



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
76 North Main Street, Kanab
February 8, 2017

CHAIRMAN: Tony Chelewski

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

MEMBERS ABSENT: Wade Heaton, Danny Brown

EX-OFFICIO MEMBER: Jim Matson

STAFF PRESENT: Shannon McBride, Land Use Administrator; Kaylea Crosby, Administrative Asst.; Reid Mann, Deputy County Attorney; Lou Pratt, GIS Director; 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 Dale Clarkson
Announcements Tony Chelewski

Announcements/Updates:

Tony Chelewski called Mr. Kemp and he said Rudy graded the roads. Kemp said Rudy is leaving a muddy mess.

Motion was made by Byard Kershaw to approve the **January 11, 2017** minutes. Motion was seconded by Robert Houston. The Chair asked for any questions or comments. Motion passed unanimously.

Motion was made by Hal Hamblin 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.

**Administrative
Public Hearing**

**(1) Rural Unimproved Subdivision: Stacy P. McLaws
North Fork Junction, Manager of Chamberlain Ranch Holdings, LLC,
parcel # 1-9-15-1; submitted by Iron Rock Engineering, Tom Avant
holding Power of Attorney**

Tom Avant said it is one property – splitting into (2) 10 acre parcels. The North Fork Road was dedicated in 2002 to the county. The P&Z needs to formulize the road as well as rewrite the ordinance that is set in place to fix the language pertaining to road dedications splitting parcels.

Lou Pratt said the county would be subdividing the parcel – they meet the current zoning regulations. This was done the previous owner before the ordinance was in place.

Robert Houston asked if the road is being used.

Lou said it is the main entrance of the North Fork – paved road. The owners want to use the same ordinance to divide the property (9-21F-5). The intent was to allow the county to get the 66 foot right of ways required for road dedications and improvements.

Shannon McBride said parcel 3 is not part of the rural unimproved subdivision; otherwise it would make this a nonconforming parcel (according to the ordinance). Tom is going to have a discussion with Verjean Caruso (Kane County Recorder) to explain that parcel 1 & 2 would be part of the RUS whereas, parcel 3 is not part of the RUS, but zoned C-1 and would remain a single parcel. Shannon recommends conditional approval as does Warren Monroe, KC alternate engineer.

Dale Clarkson said basically they would like approval of the RUS and recognition that the other parcel is a legal parcel split by the county.

Reid Mann said there is concern when reading the statute – what you can and cannot do. He stated the county statute is really poorly written and they need to have a meeting to revise the ordinance (poor language). He offered to walk through the statute language to explain it, if the commission needed.

Shannon said parcel 3 is going to be a legal (proper) parcel apart from the RUS when they want a building permit.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Dale Clarkson to recommend conditional approval of parcel 3 which is zoned commercial, and parcels 1 & 2 which will be a new RUS, and they will all be legal, conforming parcels, to the Kane County Commission of the Rural Unimproved Subdivision, for Stacy P. McLaws, Manager of Chamberlain Ranch Holdings, LLC, parcel # 1-9-15-1. The 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 **(2.) Lot Line Adjustment: William D. Williams**
Public Hearing **Swains Creek Pines, Unit 1, Amended, lots 128 & 129; submitted by New
Horizon Engineering, Brent Carter holding Power of Attorney**

Shannon said there are no issues or problems and no easements to be vacated with this project. It is over a boundary dispute. The owners did a lot joinder and are now doing a lot line adjustment – it is conforming, approval is recommended.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Hal Hamblin to recommend approval of the lot line adjustment, for William D. Williams, Swains Creek Pines, Unit 1, Amended, lots 128 & 129. Motion was seconded by Robert Houston. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative **(3.) Lot Joinder: Edward & Cheryl Simon**
Public Hearing **Meadow View Heights, Plat F, lots 364, 365, & 366, becoming new lot
365; submitted by New Horizon Engineering, Brent Carter holding
Power of Attorney**

Shannon said even if there are easements – they are allowed to vacate them without going through the County Commission. She has the termination agreements – therefore it is not required to go through the commission because it is not a public easement. Kane County Water Conservancy, Garkane, and South Central have to sign off on the termination agreements to vacate the easements. They are vacating (2) 7.5 ft. utility easements.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Byard Kershaw to recommend approval of the lot joinder, for Edward & Cheryl Simon, Meadow View Heights, Plat F, lots 364, 365, & 366, becoming new lot 365. Motion was seconded by Dale Clarkson. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Legislative **(4.) Kane County Land Use Ordinance 9-1-7, 9-5-5, & 9-27-A-2: Define
Open Range**
Public Hearing **Adding Definition of Open Range & Agriculture Zone into section E;
submitted by Harold Hamblin**

Hal said (paper handed out) the first hand written part, is information he found out of Idaho. He went to Utah Law (Food and Agriculture), where they have a list of laws for open range. Utah is a

fence out state – but he would like to make sure roads that are county roads intersecting with state roads are clear that the protection is livestock, the county, and other people are in place. Almost all roads that the ranchers/county uses run through areas where livestock are present. We need it in all parts of the County (not just east of Kanab). Other counties are looking at Kane County to see how the county figures out the open range statute. We have to protect the county roads; in lots of cases cattle guards have been removed on these roads and never replaced. The statute needs to say you can't hold the rancher liable. Hal asked Lou if they would need signs on all of the roads.

Lou said signs are on a lot of the roads, but they need to be updated and inspected yearly to make sure they are all good; liability wise (inform Bert Harris).

Hal said Kane County is such a recreational area that gates are often being left open.

Shannon said the Subdivision chapter already requires a perimeter fence but it would be wise to insert the language of requiring the developer to update and be in charge of maintaining the perimeter fence. Language needs to be added into chapter 21.

Commissioner Matson asked if the current statute protects the county from law suits – or accidents from happening.

Reid answered that there is nothing in the ordinance for open range. State Code is a sentence long. All roads included in open range but it doesn't speak directly to anyone or anyone's duty. He believes there is quite a bit of exposure and the county should insert some language for enforcement.

Shannon said they would want to notice Kane County Land Use Ordinance, Chapter 1, definitions – which our code can be more restrictive than state code, but adding it into Supplementary and Qualifications chapter with the enforcement, definition in chapter one, and adding to them as they continue working on them.

Hal asked if this would be a part of the subdivision chapter.

Shannon said they can add in both chapters.

Hal said (i.e. a road was once dirt and had a cattle guard on it, then the road was updated and the cattle guard was removed and never replaced, the road is now paved. A fence in the area was cut by a recreationalist in the area and a cow got out and was hit and killed by a semi truck – the repercussions were the livestock died from being hit, the semi truck had damage, the rancher lost livestock and had to pay for damage to the semi truck. He said the ranchers, livestock, and county needs to be protected from things like this happening.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Hal Hamblin to recommend postponing this item to the March 8th meeting, of the Kane County Land Use Ordinance 9-1-7, 9-5-5, & 9-27-A-2, adding definition of Open Range into section E. Motion was seconded by Robert Houston. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Legislative **(5.) Kane County Land Use Ordinance 9-24-3 “Solar Power Plant”**
(POSTPONED to March Meeting)
Public Hearing **Adding limitations to the Solar Power Plant Ordinance; submitted by**
Danny Brown

Chairman Chelewski called the commission out of public hearing.

Motion was made by **name** to recommend postponing to March 8th Meeting, of the Kane County Land Use Ordinance 9-24-3 “Solar Power Plant”, adding limitations to the Solar Power Plant Ordinance. The motion was seconded by **name**. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Byard Kershaw 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 6:45 pm

Land Use Authority Chairman,
Tony Chelewski

Administrative Assistant,
Kaylea Crosby