

Minutes of the Kane County Land Use Authority Meeting
February 08, 2012

CHAIRMAN: Tony Chelewski

MEMBERS PRESENT: Tony Chelewski, Roger Chamberlain, Dale Clarkson, Dale Spencer, Robert Houston

MEMBERS ABSENT: Harold Hamblin, Wade Heaton

EX-OFFICIO MEMBER: Commissioner Doug Heaton

STAFF PRESENT: Shannon McBride, Land Use Administrator, Ryan Maddux, Kane County Building Department, Keri West, new LUA Secretary, Judy Habbeshaw, minutes, Rob Vandyke, Deputy Attorney

5:30 PM Work meeting

6:00 PM Meeting called to order by Tony Chelewski
Pledge of Allegiance Tony Chelewski
Announcements: Tony Chelewski
Introduced Keri West as the new LUA Secretary

MOTION was made by Dale Clarkson to approve the minutes of January 11, 2012 with corrections and Dale Spencer seconded the motion. The Chair asked for any questions or comments and there were none. Motion passed unanimously.

MOTION was made by Dale Spencer to go in and out of public hearing at the call of the Chair. The motion was seconded by Robert Houston. The Chair asked for questions or comments and there were none. The motion passed unanimously.

Administrative **Parcel Joinder- Glenalee P. Casper-Trustee of “The Glenalee P. Casper Revocable Family Trust”, Ponderosa Villa Plat H, Lots 36 & 37.**

LUA Administrator Shannon McBride explained that Brent Carter, New Horizon Engineering will be available by phone tonight if the Commission has questions about this parcel joinder. Brent has power of attorney to represent the Casper Family Trust. Administer McBride told the Commission that Kane County Engineer Warren Monroe said that everything is in order and he recommends this joinder.

The Chair asked for questions or comments and there were none.

MOTION was made by Roger Chamberlain recommending to the Kane County Commissioners the Commission's approval for this joinder as combined (*Glenalee P. Casper-Trustee of "The Glenalee P. Casper Revocable Family Trust" Ponderosa Villa , lots 36 & 37*) and the motion was seconded by Robert Houston.

The Chair called for any questions or comments and there were none and the motion carried unanimously.

Administrative **Parcel Joinder-Boyd H. and Deborah F. Warner, Lost Creek Subdivision, East ½ of lot 39 and lots 40 & 41.**

Administrator Shannon McBride said that Brent Carter, New Horizon Engineering, is also representing this joinder and he has the power of attorney for Boyd H. and Deborah F. Warner at this time. McBride explained that the Warners and the Neumanns are splitting lot 39 and that the Warners are requesting that their lots 40 & 41 be joined at this time and the Neumanns will join their lot 38 to lot 39.

ADMINISTRATIVE **Trustees of the "J A Neumann Revocable Trust 12/31/04" West ½ lot of lot 39 lot 38, Lost Creek Subdivision**

LUA Administrator Shannon McBride said that Brent Carter, New Horizon Engineering, is also representing this joinder and has the power of attorney for Jason S. & Annie T. Neumann-Trustees of the "J A Neumann Revocable Trust 12/31/04". Administrator McBride said that this joinder is in order and Kane County Engineer Warren Monroe has also approved this joinder.

Attorney Rob VanDyke advised the Commission that they can mention both applications for these joinders as one unit and that both joinder parties can be included in one motion.

The Chair asked if there were any questions or comments.

The Deputy Attorney was asked if these parcel joinders should be approved as a lot line adjustment first before asking for a joinder. Attorney VanDyke explained that it becomes a plat amendment when these two joinders are approved by the Commissioners. VanDyke explained that a parcel joinder is like an amendment to the plat.

Administrator McBride said that in the Utah State Code, it states that you can do parcel joinders prior to lot line adjustments and they both can be approved at the same time. Kane County Engineer Warren Monroe was in agreement with this process. All notices were given properly for these applications.

MOTION was made by Robert Houston that the Planning Commission recommends approval to the Kane County Commission for the parcel joinder in the Lost Creek Subdivision for Boyd and Deborah F. Warner, East ½ of Lot 39 and Lots 40 & 41 and also the parcel joinder for Jason S. & Anne T. Neumann-Trustees of the “J A Neumann Revocable Trust” for West ½ of Lot 39 and Lot 38, in the Lost Creek Subdivision and that they **both** be approved as an amendment to the plat. The motion was seconded by Dale Spencer.

The Chair asked for any questions or comments and there were none. The motion carried unanimously.

The Chair called the Commission into public hearing.

Legislative/6:05 PM
Public Hearing

**Kane County Land Use Ordinance- Chapters 8
Manufacturing Zones, Chapter 9-Community Zone
and Chapter 10-Supplementary and Qualifying
Regulations**

Chapter 8-Manufacturing Zones: LUA Administrator McBride explained that there were zone questions from the last meeting and the Commission was concerned if these matrix tables were outdated with today’s zone uses. Administrator McBride said that she researched St. George and Hurricane cities, Washington and Sevier counties ordinances and felt that Kane County’s ordinances are more user-friendly than the other government’s current ordinances, due to the fact, that they allowed and listed more uses in the matrixes. Kane County’s ordinances are close to and comparable to St. George at this time. She explained that at the last meeting, the Planning Commission had made changes and stopped on page 8-4 before they decided to table Chapter 8 for further study. McBride

asked the Commission if they want to keep the previous matrix changes made last month or did they want to start from the beginning of this chapter.

Robert Houston asked Commissioner Heaton about his ordinance suggestions. Commissioner Heaton explained how he would like to see the zones simplified and less restricted. The industrial zone was given as an example; you can build anything industrial in this zone. Commissioner Heaton explained that Kane County already has county restrictions in place to protect Kane County. Also, Heaton said that Utah State Code requires zoning for industries that would be acceptable in the industrial zone. Administrator McBride suggested that it would be helpful to follow St. George's wording clause in their zoning, which stated that anything which was harmful would not be allowed in an industrial zone. Prohibited Uses: the following uses shall be excluded from the county: animal byproducts plants; blast furnaces, offal and animal reduction, incineration or processing; manufacturing, compounding or processing of chlorine gas, acid, cement, lime, gypsum; plaster of Paris, creosote, fertilizer from animal byproducts pyroxylyene rubber reduction; processing or treatment of fish; and similar uses which give rise to excessive or offensive odor, noise, fumes, dust, radiation, danger of explosion, or other hazardous waste of any type. Such a clause would protect the county from any harmful materials being used in the industrial zones.

Dale Clarkson felt that we should be able to remove the restrictions and encourage people to come to our county with new businesses.

Linda Little, Kane County Assessor would like to see a definition of what industries are accepted to be included in the manufacturing zone.

It was suggested that the "P" should be clarified in the matrix zones and use perhaps another letter that would be clearer to applicants such as, "NP" or non-permitted.

Charles Sabo said that classification codes are in place now, but he suggested that if conditional use permits have to be given, they should be defined clearly as to what conditional uses are acceptable in the zones.

Administer McBride said she feels that it isn't the ordinances that keep businesses out now, she felt like the environmental movement is holding back business more than the Kane County ordinances. The County has to follow state regulations. Administrator McBride felt like the use matrix listed multiple uses and stated that we can add more at any time. But again, she stressed that the county ordinances in the industrial zone will need protective wording for Kane County.

Chairman Chelewski suggested that the Commission meet only to address Chapter 8 later to complete this process.

Deputy Attorney Rob VanDyke said that conditional uses are permitted uses, but the county reserves the right to impose conditions. But that the county can have a third alternative, list what is prohibited, list what is permitted and if it is not listed then it is

conditional. And if the uses are permitted, we reserve the right to put conditions on the user. If we don't want the use, it shouldn't be permitted. More discussion followed on the need for more business and jobs in Kane County.

The Chair called the Commission out of public hearing.

MOTION Roger Chamberlain moved that we start on page 8-4, line 16 and continue on to the end of Chapter 8 and to finish with Heavy Manufacturing. If there is a change from the letters "C" to "P" in Heavy Manufacturing then change those matrixes and go by each item. Dale Spencer seconded the motion.

Are there any questions and there were none. The Chair called for a vote.

Dale Spencer, Roger Chamberlain and Chair Chelewski voted aye and Dale Clarkson and Robert Houston opposed the motion. The motion carried.

The Chair called the Commission back into public hearing.

Chapter 8, page 8-4-line #16-Manufacturing Zones.

ARTICLE A. LIGHT MANUFACTURING ZONES (M-1)

Administrator McBride asked Deputy Attorney VanDyke, if you could just put a "P" in manufacturing zones, but to include a definition for types of manufacturing and keep M-1 as is and these change uses could be included in M-2. It was noted that the changes suggested for Garkane Power should be included in the matrixes as discussed in an earlier Commission meeting. After discussion and suggestions the matrix was completed for Chapter 8. See the attached matrix. The Chair asked for any questions or comments and there were none.

The Chair called the Commission out of public hearing.

MOTION was made by Roger Chamberlain that we recommend these zone changes in Chapter 8-(M-1) to the Kane County Commission and the motion was seconded by Robert Houston.

The Chair asked for any questions or comments and there were none. The motion passed unanimously.

The Chair called the Commission back into public hearing.

ARTICLE B. HEAVY MANUFACTURING ZONE (M-2)

The Chair asked if the changes could be made to M-1 before the Commission looks at the M-2 Section. There was a discussion about the previous suggestion, to use the term *Manufacturing Establishments*, which is currently used in St. George’s ordinances, and to replace the (M-2) description. Administrator McBride asked if the Commission wanted to also include protective wording clause in the heavy manufacturing zone. McBride told the Commission that she will include the two additions and also the changes from M-1 matrix and bring it back to the next meeting for completion. The Chair asked for any questions or comments and there were none.

The Chair called the Commission out of public hearing.

MOTION was made by Roger Chamberlain to move that we table the M-2 zone until the next meeting. Dale Spencer seconded the motion.

The Chair asked for any questions or comments and there were none. The motion passed unanimously.

Commissioner Heaton said that he will bring his written zone suggestions to the next meeting.

The Chair called the Commission into public hearing.

Chapter 9-Community Zone

Robert Houston asked for a definition of a community zone. Administrator McBride explained that it was like a (PUD) Planned Unit Development. The requirement is to have 640 acres or more to be a community zone. It was brought up that perhaps it would be better to re name this zone. They will get hold of commission member Wade Heaton for his earlier suggestion for this change.

Kane County Engineer Warren Monroe had concerns about the public safety zone being eliminated such as; fire protection, law enforcement and emergency services in this zone. Commissioner Heaton explained his reasoning about these services. Administrator McBride said that there should be requirements for some projects but if it is less restricted maybe it should be a Planned Unit Development (PUD). Deputy Attorney Rob VanDyke suggested that new developments could have a letter from the sheriff that would be a law

enforcement contract for the new development. But, unless the new development makes a large impact on county services, they would furnish their own public safety. It was agreed to reword this public safety service (5-d) paragraph. The Commission was in agreement to not strike the public safety completely and agreed it would be best to leave in letters of advisements. Robert Houston would like Robert VanDyke to write this public safety paragraph to cover the community zone requirements. Deputy Attorney agreed to write the public safety section.

A discussion followed for the other suggestions; see the attached document for more changes.

Page 9-4-9-9-5 Application Processing and Reviews

Administrator McBride asked which way is the correct county title to use in signing the plat maps, either Land Use Authority or Planning Commission. Warren Monroe said the Utah State Code states that it should be signed as the Land Use Authority. Does a plat have to be approved and signed by Kane County Commissioners. Attorney Rob VanDyke will look at statute for definition.

It was decided to keep page 9-5, 3) County Commission Review as is written now.

The Chair asked for any questions or comments and there were none.

The Chair called the Commission out of public hearing.

MOTION was made by Robert Houston that we recommend to the Kane County Commission Chapter 9, with the adoptions that were made tonight for community zoning. The motion was seconded by Dale Clarkson.

The Chair asked for any questions or comments and there were none. The motion passed unanimously.

The Chair called the Commission back in public hearing.

Chapter 10-Supplementary and Qualifying Regulations

Administrator McBride explained that because the public notice was posted a few days late last month she would like Chapter 10 voted on again for clarification of the notice being posted correctly, time wise.

The Chair asked for any comments or questions and there were none.

The Chair called the Commission out of public hearing.

MOTION was made by Dale Clarkson to recommend Chapter 10 to the Kane County Commission for consideration. The motion was seconded by Robert Houston.

The Chair asked for any questions or comments and there were none. The motion passed unanimously.

MOTION was made by Dale Spencer to adjourn the meeting and it was seconded by Robert Houston. The meeting was adjourned at 8:45pm.

LUA Chairman, Tony Chelewski

LUA Secretary, Judy Habbeshaw