kane County Land Use Authority may require the installation and capping of sanitary sewer mains and house connections by the subdivider. Whenever individual on-lot sanitary sewage disposal systems are proposed, they shall be installed at the time the principal building is constructed, and no building permit shall be issued until such installation is completed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

D. All new subdivisions and multiple lot/unit developments within the wastewater service area of any local or special service district that provides sewer or wastewater services, shall connect to the relevant district's wastewater collection system or shall otherwise participate in the wastewater system. New subdivisions and multiple lot/unit developments shall be required to connect to the wastewater system when reasonable access is available. In general, reasonable access shall be considered as the subdivision or development parcel being located within three hundred feet (300') multiplied by the number of proposed lots or units, whichever is greater, of any of the district's wastewater collection facilities, except by written approval of the District Board in cases of undue hardship.

E. No final plat approval for the establishment of a residential, commercial or industrial subdivision or other multiple unit/lot development in the wastewater service area shall be granted or given until such time that the relevant district has reviewed and approved all plans and specifications for the proposed wastewater system serving said subdivision or development.

F. Any person or entity desiring to obtain final plat approval for the establishment of a residential, commercial or industrial subdivision or multiple unit/lot development shall be required to submit to the relevant district the following information and documentation: 1) the name, address, email address, telephone number and fax number of the owner and developer, 2) a plat or map showing the location and layout of the proposed subdivision or development, 3) an accurate legal description of the property to be developed, 4) a description of the development activity for which approval is being sought, 5) a detailed description, including plans and specifications, of the proposed wastewater collection and disposal system for such subdivision or development, 6) an engineering report establishing that approval of the proposed wastewater system shall not adversely affect the ground or surface water quality, and 7) any other information deemed necessary or desirable by the district.

G. All wastewater system improvements proposed by subdividers and developers shall be designed and constructed in compliance with the State of Utah Department of Environmental Quality rules and the district's design and construction standards.

H. The parcel or lot owner, or developer shall bear all costs of and fees for connecting the parcel, subdivision, or development to the relevant district's wastewater system. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013; amd. Ord. 2020- 22, 10-27-2020)

9-21G-11: WATER SUPPLY:

All culinary water systems and plans, whether public or private, shall conform to County ordinances, including, but not limited to, this chapter and the "Kane County Standard Specifications and Drawing Details for Design and Construction", and shall be approved by the appropriate State and Local authorities. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

9-21G-12: SANITATION COLLECTION SITES:

The subdivider shall provide a sufficient number of sites for the collection and removal of solid waste. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

ARTICLE H. CONSTRUCTION STANDARDS

SECTION:

9-21H-1: Requirements

9-21H-1: REQUIREMENTS:

Construction standards and building codes, including the "Kane County Standard Specifications And Drawing Details For Design And Construction" adopted by Kane County, shall be followed by the subdivider, developer and contractor. (Ord. 2013-10, 11-4-2013, eff. 11-19-2013)

ARTICLE I. FINANCIAL RESPONSIBILITY

SECTION:

9-21I-1: Guarantee; Improvement Completion Assurance

9-21I-2: Payment And Performance Bonds

9-21I-3: Escrow Deposit

9-21I-4: Irrevocable Letter Of Credit

9-21I-5: Default

9-21I-6: Improvement Guarantee; Warranty

9-21I-7: Covenant

9-21I-8: Acceptance And Release Of Surety

9-21I-9: Definitions

9-21I-1: GUARANTEE; IMPROVEMENT COMPLETION ASSURANCE:

Before approval of the final plat, the developer/subdivider shall provide an improvement completion assurance, guaranteeing the installation of the required subdivision improvements, by one of the methods as described in section [9-21I-2](#), [9-21I-3](#) or [9-21I-4](#) of this article, prior to recording a subdivision plat or beginning development activity. The guarantee method employed shall be approved by the Kane County commission in the development agreement. This requirement is applicable to individual phases of a development. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-21I-2: PAYMENT AND PERFORMANCE BONDS:

The developer/subdivider shall furnish payment and performance bonds in an amount equal to one hundred ten percent (110%) of the engineer's estimated cost of improvements as approved by the Kane County engineer. The additional inflation percentage shall be determined in the development agreement and added to the one hundred ten percent (110%) figure. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-21I-3: ESCROW DEPOSIT:

The developer/subdivider shall deposit in an interest bearing escrow account an amount of money equal to one hundred ten percent (110%) of the engineer's estimated cost of improvements as approved by the county engineer. The additional inflation percentage shall be determined in the development agreement and added to the one hundred ten percent (110%) figure. The escrow account shall be used solely for securing the subdivisions improvements. The escrow account holder must be approved by Kane County prior to deposit being made. The terms of the escrow account shall only require that the county present the issuer with a signed draft and a certificate signed by an authorized representative of the county certifying to the county's right to draw funds on the account to complete the required improvements. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-21I-4: IRREVOCABLE LETTER OF CREDIT:

The developer/subdivider shall file with Kane County an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount equal to one hundred ten percent (110%) of the engineer's estimated cost of improvements as approved by the Kane County engineer. The additional inflation percentage shall be determined in the development agreement and added to the one hundred ten percent (110%) figure. Said letter of credit shall:

- A. Be irrevocable;
- B. Be of a term sufficient to cover the completion, plus sixty (60) days, and the improvement warranty period; and

C. Require only that the county present the issuer with a signed draft and a certificate signed by an authorized representative of the county certifying to the county's right to draw funds under the letter of credit. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-5: DEFAULT:

In the event the developer/subdivider fails to complete the required improvements as stipulated in the development agreement, within two (2) years after final plat acceptance, Kane County shall pursue action against whichever method of guarantee was provided (section [9-211-2](#), [9-211-3](#), or [9-211-4](#) of this article) to complete the improvements as described.

Kane County may assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which required development improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the tract.

Kane County may exercise any other rights available under the law, upon default. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-6: IMPROVEMENT GUARANTEE; WARRANTY:

The developer/subdivider shall guarantee that all improvements provided, installed and as stipulated in the development agreement, shall remain free of defects for a period of one year from date of acceptance by the county. This guarantee shall be in the form of an improvement warranty in the amount of ten percent (10%) of the engineer's estimated cost of improvements as approved by the Kane County engineer.

Identifying the necessity for repairs and/or maintenance of the installed work rests with the county engineer, or designee, and whose decision upon the matter shall be final and binding upon the developer/subdivider. Should the county engineer find that repairs or maintenance is necessary, and upon written notice, the developer/subdivider shall have a maximum of thirty (30) days to affect the required repairs or maintenance work.

Should the developer/subdivider fail or refuse to affect said repairs or maintenance, the county shall have such work done at the developer/subdivider's expense. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-211-7: COVENANT:

The developer/subdivider shall, as part of the executed development agreement, not sell, lease or convey any of the subdivided property to anyone unless he/she/they, as a condition thereto, satisfy at least one of the foregoing requirements of section [9-211-2](#), [9-211-3](#), or [9-211-4](#) of this article. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land, binding all successors, heirs, and assigns of the property owner to secure the installation of the improvements required together with payment of all costs, including reasonable attorney fees which may be incurred by Kane County in the enforcement of any of the terms and provisions of the agreement. The development agreement shall be recorded in the Kane County recorder's office. All existing lienholders shall be required to subordinate their liens to

the covenants contained in the development agreement. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-21I-8: ACCEPTANCE AND RELEASE OF SURETY:

A. Request for conditional acceptance of the subdivision improvements and reduction in surety must be in writing from the developer/subdivider to the land use authority administrator. When installation of the subdivision improvements are seventy five percent (75%) complete, fifty percent (50%) of the estimated cost of the improvements will be released after inspection and written verification by the county engineer. After final completion of all work, an additional fifty percent (50%) of the estimated cost will be released after inspection and written verification by the county engineer. This leaves ten percent (10%) of the estimated cost to be held as the improvement warranty for the improvement warranty period, being one year from final completion and acceptance of the improvements, or a lengthier improvement warranty period as may be permitted, pursuant to this section, or Utah Code Annotated section 17-27a-604.5, as amended. The schedule for release of surety may be modified by the specific development agreement.

In many cases, the improvement warranty will be on the same document as the improvement completion assurance/performance bond. However, the county may require a separate document containing the improvement warranty.

B. Final inspection by the Kane County engineer shall be made one year after all improvement work has been completed. Any and all defects must be repaired and maintenance must be completed prior to final approval.

C. Upon written approval by the Kane County engineer, the land use administrator shall, in writing, accept all improvements and release remaining improvement warranty. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

9-21I-9: DEFINITIONS:

The following definitions apply to this article:

IMPROVEMENT COMPLETION ASSURANCE: A surety bond, letter of credit, cash, or other security required by Kane County to guaranty the proper completion of landscaping or infrastructure that the land use authority has required as a condition precedent to:

- A. Recording a subdivision plat; or
- B. Beginning development activity.

IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the accepted landscaping or infrastructure:

- A. Complies with Kane County's written standards for design, materials, and workmanship; and

B. Will not fail in material respect, as a result of poor workmanship or materials, within the improvement warranty period.

IMPROVEMENT WARRANTY PERIOD: A period:

A. No later than one year after Kane County's acceptance of required infrastructure, unless the county:

1. Determines for good cause that the one year period is inadequate to protect the public health, safety, and welfare; and

2. Has substantial evidence, on record:

a. Of prior poor performance by the applicant; or

b. That the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil. (Ord. 2014-9, 5-19-2014, eff. 6-3-2014)

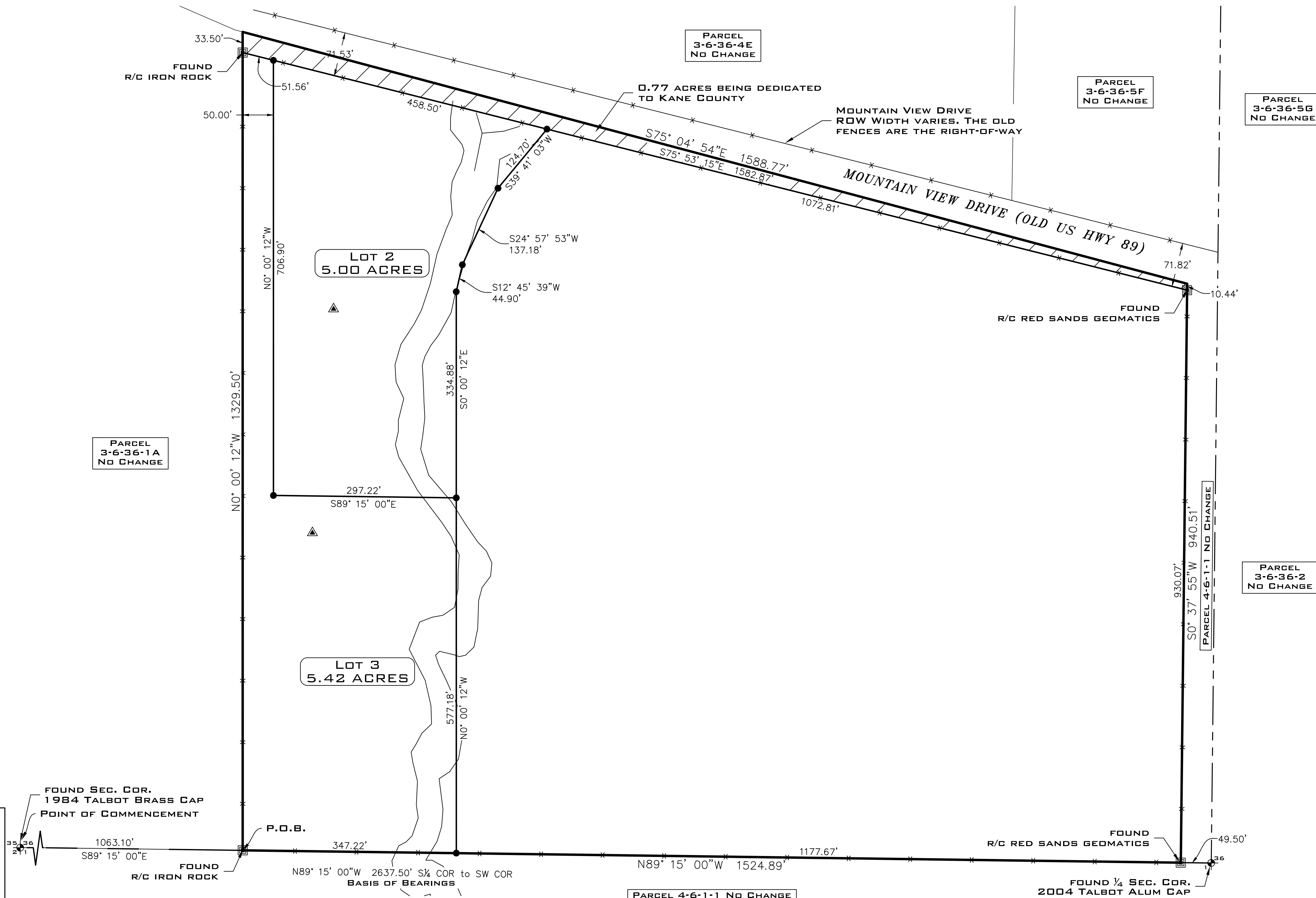
DRAFT



CHILLVILLE SUBDIVISION

PARCEL 3-6-36-1B

SW¼ SECTION 36, TOWNSHIP 43 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN



CULINARY WATER AUTHORITY

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

KANE COUNTY WATER
CONSERVANCY DISTRICT

COUNTY GIS/ADDRESSING

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

KANE COUNTY GIS/ADDRESSING
AUTHORITY

COUNTY ENGINEER

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

KANE COUNTY ENGINEER

NOTES:

ALL DIMENSIONS MATCH RECORD. FOR MORE DETAILS SEE THE RECORD OF SURVEY THAT PRECEDED THIS SUBDIVISION FILED AS:

NO SOILS TEST WAS PERFORMED FOR LOT 1 AS THIS LOT ALREADY HAS AN APPROVED SEPTIC SYSTEM IN PLACE.

AN EXISTING EASEMENT EXISTS FOR THE UTILITY LINES FOUND ALONG BOTH SIDES OF MOUNTAIN VIEW DRIVE AS RECORDED IN BOOK 0-5, PAGES 86-87. THE DESCRIPTION FOR THE EASEMENT IS A BLANKET EASEMENT.

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

LAND USE AUTHORITY

APPROVAL

ON THIS ____ DAY OF ____ 20__, THE KANE COUNTY PLANNING COMMISSION, DOES HEREBY CERTIFY THAT THE SHOWN PLAT HAS BEEN APPROVED BY SAID AUTHORITY 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

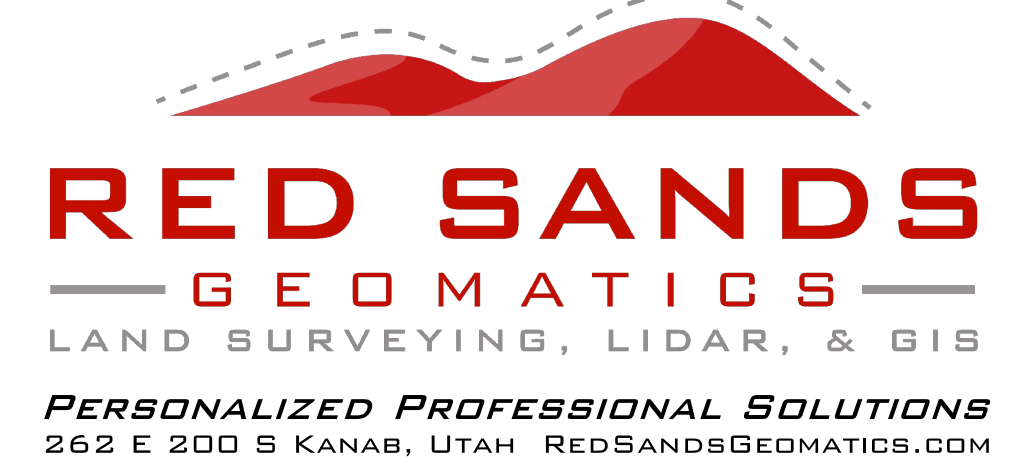
CHAIRMAN COUNTY COMMISSION
KANE COUNTY, UT

CERTIFICATE OF RECORDING

I, _____, COUNTY RECORDER OF KANE COUNTY, UT DO HEREBY CERTIFY THAT THE SHOWN SUBDIVISION 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: 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. 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: "CHILLVILLE SUBDIVISION".

MICHAEL J. STEWART UT L.S. 12480028

DATE

SURVEY NARRATIVE

THE PURPOSE OF THIS SUBDIVISION IS TO DIVIDE PARCEL 3-6-36-1B INTO 3 LOTS. THIS SUBDIVISION WAS REQUESTED BY THE OWNER. I HAVE CONDUCTED A FIELD SURVEY OF THE SHOWN PROPERTY WHERE I HAVE RETRACED AND REESTABLISHED THE ORIGINAL PROPERTY BOUNDARIES OF THE SHOWN LOT, BASED ON THE AVAILABILITY OF EXISTING EVIDENCES OF PROPERTY CORNERS, OCCUPATION LINES, AND OTHER RELIABLE SOURCES. IT IS THE INTENT OF THIS SUBDIVISION TO ONLY CHANGE THE ABOVE MENTIONED PARCEL 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. NO EASEMENTS ARE AFFECTED BY THIS SUBDIVISION. THE BASIS OF BEARINGS FOR THIS SURVEY IS BASED ON THE BELOW STATED COORDINATE SYSTEM AND CAN BE MEASURED BETWEEN THE SOUTH ¼ SECTION 36 CORNER AND THE SOUTHWEST SECTION CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN, N89°15'00"W 2637.50 FEET. THE GPS COORDINATE SYSTEM USED WAS THE UTAH COORDINATE SYSTEM, 1983 SOUTH ZONE, US SURVEY FEET, SCALED TO GROUND WITH NO ROTATION APPLIED. ANY ORIGINAL BEARINGS HAVE BEEN ROTATED TO MATCH SAID COORDINATE SYSTEM.

LEGAL DESCRIPTION

THAT PORTION OF THE SW¼ OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS-FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE, ALONG THE SOUTH SECTION LINE OF SAID SECTION, SOUTH 89° 15' 00" EAST 1063.10 FEET, TO THE POINT OF BEGINNING; THENCE, ALONG AN EXISTING FENCE LINE, NORTH 00° 00' 12" WEST 1329.50 FEET; THENCE SOUTH 75° 04' 54" EAST 1588.77 FEET; THENCE, PARALLEL TO THE NORTH-SOUTH ¼ SECTION LINE OF SAID SECTION 36, SOUTH 00° 37' 55" WEST 940.51 FEET, TO THE SOUTH LINE OF SAID SECTION; THENCE, ALONG SAID SOUTH SECTION LINE, NORTH 89° 15' 00" WEST 1524.89 FEET TO THE POINT OF BEGINNING, CONTAINING 39.89 ACRES (MORE OR LESS).

OWNERSHIP: QUAD POWER, LLC
2270 E MOUNTAIN VIEW DR. KANAB, UT 84741

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED IS THE RESPECTIVE OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY SUBDIVIDES THE SAME INTO LOTS TO BE HEREFTER KNOWN AS CHILLVILLE SUBDIVISION; THE UNDERSIGNED HEREBY DEDICATES ALL OF CHILLVILLE SUBDIVISION, AS SET FORTH HEREIN, TO QUAD POWER, LLC; 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__.

QUAD POWER, LLC

SIGNATURE
NAME: _____ TITLE/POSITION: _____

NOTARY ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) s.s.

ON THE ____ DAY OF ____ 20__,
OF QUAD POWER, LLC; 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))

DRAWN BY: MJS SURVEY DATE: SEPT 20, 2024

REV. #	DATE	DESCRIPTION
#1	10/31/24	County Surveyor Comments

SHEET

1 OF 1

Public Meeting

17. Plat Requirements: Mike Stewart

Mike Stewart will respond to last month's discussion on the Radich/Williams plat.

DRAFT