



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
76 North Main Street, Kanab
January 13, 2016

CHAIRMAN: Tony Chelewski

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

MEMBERS ABSENT: Que Johnson

EX-OFFICIO MEMBER: n/a (until new Commissioner is chosen)

STAFF PRESENT: Shannon McBride, Land Use Administrator; Rob Van Dyke, County Attorney; Reid Mann, (new) Deputy Attorney; Ryan Maddux, Building Official/Assessor's Office

5:30 PM Work Meeting

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

Announcements/Updates:

Tony Chelewski called Mike Kempf and everything is fine on the mountain. Rudy [Delepaz] is in Mexico for awhile. Shannon McBride informed the Planning Commission that no one has applied for the vacant positions. She encouraged them to recruit some good members to apply. Tony congratulated Mary [Reynolds] and Shannon for receiving the "Extra Miler" award during Monday's commission meeting.

Motion was made by Byard Kershaw to approve the **December 9, 2015** minutes. Motion was seconded by Wade Heaton. The Chair asked for any questions or comments. Byard Kershaw wanted to confirm that it was Diane [Leakes] in the [December 2015] meeting that had the recording of the dogs. Tony and Shannon confirmed it was.

Motion passed unanimously.

Public comment:

Charlie Saba commented on last month's zone change and felt like it should not have been allowed having R-1 and R-2's in the same place. Wade Heaton replied that the Planning Commission did not vote for the zone change and maybe the Commission needed to vote differently. Shannon informed everyone that Travis Legler called the Sherriff's office to ask him to inform all of the deputies that there are animal limits in the county. Also, Travis has put his home up for sale.

Motion was made by Wade Heaton to go in and out of public hearing at the call of the Chair. Motion was seconded by Harold Hamblin. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Legislative
Public Hearing

(1) Vacating a County Road
Tyler Houston, TH Cattle Company, parcel #4-5-3-4a, and Anna W. Bunting Family LTD Partnership, parcel #3-5-34-2 and 4-5-3-4; vacate Kane County Road #1044 and 1044A

Discussion: Shannon explained the request for vacating a public road. She showed the plat map to the public. She and Lou Pratt [GIS] drove the road to make sure it was not being used. She had Ryan Maddux [Building Official] present multiple pictures she took while on the property. One picture showed a Juniper tree [in the road] that was estimated to be at least 5 years-old. Shannon informed everyone the county was not vacating the BLM portion of the road [at the lower end]. She further explained that the Ball's [another property owner with the county road going through] did not sign an application to vacate the road through their property. A sign was posted for the public to see and all notices were posted, mailed out, and advertised in the paper.

Tyler Houston explained he wanted to vacate the road because it goes through the middle of both his and Buntings property and no one was using it. Louise Bunting said the road has never been used for access. Lamont Bunting stated that people haven't used the road for decades; in fact, he kept the gate locked for extended times, due to hunters coming through and tearing stuff up. Lou Pratt explained that some of the original maps do not show this as a [county] road. It was GPS'ed and technically called a county road at one time. [The county] has not chosen to claim this road on the new road system. Evidence shows it is not a [thoroughfare]. He recommended that the road be vacated up to [Hwy.] 89.

Robert Houston asked how this ever got labeled a county road. Lou explained in the late 70's they came up with a 'plat B' road system. The newer topographic map shows that anything prior to 1976 was up to the county to prove were county roads. If it wasn't for the gate the county would have pursued this as a county road.

Mr. Bunting confirmed the road has never been maintained. Administrator McBride referred to the staff report to see that Lou, the county engineer, and Shannon, all recommend approval of vacating the road. There were multiple property owners who asked for clarification. When they understood which road [was being vacated] they were not worried. Shannon further stated no other properties are accessed by this road.

Hal Hamblin asked if the road could be vacated without a property owner signing an application. Rob Van Dyke said the county could vacate without a signed application. He explained that signing the application was an [administrative] procedure for Land Use. As long as the person was notified of the public hearing we can vacate their portion (including BLM's portion). The BLM can still keep it as a road; it just would not be a county road.

No communication has taken place with the Balls on 4-5-3-2E. Tony asked if the Balls could fence off their property. Once the road is vacated the Ball's can gate it off on their property. Rob said we don't need consent from anyone; we can go through the whole process on all the parcels.

Charlie Saba said he has lived here for eight years and never seen anyone on the road. The Buntings said they never used the south portion and always came in on Hwy. 89.

The chair called for any further questions.

The Chair called the Commission out of public hearing.

Wade Heaton thinks it is very important to allow vacating roads that don't go anywhere. If the property owners want it to be vacated we should. If the county feels we should vacate the road we should. He also thinks we should go clear to the Eight Mile Gap Road. Wade can't see any reason to not vacate the road.

Tony suggested shutting off the road with a gate.

Rob added that it is usually the county's position to keep any roads on public lands open, but this is not a [definitive] county road and we have a general policy of not vacating roads across public land unless there is some specific reason to vacate it. We are not saying we are changing that policy such as with RS 2477 roads. We are saying that in this case we can't establish under county policy that this is [definitively] a county road.

Motion was made by Hal Hamblin to recommend approval to the County Commission the request to vacate Kane County Road #1044 and 1044A, by Tyler Houston, TH Cattle Company, parcel #4-5-3-4a and Anna W. Bunting Family LTD Partnership, parcel #3-5-34-2 and 4-5-3-4. Motion was seconded by Wade Heaton. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

Robert Houston abstained from voting due to a conflict of interest; T.J. Houston is his son.

Chairman Chelewski called the Commission into public hearing.

Administrative

(2) Compliance Review

Martin Greenbank, parcel #4-5-3-2h.

Discussion: Administrator McBride recommended postponing this item until next month's meeting. Mr. Greenbank was unable to obtain a record of survey and he needs more time to research the matter.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Wade Heaton to postpone this agenda item until the February meeting. 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.

Chairman Chelewski called the Commission into public hearing.

Shannon explained to the Planning Commission as Rob was setting up that Mary [Reynolds] was in Richfield for a Five Counties and Six Counties meeting pertaining to HB323 and revising the Resource Management Plan.

Administrative

(3) Public & Open Meeting Act Training

Rob Van Dyke

Discussion: Rob introduced Reid Mann as the new Deputy Attorney.

Rob did a power point presentation on the Public and Open Meetings Act in Utah State Code.

Rob opened up for questions.

Motion was made by Hal Hamblin to adjourn the meeting. The motion was seconded by Wade Heaton.

Meeting was adjourned at: 6:37 pm

Land Use Authority Chairman,
Tony Chelewski

Land Use Assistant Administrator,
Mary Reynolds