

Received

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Deidre M. Henderson  
Lieutenant Governor

**FEASIBILITY REQUEST FOR THE CREATION OF  
A PRELIMINARY MUNICIPALITY**

Lieutenant Governor's Office  
350 State St. #220,  
Salt Lake City, UT, 84103

The undersigned (the "**Applicants**") hereby apply for the creation of a new Preliminary Municipality ("**Preliminary Municipality**") pursuant to the Utah Code, Title 10, Chapter 2a, Utah Code annotated 1953 (Utah Code § 10-2a-502(1)).

**I. Applicants; Contact Sponsor**

**Applicants / Owners:**

Kane Creek Preservation and Development LLC, a Delaware limited liability company  
10446 N. Iverson Ln.  
Highland, UT 84003  
Phone No. 801-318-7100  
Email: cnweston@icloud.com

G&H Miller Family Holdings LLC, a Utah limited liability company  
405 S. Main St. Suite 800  
Salt Lake City, UT 84111  
Phone No. 801-530-7359

**Primary Contact / Sponsor:**

Craig Weston  
10446 N. Iverson Ln.  
Highland, UT 84003  
Phone No. 801-318-7100  
Email: cnweston@icloud.com

**With a copy to:**

Snell & Wilmer LLP  
Attn: Wade Budge  
15 West South Temple Suite 1200  
Salt Lake City, UT 84101  
Phone No. 801-257-1906  
Email: wbudge@swlaw.com

The above and undersigned Applicants represent 100% of the surface property owners within the proposed boundaries of the Preliminary Municipality (Utah Code § 10-2a-502(5)(a)).

## **II. Proposed Preliminary Municipal Boundaries**

The Applicants request that the initial boundaries of the proposed Preliminary Municipality include all of the real property described in Exhibit A, Page 1 (Utah Code § 10-2a-502(5)(e)(i)).

## **III. Description of the Preliminary Municipality**

Pursuant to Utah Code § 10-2a-502(5)(d), the Applicants provide the following description of the Preliminary Municipality area. The Preliminary Municipality will be located approximately 1 mile outside of Moab, Utah and is comprised of approximately 176.4 acres. The preliminary municipality will include a mix of residential unit types, including affordable housing, and commercial/mixed-use area, including a hotel, along with the necessary public and private infrastructure to facilitate the Preliminary Municipality's development. A portion of the Preliminary Municipality will also be used for municipal building space. A depiction of the planned development and phasing thereof is attached hereto as Exhibit A.

Phase 1 will include approximately 50 single family homes, 104 twin homes, 116 condo units, 102 overnight accommodations, 48 affordable housing units, and approximately 67,000 square feet of commercial space spread over 79.9 acres as depicted on Exhibit A, Page 3. Phase 2 will include 69 single family homes and 73 townhouse units within 67.5 acres as depicted on Exhibit A, Page 4. Phase 3 will include 18 single family homes on 17.8 acres as depicted on Exhibit A, Page 5.

## **IV. Map of Preliminary Municipality**

An accurate map and other supporting documents, prepared by a licensed surveyor are attached hereto as Exhibit A and show:

- A depiction of the legal description of the boundaries of the Preliminary Municipality area and each phase of the proposed Preliminary Municipality area (Utah Code § 10-2a-502(5)(e)(i));
- All development planned for the proposed Preliminary Municipality area (Utah Code § 10-2a-502(5)(e)(ii)); and
- That the first phase of the proposed Preliminary Municipality area is projected to have at least 100 residents when completed, as depicted on Exhibit A, Page 3 and on the attached Exhibit B (Utah Code § 10-2a-502(5)(e)(iii)).

## **V. Applicants' Statements**

The Applicants hereby states that:

- (a) Those signing on behalf of the entity owners are authorized to do so;
- (b) The Applicants are the owners of all the real property included within the Preliminary Municipality (Utah Code § 10-2a-502(5)(a));
- (c) This Feasibility Request is signed by 100% of the property owners of real property within the Preliminary Municipality (Utah Code § 10-2a-502(2)(d)(i));

- (d) The land comprising the Preliminary Municipality is contiguous (Utah Code § 10-2a-502(2)(a));
- (e) None of the land comprising the Preliminary Municipality is located within a county of the first or second class (Utah Code § 10-2a-502(2)(b));
- (f) None of the land comprising the Preliminary Municipality is located within .25 miles of an existing municipality. The Preliminary Municipality is at least .91 miles away from the closest municipality, the City of Moab, as depicted on the attached Exhibit C (Utah Code § 10-2a-502(2)(c));
- (g) The area comprising the Preliminary Municipality is not owned by more than three persons and at least 50% of the area is undeveloped (Utah Code § 10-2a-502(2)(d));
- (h) The Applicants intend to develop the Preliminary Municipality to the point that at least 100 individuals will reside in the area, the area will have an average population density of no less than seven individuals per square mile, and at least 10% of the housing within the Preliminary Municipality will be affordable housing, as defined by Utah Code § 10-2a-501(1) (Utah Code § 10-2a-502(2)(e));
- (i) The area comprising the Preliminary Municipality does not include any land owned by the United States government (Utah Code § 10-2a-502(2)(f));
- (j) The area comprising the Preliminary Municipality is located entirely within Grand County (Utah Code § 10-2a-502(2)(g));
- (k) The area comprising the Preliminary Municipality is not included in a pending annexation area (Utah Code § 10-2a-502(3)(a)); and
- (l) The area comprising the Preliminary Municipality is not the subject of a completed feasibility study or supplemental feasibility study (Utah Code § 10-2a-502(3)(b)).
- (m) The area comprising the Preliminary Municipality does not include all or part of an area that is the subject of a completed feasibility study or supplemental feasibility study whose results comply with Utah Code § 10-2a-507(1) (Utah Code § 10-2a-502(3)(c)).

## **VI. Applicants' Consent**

The Applicants, as the owners of 100% of the land comprising the Preliminary Municipality, hereby consent to the creation of a Preliminary Municipality (Utah Code §§ 10-2a-502(2)(d)(i) and 10-2a-502(5)(a).

## **VII. Feasibility Study Request**


Pursuant to Utah Code § 10-2a-502(5)(f), the Applicants hereby request that the Lieutenant Governor commission a study to determine the feasibility of incorporating the Preliminary Municipality. The Applicants stand ready and willing to provide any further information necessary to perform the feasibility study.

## **VIII. Electronic Means; Counterparts**


This Feasibility Request may be circulated by electronic means and executed in several counterparts, including by electronic signature, all or any of which may be treated for all purposes as an original and shall constitute and be one and the same document.

**IN WITNESS WHEREOF**, the Applicants have each executed this Feasibility Request as of the date indicated above.

KANE CREEK PRESERVATION AND DEVELOPMENT LLC,  
a Delaware limited liability company

DocuSigned by:  
By:   
Name: Craig Weston  
Its: General Partner

G&H MILLER FAMILY HOLDINGS LLC,  
a Utah limited liability company

DocuSigned by:  
By:   
Name: Greg Miller  
Its: Manager

**THE UNDERSIGNED**, as General Partner of Kane Creek Preservation and Development LLC, a Delaware limited liability company consents to be the primary sponsor contact for this Feasibility Request.

DocuSigned by:  
  
Name: Craig Weston  
Its: Craig Weston, an individual

**EXHIBIT A**

Legal Description and Maps

## **EXHIBIT B**

### Unit Tables

**EXHIBIT C**

**Municipality Proximity Map**



88 E Center Street  
Moab, UT 84532  
435.259.8171

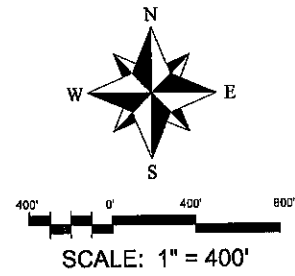
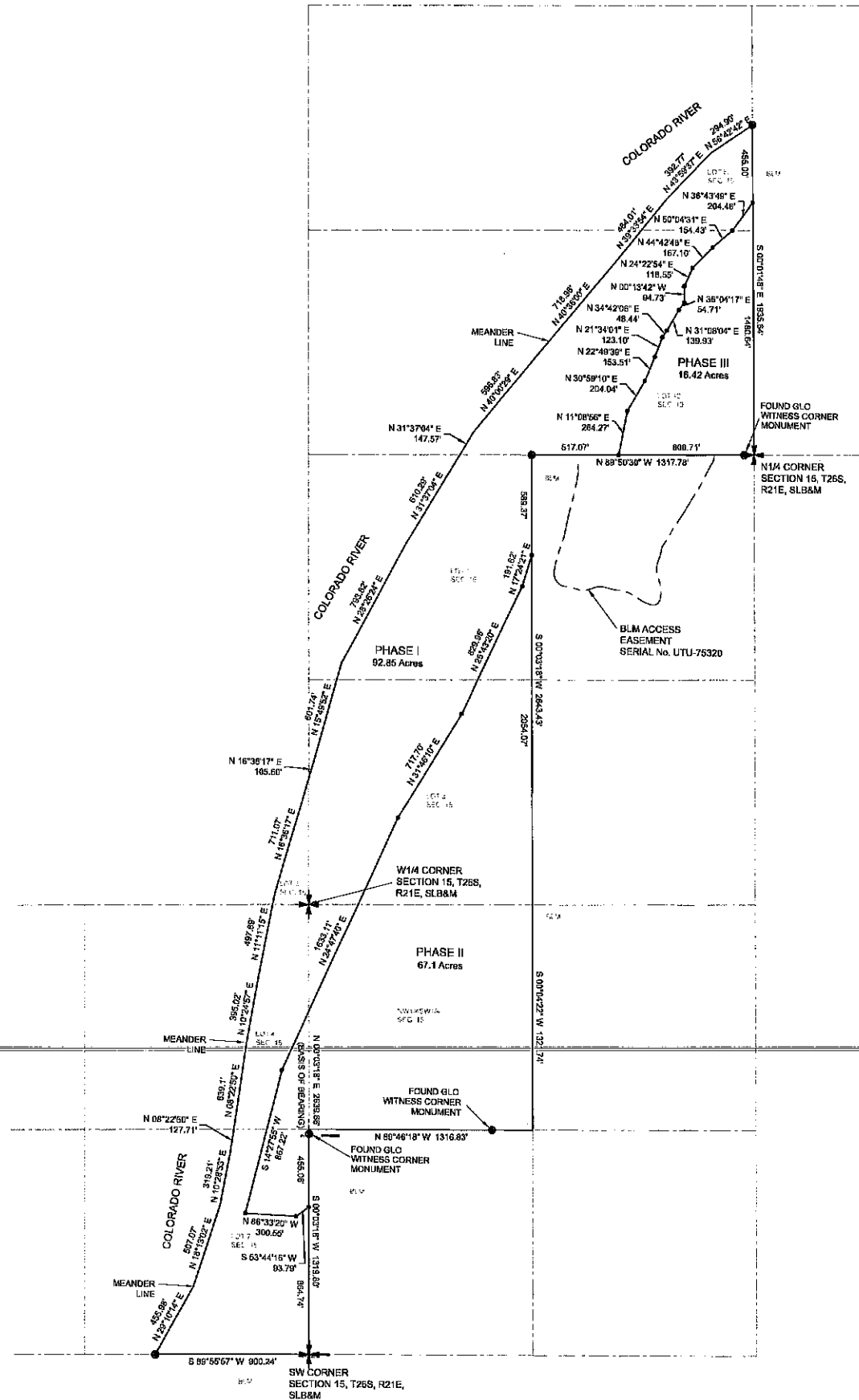
STANDARD LEGEND



<b>PROJECT TYPE:</b>	PROPOSED SITE PLAN SURVEY
<b>PROJECT ADDRESS:</b>	KANE CREEK BLVD, MOAB, UTAH
<b>PROJECT LOCATION:</b>	GRAND COUNTY, STATE OF UTAH
<b>PREPARED FOR:</b>	KANE SPRINGS PRESERVATION AND DEVELOPMENT
<b>DATE:</b>	04/30/2024
<b>SHEET 1 OF 5</b>	
<b>JOB NUMBER:</b>	068-24

## PROPOSED SITE PLAN KANE SPRINGS PRESERVATION AND DEVELOPMENT

GRAND COUNTY, UTAH  
LOCATED IN SECTIONS 10, 15, & 16, T26S, R21E, SLB&M

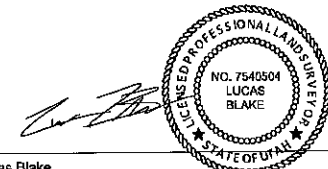


VICINITY MAP  
NOT TO SCALE

### SURVEYOR'S CERTIFICATION

I, Lucas Blake, certify that I am a Professional Land Surveyor as prescribed under the laws of the State of Utah and that I hold license no. 7540504. I further certify that a boundary survey was made of the property described below, and the findings of that survey are as shown hereon.

Lucas Blake  
License No. 7540504



Lucas Blake  
License No. 7540504

4/27/2024  
DATE

#### PHASE I BOUNDARY LEGAL DESCRIPTION

Beginning at the Southeast corner of Section 16, Township 26 South, Range 21 East, Salt Lake Base and Meridian, and running thence South 89°55'57" West 900.24 Feet, more or less, along the South Section line to the easterly Meander Line of the Colorado River; thence, more or less, along the Meander Line of the Colorado the following seventeen courses: thence North 29°10'14" East 455.98 feet; thence North 18°13'02" East 507.07 feet; thence North 10°28'53" East 319.21 feet; thence North 08°22'50" East 639.1 feet; thence North 10°24'57" East 395.02 feet; thence North 11°11'15" East 497.69 feet; thence North 16°36'17" East 711.07 feet; thence North 16°36'17" East 105.60 feet; thence North 15°49'52" East 601.74 feet; thence North 28°26'24" East 793.82 feet; thence North 31°37'04" East 610.29 feet; thence North 31°37'04" East 147.57 feet; thence North 40°00'29" East 596.83 feet; thence North 40°36'00" East 718.96 feet; thence North 39°33'54" East 464.01 feet; thence North 43°58'37" East 392.77 feet; thence North 56°42'42" East 294.90 feet to a point on the center section line of Section 10, T26S, R21E, SLB&M; thence with said line South 36°43'49" West 204.46 feet; thence South 50°04'31" West 154.43 feet; thence South 44°42'46" West 167.10 feet; thence South 24°22'54" West 118.55 feet; thence South 00°13'42" East 94.73 feet; thence South 36°04'17" West 54.71 feet; thence South 31°08'04" West 139.93 feet; thence South 34°42'06" West 48.44 feet; thence South 21°34'01" West 123.10 feet; thence South 22°48'38" West 153.51 feet; thence South 30°59'10" West 204.04 feet; thence South 11°08'56" West 264.27 feet; thence North 89°50'30" West 517.07 feet; thence South 00°03'18" West 589.37 feet; thence South 17°24'21" West 191.62 feet; thence South 25°43'20" West 829.96 feet; thence South 31°46'10" West 717.70 feet; thence South 24°47'40" West 1633.11 feet; thence South 14°27'55" West 867.21 feet; thence South 86°33'20" East 300.91 feet; thence North 63°44'16" East 83.79 feet; thence South 00°03'18" West 864.74 feet to the point of beginning, having an area 92.85 acres, more or less.

#### PHASE II BOUNDARY LEGAL DESCRIPTION

Beginning at the Southwest corner of the NW1/4SW1/4 of Section 15, Township 26 South, Range 21 East, Salt Lake Base and Meridian, said point being North 00°03'18" East along the section line 1319.80 feet from the Southwest corner of Section 15, Township 26 South, Range 21 East, Salt Lake Base and Meridian, and proceeding thence South 00°03'18" West 455.06 feet; thence South 53°44'16" West 93.79 feet; thence North 88°33'20" West 300.55 feet; thence North 14°26'30" East 867.14 feet; thence North 24°47'40" East 1633.11 feet; thence North 31°46'10" East 717.70 feet; thence North 25°43'20" East 829.96 feet; thence North 17°24'21" East 191.62 feet; thence South 00°03'18" West 2054.07 feet to the Northeast corner of the NW1/4SW1/4 of said Section 15; thence South 00°04'22" West 1321.74 feet to the Southeast corner of the NW1/4SW1/4 of said Section 15; thence North 89°46'18" West 1316.83 feet to the Southwest corner of the NW1/4SW1/4 of said Section 15; thence South 00°03'18" West 1319.80 feet to the point of beginning, having an area of 67.10 acres, more or less.

#### PHASE III BOUNDARY LEGAL DESCRIPTION

beginning at the North Quarter corner of Section 15, Township 26 South, Range 21 East, Salt Lake Base and Meridian, and proceeding thence North 89°50'30" West 800.71 feet; thence North 11°08'56" East 264.27 feet; thence North 30°59'10" East 204.04 feet; thence North 22°49'39" East 153.51 feet; thence North 21°34'01" East 123.10 feet; thence North 34°42'06" East 48.44 feet; thence North 31°08'04" East 139.93 feet; thence North 36°04'17" East 54.71 feet; thence North 00°13'42" West 94.73 feet; thence North 24°22'54" East 118.55 feet; thence North 44°42'46" East 167.10 feet; thence North 50°04'31" East 154.43 feet; thence North 36°43'49" East 204.46 feet; thence South 00°01'48" East 1480.64 feet to the point of beginning, having an area of 16.42 acres, more or less.

TOGETHER WITH A 25' Access easement filed as BLM serial N. UTU-57320

#### PROJECT BOUNDARY LEGAL DESCRIPTION

Beginning at the Southeast corner of Section 16, Township 26 South, Range 21 East, Salt Lake Base and Meridian, and running thence South 89°55'57" West 900.24 Feet, more or less, along the South Section line to the easterly Meander Line of the Colorado River; thence, more or less, along the Meander Line of the Colorado the following seventeen courses: thence North 29°10'14" East 455.98 feet; thence North 18°13'02" East 507.07 feet; thence North 10°28'53" East 319.21 feet; thence North 08°22'50" East 639.1 feet; thence North 10°24'57" East 395.02 feet; thence North 11°11'15" East 497.69 feet; thence North 16°36'17" East 711.07 feet; thence North 16°36'17" East 105.60 feet; thence North 15°49'52" East 601.74 feet; thence North 28°26'24" East 793.82 feet; thence North 31°37'04" East 610.29 feet; thence North 31°37'04" East 147.57 feet; thence North 40°00'29" East 596.83 feet; thence North 40°36'00" East 718.96 feet; thence North 39°33'54" East 464.01 feet; thence North 43°58'37" East 392.77 feet; thence North 56°42'42" East 294.90 feet to a point on the center section line of Section 10, T26S, R21E, SLB&M; thence with said line South 00°01'48" East 1935.64 feet to the South Quarter corner of said Section 10; thence North 89°50'30" West 1317.78 feet to the Northwest corner of the NE1/4NW1/4 of section 15, T26S, R21E, SLB&M; thence South 00°03'18" West 2643.43 feet to the Northeast corner of the NW1/4SW1/4 of said Section 15; thence South 00°04'22" West 1321.74 feet to the Southeast corner of the NW1/4SW1/4 of said Section 15; thence North 89°46'18" West 1316.83 feet to the Southwest corner of the NW1/4SW1/4 of said Section 15; thence South 00°03'18" West 1319.80 feet to the point of beginning, having an area of 176.37 acres, more or less.

TOGETHER WITH A 25' Access easement filed as BLM serial N. UTU-57320

LOCATED WITHIN  
SECTIONS 10, 15, & 16, T26S, R21E, SLB&M

#### SURVEYOR NOTES










THE BASIS OF BEARING IS NORTH 00°03'18" EAST BETWEEN THE SOUTHWEST CORNER AND THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 21 EAST, SALT LAKE BASE AND MERIDIAN.

THE INTENT OF THE SURVEY IS CREATE A BOUNDARY OF THE PROJECTS PHASED BOUNDARIES.

REFERENCED AND LOCATED MONUMENTS OF BLM SURVEY PLAT DATED FEBRUARY 7, 2012.



**LEGEND**

 R-MU: MIXED USE, COMMERCIAL / AMENITY / CONDO	 R-MF: RESIDENTIAL, CONDO
 OA: OVERNIGHT ACCOMMODATIONS	 R-AFH: RESIDENTIAL, AFFORDABLE HOUSING
 R-SF: RESIDENTIAL, SINGLE-FAMILY DETACHED HOMES	 HOA: HOA PROPERTY
 R-TW: RESIDENTIAL, TWIN HOMES	 ROW: RIGHTS-OF-WAY
 R-TH: RESIDENTIAL, TOWNHOUSE	

**PROJECT TYPE:**  
PROPOSED SITE PLAN  
SURVEY

**PROJECT ADDRESS:**  
KANE CREEK BLVD, MOAB, UTAH

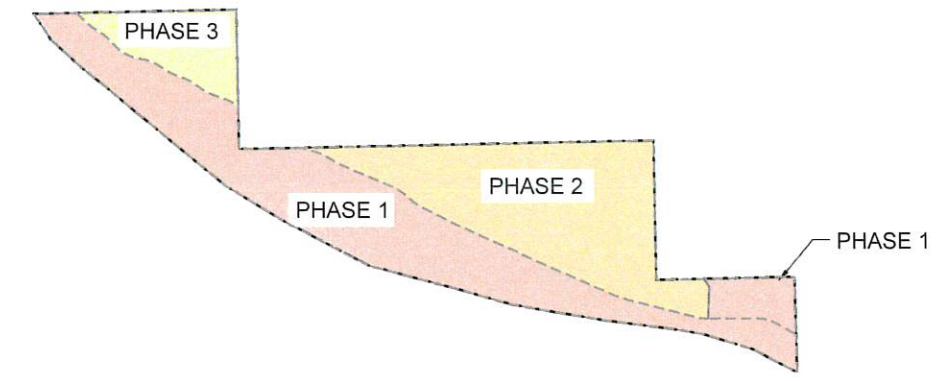
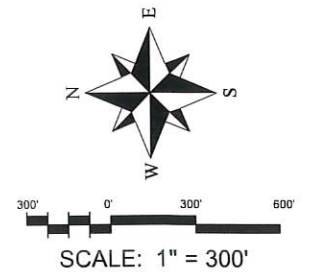
**PROJECT LOCATION:**  
GRAND COUNTY, STATE OF UTAH

**PREPARED FOR:**  
KANE SPRINGS  
PRESERVATION AND  
DEVELOPMENT

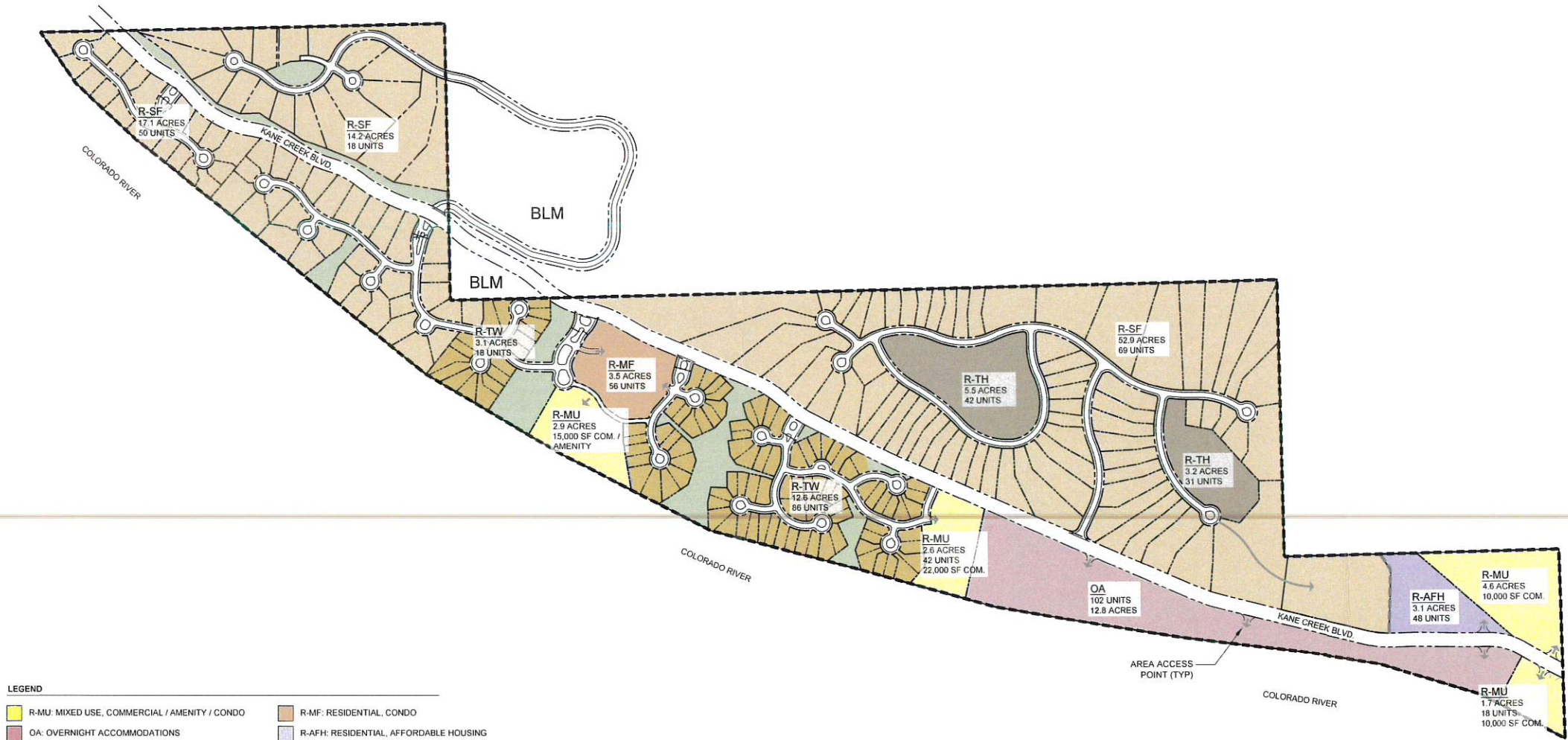
**DATE**  
4/30/24

**SHEET 2 OF 5**

**JOB NUMBER:**  
068-24



**2 PHASING PLAN**  
NTS



**1 MASTER PLAN**







88 E Center Street  
Moab, UT 84532  
435.259.8171

**LEGEND**

	R-MU MIXED USE, COMMERCIAL / AMENITY / CONDO
	OA OVERNIGHT ACCOMMODATIONS
	R-SF RESIDENTIAL, SINGLE-FAMILY DETACHED HOMES
	R-TW RESIDENTIAL, TWIN HOMES
	R-TH RESIDENTIAL, TOWNHOUSE
	R-MF RESIDENTIAL, CONDO
	R-AFH RESIDENTIAL, AFFORDABLE HOUSING
	HOA HOA PROPERTY
	ROW RIGHTS-OF-WAY

**PROJECT TYPE:**  
PROPOSED SITE PLAN  
SURVEY

**PROJECT ADDRESS:**  
KANE CREEK BLVD, MOAB, UTAH

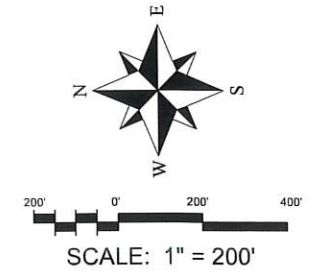
**PROJECT LOCATION:**  
GRAND COUNTY, STATE OF UTAH

**PREPARED FOR:**  
KANE SPRINGS  
PRESERVATION AND  
DEVELOPMENT

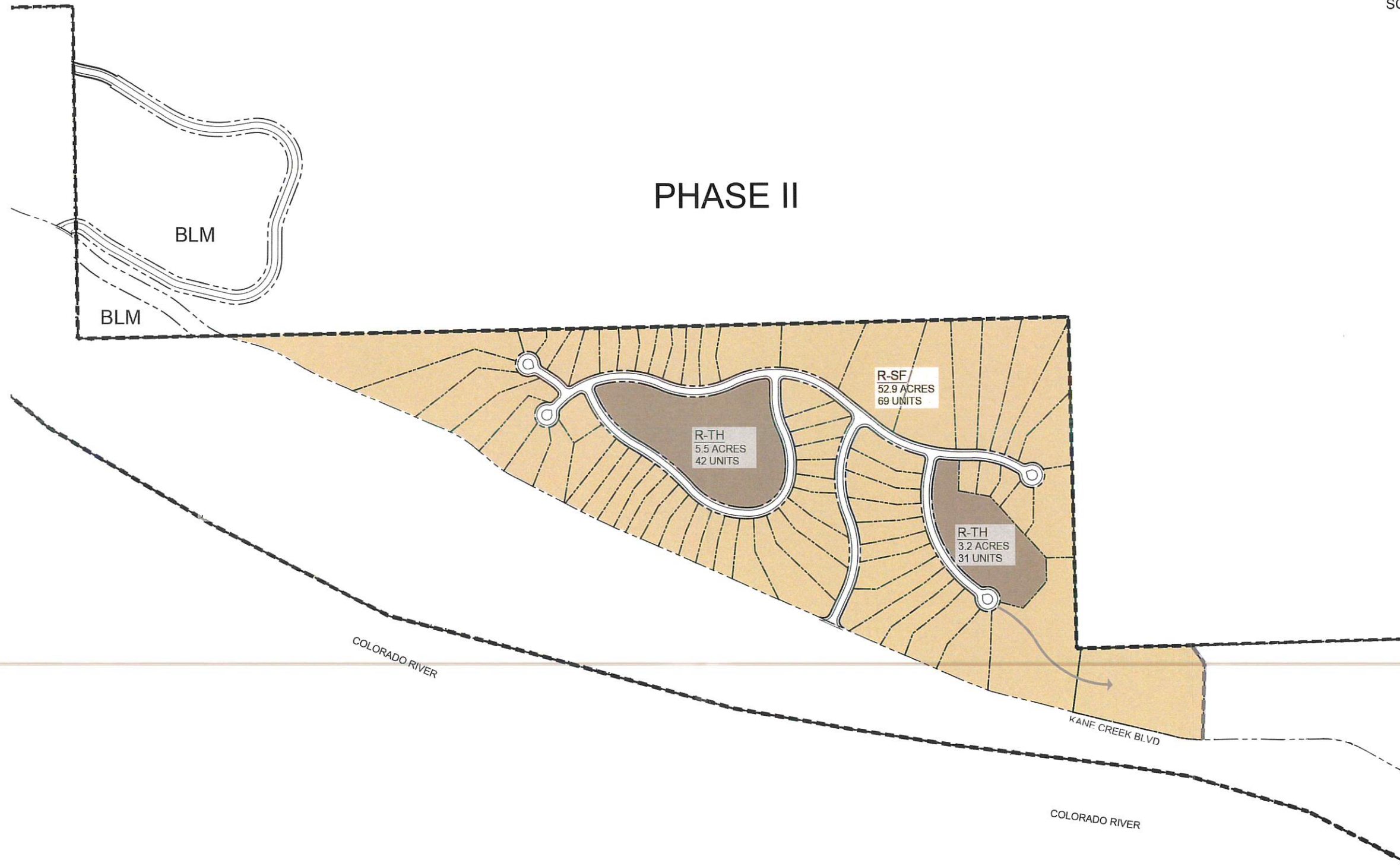
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4/30/24

**SHEET 4 OF 5**

**JOB NUMBER:**  
058-24












## PHASE II





88 E Center Street  
 Moab, UT 84532  
 435.259.8171

**LEGEND**

 R-MU MIXED USE, COMMERCIAL / AMENITY / CONDO	 R-MF RESIDENTIAL, CONDO
 OA OVERNIGHT ACCOMMODATIONS	 R-AFH RESIDENTIAL AFFORDABLE HOUSING
 R-SF RESIDENTIAL, SINGLE-FAMILY DETACHED HOMES	 HOA HOA PROPERTY
 R-TW RESIDENTIAL, TWIN HOMES	 ROW, RIGHTS-OF-WAY
 R-TH RESIDENTIAL, TOWNHOUSE	

**PROJECT TYPE:**  
 PROPOSED SITE PLAN  
 SURVEY

**PROJECT ADDRESS:**  
 KANE CREEK BLVD, MOAB, UTAH

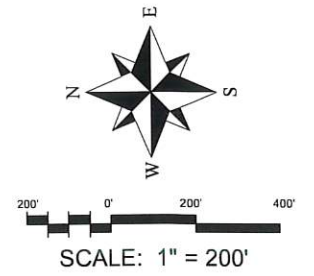
**PROJECT LOCATION:**  
 GRAND COUNTY, STATE OF UTAH

**PREPARED FOR:**  
 KANE SPRINGS  
 PRESERVATION AND  
 DEVELOPMENT

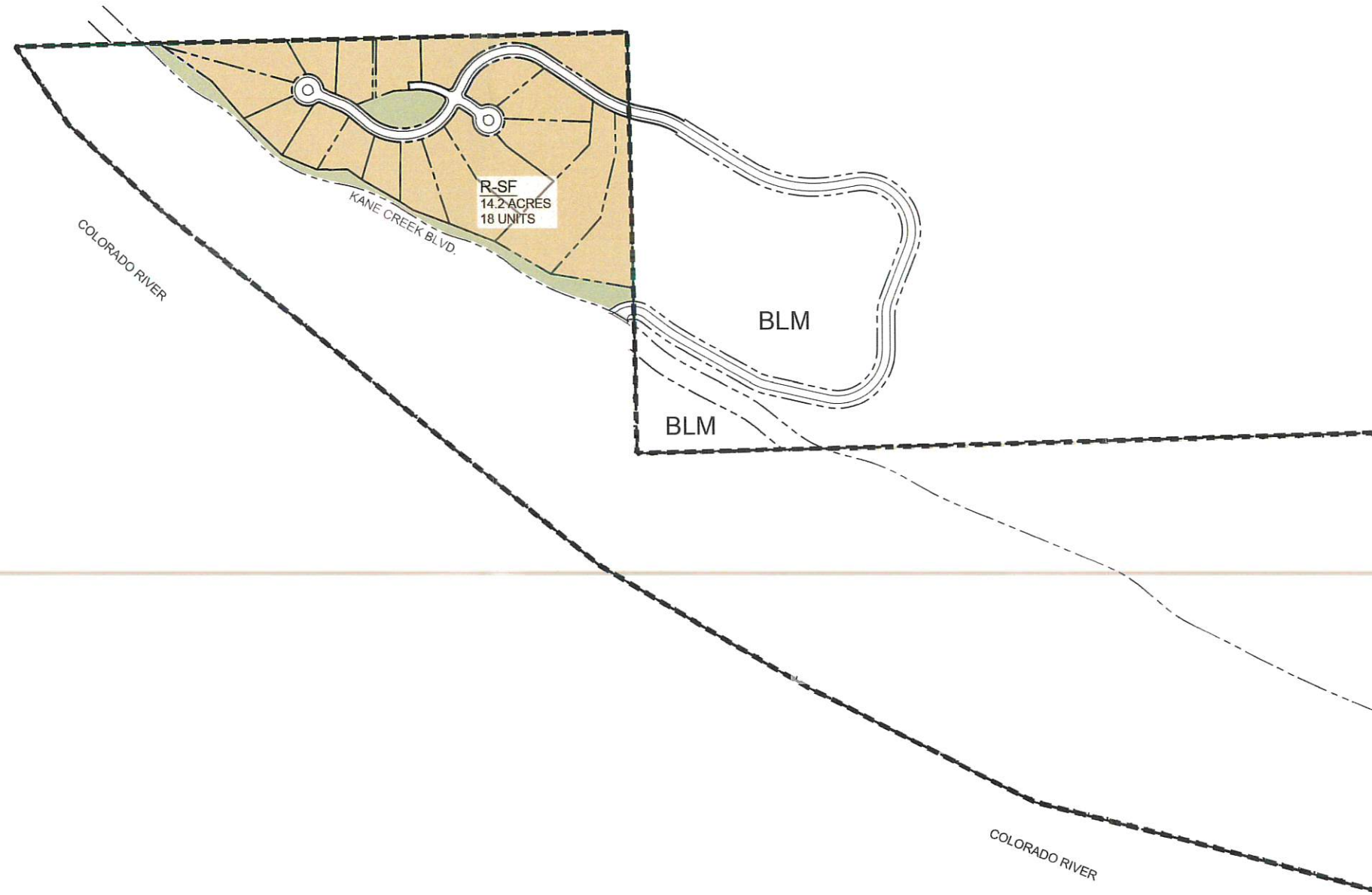
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SHEET 5 OF 5

JOB NUMBER:  
 068-24



# PHASE III



LAND USE TABULATIONS BY PHASE													
PHASE #	KEY	LAND USE	LAND AREA	COMM. SF*	OVERNIGHT ACCOMMODATION UNITS†	SINGLE FAMILY DETACHED UNITS	TWIN HOME UNITS	TOWNHOUSE UNITS	CONDO UNITS	TOTAL FOR-SALE DWELLING UNITS	AFFORDABLE HOUSING UNITS	TOTAL ALL DWELLING UNITS	Density (Dwelling Units per Acre)
1	R-MU	Mixed Use, Commercial/Amenity/Condo §	11.8 acres	57,000 sf					60 Units	60 Units		60 Units	
	OA	Overnight Accommodations	12.8 acres	10,000 sf	102 OA Units					0 Units		0 Units	
	R-SF	Residential, Single-Family Detached Homes	17.1 acres			50 Units				50 Units		50 Units	
	R-TW	Residential, Twin Homes	15.7 acres				104 Units			104 Units		104 Units	
	R-MF	Residential, Condo	3.5 acres						56 Units	56 Units		56 Units	
	R-AFH	Residential, Affordable Housing	3.1 acres							0 Units	48 Units	48 Units	
	HOA	HOA Property	6.0 acres							0 Units		0 Units	
ROW	Rights-of-Way	9.9 acres							0 Units		0 Units		
<b>sub-totals</b>			<b>79.9 acres</b>	<b>67,000 sf</b>	<b>102 OA Units</b>	<b>50 Units</b>	<b>104 Units</b>		<b>116 Units</b>	<b>270 Units</b>	<b>48 Units</b>	<b>318 Units</b>	<b>4.0 DU/AC</b>
2	R-SF	Residential, Single-Family Detached Homes	52.9 acres			69 Units				69 Units		69 Units	
	R-TH	Residential, Townhouse	8.7 acres					73 Units		73 Units		73 Units	
	HOA	HOA Property	0.0 acres							0 Units		0 Units	
	ROW	Rights-of-Way	5.9 acres							0 Units		0 Units	
<b>sub-totals</b>			<b>67.5 acres</b>			<b>69 Units</b>		<b>73 Units</b>		<b>142 Units</b>		<b>142 Units</b>	<b>2.1 DU/AC</b>
3	R-SF	Residential, Single-Family Detached Homes	14.2 acres			18 Units				18 Units		18 Units	
	HOA	HOA Property	1.9 acres							0 Units		0 Units	
	ROW	Rights-of-Way	1.7 acres							0 Units		0 Units	
<b>sub-totals</b>			<b>17.8 acres</b>			<b>18 Units</b>				<b>18 Units</b>		<b>18 Units</b>	<b>1.0 DU/AC</b>
Kane Creek Blvd	ROW	Rights-of-Way	11.2 acres									0 Units	
<b>sub-totals</b>			<b>11.2 acres</b>									<b>0 Units</b>	
<b>TOTALS</b>			<b>176.4 acres</b>	<b>67,000 sf</b>	<b>102 OA Units</b>	<b>137 Units</b>	<b>104 Units</b>	<b>73 Units</b>	<b>116 Units</b>	<b>430 Units</b>	<b>48 Units</b>	<b>478 Units</b>	<b>2.7 DU/AC</b>

\* Commercial lot layouts subject to site plan approval. Includes future amenity site.  
 † Overnight accommodation unit counts incorporated for purposes of calculating utility and infrastructure requirements.  
 § MIXED USE refers to a commercial building with upper story residential

AREA SCHEDULE - UNIT TYPE			
KEY	LAND USE	LAND AREA	TOTAL DWELLING UNITS
R-MU	Mixed Use, Commercial/Amenity/Condo §	11.8 acres	60
R-SF	Residential, Single-Family Detached Homes	84.2 acres	137
R-TW	Residential, Twin Homes	15.7 acres	104
R-TH	Residential, Townhouse	8.7 acres	73
R-MF	Residential, Condo	3.5 acres	56
R-AFH	Residential, Affordable Housing	3.1 acres	48
<b>TOTALS</b>		<b>127.0 acres</b>	<b>478 DU</b>

