



MINUTES

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

CHAIRMAN: Tony Chelewski

MEMBERS PRESENT: Tony Chelewski, Hal Hamblin, Dale Clarkson, Danny Brown, Byard Kershaw

MEMBERS ABSENT: Wade Heaton, Robert Houston

EX-OFFICIO MEMBER: Jim Matson

STAFF PRESENT: Shannon McBride, Land Use Administrator; Mary Reynolds, Resource Management Planner; Reid Mann, Deputy County Attorney; Linda Little, County Assessor; Tom Avant, County Engineer

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 said he called Mike Kemp; Mike said he saw Rudy a lot three weeks ago, but has not seen him in the last 13 days. Shannon said the project Rudy had up there is complete.

Motion was made by Dale Clarkson to approve the **June 8, 2016** minutes with one correction stated on the back page. Motion was seconded by Hal Hamblin. The Chair asked for any questions or comments. Motion passed unanimously.

Motion was made by Byard Kershaw to go in and out of public hearing at the call of the chair. Motion was seconded by Hal Hamblin. The Chair called for the question and the motion passed.

Chairman Chelewski called the commission into public hearing.

Administrative (1) Todd's Junction – Conditional Use Permit
Ray Draper, enlarge sign on two sides; Submitted by YESCO

Ray Draper introduced himself and showed a photo of the existing sign at Todd's Junction (Chevron) and a picture of the sign that will replace it (Phillip's). The replacement sign is slightly bigger.

Shannon explained why it is a conditional use permit – it is an existing use, but the size is outside what the ordinance allows. It is such a small enlargement it is hardly noticeable. Staff report is in the file that recommends the motion.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Dale Clarkson to approve the Conditional Use Permit for Ray Draper, Yesco. 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 (2.) Lot Joinder: Karl & Cherole Pils
Public Hearing Zion View Mountain Estates, Unit A, Lots 197 & 199, new Lot 199;
Submitted by New Horizon

Shannon said this Lot Joinder is for Brent Carter's client. Letters have been sent out and it has been properly noticed. We are recommending it be postponed until the August meeting. There is an issue with the Water Conservancy District; they have not signed the lien holder agreement.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Hal Hamblin to recommend postponement of the Lot Joinder for Karl & Cherole Pils, Zion View Mountain Estates, Unit A, Lots 197 & 199, new Lot 199, until August, 10, 2016 Planning & Zoning Commission meeting. Motion was seconded by Byard Kershaw. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative (3.) Planned Unit Development: Zion Rim Phase 1
Public Hearing Zion Mountain Development, parcel #1-9-16-1; Submitted by TC
Engineering

Shannon: The final engineers review on this project was turned in at 5:05 pm so it is on top of your packets. I will go over what has been done. The only thing missing is the garbage (waste) letter and they [authorizers] are out of town on the Trek. We have their word the letter is there, but it hasn't been signed, yet.

Tom Avant explained how many dumpsters were available for the location. This project is located across from Clear Creek. It is the first of four phases with 26 lots. Everyone will pump to one giant leech field because not all lots perked. All documents are being gathered together; Warren just didn't have copies of everything that had been signed. This is located on top of a hill, so there is no 100 year flood plain.

Tom showed where the future road would be; and a future loop road. It was what Warren was referring to on item number 8 in his review. He described high points and drop offs.

Dale Clarkson asked about open space areas and Tom showed it on the plat map. Shannon said they had more than the 20 percent requirement. Tom said it was a SITLA allotment and there were also three archeological areas discovered so those areas could not be developed. There was a question about what kind of property this was [considered] full-time or part-time, and Tom told him it was considered recreational. The State did a study and found most of this kind of land was used as recreational.

Dale asked if SITLA was doing the development and Tom said no; Kevin McLaws was. But Shannon said she had a Power of Atty. from SITLA on file for this.

Commissioner Matson asked what kind of archeological sites were present but Tom didn't know. He thinks it was relatively minor because the area was small; perhaps pottery pieces.

Hal Hamblin asked if all items on the review were fixed and Shannon said yes except the specific items on her staff report. Approval will be conditional.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Hal Hamblin to recommend conditional approval to the County Commission for the Planned Unit Development of Zion Mountain Development, Phase 1, Zion Rim, parcel #9-1-16-1. The motion was seconded by Dale Clarkson. The Chair called for the question and the motion passed unanimously.

Motion was made by Byard Kershaw to move agenda items out of order - item 7 to number 4. The motion was seconded by Dale Clarkson. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative **(7.) Presentation/Discussion by Geologist Jim Rasmussen**
Kane County Minerals; Submitted by Jim Rasmussen

Jim Rasmussen was contracted by Five Counties to do a report on mineral potential for Kane County [and other counties] for the Kane County Resource Management Plan. He showed maps

trailer/axle. The question needs to be answered: Does it fall under the definition of “dwelling” or is it an accessory building? Should there be a size limitation? Should they be accepted at all?

It is up to the Planning & Zoning Commission members. It can be placed under its own category, or it can fall under the RV ordinance.

Danny Brown asked about the quality of the structure, and where the sewer was. Shannon said they were quality built and sewer had to be hooked up. If it was on a foundation, it would need to be on septic, but that would fall under the Health Department’s purview. It would also need to fall under electrical, water and normal building rules.

Tony said he has been watching information about Tiny Homes on television. He thinks this could be a problem for the county. This is a change for the area. Some are two stories. He thinks we should allow them under certain conditions. He thinks a guest home is acceptable. Kane County needs to look at it so we don’t have to go back and fix it later.

Danny asked if we need to create something now. Shannon said yes. She directed them to the correct ordinance in the code book, 9-1-7, for the definition of dwelling. Mobile Homes are an exception. P&Z could show here that Tiny Homes are an exception.

Deputy County Attorney Reid Mann asked what we considered a permanent foundation and Shannon said it would be at least 6-inches. County Assessor, Linda Little concurred. Linda said they could build up a regular foundation, too. If it didn’t have those things they would be considered an accessory building. The most common use would probably be a rental (this is the call the county is getting most often). Linda said if the Tiny Home is put on a foundation they have to meet all the IRC codes.

Shannon talked about where Park Models are allowed and where they aren’t (due to not being able to handle snow load). Shannon said the City of Kanab didn’t open the door to Tiny Homes because it opened the doors to single-wide mobile homes and they could not discriminate.

Danny spoke about how it would look in ten years and he was concerned about deterioration. Hal said the advantage of Tiny Homes is in its mobility. Many people move around with their jobs so the Tiny Homes work for them.

Shannon spoke about HOA’s on Cedar Mountain trying to keep out cargo containers as living quarters. Size and dimensions could open up a can of worms. Right now cargo containers are allowed as an accessory building.

Linda said most counties allow cargo containers; some are beautiful, but where do you draw the line? Shannon said 1% of the population purchase dwellings that are under 1,000 sq. ft. Commissioner Matson asked how the assessor would handle the taxation for it. Linda said whatever they put up she would value. It could be a fad, or the way people will live in the future. It could affect subdivision values in the future. It’s hard to predict.

Chairman Chelewski called the commission into public hearing.

Legislative **(6.) Revision to Land Use Ordinance 9-21K(1-3) Rural Unimproved Subdivision**
Public Hearing **Regarding changes made in previous meeting; Submitted by Shannon McBride**

Shannon asked that this item be postponed until the next meeting since Wade Heaton and Commissioner Dirk Clayson were not present.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Byard Kershaw to postpone revisions to Land Use Ordinance 9-21K (1-3) Rural Unimproved Subdivision until the August 10, 2016 Planning & Zoning meeting. The 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.

Legislative **(8.) Kane County Resource Management Plan-Revisions: Add Region 2**
Public Hearing **Region 2-Grand Staircase; Submitted by Mary Reynolds**

Mary Reynolds told the Planning & Zoning Commission members this item needed to be postponed until the August meeting because the Region 2-Grand Staircase document was still undergoing some major changes. The BLM had asked for some extra time to make comments and we gave them that extra time [until the next meeting].

Commissioner Matson gave a quick overview of meeting with the BLM prior to the P&Z meeting.

Commission members asked if postponing to the August meeting would be enough time, and Mary said yes; the document could move forward at that time.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Danny Brown to postpone the revisions to Kane County's Resource Management Plan, Region 2-Grand Staircase, until the August 10, 2016, Planning & Zoning meeting. The 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 (9.) Increase Application Fee: Rural Unimproved Subdivision
Increase to \$1,000; Submitted by Shannon McBride

Shannon explained why an increase for the Rural Unimproved Subdivision application was warranted; the county's expenses weren't being covered with the current fee. Its \$600 now, and just the engineering fee is over that.

Danny asked how long it had been \$600. Shannon said a few years. She did an audit and came up short for covering the cost of engineering, administrative costs, etc.

Hal asked if the increase added money to the county coffers, and Shannon said she can only cover costs. This increase needs to be recommended for approval to the Commissioners.

Dale said he was concerned about increasing taxes; and he wanted to simplify things, not overburden things, but he understood we needed to cover costs. He wondered if it was possible to simplify the engineer's costs. Shannon said she wished she had the education to give that level of oversight, but she does not have that expertise. She explained the fee is the applicant's expense that has to cover the engineer's cost.

Hal asked if we needed to put something into the contract about holding the costs down [a ceiling]; Shannon said we might need to consider that in the future. Right now, we are using the two least expensive engineer's in the area.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Dale Clarkson to recommend approval to the County Commission the fee increase of \$1,000 for the Rural Unimproved Subdivision application. The motion was seconded by Danny Brown. The Chair called for the question and the motion passed unanimously.

Motion was made by Hal Hamblin to adjourn the meeting. Motion was seconded by Byard Kershaw. The Chair called for the question and the motion passed unanimously.

Meeting was adjourned at: 7:31 pm

Land Use Authority Chairman,
Tony Chelewski

Resource Management Planner,
Mary Reynolds