



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
76 North Main Street, Kanab
March 9, 2016

CHAIRMAN: Tony Chelewski

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

MEMBERS ABSENT: n/a

EX-OFFICIO MEMBER: Jim Matson

STAFF PRESENT: Shannon McBride, Land Use Administrator; Mary Reynolds, Assistant Administrator; Ryan Maddux, Building Official; Rob Van Dyke, Kane County Attorney; Lou Pratt, GIS

5:30 PM Work Meeting

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

Announcements/Updates:

Tony Chelewski: I Called Mr. Kempt today. Rudy has been seen twice a week now. His workers are being seen a little more often lately. There's more work to be done now.

Commissioner Matson: Congratulations to all of you on all the hard work you are putting into making the county a success.

Wade Heaton was informed he was voted in as Vice-Chair for 2016.

Motion was made by Hal Hamblin to approve the **February 10, 2016** minutes. Motion was seconded by Wade Heaton. The Chair asked for any questions or comments. Motion passed unanimously.

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

**Administrative
Public Hearing**

**(1) Amending & Extending Subdivision Plat
Keith Brown, Little Ponderosa Ranch, amending and extending,
Block B, Lot 22, parcels #8A-B-22 and #1-9-5-3A; Submitted by
Rosenburg & Associates**

Mike Draper spoke for the Brown's [he had power of attorney]. He explained the plat that was on the screen and the purpose for the amending and extending the plat.

Shannon referred to her staff report which recommended approval from both engineer and administrator.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Dale Clarkson to approve the amended and extended subdivision plat of Little Ponderosa Ranch, Block B, Lot 22, parcels #8A-B-22 and #1-9-5-3A. Motion was seconded by Wade Heaton. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Legislative
Public Hearing**

**(2) Vacate County Road K-2540
Faye Mounteer, parcels #6-226 and #6-240; Submitted by Brian
Bernath**

Shannon called Lou Pratt to the table to discuss the vacating of the county road along with Brian Bernath. The road goes through two private parcels. Lou Pratt explained where the old State Highway ran and exited onto BLM land. He showed the alternative access for the water tank and BLM if the vacation is allowed. The county will be replacing access with BLM Title V access. A question from the public asked about extending Rock Ledge Lane and Lou told him that wasn't what the county was doing. There was a concern about traffic, but the only known traffic was that which went to the water tower.

Ryan Maddux asked about how the road is defined; BLM defined it with one number and the county defined it as another. The county claims it as an RS-2477 road.

Lou said a better gate or cattle guard might be put along the road. The current gate is in bad repair.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Hal Hamblin to recommend approval to the County Commission for vacating a portion of Kane County Road #2540 (or 105K), on lots 6-226 and 6-240 in the Vermillion Cliffs Estates Subdivision, but not extending past private property, with recommendation that a cattle guard be place on Rock Ledge Lane. Motion was seconded by Wade Heaton. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Administrative
Public Hearing**

**(3) Rural Unimproved Subdivision
Randy Chamberlain, General Manager, Nature Conservatory,
LLC; parcel #3-8-17-2; Submitted by TC Engineering**

Tom Avant & Warren Monroe (alternate county engineer) came to the table to present the application.

Robert Houston arrived at 6:25 pm.

Tom explained where the parcel was located across from the sand dunes. The client understands it can only be subdivided once.

Dale Clarkson questioned [the similarity of this] to a community project that was presented sometime last year. Shannon answered in regards to them [the other group] not being able to get permission to get the community on BLM land. Apparently it was a money situation.

Warren explained a few conditions that exist on the plats. He hasn't been able to verify all conditions have been met because the Internet was down today. He feels it is a good project. He understands the project owners/managers are working out the bugs.

Tony had a question about access and Tom explained. Wade said this was the type of project the RUS was designed for. Shannon asked if Warren was O.K. if this went to County Commission on Monday. Warren said yes.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Byard Kershaw to recommend approval to the County Commission for the Rural Unimproved Subdivision, Nature Conservatory, LLC, parcel #3-8-17-2, pending clarifications that conditions are met. Motion was seconded by Robert Houston. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Administrative
Public Hearing**

**(4) Planned Unit Development: Peaches
Kevin McLaws, Zion Mountain Development, LLC, parcels #1-9-
13-4, 1-9-13-5A, 1-9-13-4A, and 1-9-14-3A; Submitted by TC
Engineering**

Kevin McLaws, Tom Avant, and Warren Monroe came to the table.

Tom explained the delay of the preliminary plats getting to the Land Use office. Warren Monroe received them late. Warren had them as of Thursday of last week. He has concerns with the project.

Tom explained what he had on the plats. He showed the Planning & Zoning Commission colored copies. Warren didn't know that it was a Planned Unit Development until last week. There will be 26 lots total.

Warren questioned how easy it was to get up on the land based on the contour; Tom says he has walked it and is comfortable with it. Warren is sticking to his guns. Warren wants to walk it before approving it. Tony questioned the laws on the grades. Warren likes some of the features, but he has doubts on other sections. He is concerned about some drainage areas. There is a lot of steep country out there and a lot of trees. He is not sure it works. Shannon referred to her staff report and said she has concerns, too.

Warren referred to the trees in regards to fire. As engineers, he said they have a duty to look out for the welfare of people. However, it was pointed out that Ryan Maddux takes care of defensible spaces for WUI (Wildland Urban Interface). It's a building department issue. Tom reiterated he has walked it and has no issue with it.

Warren does not want to make a recommendation until he walks it. Shannon wants the missing items addressed, too. Wade had a question regarding what was missing, [the dumpster agreement]. Shannon wants the items addressed in the motion.

Hal asked about UDOT's items, and Tom told him they are proving what they need. The other items in Shannon's staff report are being addressed, including the garbage – a dumpster is being put on the grounds.

Wade said a concern was the stop-check (regarding water/dumpster); needs a will-serve letter. The Board (District Board) needs a few conditions met. [Western Kane County Special Services District agreement].

Shannon said she needs several items completed from her checklist. Discussion continued on how to get compliance on all items that are missing.

Lou said there is another important issue on the UDOT letter. If more than six homes are built they will need a turn lane and there isn't enough room for one. (Reference was made to Buffalo Ridge, which is a subdivision that is a cross the street from Peaches. Mr. McLaws said at that time a UDOT letter was not required, but if another subdivision is going in the same area UDOT will require a turn lane.) Warren agreed with that. He said UDOT will scrutinize that heavily. Feasibility letters are a big concern. Warren says a lot of supporting documents are a big concern, too.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Danny Brown to postpone to a future meeting the Planned Unit Development of Peaches for Kevin McLaws, Zion Mountain Development, LLC, parcels #1-9-13-4, 1-9-13-5A, 1-9-13-4A, and 1-9-14-3A; . Motion was seconded by Hal Hamblin. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing

Administrative **(5) Palomar Estates Subdivision**
Public Hearing **Kendrick Rogers, parcel #4-5-5-3B; Submitted by TC Engineering**

Tom Avant, Brian Bernath, and Warren Monroe came to the table.

Shannon said that Tom had corrected most of the issues on the plat, but the one the Commission was seeing on the screen did not reflect the recent changes.

Robert asked about the exit and Tom explained it came off the old highway. He said this was a full subdivision (that was once a rural unimproved subdivision), and the road is a private road.

Rob Van Dyke explained they could have private roads in a subdivision, but they had to be dedicated (easements) so others could use them.

Shannon said her staff report recommended approval with conditions. Only a few things need to be changed.

Warren said the county standards allow developing hammerhead turnarounds (3-point turns for a fire trucks); the ordinance doesn't allow it but the Commission can approve it.

Wade asked if the Commission could put a time frame on this? Like five years? Shannon didn't see a problem attaching a date to this.

Shannon said there was a sub-straight that could address this. Warren also saw a problem with the fire hydrants, but he thought that was easily fixed. Tom said there was one at every other corner, which could serve either one. Water pressure has been checked.

Chairman Chelewski called the commission out of public hearing.

Lou asked about drainage in the seven-foot culvert. Warren said he didn't have anything on it. Lou said he looked at aerials from 20 years ago and it was evident the culvert was filling up. The area was not in a FEMA flood plain. Warren is concerned about the size of the wash if Lou is correct. They continued to discuss it. Wade wondered if they were requiring more than they needed to. But, Warren was concerned that this wasn't a published flood plain. Lou said it was a significant wash in 1976 and it is working its way back up to being a problem. There is nowhere for the water to go. Tom said they will have to channel it somewhere in the next phase.

Wade spoke about buyer beware and that we can't protect everyone. Brian said in regard to marketability, it's actually a nice feature. It is 5-6 feet deep and some people like that.

Motion was made by Wade Heaton to approve the preliminary plat for Palomar Estates, Phase 2, Subdivision, on behalf of Kendrick Rogers, property owner, for parcel # 4-5-5-3B, with conditions specified by county engineer (in latest email). Motion was seconded by Danny Brown. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative **(6) Lot Line Adjustment**
Cache Private Capital Diversified Fund, LLC, Dale Munson, CEO;
Long Valley Estates, Lots 1 & 2; Submitted by Ralph Watson

Shannon called Dale Munson, CEO; Cache Private Capital Diversified Fund, LLC. (He is participating by conference call.) Shannon explained the reason for the Lot Line Adjustment; the house was built over the property line and there is a sale pending. However, the plat is incomplete.

Tom Avant said he received a revised version of the plat today at 4:30 today. There are serious boundary issues. There are errors in the survey of some 50-feet. There are a lot of cosmetic errors on the plat, too. This has been a last minute thing. I think I have that fixed; I have a level of comfort with that now.

Dale Munson apologized for the last minute items and hoped everything could be worked out with a conditional approval. We would be very thankful for that.

Tom asked for a second opinion from Warren Monroe.

Warren: Ralph Watson has been in the industry for 40 years and this is a pitiful representation of a Lot Line Adjustment from someone with that level of experience. There's no reason whatsoever for this to have to go through so many gyrations. I look at the mathematical data, on the two curves and there's no reason for it – even the (mis-)spelling, there's no reason for that.

Tony asked if it could be fixed tonight or if they had to wait until the entire thing had to be fixed before the P&Z could address it again.

Tom said he had some level of confidence with the boundaries and the way Ralph did it. He walked through his methodology and talked to him about it so he understood it better. He isn't at 100% but he knows how Ralph went about what he did. However, there are still other things Ralph needs to do to complete the plat to specifications.

Wade asked Tom if he had confidence that these items could be remedied in the near future. Tom thought they could be within the next couple of days.

Wade: I've been in the same position that Mr. Munsen is in, of hiring the wrong guy. If there's any way we can help him and still maintain the integrity of the plat I'd like to do that.

Warren: We'd like to maintain a minimum standard [as engineers]. Two-thirds of the errors are cosmetic; one-third of the errors are real problems with the plat. Tom's analogy is correct – they could be corrected, but would they be?

Rob: Your approval won't be good until the conditions are met.

Tom: It's up to you guys [speaking to the Planning & Zoning Commission members]; it's out of the owner's hands.

Dale Clarkson: We could approve it subject to your [engineer's] approval.

Tom: I'm not recommending it at 100% yet. I have some real concern. You guys are final approval.

Both Tom and Shannon would recommend approval if all 22 items were corrected. Legal had no issue with that. It could be denied if these items are not met.

Motion was made by Dale Clarkson to approve the Lot Line Adjustment for Cache Private Capital Diversified Fund, LLC, Dale Munsen, CEO, Long Valley Estates, Lots 1 & 2, subject to the conditions listed by the county engineer, and his final approval. Motion was seconded by Wade Heaton. The Chair called for the question and the motion passed unanimously.

Motion was made by Hal Hamblin to adjourn the meeting. The motion was seconded by Danny Brown.

Meeting was adjourned at: 7:33 pm

Land Use Authority Chairman,
Tony Chelewski

Land Use Assistant Administrator,
Mary Reynolds