



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
76 North Main Street, Kanab
July 12, 2017

CHAIRMAN: Tony Chelewski

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

MEMBERS ABSENT: Robert Houston

EX-OFFICIO MEMBER: Jim Matson

STAFF PRESENT: Shannon McBride, Land Use Administrator; Kaylea Crosby, Administrative Asst.; Ryan Maddux, Deputy Appraiser/Deputy Building Official

5:30 PM Work Meeting

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

Announcements/Updates:

Tony Chelewski called Mr. Kempf and he said Rudy's been using the road – job doing gravel work.

Motion was made by Hal Hamblin to approve the **June 14, 2017** minutes. Motion was seconded by Dale Clarkson. 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 Byard Kershaw. The Chair called for the question and the motion passed.

Chairman Chelewski called the commission into public hearing.

Legislative **(1) Kane County Land Use Ordinance, Propane Tanks/Commercial:**
Public Hearing **O 2017-12 proposed revisions to the Land Use Ordinance 9-7B-5:**
 Chapter 7, Propane Tanks/Commercial, C-1 & C-2, Conditional (C-1),
 Permitted (C-2), Adding to uses table; submitted by Shannon McBride

Shannon spoke of an example (applicant Garkane Power) wanted to put in propane tanks in the Ranchos substation. Shannon and the attorney reviewed the ordinance many times and found propane tanks were not in the ordinance. Because of the limited manufacturing zones, Shannon suggested adding propane tanks into commercial zones, conditional in C-1, permitted in C-2, and adding propane tanks into the commercial uses table.

Wade asked what the concerns were.

Shannon responded with the safety regulations but the issue is more of a public perception. One example, The Ranchos subdivision has a substation/courtyard with a propane storage tank that the Planning Commission allowed in 2011 under a Conditional Use Permit but did not put any conditions to mitigate any safety concerns. Shannon proposes to make propane storage tanks conditional so they are able to mitigate the safety concerns of the public. She also suggests not allowing the propane tanks in C-1, but not to allow them in the C-2 zone. A city staff member visited with Shannon saying the Garkane courtyard is in the city and not the county. Shannon verified with Lou Pratt and Verjean Caruso County Recorder that the parcel is in the County even if the city taxes the parcel – several areas around Kanab City are like a checkerboard with county surrounding city parcels.

Hal asked if they need to put limitations on the tanks.

Shannon said they could put the limitations to the tanks in the use matrix. Right now there is no definition of a propane tank or use listed in the uses table.

Byard asked if the industries have their own standards on size and how many propane tanks are allowed. He suggested postponing the ordinance for further research.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Wade Heaton to recommend postponing to the Kane County Commission, of the Kane County Land Use Ordinance, Propane Tanks/Commercial: O 2017-12 proposed revisions to Land Use Ordinance 9-7B-5: Chapter 7. 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 **(2.) Final Plat: Kendrick Rogers**

Public Hearing 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 explained this project was postponed last month due to needing the letter of credit. Kendrick Rogers is doing a great job. Shannon, Lou Pratt, Tom Avant, and Warren Monroe went out for a site inspection. Everything complies with State Code, Kane County Land Use Ordinance, and all of the requirements for rights-of-way and easements conform.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Dale Clarkson to recommend approval to the Kane County Commission, of the final plat, on behalf of Kendrick Rogers for the Palomar Estates Subdivision, Phase 3-5, parcels 4-5-5-3C, 4-5-5-3D, & 4-5-5-3E. Motion was seconded by Danny Brown. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative (3.) Conditional Use Permit: James Carlon
Public Hearing Movie Ranch Subdivision, parcel I-59 and I-60, Unit A, Amended & Extended, ATV's and side by side rentals; submitted by James Carlon

James Carlon said he would like to rent ATV's and side by sides on the property. He explained where the parking lot would be and is planning on building a garage in the future as shown on his site plan. There is a trail access directly by the office and a washing facility (no chemicals – pressure wash) in the back of his property. The roads are graveled and the goal is to fill in gaps on the property. For safety they provide helmets and abide the laws to be 18 years or older for using the ATV's and side-by-sides.

Shannon added that the infrastructure, (as in the buildings), are already in place with the exception of the new (future) garage. These two lots are currently zoned C-1; which allows ATV's and side-by-side rentals with a conditional use permit. Shannon reminded the Planning Commission that they can add more conditions if they see they need to add any for health, safety or welfare as stated in the ordinance. Keeping all of the existing parking stalls were one of the conditions. James Carlon agreed to no chemicals with the washing facility, if they do use chemicals they would have to go through the Health Department. The ingress and egress would come through the back part of the property.

Brent Carter said you would need parking space. He asked James Carlon if there were parking stalls in between cabins.

James Carlon responded that people would be able to park in between cabins and in designated parking spaces that already exist and showed on the site map where there is an area set aside for parking.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Danny Brown to recommend approval of the Conditional Use Permit, on behalf of James Carlon, Movie Ranch Subdivision, parcel I-59 and I-60, Unit A, Amended & Extended, for ATV and side by side rentals. Motion was seconded by Byard Kershaw. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

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

Sandra Trinosky was at the table with Brent Carter to explain the project. The applicants have 3 lots, lots 13, 14, & 15, and want to join those lots into one. He said there was a discussion of the 10' foot public bridle path at last month's meeting and they propose relocating the 10' foot public bridle path to the northern side of lot 15.

Shannon said there were no complaints this time around since this project was postponed from last month's meeting. Notices were mailed out to all property owners within 500 feet of the project and a sign was posted on the easement visible to the public.

Shannon and Planning Commission commended the neighbors for working a solution out that worked for the surrounding property owners.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Wade Heaton to recommend approval to the Kane County Commission, of the Lot Joinder/Vacating the public bridle path (easement), on behalf of Kenneth & Sandra Trinosky, Ponderosa Ranch Estates, Plat "A" Amended, lots 13, 14, & 15, becoming new lot 14, vacating a 10' public bridle path between lots 14 & 15 and relocating the 10' public bridle path to the north side of lot 15. Motion was seconded by Danny Brown. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative Public Hearing **(5.) Conditional Use Permit: Garkane Power Association, Inc.**
Addition of a 30,000 gallon propane storage tank, piers, bulkhead, and piping; 2 remote emergency shutoff stations will also be installed, #26427

Kanab Substation, 526 West Powell, Ranchos; submitted by Garkane Power Association, Inc.

Shannon said Garkane has withdrawn their application at this time. Garkane and the City are working together on relocating the existing propane tanks in the Ranchos substation to a future location for the propane tanks near the airport. The City received several complaints from the public and wanted to work a solution that would better fit future needs for the residents and Garkane.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Hal Hamblin to recommend tabling the Conditional Use Permit for Garkane Power Association, Inc.; Ranchos substation, an addition of a 30,000 gallon propane storage tank, piers, bulkhead, and piping; 2 remote emergency shutoff stations will also be installed. Motion was seconded by Wade Heaton. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Legislative Public Hearing **(6.) Kane County Land Use Ordinance, Subdivision Regulations:**
O 2017-11 proposed revisions to the Land Use Ordinance 9-21B-4: (B) 3 & 4, Chapter 21, Subdivision Regulations, Article B, Subdivision Creation & Enforcement, Section 4: Building Permits (B) 3 & 4; Adding additional language for building permits and bonding pertaining to subdivision and developers; submitted by Shannon McBride

Shannon said back in 2015, Tom Avant sponsored some legislation for the ordinance and it passed (pertaining to building permits being issued before the infrastructure was finished in a subdivision). Shannon did not sign off on a building permit because of the safety issues and infrastructure issues on the “Peaches” subdivision. If she had her way she would recommend going back to what the ordinance was before—all of the infrastructures would need to be completed before a building permit was issued. But she was asked to research other county ordinances on the issue and found Hurricanes ordinance allows one model home to be built, and the infrastructure had to be approved before the model home could be sold.

Wade asked what changed to allow more than one home.

Shannon responded the ordinance that was passed in 2015 didn’t limit the amount of building permits or safety issues and releasing the bond with a model home involved.

Wade asked how they could get occupancy permits.

Ryan replied they wouldn’t sign off on occupancy permits until Shannon cleared the project first.

Shannon said this would be a balance – you are not taking away rights. She said this is an added benefit.

Ryan stated the old language without the new still prevents the developer from selling until it is all finished and Shannon's recommendation is good for a balance.

Dale praised Shannon on how well she is balancing the ordinance to make it good for the developer and future buyers within the subdivision, but stated we need to encourage development and not become too restrictive

Wade expressed his concern with the length until final approval for the developer. He would like to change the ordinance to two homes and take out model.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Wade Heaton to recommend approval of the Kane County Land Use Ordinance to the Kane County Commission, Subdivision Regulations: O 2017-11 proposed revisions to Land Use Ordinance 9-21B-4: (B) 3 & 4, Chapter 21, Subdivision Regulations, Article B, Subdivision Creation & Enforcement, Section 4; Building Permits (B) 3 & 4; Adding additional language for building permits and bonding pertaining to subdivision and developers. The motion was seconded by Hal Hamblin. The Chair called for the question and the motion passed unanimously.

Motion was made by Danny Brown to adjourn the meeting. Motion was seconded by Dale Clarkson. The Chair called for the question and the motion passed unanimously.

Meeting was adjourned at 7:30 pm

Land Use Authority Chairman,
Tony Chelewski

Administrative Assistant,
Kaylea Crosby