



**February 10, 2020**  
**Kane County Planning Commission**  
**Land Use Authority**  
**Commission Chambers**  
**76 N. Main St., Kanab, Utah**

**This meeting will be available via conference call at 435-676-9000 participant code 168030#.** (This is a local call within the South Central service area.)

## Agenda

6:00 PM                    Call to Order  
                                  Invocation  
                                  Pledge of Allegiance

### **1. Approval of minutes**

January 13, 2021 meeting

### **2. Public Comment**

At this time, any member of the public may address the Commission on any subject within their jurisdiction that is not scheduled before the Commission on this agenda. Due to Open Meeting Laws, the Commission cannot discuss or act on items presented during this portion of the agenda.

### **Administrative Public Meeting**

#### **3. Compliance Review: Krueger**

Review of previously divided property, parcel 3-5-31-1A. Submitted by Julie Denise Krueger.

### **Administrative Public Meeting**

#### **4. Conditional Use Permit Amendment: Insite Wireless**

An application to amend a Conditional Use Application for a cell tower on parcel #8-7-7-1 located in Duck Creek, Utah. The original application was approved on February 13, 2019. Submitted by Debbi DePompei.

### **Legislative Public Hearing**

#### **5. Lot Joinder: Cisneros**

An application for a lot joinder, joining lots 45-18 & 45-19, Strawberry Valley Estates, Unit 4, becoming new lot 18, containing 0.99 acres, and vacating (2) 7.5' utility easements. Submitted by Kaysey Cisneros and Watson Engineering.

### **Legislative Public Hearing**

#### **6. Zone Change/Ordinance 2021-03: Grinnell**

An application for a zone change from C-1 to C-2, parcel I-64, containing 0.50 acres, located in Duck Creek Village. Submitted by Rolane Grinnell.

### **Legislative Public Hearing**

#### **7. Zone Change/Ordinance 2021-05: McAllister**

An application for a zone change from AG to R-5, on behalf of Keith L. & Diana Kay McAllister, Oscar R. & Lolene M. Adams, and Lynn B. &

Debra L McAllister, parcel 4-5-6-3, containing 158.50 acres, located near Lost Springs Road. Submitted by Tom Avant, Iron Rock Engineering, holding power of attorney.

**Legislative  
Public Hearing**

**8. Subdivision-Preliminary & Final Plat: Crimson Estates**

An application for a subdivision, preliminary and final plat for the Crimson Estates Subdivision, Phase 1, on behalf of Doyle Ray, parcel 4-5-6-3, creating 12 five lots. Submitted by Iron Rock Engineering, holding power of attorney.

*Land Use Ordinances: kane.utah.gov; government; ordinances; title 9*

*Information Packets: kane.utah.gov; government; departments; planning commission; documents; general*

**NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:**

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

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.

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

Definitions:

“Public Hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. “Public Meeting” means a meeting that is required to be open to the public pursuant to the requirements of Title 52, Chapter 4 Open and Public Meetings; the public may or may not be invited to participate. “Legislative” means an action taken by the County Commission or Land Use Authority; amending ordinances, adopting general plan, annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community. “Administrative” means an action taken by the Land Use Authority Commission, staff, County Commission interpreting ordinances and regulations, conditional uses, approving subdivision site plans, issuing building permits; an administrative decision must satisfy the requirements prescribed under state law or the County Land Use Code (LUC), whichever is stricter.

#21008



## Land Use Authority

76 North Main Street, Kanab, Utah 84741

(435) 644-4966

Email: [planning@kane.utah.gov](mailto:planning@kane.utah.gov)

### "COMPLIANCE REVIEW OF PREVIOUSLY DIVIDED PROPERTY" APPLICATION

**Owner/Applicant:** KRUEGER, JULIE DENISE Date: 01/19/2021

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

**Engineer/Surveyor:** Rosenberg Associates

Address: 352 E Riverside Dr # A2

City: St. George State: UT Zip: 84790

Phone: (435) 673-8585 E-Mail: [REDACTED]

**Name of Subdivision, if any:** Vermillion Cliffs

**Location and Legal Description of Divided Land:**

BEGINNING at a point South 00°09'05" West 660.14 feet along the Section line from the East Quarter Corner of Section 31, Township 43 South, Range 5 West, Salt Lake Base, and Meridian, and running thence South 00°09'05" West 673.70 feet along the Section line; thence North 88°41'20" West 659.99 feet; thence North 00°09'05" East 673.70 feet; thence South 88°41'20" East 659.99 feet to the point of beginning.

**Number of Lots:** 4 **Minimum Lot Size:** 5 acres (including roadway)

**Date land was divided:** 1993

**Document Checklist:**

Record of Survey Map

Agreement of Understanding

Culinary Water Authority Approval

Sanitary Sewer Authority Approval

**Additional Comments:**

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I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE

Signature: 

Date: 1/19/2021

***Office Use Only:***

**Land Use Administrator Action:**

Existing Zone: \_\_\_\_\_

General Plan Compliance:  YES  NO

Water/Sewer Compliance:  YES  NO

Current Subdivision Reg. Compliance:  YES  NO

Status of the Land:  Compliant  Substantive  Non-Compliance

Procedure/Defect Only Record of Survey, Map:  Approved  Denied

Easements:  Approved  Denied  N/A

**Land Use Authority Action:**

Approved  Denied

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Planning Commission Chair

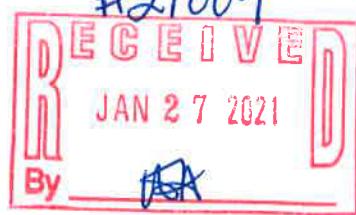
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Date



# Kane County Land Use Authority

76 North Main Street  
Kanab, Utah 84741  
Phone (435) 644-4966  
[planning@kane.utah.gov](mailto:planning@kane.utah.gov)



## Conditional Use Permit Amendment

\*Call Land Use Office for fees

**\*In the event additional engineering costs are accrued by the County related to a specific project the project applicant will be responsible for all additional engineering fees.  
(KCLUO 9-15A-2C)**

### Applicant's Information

Name: InSite Towers, LLC

Mailing Address: ██████████

City: ██████████ State: ████ Zip: ████████

Phone: ██████████ E-mail address: ██████████

### Property Information

Parcel # 8-7-7-1C Zone: C-1 Total acreage: 0.75 acres

REASON FOR AMENDMENT: Request for a 2nd extension on a previously approved

CUP #19003 for a 100' Wireless Communication Facility that is due to expire Feb. 13, 2021.

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### Property Owner's information (if different than applicant)

Name: Garkane Energy Cooperative, Inc.

Address: ██████████

City: ██████████ State: ████ Zip: ████████

Phone: ██████████ E-mail address: ██████████

A notarized affidavit by owner that the applicant has authority to act  
on their behalf is required

There shall be no presumption of approval of any aspect of the process. Each application for a Conditional Use Permit shall have all required submittals before it is accepted as a complete application. It is highly recommended that the applicant or their authorized agent be present at the Planning Commission meeting that the Conditional Use Permit is an agenda item. Electronic appearance is acceptable if prior arrangements are made.

I (We) understand that the Land Use Authority shall not authorize a Conditional Use Permit unless the evidence presented is such as to establish that such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified in the Kane County Land Use Ordinance for such use. (9-15A-(1-7))

[REDACTED]  
Signature of owner or applicant

1-27-21

Date

*Agent for InSite Towers & Owner*

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**Land Use Authority Action:**

Approve       Deny

Planning Commission Chairman

Date

## ARTICLE A. CONDITIONAL USES

## Shannon McBride

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**From:** [REDACTED]  
**Sent:** Wednesday, January 27, 2021 7:42 AM  
**To:** 'Shannon McBride'  
**Cc:** 'Todd Fuson'  
**Subject:** CUP Extension Request for InSite Towers Communication Tower @ Duck Creek (CUP # 19003)  
**Attachments:** InSite Towers (CUP 2nd Extension Request) Application UT076 Duck Creek.PDF; UT076 Zoning Approval Extension of CUP Amendment.011520 pdf; UT076 Duck Creek\_ZD\_2019.01.18.pdf; UT076 Duck Creek Ground Lease\_REDACTED.pdf  
**Importance:** High

Hi Shannon,

I hope this email finds you well! Please find attached an application to request a 2<sup>nd</sup> extension of time on our CUP #19003 for the communication tower we are proposing to build in Duck Creek on the Garkane Energy parcel. I have also attached for reference our previous extension approval, site plans and redacted copy of our lease with Garkane Energy, which states under Section 3(b) that we are authorized to act as agent for owner in filing any CUP applications.

We are requesting a 2<sup>nd</sup> extension due to the fact that the COVID pandemic this past year placed this project (and many others) in a "hold" status and we are patiently waiting for our anchor tenant, Verizon Wireless, to bring this site back into their build plan.

I don't believe you required a fee the last time we extended but please let me know if that is not the case this round. Please feel free to call me at (702) 501-0882 if you have any questions or require further information with this request, thank you! Have a great day!

Best Regards,

*Debbie DePompei*

 IntelliSites

**EXHIBIT "C" TO OPTION AND GROUND LEASE AGREEMENT**

**SITE PLAN<sup>2</sup>**



Red lines depict proposed lease area; approximate dimensions 122'x146'x 82' (4,950 sq. ft.)

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<sup>2</sup> LESSEE reserves the right to replace this Exhibit during the Term of this Agreement with an as-built site plan (the "As-Built Site Plan"). Effective on the date of LESSEE's delivery of the As-Built Site Plan to LESSOR, such As-Built Site Plan shall replace the text of this Exhibit.



## **STAFF REPORT**

**DATE:** 01/26/2021

**PROJECT:** A complete application for Amending a Subdivision Plat for a lot joinder, and vacating two (2) 7.5 foot public utility easements, on behalf of the Cisneros Family Trust in the Strawberry Valley Estates Subdivision, unit 4, combining lots 45-18 and 45-19, becoming new lot 18, consisting of .99 acres, within SE1/4 Section 20, T38S, R7W SLB & M. The project was submitted by the owners and Watson Engineering. Both lots are zoned Residential 1/2 as are all surrounding lots. The zoning will remain the same.

The reason for the lot joinder request is to combine both properties they own.

**FINDINGS:** Amending (joining) the two lots and vacating two 7.5 foot public utility easements for 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 and 609.5. All requirements have been met. The project has been posted in two public places, 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. A sign was posted between the two lots showing the vacating of two 7.5 foot public utility easements. The new lot will retain the Residential 1/2 zoning (R-1/2). Combining these two lots is in compliance with all state and local ordinances.

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

**MOTION:** I move to recommend **approval/denial** to the Kane **County Commissioners** the Vacating and Amending a Subdivision Plat for a lot joinder, and vacating two 7.5 foot public utility easements, on behalf of the Cisneros Family Trust in the Strawberry Valley Estates Subdivision, unit 4, combining lots 46-18 and 45-19 becoming new lot 18, based on the findings documented in the staff report.

**THANK YOU.**

Location		Owner		Value	
Parcel Number 45-18		Name CISNEROS ORLANDO L & KAYSEY A-TR-		Market (2020)	\$35,190
Tax District 15 - CEDAR MTN SSD		257 EVANTE ST		Taxable	\$35,190
Acres 0.58		LAS VEGAS, NV 89138		Tax Area: 15	Tax Rate: 0.009282
Address 1970 N CIRCLE DR				Type	Actual Assessed Acres
Legal ALL OF LOT 18 STRAWBERRY VALLEY ESTATES UNIT 4.				NON-PRIMARY LAND	\$35,190    \$35,190    0.580
CISNEROS FAMILY TRUST 5-14-04*					
Child Accounts					
Child Parcels					
Parent Accounts					
Parent Parcels					
Transfers					
Recording Date	Book	Page	Doc Description		
10/13/2015 03:32:41 PM	0454	0157	Warranty Deed		
10/13/2015 03:28:26 PM	0454	0143	RESPA Conveyance		
Tax					
Tax Year	Taxes				
2020	\$325.93				
2019	\$335.22				
Images					

**AMENDED PLAT  
LOTS 18 & 19,  
STRAWBERRY VALLEY ESTATES, UNIT 4**  
WITHIN THE SE 1/4 OF SECTION 20, TOWNSHIP 38 SOUTH, RANGE 7 WEST, SALT LAKE MERIDIAN  
KANE COUNTY, UTAH

<img alt="Surveyor's Certificate showing the layout of Lots 18 and 19. The map includes labels for Circle Drive, Main Street, and various lots (18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 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957, 958, 959, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 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1568, 1569, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 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1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1919,



# Kane County Land Use Authority

76 North Main Street  
Kanab, Utah 84741  
Phone (435) 644-4966  
[chappell@comcast.net](mailto:chappell@comcast.net)

# Lot Joinder within a Subdivision Plat

## Application Fee \$700.00

Property Owner's Name: Clippers Family Trust

Date: 15/03 Address: REDACTED

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: [REDACTED] Email: [REDACTED]

Parcel #s: 45-18 45-19

**Reason for Lot Joinder Request:**

To combine the two parcels we will

I (We) certify that the proposed subdivision plat will conform to the Kane County Subdivision Ordinance and that no changes will be made without prior approval.

**Signature of Owner / Trustee**

**Signature of Owner / Trustee**

Once lots are joined they may not be subdivided again.

**\*Application must be received in office 21 days prior to the scheduled Land Use Authority Meeting.**

**\*Fee is non-refundable after engineer's review**

### Land Use Authority Action:

Approve

1

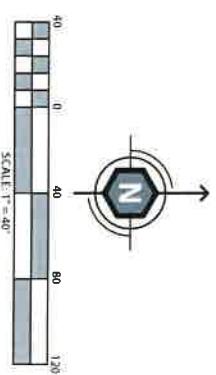
Deny

Planning Commission Chairman  
Commission Approval Date:

Date

# AMENDED PLAT LOTS 18 & 19, STRAWBERRY VALLEY ESTATES, UNIT 4

WITHIN THE SE  $\frac{1}{4}$  OF SECTION 20, TOWNSHIP 38 SOUTH, RANGE 7 WEST, SALT LAKE MERIDIAN  
KANE COUNTY, UTAH



LOT 3

LOT 8

LOT 7

LOT 6

LOT 5

LOT 4

LOT 3

LOT 2

LOT 1

LOT 0

LOT 19

LOT 18

LOT 17

LOT 16

LOT 15

LOT 14

LOT 13

LOT 12

LOT 11

LOT 10

LOT 9

LOT 8

LOT 7

LOT 6

LOT 5

LOT 4

LOT 3

LOT 2

LOT 1

LOT 0

LOT 19

LOT 18

LOT 17

LOT 16

LOT 15

LOT 14

LOT 13

LOT 12

LOT 11

LOT 10

LOT 9

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LOT 7

LOT 6

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LOT 11

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LOT 11

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LOT 8

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LOT 6

LOT 5

LOT 4

LOT 3

LOT 2

LOT 1



# KANE COUNTY LAND USE AUTHORITY

SHANNON MCBRIDE  
LAND USE AUTHORITY  
ZONING ADMINISTRATOR

## **Staff Report**

**DATE:** January 22, 2021

---

**To:** Planning Commission  
**From:** Shannon McBride, Planning and Zoning Administrator  
**Subject:** Project # 21003: Zone Change Application, C-1 to C-2, Ordinance O-2021-4  
Lot I-64, consisting of .50+- acres.

---

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

<b>PROPERTY PROJECT HISTORY</b>	
<b>Project Number</b>	Nightly cabins rentals
21003	Current zone is Commercial 1

**REQUEST:** On January 07, 2021, Rolane Grinnell, submitted a zone change application for lot I-64, located off of Movie Ranch Road in Duck Creek; requesting to rezone from Commercial 1 to Commercial 2. The current commercial zone does not allow Commercial 2 uses such as reception center/wedding chapel services. The applicant would like to develop a wedding/reception center development, on a 1/2 acre lot.

**BACKGROUND:** Lot I-64. The lot is assigned Commercial 1 zoning.

Acres 0.50

Situs Address 715 E MOVIE RANCH RD

**Legal:** A PORTION OF LOT 64 MOVIE RANCH SUBDIVISION UNIT "A" AMENDED & EXTENDED: BEG AT THE SE COR OF LOT 64 MOVIE RANCH SUBDIVISION UNIT "A" AMENDED & EXTENDED & RUN TH S 50°54'00" W 125.0 FT ALG THE SE'LY LINE OF SAID LOT 64 TO THE SW COR OF SAID LOT 64; TH N 32°49'22" W 201.21 FT ALG THE SW'LY LINE OF SAID LOT 64 TO THE NW COR OF SAID LOT 64; TH N 50°54'00" E 103.0 FT ALG THE NW'LY LINE OF SAID LOT 64; TH S 39°06'00" E 77.33 FT ALONG THE NE'LY LINE OF SAID LOT 64; TH S 23°21'20" E 50.31 FT; TH S 48°05'47" E 75.26 FT TO THE PT OF BEG. CONT 0.50 AC, M/L.

### **FACTS & FINDINGS:**

- Lot I-64 meets the minimum acreage required to be zoned C-2. The lot is currently zoned C-1.
- The developer requests C-2 zoning which requires a zone change.
- Surrounding lots are zoned C-1, C-2 and R-1 at the rear of the property.

- All the lots gain access from Movie Ranch Road and Highway 14.
- All property owners within 500 ft. of these lots have been mailed a public notice, no concerns have been voiced by the public.
- Kane County Land Use Ordinance states: 9-7A-1: PURPOSE: The C-1 Zone is to provide for light commercial areas located in or near Residential Zones to meet the **day to day needs of area residences.** 9-7B-1: PURPOSE: The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in **Residential Zones to meet larger commercial uses.** (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- Kane County General Plan, Preamble: Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will 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.
- **9-7B-5: USES TABLE:**

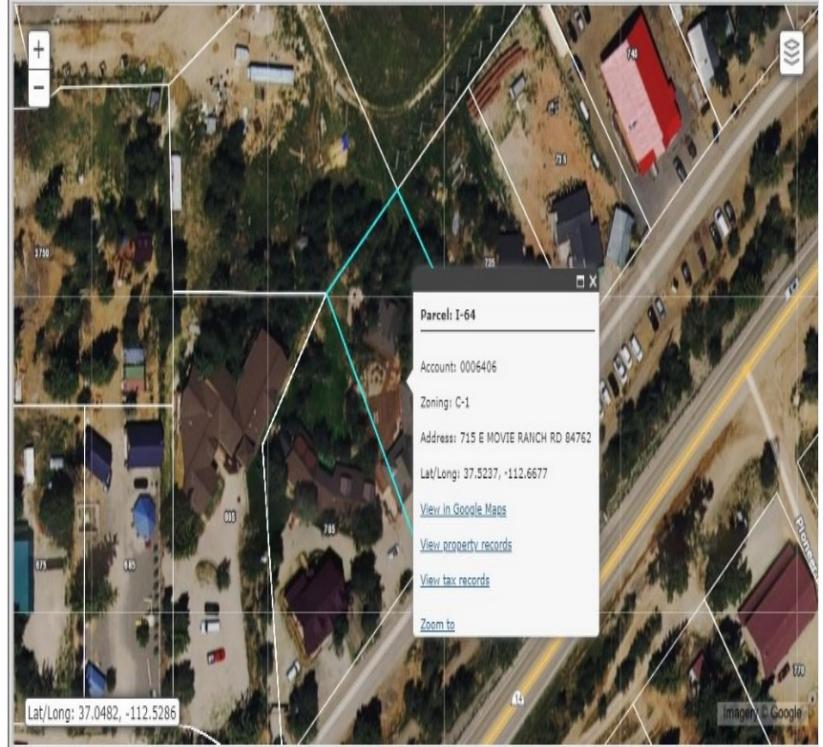
Reception center and/or wedding chapel	C	P
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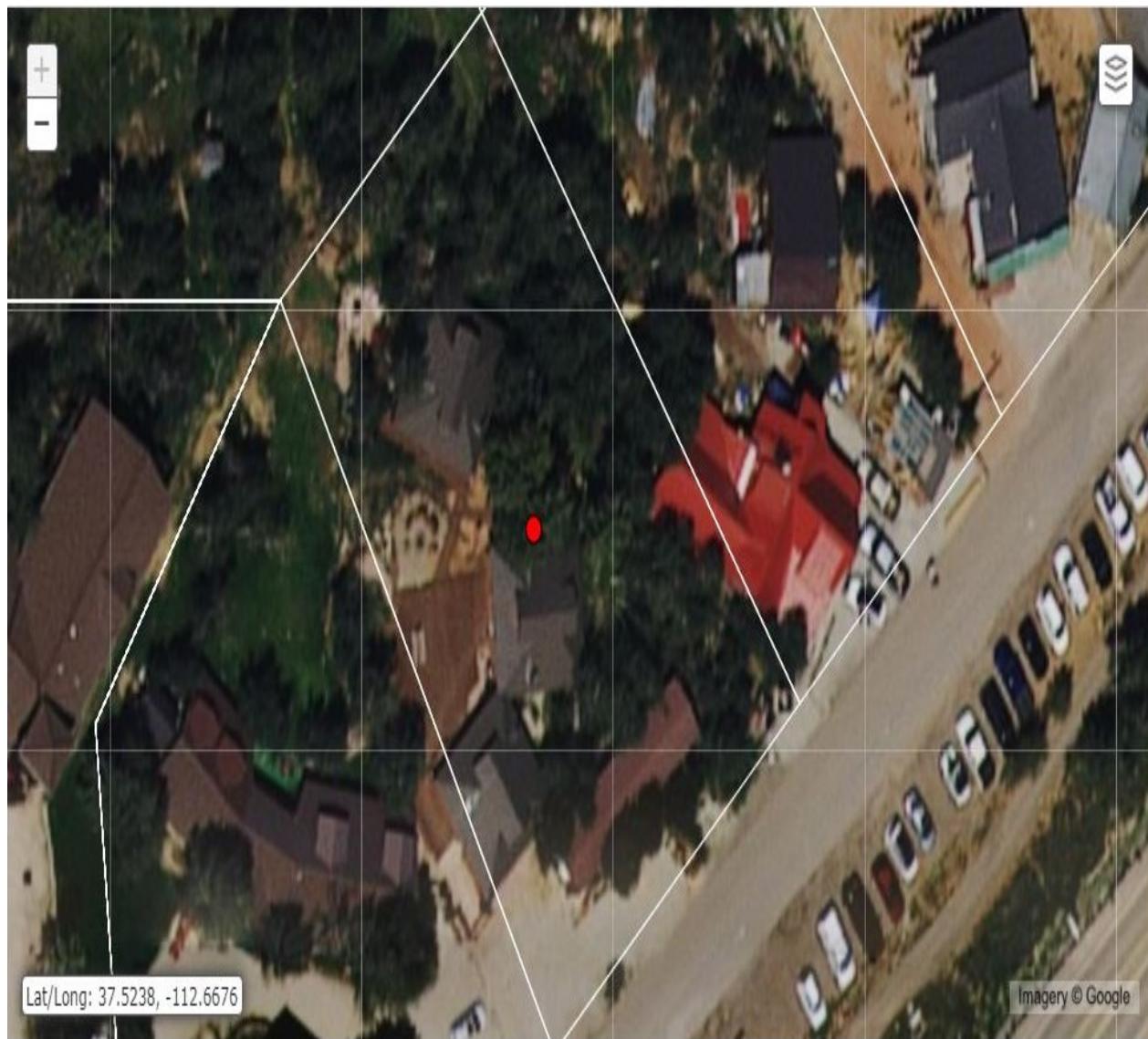
**Conclusion:** The Applicant's request to rezone lot I-64 from C-1 to C-2 would remain consistent with the Kane County General Plan and give private property rights deference. In the interest of growth, it would be beneficial to Kane County to allow properties to be utilized for the intended use if the use fits the qualifying zone; whether Commercial, Agricultural, or Residential. The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan.

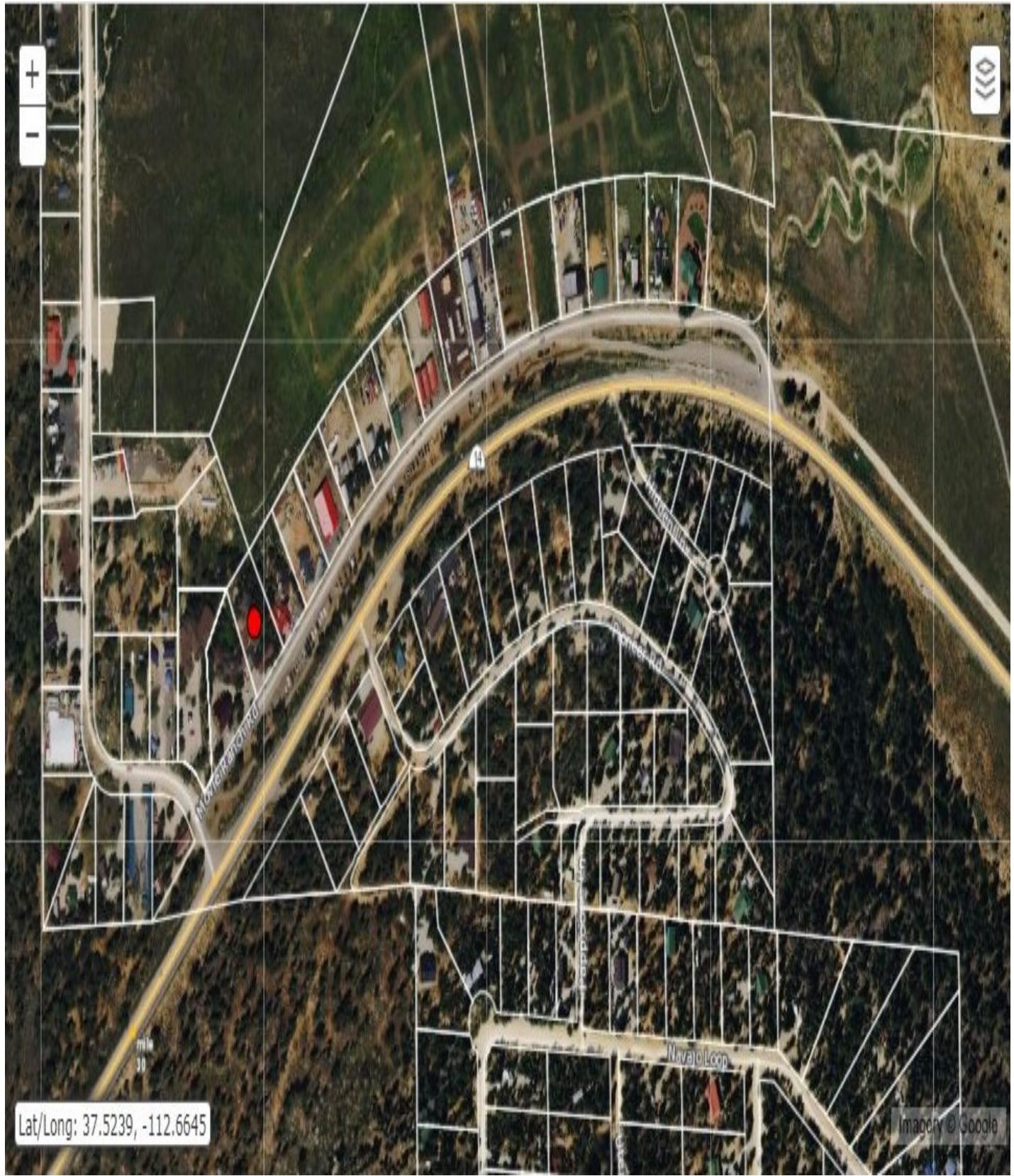
Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner;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

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

**MOTION: I move to recommend deny/approval to the County Commission for the zone change from C-1 to C-2 for lot I-64 & Ordinance O-2021-03 based on the facts and findings as documented in the Staff Report.**

Location		Owner	Value			
Parcel Number I-64		Name: GRINNELL ROLANE CHRISTIAN PO BOX 1393 167 W 100 N PAROWAN, UT 84781-1393	Market (2020)	\$388,254		
Tax District 15 - CEDAR MTN SSD			Taxable	\$388,254		
Acres 0.50			Tax Area: 15	Tax Rate: 0.009282		
Situs Address 715 E MOVIE RANCH RD			Type	Actual	Assessed	
Legal A PORTION OF LOT 04 MOVIE RANCH SUBDIVISION UNIT "A" AMENDED & EXTENDED; BEG AT THE SE COR OF LOT 04 MOVIE RANCH SUBDIVISION UNIT "A" AMENDED & EXTENDED & RUN TH S 50°54'00" W 125.0 FT ALG THE SELV' LINE OF SAID LOT 04 TO THE SW COR OF SAID LOT 04, THN 32°49'22" W 201.21 FT ALG THE SWLY LINE OF SAID LOT 04 TO THE NW COR OF SAID LOT 04, TH N 50°54'00" E 103.0 FT ALG THE NWLY LINE OF SAID LOT 04; TH S 39°08'00" E 77.33 FT ALONG THE NEVLY LINE OF SAID LOT 04; TH S 29°21'20" E 50.31 FT; TH S 48°05'47" E 75.26 FT TO THE PT OF BEG. CONT 0.50 AC, M/L.			COMMERCIAL BUILDING	\$333,354	\$333,354	0.00
Child Accounts			COMMERCIAL LAND	\$65,000	\$65,000	0.00
Child Parcels						
Parent Accounts						
Parent Parcels						
Transfers						
Recording Date	Book	Page	Doc Description			
10/21/2020 04:31:52 PM	0542	0443	Warranty Deed			
05/18/2017 03:46:09 PM	0477	0788	Warranty Deed			
08/17/2012 02:09:23 PM	0411	0225	Special Warranty Deed			
12/28/2009 09:18:34 AM	0380	0238	Trustee's Deed			
03/08/2008 02:40:00 PM	0278	305	Quit Claim Deed			
10/01/2004 10:30:00 AM	W7	828	Water Assign & Bill of Sale			
09/24/2004 02:20:00 PM	W7	852	Water Assign & Bill of Sale			
07/29/2004 12:10:00 PM	W7	804	Water Assign & Bill of Sale			
07/12/2004 03:45:00 PM	0282	354	Warranty Deed			
Tax						
Tax Year	Taxes		Images			
2020	\$3,805.27		Photo			
2019	\$3,678.05		GIS			
			Map			
						
			<p>Parcel: I-64</p> <p>Account: 0006406</p> <p>Zoning: C-1</p> <p>Address: 715 E MOVIE RANCH RD 84762</p> <p>Lat/Long: 37.5237, -112.6677</p> <p><a href="#">View in Google Maps</a></p> <p><a href="#">View property records</a></p> <p><a href="#">View tax records</a></p> <p><a href="#">Zoom to</a></p> <p>Lat/Long: 37.0482, -112.5286</p> <p>Imagery © Google</p>			





Lat/Long: 37.5239, -112.6645

Imagery © Google



76 North Main Street | Kanab, Utah 84741 | p: (435) 644-4966 | [www.kane.utah.gov](http://www.kane.utah.gov)  
Shannon McBride | Zoning Administrator | e-mail: [smcbride@kane.utah.gov](mailto:smcbride@kane.utah.gov)

**KANE COUNTY ORDINANCE NO. O 2021-03**

**AN ORDINANCE AMENDING THE ZONING OF Lot I-64 FROM  
COMMERCIAL 1 TO COMMERCIAL 2**

**WHEREAS**, the purpose of this ordinance is to rezone lot I-64 from Commercial 1 to Commercial 2, on behalf of Rolane Grinnell, the recorded owner; consisting of a total of .50 +/- acre;

**WHEREAS**, the above lot located at 715 E Movie Ranch Road, Duck Creek, meets the minimum acreage required to be zoned Commercial 2;

**WHEREAS**, the Kane County Board of Commissioners finds that said zone change is in accordance with the Kane County Land Use Ordinance 9-7B-1 which states the purposes of properties in the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to lot I-64 from Commercial 1 to Commercial 2;

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

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

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

Lot I-64, more fully described by the respective address of 715 East Movie Ranch Road is hereby rezoned from Commercial 1 to Commercial 2 and shall from here forth be zoned Commercial 2.

**LEGAL DESCRIPTION:** 715 E Movie Ranch Road .50 AC, M/L

---- 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. Utah State Code 17-53-208 (3) (a) a copy shall be recorded in the Recorder's office.

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 \_\_\_\_\_, 2021.

ATTEST:

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KARLA JOHNSON  
Kane County Clerk

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Andy Gant, Chair  
Board of Commissioners  
Kane County

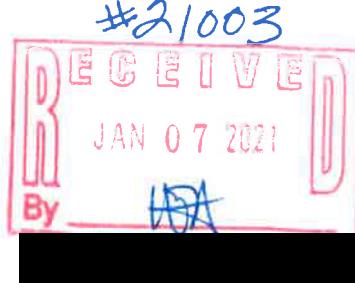
Commissioner Heaton voted  
Commissioner Gant voted  
Commissioner Chamberlain voted



## Land Use Authority

76 North Main Street  
Kanab, Utah 84741  
(435) 644-4964

[planning@kane.utah.gov](mailto:planning@kane.utah.gov)



### REQUEST FOR ZONE CHANGE

**FEE: \$350**

Owner Name: Prolane, Grinnell Date: December 2, 2020

Address: [REDACTED] Email: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED] Phone: [REDACTED]

PARCEL #: 1-Lo4 LOCATION AND LEGAL DESCRIPTION OF PROPERTY:

715 Movie Ranch Rd, Duck Creek Village, UT

CURRENT ZONE: C-1 PROPOSED ZONE: C-2

INTENDED USE AND REASON FOR ZONE CHANGE: would like to offer reception center for wedding chapel services along with our nightly rental's.

I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

[REDACTED]  
Owner's Signature

**\*If acting on behalf of the property owner, please include a Power of Attorney.**

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Planning Commission Action:  **Approve**  **Deny**

COMMENTS: [REDACTED]

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Signature - Planning Commission Chair

Date



# KANE COUNTY LAND USE AUTHORITY

SHANNON MCBRIDE  
LAND USE AUTHORITY  
ZONING ADMINISTRATOR

## Staff Report

DATE: January 25, 2021

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**To:** Planning Commission  
**From:** Shannon McBride, Planning and Zoning Administrator  
**Subject:** Project # 21005: Zone Change Application, AG to R-5, Ordinance O-2021-5  
Parcel 4-5-6-3, consisting of 158.50+- acres.

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

PROPERTY PROJECT HISTORY	
Project Number	Agricultural
21005	Current zone is Agricultural

**REQUEST:** On January 20, 2021, Keith L. and Diana Kay McAllister; and the Oscar R. Adams and Lolene M. Adams; and the Lynn B. and Debra L. McAllister, submitted a zone change application for parcel 4-5-6-3 in the proximity of the Lost Springs Subdivision about a mile east of town; requesting to rezone from Agriculture to Residential 5. The current agricultural zone does not allow for subdividing under 10 acres for a subdivision. The applicant would like to develop the Crimson Estates Subdivision with 5-acre lots.

**BACKGROUND:** Parcel 4-5-6-3 is assigned Agricultural zoning.

**LEGAL:** ALL OF SECTIONAL LOTS 3, 4, 5, & THE SE/4NW/4: OF SEC 6 T44S R5W SLB&M, UTAH. CONT 159.20 AC,M/L.  
LESS 0.70 ACRES DEEDED TO KANAB CITY, LEAVING A TOTAL OF 158.50 AC, M/L.

### FACTS & FINDINGS:

- Parcel 4-5-6-3 meets the minimum acreage required to be zoned Residential 5. The parcel is currently zoned AG.
- The developer requests R-5 zoning which requires a zone change.
- Surrounding lots and acreage are zoned AG.
- All the lots gain access from Mountain View Drive/Old Highway 89 and Lost Springs Drive.
- All property owners within 500 ft. of this parcel have been mailed a public notice, no concerns have been voiced by the public.
- **9-5A-1: PURPOSE:** To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix

below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

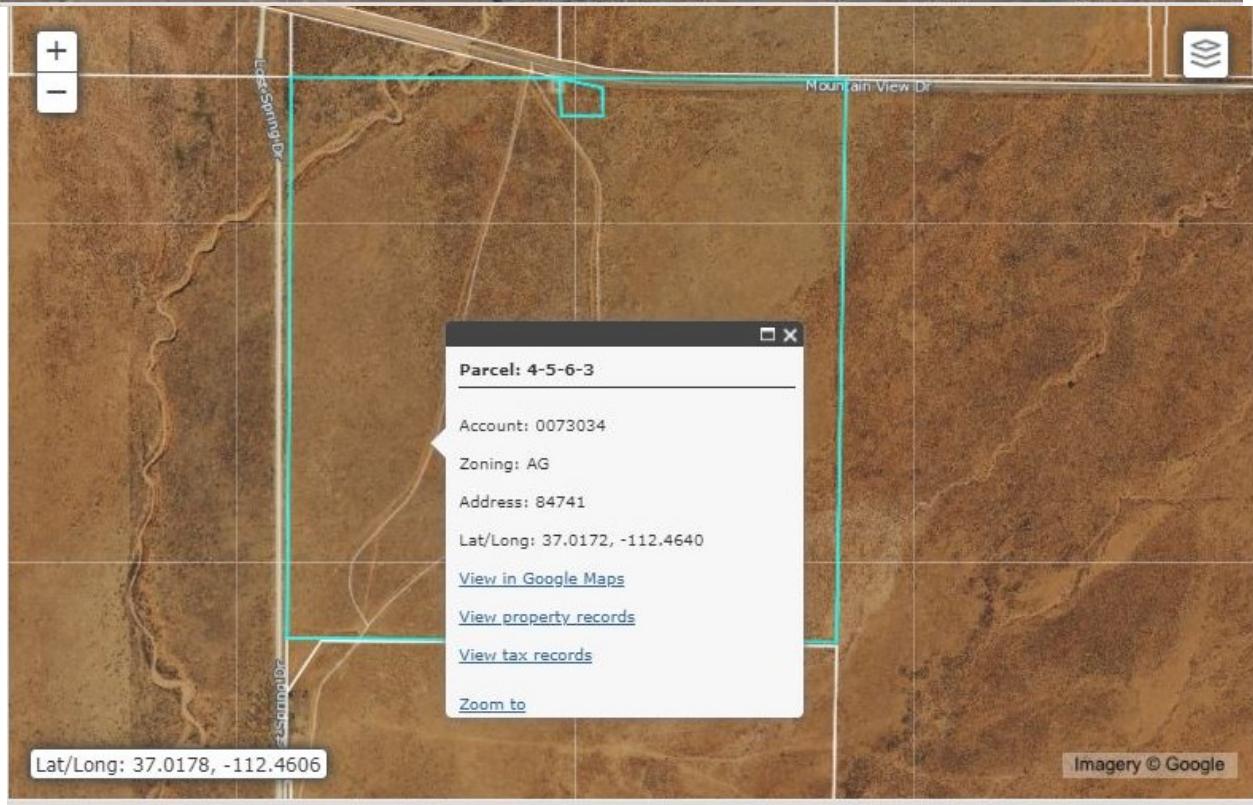
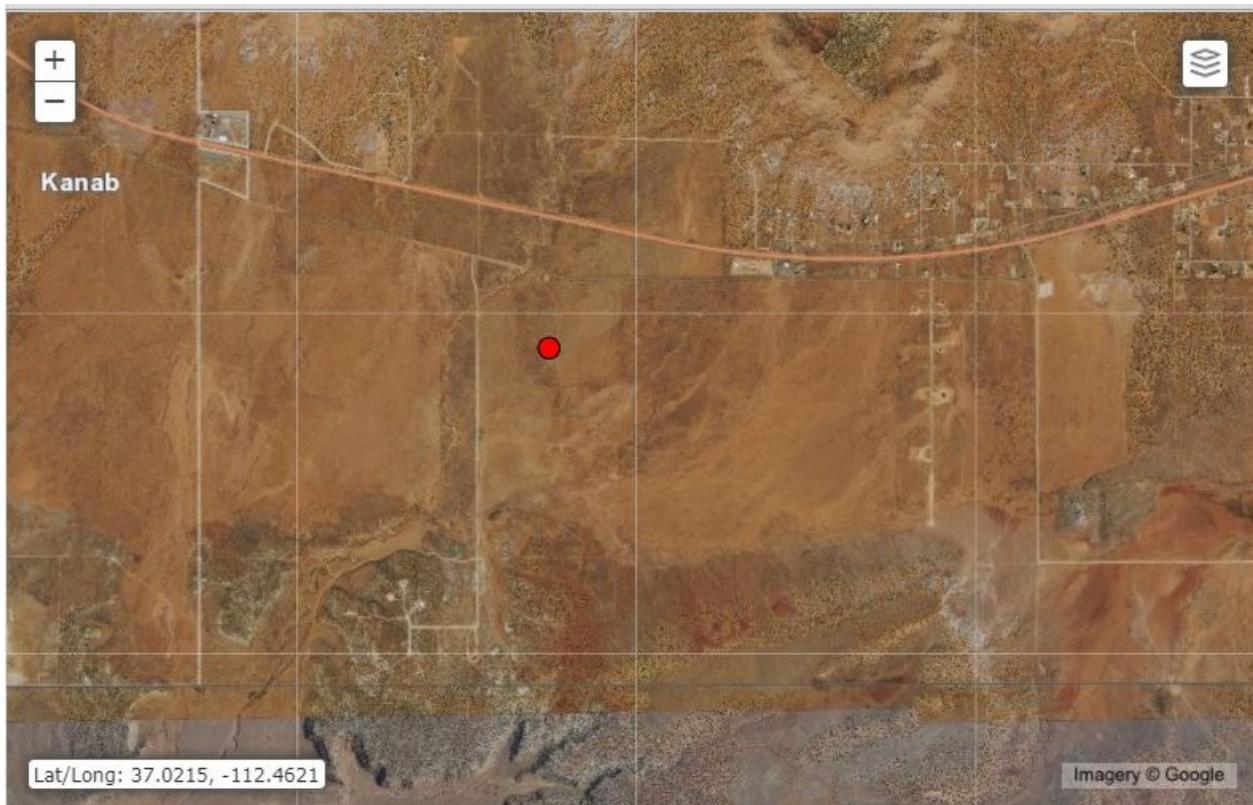
- **9-6A-1: PURPOSE:** To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- Kane County General Plan, Preamble: Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will 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 Applicant's request to rezone Parcel 4-5-6-3 from AG to R-5 would remain consistent with the Kane County General Plan and give private property rights deference. In the interest of growth, it would be beneficial to Kane County to allow properties to be utilized for the intended use if the use fits the qualifying zone; whether Commercial, Agricultural, or Residential. The Planning Commission should vote based on behalf of Kane County's best interest, including; future planning efforts, private property owner's rights, protecting existing zones, rights of surrounding property owners, and also maintaining the purposes of the Land Use Ordinance and General Plan.

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

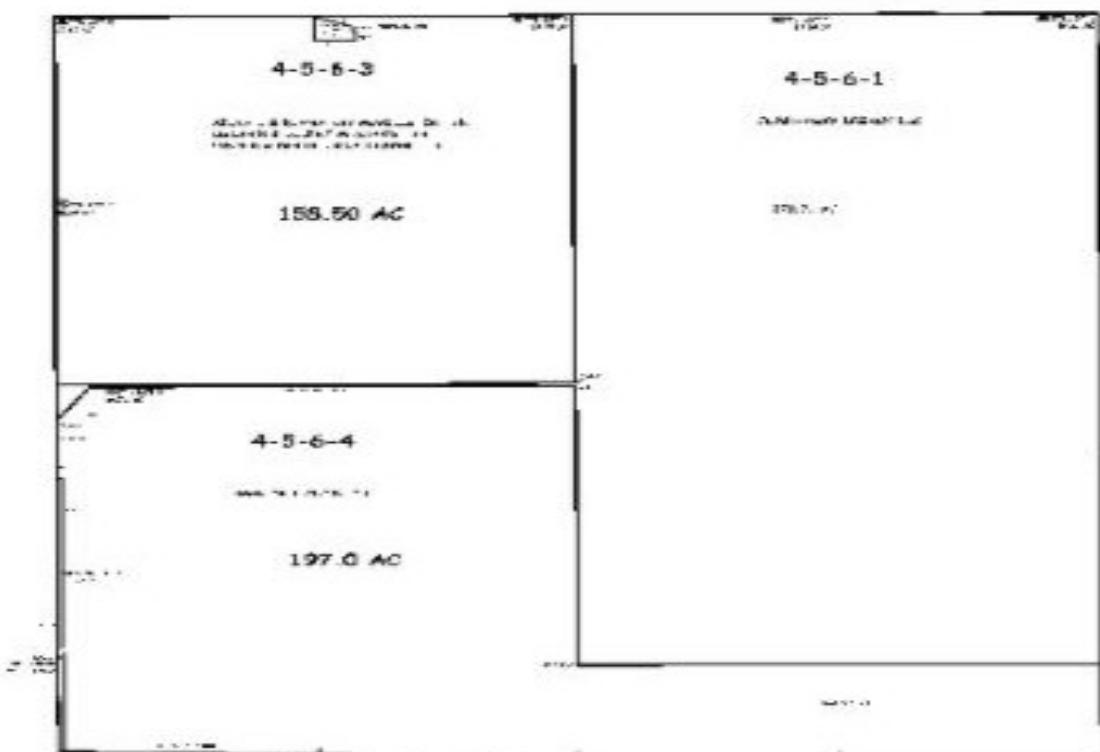
*If the zone change amendment is adopted, the regulations of the new zone of Residential 5 (R-5) can be found in the Kane County Land Use Ordinance, Chapter 5: Residential Zones.*

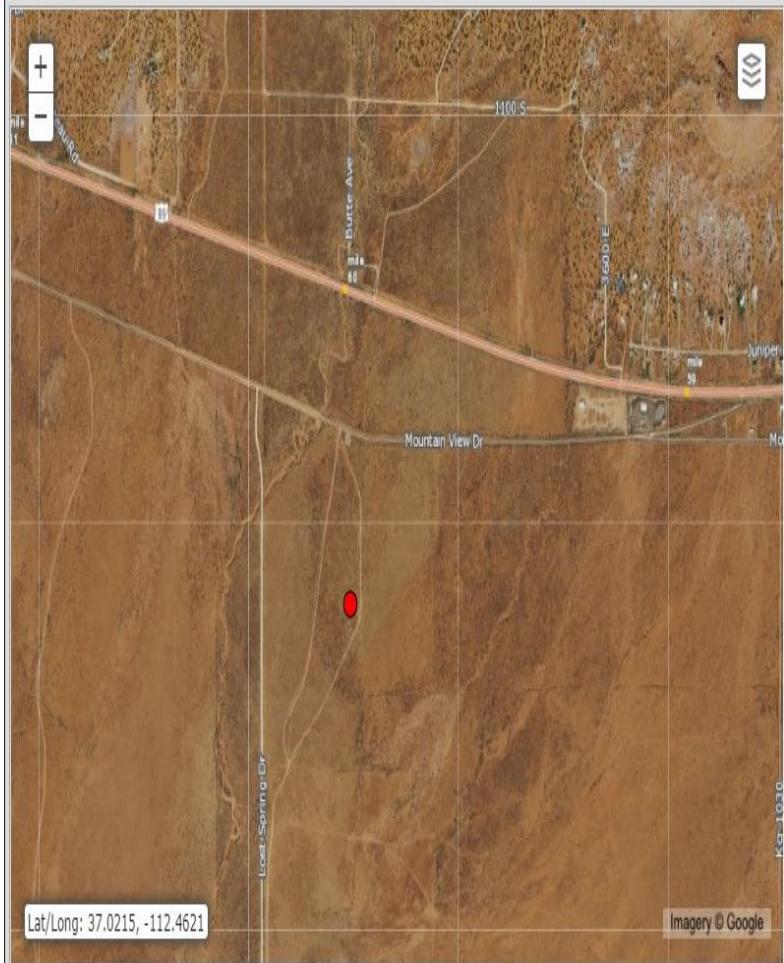
**MOTION: I move to recommend deny/approval to the County Commission for the zone change from AG to R-5 for parcel 4-5-6-3 & Ordinance O-2021-05 based on the facts and findings as documented in the Staff Report.**





SECTION 6 T44S R5W



Location		Owner		Value			
Parcel Number 4-5-3		Name MCALLISTER KEITH L & DIANA KAY -TR-		Market (2020)	\$803,300		
Tax District 08 - COUNTY OUTSIDE		445 E 180 S		Taxable	\$1,970		
Acres 158.50		KANAB, UT 84741-3738		Tax Area: 08	Tax Rate: 0.009282		
Situs Address				Type	Actual Assessed Acres		
Legal ALL OF SECTIONAL LOTS 3, 4, 5, & THE SE1/4NW1/4 OF SEC 6 T44S R5W SLB&M, UTAH. CONT 159.20 AC, M/L LESS 0.70 ACRES DEeded TO KANAB CITY, LEAVING A TOTAL OF 158.50 AC, M/L				FARMLAND (FAA)	\$803,300 \$1,970 158.500		
*OSCAR R & LOLENE MADAMS FAMILY TRUST*							
*LYNN B & DEBRA MCALLISTER FAMILY TRUST 11-3-14*							
*KEITH L MCALLISTER & DIANA KAY MCALLISTER REVOCABLE LIVING TRUST 8-30-18*							
Child Accounts 0143802							
Child Parcels 4-5-3A							
Parent Accounts							
Parent Parcels							
Transfers							
Recording Date		Book	Page	Doc Description			
07/01/2016 03:00:33 PM		0483	0433	Warranty Deed			
01/30/2015 02:03:55 PM		0444	0807	Quit Claim Deed			
Tax							
Tax Year	Taxes	Images					
2020	\$18.25	<a href="#">Photo</a> <a href="#">GIS</a> <a href="#">Map</a> 					
2019	\$18.77						

**KANE COUNTY ORDINANCE NO. O 2021-05**

**AN ORDINANCE AMENDING THE ZONING OF PARCEL 4-5-6-3 FROM  
AGRICULTURAL TO RESIDENTIAL 5**

**WHEREAS**, the purpose of this ordinance is to rezone parcel 4-5-6-3 from Agricultural to Residential 5, on behalf of Keith L. and Diana Kay McAllister, Oscar R. Adams and Lolene M. Adams; and Lynn B. and Debra L. McAllister, the recorded owners; consisting of a total of 158.50 +/- acre;

**WHEREAS**, the above parcel located at all of sectional lots 3, 4, 5 & THE SE/4NW/4: OFSEC6T44SR5WSLB&M, UTAH. CONT159.20AC, M/L. LESS 0.70 ACRES DEEDED TO KANAB CITY, LEAVING A TOTAL OF 158.50 AC, M/L., meets the minimum acreage required to be zoned Residential 5;

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

**WHEREAS**, the Kane County Planning Commission and Kane County Board of Commissioners desire to make the recommended zone change to parcel 4-5-6-3 from Agricultural to Residential 5;

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

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

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

Parcel 4-5-6-3, more fully described by the respective address ALL OF SECTIONAL LOTS 3, 4, 5, & THE SE/4NW/4: OFSEC6T44SR5WSLB&M, UTAH. CONT159.20AC, M/L. LESS 0.70 ACRES DEEDED TO KANAB CITY, LEAVING A TOTAL OF 158.50 AC, M/L is hereby rezoned from Agricultural to Residential 5 and shall from here forth be zoned Residential 5.

**LEGAL DESCRIPTION:** ALL OF SECTIONAL LOTS 3, 4, 5, & THE SE/4NW/4: OFSEC6T44SR5WSLB&M, UTAH. CONT159.20AC, M/L. LESS 0.70 ACRES DEEDED TO KANAB CITY, LEAVING A TOTAL OF 158.50 AC, M/L

---- 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. Utah State Code 17-53-208 (3) (a) and a copy recorded in the Recorder's office.

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 \_\_\_\_\_, 2021.

ATTEST:

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KARLA JOHNSON  
Kane County Clerk

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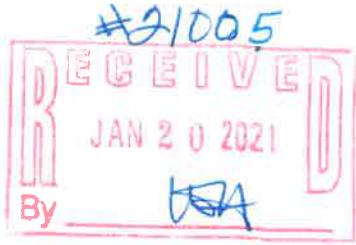
Andy Gant, Chair  
Board of Commissioners  
Kane County

Commissioner Heaton voted  
Commissioner Gant voted  
Commissioner Chamberlain voted



# Land Use Authority

76 North Main Street  
Kanab, Utah 84741  
(435) 644-4964  
[planning@kane.utah.gov](mailto:planning@kane.utah.gov)



**REQUEST FOR ZONE CHANGE**  
**FEE: \$350**

KEITH L. MCALLISTER and DIANA KAY MCALLISTER

Owner Name: Revocable Living Trust dated JUNE 30, 2016 Date: 1/20/2021

Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

**PARCEL #:** 4-5-6-3      **LOCATION AND LEGAL DESCRIPTION OF PROPERTY:**

See attached Title Report

CURRENT ZONE: AG PROPOSED ZONE: R-5

**INTENDED USE AND REASON FOR ZONE CHANGE:**

## Subdivision

I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

4. *Hypericum maculatum*

✓ Owner's Signature

**\*If acting on behalf of the property owner, please include a Power of Attorney.**

Planning Commission Action:  Approve  Deny

COMMENTS: \_\_\_\_\_

Date



## Land Use Authority

76 North Main Street  
Kanab, Utah 84741  
(435) 644-4964  
[planning@kane.utah.gov](mailto:planning@kane.utah.gov)

### **REQUEST FOR ZONE CHANGE** **FEE: \$350**

THE OSCAR R. ADAMS AND LOLENE M. ADAMS

Owner Name: FAMILY TRUST Date: 1/20/2021  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

PARCEL #: 4-5-6-3 LOCATION AND LEGAL DESCRIPTION OF PROPERTY:

See attached Title Report

CURRENT ZONE: AG PROPOSED ZONE: R-5

INTENDED USE AND REASON FOR ZONE CHANGE: \_\_\_\_\_

Subdivision

I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

Oscar R. Adams (Jan 20, 2021 15:53 MST)

Oscar R. Adams

Lolene M. Adams (Jan 20, 2021 15:53 MST)

Lolene M. Adams

**\*If acting on behalf of the property owner, please include a Power of Attorney.**

Planning Commission Action:  **Approve**  **Deny**

COMMENTS: \_\_\_\_\_

Signature - Planning Commission Chair

Date



# Land Use Authority

76 North Main Street

Kanab, Utah 84741

(435) 644-4964

[planning@kane.utah.gov](mailto:planning@kane.utah.gov)

## **REQUEST FOR ZONE CHANGE**

**FEE: \$350**

LYNN B. and DEBRA L. MCALLISTER Family Trust

Owner Name: dated November 3, 2014 Date: 1/20/2021

Address: [REDACTED] Email: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED] Phone: [REDACTED]

**PARCEL #:** 4-5-6-3      **LOCATION AND LEGAL DESCRIPTION OF PROPERTY:**

See attached Title Report

CURRENT ZONE: AG PROPOSED ZONE: R-5

**INTENDED USE AND REASON FOR ZONE CHANGE:**

## Subdivision

I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

Edith McAllister (Jan 20, 2021 13:59 MST)

Debra McAllister Jan 22, 2021 15:21 MST

Lynn B. McAllister

Debra L. McAllister

**\*If acting on behalf of the property owner, please include a Power of Attorney.**

Planning Commission Action:  **Approve**  **Deny**

COMMENTS:

Planning Commission Action:  **Approve**  **Deny**

COMMENTS: \_\_\_\_\_

### Signature - Planning Commission Chair

---

Date

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



**STAFF REPORT**

**DATE:** 02/02/20201

**PROJECT:** A complete application for the **Preliminary** Plat for Crimson Estates Subdivision, Phase 1, lots 1-12, for parcel 4-5-6-3; ALL OF SECTIONAL LOTS 3, 4, 5, & THE SE/4NW/4: OF SEC 6 T44S R5W SLB&M, UTAH. CONT 159.20 AC, M/L.LESS 0.70 ACRES DEEDED TO KANAB CITY, LEAVING A TOTAL OF 158.50 AC, M/L on behalf of Doyle Ray and OSCAR R & LOLENE M. ADAMS FAMILY TRUST, LYNN B. & DEBRA L. MCALLISTER FAMILY TRUST 11-3-14, KEITH L. MCALLISTER & DIANA KAY MCALLISTER REVOCABLE LIVING TRUST 6-30-16. This project is right outside of the Kanab City limits in the vicinity of the Lost Springs Subdivision. Lost Springs Drive is a Class D road, NOT maintained by the county.

**FINDINGS:** The Crimson Estates Phase 1, application and preliminary plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607, The Crimson Estates Subdivision, Phase 1, preliminary plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21C and D-Subdivision Regulations. All requirements for right-of-way and easements conform to the standards in the Kane County Land Use Ordinance requirements and the "Kane County Standards Specifications and Drawing Details for Design and Construction" which requires 66 foot right-of-ways. All notices are in conformance to all standards and notice requirements of 17-27a-201 & 202. A notice for the public hearing was posted in two public places; notices were mailed out to all affected entities and posted in the local newspaper and on the Utah State and Kane County websites as a public hearing.

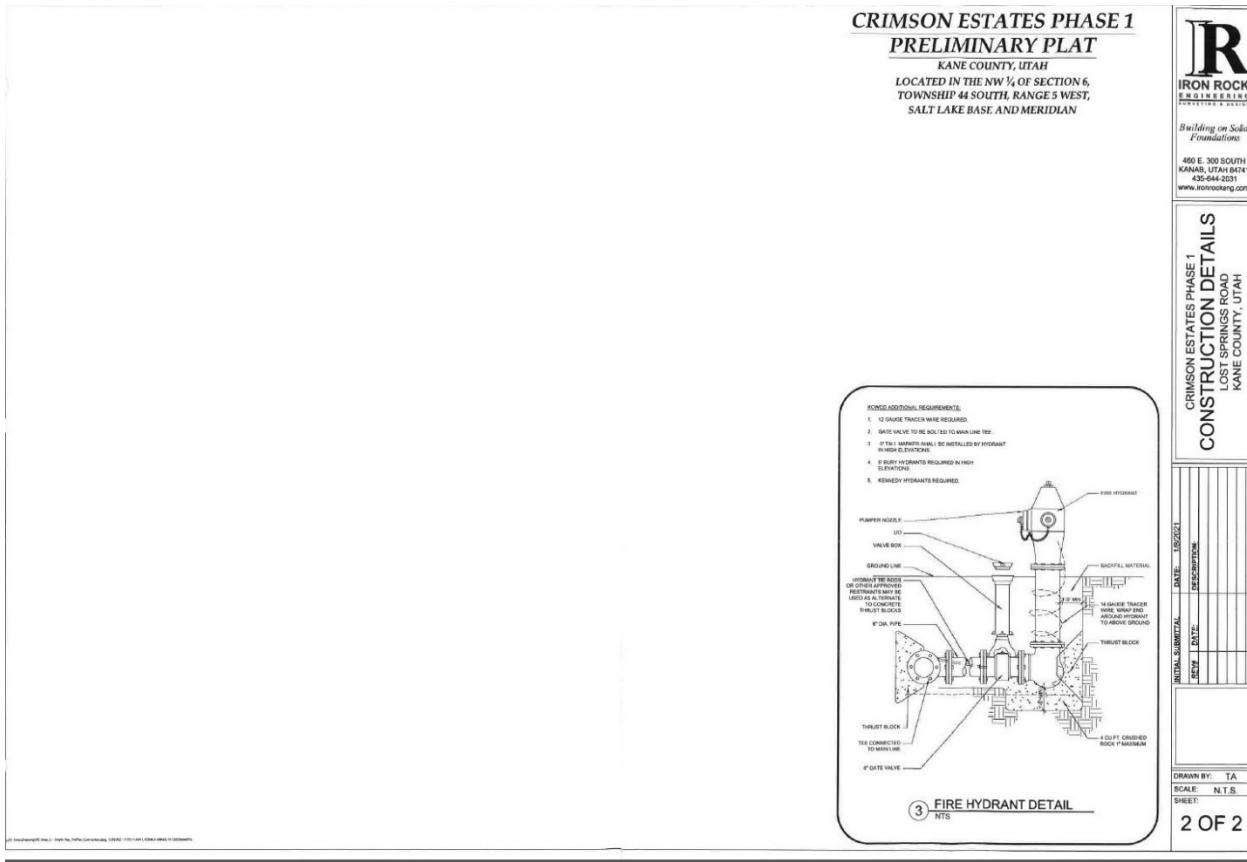
**STAFF RECOMMENDATION:** Kane County alternate engineer, Cody Howick, Civil Science Engineering, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride recommends approval.

Motion: I move to recommend **approval/denial** to the Kane County Commissioners the Preliminary Plat for Crimson Estates Subdivision, Phase 1, lots 1-12, on behalf of Doyle Ray.

THANK YOU







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

A. The Kane County land use administrator 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, recommend approval to the county commission with 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, 8-8-2016)

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



**STAFF REPORT**

**DATE:** 02/02/2021

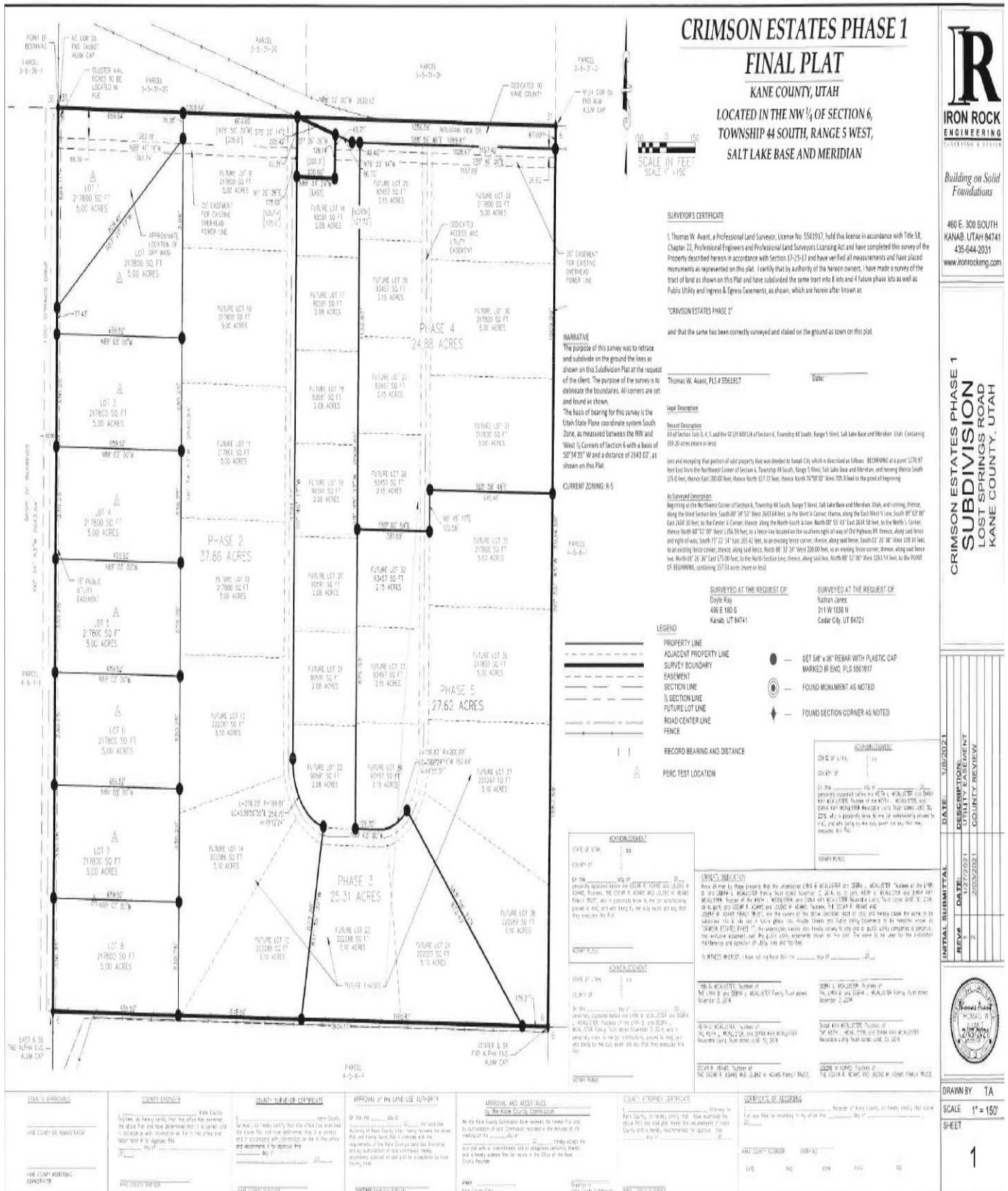
**PROJECT:** A complete application for the **Final** Plat for Crimson Estates Subdivision, Phase 1, lots 1-12, for parcel 4-5-6-3; ALL OF SECTIONAL LOTS 3, 4, 5, & THE SE/4NW/4: OF SEC 6 T44S R5W SLB&M, UTAH. CONT 159.20 AC, M/L.LESS 0.70 ACRES DEEDED TO KANAB CITY, LEAVING A TOTAL OF 158.50 AC, M/L on behalf of Doyle Ray and OSCAR R & LOLENE M. ADAMS FAMILY TRUST, LYNN B. & DEBRA L. MCALLISTER FAMILY TRUST 11-3-14, KEITH L.MCALLISTER & DIANA KAY MCALLISTER REVOCABLE LIVING TRUST 6-30-16. This project is right outside of the Kanab City limits in the vicinity of the Lost Springs Subdivision. Lost Springs Drive is a County Class D road, NOT maintained by the county.

**FINDINGS:** The Crimson Estates Subdivision, Phase 1, application and final plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607, The Crimson Estates Subdivision, Phase 1 final plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21C and D-Subdivision Regulations. All requirements for right-of-way and easements conform to the standards in the Kane County Land Use Ordinance requirements and the "Kane County Standards Specifications and Drawing Details for Design and Construction" which requires 66 foot right-of-ways. All notices are in conformance to all standards and notice requirements of 17-27a-201 & 202. A notice for the public hearing was posted in two public places; notices were mailed out to all affected entities and posted in the local newspaper and on the Utah State and Kane County web sites as a public hearing and sent out to the public entities.

**STAFF RECOMMENDATION:** Kane County alternate engineer, Cody Howick, Civil Science Engineering, recommends approval of this project. Kane County Land Use Administrator, Shannon McBride recommends approval.

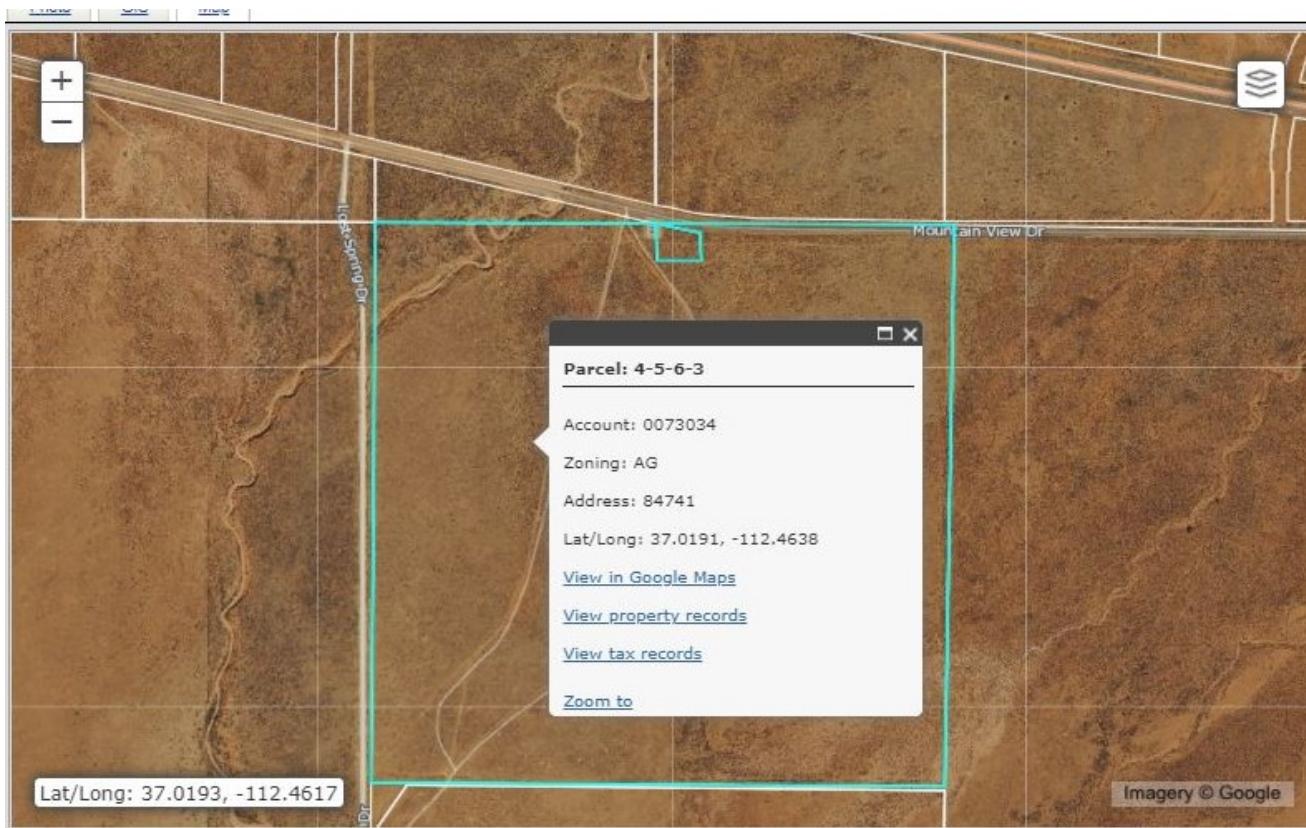
Motion: I move to recommend **approval/denial** to the Kane County Commissioners the Crimson Estates Subdivision, Phase 1 final Plat, consisting of 12 new lots on behalf of Doyle Ray.

**THANK YOU**





Location		Owner		Value			
Parcel Number 4-5-6-3		Name MCALLISTER KEITH L & DIANA KAY -TR-		Market (2020)	\$803,300		
Tax District 06 - COUNTY OUTSIDE		445 E 180 S		Taxable	\$1,970		
Acres 158.50		KANAB, UT 84741-3738		Tax Area: 06	Tax Rate: 0.009262		
Situs Address				Type	Actual Assessed Acres		
Legal ALL OF SECTIONAL LOTS 3, 4, 5, & THE SE/4NW1/4 OF SEC 6 T44S R6W SLB&M, UTAH, CONT 159.20 AC, M/L LESS 0.70 ACRES DEeded TO KANAB CITY, LEAVING A TOTAL OF 158.50 AC, M/L				FARMLAND (FAA)	\$803,300 \$1,970 158.500		
*OSCAR R & LOLENE M ADAMS FAMILY TRUST*							
*THE MCALLISTER & DIANA KAY MCALLISTER REVOCABLE LIVING TRUST 8-30-16*							
Child Accounts 0143002							
Child Parcels 4-5-5-3A							
Parent Accounts							
Parent Parcels							
Transfers							
Recording Date		Book	Page	Doc Description			
07/01/2018 03:00:33 PM		0483	0433	Warranty Deed			
01/30/2015 02:03:55 PM		0444	0607	Quit Claim Deed			
Tax							
Tax Year	Taxes	Images					
2020	\$16.25	<a href="#">Photo</a> <a href="#">GIS</a> <a href="#">Map</a>					
2019	\$16.77						





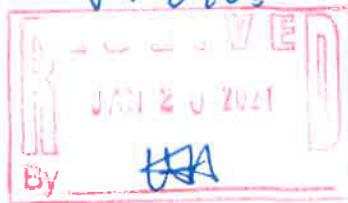
## Land Use Authority

76 North Main Street, Kanab, Utah 84741

(435) 644-4966 or (435) 644-4964

planning@kanab.utah.gov

J#21006



## Subdivision & Planned Unit Development Application Fee \$3500 \*see fee schedule

Name of Subdivision/Planned Unit Development:

Crimson Estates Phase 1

Location (Legal Description)

See Plat

KEITH L. MCALLISTER and DIANA KAY MCALLISTER

Owner: Revocable Living Trust dated JUNE 30, 2016 Phone: [REDACTED]

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Applicant: Doyle Ray Phone: [REDACTED]

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Engineer or Surveyor: Iron Rock Engineering

Address: 460 E. 300 South

City: Kanab State: UT Zip: 84741

Phone: 435-644-2031 Email: [REDACTED]

Existing Zone AG

Zone Change Require  Y  N

Number of Lots 12

Total Acreage 157.54 acres

Minimum Lot Size 5 acres

Open Space Acres N/A

Overall Density 13.13 acres/lot

% Open Space N/A



## Land Use Authority

76 North Main Street, Kanab, Utah 84741

(435) 644-4966 or (435) 644-4964

planning@kanab.utah.gov

## Subdivision & Planned Unit Development Application Fee \$3500 \*see fee schedule

Name of Subdivision/Planned Unit Development:

Crimson Estates Phase 1

Location (Legal Description)

See Plat

THE OSCAR R. ADAMS AND LOLENE M. ADAMS

Owner: FAMILY TRUST Phone: [REDACTED]  
Address: [REDACTED]  
City: [REDACTED] State: [REDACTED] Zip: [REDACTED]  
Phone: [REDACTED] Email: [REDACTED]

Applicant: Doyle Ray Phone: [REDACTED]  
Address: [REDACTED]  
City: [REDACTED] State: [REDACTED] Zip: [REDACTED]  
Phone: [REDACTED] Email: [REDACTED]

Engineer or Surveyor: Iron Rock Engineering  
Address: 460 E. 300 South  
City: Kanab State: UT Zip: 84741  
Phone: 435-644-2031 Email: [REDACTED]

Existing Zone AG  
Number of Lots 12  
Minimum Lot Size 5 acres  
Overall Density 13.13 acres/lot

Zone Change Required  Y  N  
Total Acreage 157.54 acres  
Open Space Acres N/A  
% Open Space N/A



## Land Use Authority

76 North Main Street, Kanab, Utah 84741

(435) 644-4966 or (435) 644-4964

planning@kanab.utah.gov

## Subdivision & Planned Unit Development Application Fee \$3500 \*see fee schedule

Name of Subdivision/Planned Unit Development:

Crimson Estates Phase 1

Location (Legal Description)

See Plat

LYNN B. and DEBRA L. MCALLISTER Family Trust

Owner: dated November 3, 2014 Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant: Doyle Ray Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: UT Zip: 84741

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Engineer or Surveyor: Iron Rock Engineering

Address: 460 E. 300 South

City: Kanab State: UT Zip: 84741

Phone: 435-644-2031 Email: \_\_\_\_\_

Existing Zone AG

Zone Change Require  Y  N

Number of Lots 12

Total Acreage 157.54 acres

Minimum Lot Size 5 acres

Open Space Acres N/A

Overall Density 13.13 acres/lot

% Open Space N/A





---

**CRIMSON ESTATES PHASE  
PRELIMINARY PLAT**

## KANE COUNTY, UTAH

LOCATED IN THE NW  $\frac{1}{4}$  OF SECTION 6,  
TOWNSHIP 44 SOUTH, RANGE 5 WEST,  
SALT LAKE BASE AND MERIDIAN

SHIP 44 SOUTH, RANGE 5 WEST,  
LT LAKE BASE AND MERIDIAN

*Building on Solid  
Foundations*

# CRIMSON ESTATES PHASE 1 CONSTRUCTION DETAILS LOST SPRINGS ROAD KANE COUNTY, UTAH

1. 12 GAUGE TRACER WIRE REQUIRED.
2. GATE VALVE TO BE BOLTED TO MAIN LINE TEE.
3. 5' TALL MARKER SHALL BE INSTALLED BY HYDRANT IN HIGH ELEVATIONS.
4. 6' BURY HYDRANTS REQUIRED IN HIGH ELEVATIONS.
5. KENNEDY HYDRANTS REQUIRED.

**3** FIRE HYDRANT DETAIL  
NTS

Journal of Health Politics, Policy and Law, Vol. 29, No. 1, January 2004  
DOI 10.1215/03616878-29-1 © 2004 by the Southern Political Science Association

INITIAL SUBMITTAL		DATE: 1/8/2021
REV#	DATE:	DESCRIPTION:

DRAWN BY: TA  
SCALE: N.T.S.  
SHEET: 1

2  
OF  
2