



# MINUTES

Kane County Planning Commission  
& Land Use Authority  
76 North Main Street, Kanab  
November 4, 2015

CHAIRMAN: Tony Chelewski

MEMBERS PRESENT: Tony Chelewski, Dale Clarkson, Byard Kershaw, Robert Houston, Wade Heaton

MEMBERS ABSENT: Harold Hamblin, Que Johnson

EX-OFFICIO MEMBER: Commissioner Douglas Heaton

STAFF PRESENT: Shannon McBride, Land Use Administrator; Mary Reynolds, Assistant Administrator; Rob Van Dyke, County Attorney

5:30 P.M. Work Session

6:00 P.M. Meeting called to order by Tony Chelewski  
Pledge of Allegiance Tony Chelewski  
Prayer Wade Heaton  
Announcements Tony Chelewski

## Announcements:

Tony Chelewski: Introduced Erin Janicki, employee and representative of the Glen Canyon National Recreation Area. Erin is in charge of Planning & Compliance.

**Motion** was made by Byard Kershaw to approve the Oct. 14, 2015 minutes, with specified corrections. The motion was seconded by Dale Clarkson. The chair asked if there were any comments or questions. The Chair called for the question, and the motion passed unanimously.

**Motion** was made by Wade Heaton to approve the Special Meeting minutes from Oct. 26, 2015. The motion was seconded by Byard Kershaw. The chair asked if there were any comments or questions. The Chair called for the question, and the motion passed unanimously.

Doug Heaton expressed his thanks for creating the process that helps clean up [property] records. He said his agenda was to make it easier on the local citizens. He added he was proud of what had been accomplished. We have fixed a lot of stuff with a minimal amount of pain.

Tony Chelewski referred to the [Stewart Duck Creek] fence problem. It's something that took six years to fix. He also said he called Mike Kemp, again. All is fine and he has only seen Rudy once this month.

Byard Kershaw questioned what the problem was between Mike Kemp and Rudy Delapaz. Tony explained [Rudy Delapaz] had a commercial [construction] business on private property across the street from a subdivision. However, he was using the subdivision's private road to access his business. The property owners inside the subdivision didn't want Mr. Delapaz tearing up their road with large vehicles. The road was not originally maintained by the county, but now it is and Mr. Delapaz can access it. However, due to the conditions on his conditional use permit he cannot use that route unless he has a job in the area, at which point he informs Land Use of the job site. He has been asked to use the shorter route for his business trucks. Tony has kept track of the situation to try and keep the matter settled.

Robert Houston mentioned Hal Hamblin was absent because he had cow troubles.

**Motion** was made by Wade Heaton to go in and out of public hearing at the call of the chair. The motion was seconded by Robert Houston. The chair asked if there were any comments or questions. The Chair called for the question, and the motion passed unanimously. The Chairman called the meeting into public hearing.

**Administrative**  
**Public Hearing**

**(1) Rural Unimproved Subdivision**  
**Verla Troy, Rollan's Birch Retreat, parcel #8-6-35-4; Submitted by Tom Avant, Iron Rock Engineering**

Tom Avant presented the plat to the Planning Commission and told them the basic location of the parcel in question [S.E. of Todd's Junction]. He said the road had been used for 20 years. The parcels were being divided amongst the daughters.

There was a discussion on what the Rural Unimproved Subdivision requirements were. Tom explained it as being a minimum of ten acres and owners can do up to ten splits. Water becomes applicable only when they build. Wade stated this use is exactly what the RUS was created for. The discussion covered greenbelt status, which is FAA, and what people have to do if they are in a greenbelt. Just because a parcel is Ag doesn't mean it automatically has FAA status. Linda Little, Assessor makes the determination whether a parcel fits FAA criteria. It was stated that Paria Livestock owns property in between the parcels.

Shannon McBride told the Planning Commission this application had to go to the County Commissioners for approval.

The Chairman called the meeting out of public hearing.

Discussion continued around FAA designation. Rob said RUS was created because of an exception in state code; they say if it is FAA then they have to agree to keep it FAA, or else comply with regulations on subdivisions. It might have been an action to protect FAA land, but it's actually a burden. If it's ever changed, they'll have to pay taxes, and bring the subdivision up to [current] code.

**Motion** was made by Wade Heaton to recommend approval to the County Commissioners of a Rural Unimproved Subdivision for **Verla Troy, Rollan's Birch Retreat, parcel #8-6-35-4** and adopt the findings in the staff report. Motion was seconded by Robert Houston. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

**Administrative**  
**Public Hearing**

**(2) Rural Unimproved Subdivision**  
**Ken Hardison, Lazy J Ranch, parcel #3-4.5-31-1; Submitted by Tom Avant, Iron Rock Engineering**

Tom Avant explained the location of the parcel. Discussion ensued regarding the intent of the Rural Unimproved Subdivision. BLM has worked with Ken Hardison and understands why he is subdividing. Tom emphasized that splits cannot over burden the easements; Tom explained what that meant. Tony asked about BLM's 55 foot easement. Shannon clarified it didn't affect the county road. Shannon referred to her staff report and conditions that will have to be met per review of the engineer. She also stated this application would have to go before the County Commission for final approval.

The Chairman called the commission out of public hearing.

**Motion** was made by Robert Houston to recommend approval to the County Commissioners for a Rural Unimproved Subdivision for **Ken Hardison, Lazy J Ranch, parcel #3-4.5-31-1** and adopt the findings of the staff report. Motion was seconded by Byard Kershaw. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

**Legislative**  
**Public Hearing**

**(3) Kane County Resource Management Plan-Revisions**  
**Completion of Glen Canyon Region in Section Two, Regional Resources; Submitted by Shannon McBride and Mary Reynolds**

NRA representative Erin Janicki sat at the Planning Commission table to answer questions regarding the Glen Canyon National Recreation Area.

Mary Reynolds said the suggested changes for this document were in the information packets. Commissioner Matson, Shannon and Mary met with Glen Canyon NRA staff on Monday, Nov. 2<sup>nd</sup> to get their input. The NPS offered data to make the document more accurate. "Trapping" was added to the list of permissible activities. It was clarified that grazing is managed by the NPS, but permits are administered by the BLM. The NPS 'Grazing Management Plan' date was changed to 1999. Rob Van Dyke added a few 'clarification of stance' remarks to the document. These changes are attached to the minutes. Statements regarding coordination [and that it is clearly defined in NEPA] was put in.

Per Erin Janicki, National Parks are different than Recreation Areas (also referred to as "units") but they are both managed under the Organic Act [of 1916]. Commissioner Heaton felt this distinction should be made clear in the county's Resource Management Plan. [Dr.] John Spence [NPS employee] pointed out that we had an additional aquifer that was not in the correct group; that data was corrected. A lot of the Park Service suggestions were semantic.

Erin will check with the air quality officer to see if the four corners power plant needs to be added as a contributor of ozone pollution inside the NRA. She will also obtain the additional list of wells and seeps that Kane County doesn't have.

Byard Kershaw suggested adding "Mineral" to the Energy subtitle (item 5) [to read: "Mineral and Energy Resources"]. Byard also talked with Erin about the Orange Cliffs Analysis [regarding the prohibition of off-road vehicles in certain areas of the NRA]. Byard felt there were several flaws in the report [i.e. noise]. Erin said the NPS uses calibrated sensors to measure decibel levels for noise.

Commissioner Heaton left at 6:50 pm

Byard submitted a letter to the National Park Service regional office in Denver [Sue Masika] with comments. The language was revised by the Commissioners before it was sent out. Byard didn't feel like noise was a reason to block ATV and OHV use. He focused his comments on street legal ATV's. His point is they should be allowed in the Glen Canyon NRA if they are legal and/or registered vehicles that can be on the roads outside of the NRA. There was a discussion on whether [some] roads within the NRA should be referred to as "park service roads" or "general management area roads". Erin will clarify which term to use. Byard said Commissioner Clayson does not like road closures [or references to it]. But, if they are closed they need to be properly signed and gated. Byard emphasized these vehicles need to stay on the roads. Byard also suggested that Kane County's policy be that all county roads should be open to conventional or street legal travel.

Erin stated Glen Canyon NRA has never had an alternative [in their Plan] that eliminated grazing [this was verified with Teri Tucker during the Nov. 2<sup>nd</sup> meeting]. Wade Heaton questioned the conflicting language between terms used by Kane County and the Park Service. It was stated the document was focusing on the Park Service's reasons for reducing AUM's in the NRA.

The Chairman called the commission out of public hearing.

Wade Heaton asked if the document can be approved as is with the suggested changes and/or clarifications. The answer was yes.

**Motion** was made by Wade Heaton to recommend approval to the County Commissioners the revisions to the Kane County Resource Management Plan, Section Two, Regional Resources, Glen Canyon Region. Motion was seconded by Dale Clarkson. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

**Motion** was made by Robert Houston to adjourn the meeting. The motion was seconded by Wade Heaton.

Meeting was adjourned at: 7:19 pm

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Land Use Authority Chairman,  
Tony Chelewski

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Land Use Assistant Administrator,  
Mary Reynolds