



# MINUTES

Kane County Planning Commission  
& Land Use Authority Meeting  
76 North Main Street, Kanab  
**June 14, 2017**

CHAIRMAN: Tony Chelewski

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

MEMBERS ABSENT: Danny Brown

EX-OFFICIO MEMBER: Jim Matson

STAFF PRESENT: Shannon McBride, Land Use Administrator; Kaylea Crosby, Administrative Asst.; Reid Mann, Deputy County Attorney; Brent Carter, New Horizon Engineer;

5:30 PM Work Meeting

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

## Announcements/Updates:

Tony Chelewski called Mr. Kempf and he said Rudy is going back and forth. Believes they have a project going on in the area.

**Motion** was made by Hal Hamblin to approve the **May 10, 2017** 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.

Chairman Chelewski called the commission into public hearing.

**Legislative** **(1) Zone Change Request: Craig Simmons & Rosalind C. Tsosie**  
**Public Hearing** **New Paria Subdivision, lot 125-4, zoned R-1 becoming new zone C-1; submitted by Craig Simmons**

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Byard Kershaw to table the zone change, on behalf of Craig Simmons & Rosalind C. Tsose, New Paria Subdivision, lot 125-4, zoned R-1 becoming new zone C-1. The motion was seconded by Hal Hamblin. The Chair called for the question and the motion passed unanimously.

**Administrative**            **(2.) Compliance Review of Previously Divided Property**  
**William Korsgren, Stevens Canyon Estates, parcel #8-8-29-25**

Administrator Shannon McBride showed maps of the property. The property is located off of the North Fork road. William Korsgren bought property in the 1970's. The property has never been properly subdivided. Howard Hatch carried the contract on his (Korsgren) land and he also held the deed until 1986 after the last payment was paid. The plat never went through Planning and Zoning and was never recorded. Mr. Korsgren wants to sell. After going through Planning and Zoning, the property will be in compliance with the 1986 County Ordinance at the time of the division. The compliance review letter will be recorded. Mr. Korsgren filled out an application.

**Motion** was made by Robert Houston to recommend approval of the Compliance Review of Previously Divided Property on behalf of William W. Korsgren, Stevens Canyon Estates, parcel #8-8-29-25. Motion was seconded by Dale Clarkson. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Administrative**            **(3.) Lot Joinder/Vacating Easements: Michael & Michelle Conley**  
**Public Hearing**            **Duck Creek Pines, Phase 6 Amended, vacating two (8) foot utility easements,**  
**lots 224 & 225, becoming new lot 224; submitted by New Horizon Engineering,**  
**Brent Carter holding Power of Attorney**

These two lots were joined last month and now the property owners are requesting the easements be vacated. Administrator McBride recommends approving the vacating of the two utility easements. All notice requirements are in order, and a sign was posted on the property as required per Utah State Code.

There was no public input.

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Dale Clarkson to recommend approval of vacating two (8) foot utility easements, on behalf of Michael & Michelle Conley, Duck Creek Pines, Phase 6 Amended, lots 224 & 225; becoming new lot 224. Motion was seconded by Hal Hamblin. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Administrative**            **(4.) Lot Joinder/Vacating Easements: Kenneth & Sandra Trinosky**  
**Public Hearing**            **Ponderosa Ranch Estates, Plat "A" Amended, vacating a 10-foot public bridle**  
**path, lots 13, 14, & 15, becoming new lot 14; submitted by New Horizon**  
**Engineering, Brent Carter holding Power of Attorney**

Shannon asked Chairman Tony Chelewski to recognize the public that are here for this project. The property owners in attendance need to give their input.

Brent introduced property owner Kenneth Trinosky. Brent explained that Mr. Trinosky wants to join his three lots together and vacate the 10' public bridle path that runs between lots 13 & 14.

Kenneth expressed his concerns to the Planning and Zoning members about Ponderosa Ranch being a small, older subdivision. He showed (4) public bridle paths on the plat. He discussed the issues with his property and the public bridle path going through it. He had concerns about horses and people venturing off path – trespassing. Mr. Trinosky asked what the possible liability problems concerning weather and horse riders would be pertaining to the public bridle path.

Shannon mentioned a letter in the planning and zoning information packets sent by Charles Hightower (President HOA of Ponderosa Ranch Subdivision). She explained Utah State Code Public Hearing and Notice of Public Hearing requirements to Kenneth about receiving public feedback from anyone and noticing surrounding property owners within 500 feet of lots in said subdivision.

Steve Ashworth & Jason Ashworth, Ponderosa Ranch Subdivision property owners, explained that previous developers established the four public bridle paths for the forest service (access road). Steve said the public bridle path is a dedicated road owned by the public – no liabilities. He told the Planning and Zoning members he bought most of the lots in the subdivision because of those public bridle paths and spent a lot of money to make everything within county standards. Steve asked Kenneth if he was aware of the public bridle path before he purchased the property.

Kenneth stated he was aware of the public bridle path prior to buying the lots.

Shannon verified the public bridle path is on his title report.

(Discussion continued between property owners and P&Z members for a decision.) The Ashworth's were at the table along with Mr. Trinosky for the discussion.

Wade Heaton explained the distance between lots 13 & 14 and the public bridle path is a dedicated road. We need to protect the zones and the reason the Ashworth's bought their lots was for the public bridle paths.

Dale Clarkson suggested moving the public bridle path over to lots 15 & 16. (Lot 16 is not owned by applicant)

Shannon said you would have to notice, dedicate, vacate, and reinstate the public bridle path if you were to choose to place it elsewhere.

Hal Hamblin asked if they would need permission from the forest service to vacate the public bridle path.

Mark Foley, BLM employee, replied it would be in the property owner's best interest to contact the forest service before proceeding with any further decisions.

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Wade Heaton to postpone vacating and amending a subdivision plat for a Lot Joinder, on behalf of Kenneth & Sandra Trinosky, Ponderosa Ranch Estates, Plat "A" Amended, vacating a 10-foot

public bridle path, and joining lots 13, 14, & 15; becoming new lot 14. Motion was seconded by Robert Houston. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Administrative**            **(5.) Lot Joinder: Richard & Rebecca Pinnick**  
**Public Hearing**           **Color Country Subdivision, Plat A, lots 8 & 9, becoming new lot 8; submitted by**  
   **New Horizon Engineering, Brent Carter holding Power of Attorney**

Brent explained there are no problems with the project. The owners are not vacating easements and want to join the two lots.

Administrator McBride and Kane County Engineer, Tom Avant both recommend approval of this project since all requirements have been met and are in order at this time.

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Hal Hamblin to recommend approval of amending a subdivision plat, for a Lot Joinder, on behalf of Richard & Rebecca Pinnick, Color Country Subdivision, Plat A, lots 8 & 9; becoming new lot 8. Motion was seconded by Byard Kershaw. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Administrative**            **(6.) Lot Joinder/Vacating Easements: Michael Hillman**  
**Public Hearing**           **Elk Ridge Estates, Unit 2, vacating two (7.5) foot utility easements, lots 62 & 63,**  
   **becoming new lot 62; submitted by New Horizon Engineering, Brent Carter**  
   **holding Power of Attorney**

Brent said the owners are vacating two (7.5) foot utility easements and want to join the two lots.

Administrator McBride and Kane County Engineer, Tom Avant both recommend approval of this project since all requirements have been met and are in order at this time. All notice requirements have been met and a sign was posted on the property as required per Utah State Code. Staff reports and Engineer reviews are in their packets.

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Wade Heaton to recommend approval of vacating and amending a subdivision plat, for a Lot Joinder, on behalf of Michael Hillman, Elk Ridge Estates, Unit 2, vacating two (7.5) foot utility easements, lots 62 & 63; becoming new lot 62. Motion was seconded by Robert Houston. Motion passed unanimously.

Administrator McBride and Kane County Engineer, Tom Avant both recommend approval of this project since all requirements have been met and are in order at this time. All notice requirements have been met and a sign was posted on the property as required per Utah State Code. Staff reports and Engineer reviews are in their packets.

Chairman Chelewski called the commission into public hearing.

**Administrative Public Hearing**      **(7.) Lot Joinder/Vacating Easements: Raymond & Nina Spigner**  
**Zion View Mountain Estates, Revised Unit A, vacating two (10) foot utility easements, lots 202 & 223, becoming new lot 202; submitted by New Horizon Engineering, Brent Carter holding Power of Attorney**

Brent said they want to join two lots and vacate the easements.

Administrator McBride and Kane County Engineer, Tom Avant both recommend approval of this project since all requirements have been met and are in order at this time. All notice requirements have been met and a sign was posted on the property as required per Utah State Code. Staff reports and Engineer reviews are in their packets.

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Byard Kershaw to recommend approval of vacating and amending a subdivision plat, for a Lot Joinder, on behalf of Raymond & Nina Spigner, Zion View Mountain Estates, Revised Unit A, vacating two (10) foot utility easements, lots 202 & 223; becoming new lot 202. Motion was seconded by Dale Clarkson. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Administrative Public Hearing**      **(8.) Final Plat: Kendrick Rogers**  
**Palomar Estates Subdivision, Phase 3-5, parcels 4-5-5-3C, 4-5-5-3D, & 4-5-5-3E; submitted by Iron Rock Engineering, Tom Avant holding Power of Attorney**

Shannon told the Planning and Zoning members a letter of credit has not been received. The final plat needs to be postponed until the letter of credit has been received.

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Wade Heaton to recommend postponing to the Kane County Commissioners, of the Final Plat, on behalf of Kendrick Rogers, Palomar Estates Subdivision, Phase 3-5, parcels 4-5-5-3C, 4-5-5-3D, and 4-5-5-3E. Motion was seconded by Hal Hamblin. Motion passed unanimously.

**Legislative**      **(9.) Kane County Land Use Ordinance, Perimeter Fencing:**  
**9-21A-5, adding definition of perimeter fencing and maintenance; 9-21B-4 (I), adding maintenance to perimeter fence; submitted by Dirk Clayson**

(Planning & Zoning discussion about the wording of the fencing ordinance.) Members agreed they would attend the next Commission meeting and provide input on June 26, 2017.

Shannon suggested the fencing regulations need to be adopted into the checklist of the Rural Unimproved Subdivision.

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

Meeting was adjourned at 8:15 pm

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Land Use Authority Chairman,  
Tony Chelewski

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Administrative Assistant,  
Kaylea Crosby