



# MINUTES

Kane County Planning Commission  
& Land Use Authority  
76 North Main Street, Kanab  
**October 14, 2015**

CHAIRMAN: Tony Chelewski

MEMBERS PRESENT: Tony Chelewski, Dale Clarkson, Byard Kershaw, Que Johnson

MEMBERS ABSENT: Hal Hamblin, Robert Houston, Wade Heaton

EX-OFFICIO MEMBER: Commissioner Douglas Heaton (absent)

STAFF PRESENT: Shannon McBride, Land Use Administrator; Mary Reynolds, Assistant Administrator; Kent Burggraaf, Deputy County Attorney; Ryan Maddux, Building Official; Tom Avant, County Engineer

5:30 P.M. Work Session

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

## Announcements:

**Motion** was made by Byard Kershaw to approve the Sept. 9, 2015 minutes. The motion was seconded by Dale Clarkson. The chair asked if there were any comments or questions. The Chair called for the question, and the motion passed unanimously.

Tony Chelewski informed the P&Z Commission of the Nov. 4<sup>th</sup> meeting change; he added he would pass the information to the commission members who were not in attendance. Also, he called Mike Kemp to see if everything was going alright. He said Mike had only seen Rudy Dela Paz once and there were no complaints. He was doing a good job.

The Chairman asked if there were any public comments and there were none.

**Motion** was made by Que Johnson to go in and out of public hearing at the call of the chair. The motion was seconded by Byard Kershaw. The chair asked if there were any comments or questions. The Chair called for the question, and the motion passed unanimously.

**Administrative**

**(1) Compliance Review for Previously Divided Property  
Christopher & Kathleen Ball, parcel #4-5-3-2E**

Shannon McBride: This should go fast if you look at your staff reports. The property was divided in 2000. State code and ordinances that apply are attached. It is in compliance. The only thing you have to do is approve it. It doesn't have to go to County Commission. This [property] is out by 8-mile gap. A Record of Survey has been filed.

Charlie Saba requested his Record of Survey returned. Shannon told him to come by the office to pick it up.

**Motion** was made by Dale Clarkson to approve the application for a Compliance Review for Previously Divided Property for **Christopher & Kathleen Ball, parcel #4-5-3-2E** and adopt the findings in the staff report, review and analysis. Motion was seconded by Byard Kershaw. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

**Administrative  
Public Hearing**

**(2) Lot Joinder  
Shawn & Kathleen Heneghan, Swains Creek Pines, Unit 1, Lots 189  
& 190, New Lot 190; Submitted by Tom Avant**

Shannon McBride: Warren Monroe (alternate county engineer) approved everything. It doesn't have to go to County Commission.

Tom Avant, TC Engineering: This is a standard Lot Joinder in Swains Creek.

Shannon McBride briefly explained her staff report.

The Chairman called the commission out of public hearing.

**Motion** was made by Byard Kershaw to approve the application for a Lot Joinder for **Shawn & Kathleen Heneghan, Swains Creek Pines, Unit 1, Lots 189 & 190, New Lot 190** and adopt the findings of the staff report. Motion was seconded by Que Johnson. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

**Administrative**  
**Public Hearing**

**(3) Lot Joinder**

**Mark Jones, Zion View Mountain Estates, Unit C, Lots 88 & 89, New Lot 88, and vacating a 10 ft. utility easement; Submitted by Tex Brooks, Wallace Morris Kline Surveying, LLC**

Shannon McBride: This [application] has been approved by the [county] engineer. This will need to go to County Commission because a 10 foot easement is being vacated [and it] has been noticed as such. A sign was [also] posted on the property. The owners live in Las Vegas and we can call them if there are any questions. I didn't want them to drive all the way from Las Vegas for this. All [consent] letters from the utilities are in the file.

There was a brief discussion on joining lots and vacating the utility easement, which is why it has to go before the County Commissioners. Shannon explained where it was located on the plat map.

The Chairman called the commission out of public hearing.

**Motion** was made by Dale Clarkson to approve the application for a Lot Joinder for **Mark Jones, Zion View Mountain Estates, Unit C, Lots 88 & 89, New Lot 88**, and adopt the findings of the staff report. Motion was seconded by Byard Kershaw. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

**Administrative**  
**Public Hearing**

**(4) Request for Zone Change**

**The Ranch at Zion, LLC, parcel #1-9-14-4; change from Ag to R-1; Submitted by Tom Avant**

Shannon McBride: Mark Foley, from the Kanab Field Office is here and will represent the Bureau of Land Management. We want his comments on the record.

Mark Foley: For public comment, the BLM has no objection to this zone change, but will reserve the right for its mining claims. This applies to all three zone change requests.

A letter was received from Harry Barber, Office Manager, Kanab Field Office Bureau of Land Management regarding mining claims on the above mentioned parcels (and the parcels on two other applications). The letter is attached to the minutes along with a response from Shannon McBride, Land Use Authority Administrator.

Tom Avant explained the location of the parcels: The Ranch at Zion (owned by Clear Creek), Zion Mountain Land Holdings (owned by Kevin McClaws) and RAH Ridge (owned by Roland Hall). There was a question on who the buyers were (and who was developing the parcels). Tom Avant explained the subdivision development that is intended. Shannon McBride explained her staff report and that this application needed to go to County Commission. It was clarified that mineral rights would stay intact.

Kent explained the reservation of the mineral rights for the BLM. It should not affect anything on the development. They would need permission from the land owner to disturb the surface of the land.

Mark Foley added the mining claims were for coal and other minerals.

The Chairman called the commission out of public hearing.

**Motion** was made by Byard Kershaw to recommend approval to the County Commission the application for a Zone Change for **The Ranch at Zion, LLC, parcel #1-9-14-4; change from Ag to R-1**, recognizing the reservation for mineral rights, ditches, and canals to the federal government and adopting the findings of the staff report. Motion was seconded by Que Johnson. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

<b><u>Administrative</u></b> <b>Public Hearing</b>	<b><u>(5) Request for Zone Change</u></b> <b>Zion Mountain Land Holdings, LLC, parcel #1-9-13-4; change from C-2 to R-1; Submitted by Tom Avant</b>
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Same circumstances apply as item 4. Tom Avant explained the reason for the zone change request.

The Chairman called the commission out of public hearing.

**Motion** was made by Dale Clarkson to recommend approval to the County Commission the application for a Zone Change for **Zion Mountain Land Holdings, LLC, parcel #1-9-13-4; change from C-2 to R-1**, recognizing the reservation for mineral rights, ditches, and canals to the federal government and adopt the findings of the staff report. Motion was seconded by Byard Kershaw. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

<b><u>Administrative</u></b> <b>Public Hearing</b>	<b><u>(6) Request for Zone Change</u></b> <b>RAH Ridge, LLC, parcel #1-9-14-3 and 1-9-13-5; from Ag to R-1; Submitted by Tom Avant</b>
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There was no discussion on this item since the same information applied as in Items 4 & 5.

The Chairman called the commission out of public hearing.

**Motion** was made by Byard Kershaw to recommend approval to the County Commission the application for a Zone Change for **RAH Ridge, LLC, parcel #1-9-14-3 and 1-9-13-5; from Ag to R-1**; recognizing the reservation for mineral rights, ditches, and canals to the federal government and adopt the findings of the staff report. Motion was seconded by Que Johnson. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

**Administrative**  
**Public Hearing**

**(7) Lot Joinder**  
**Vincent & Dale Gardner, Swains Creek Pines, Unit 3, Lots 422, 423 & 405, New Lot 422; Submitted by Brent Carter**

Shannon McBride: Brent Carter is available by phone [if there are any questions]. Tom Avant, county engineer approved everything. There are no easements to be vacated per my staff report. I have approved the application, too. All is in order.

The Chairman called the commission out of public hearing.

**Motion** was made by Dale Clarkson to approve the application for a Lot Joinder for **Vincent & Dale Gardner, Swains Creek Pines, Unit 3, Lots 422, 423 & 405; New Lot 422** and adopt the findings of the staff report. Motion was seconded by Que Johnson. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

**Administrative**  
**Public Hearing**

**(8) Lot Joinder**  
**Charger Construction, LLC, Tim Washburn, Mgr., Swains Creek Pines, Unit 3, Lots 412 & 413, New Lot 413; Submitted by Brent Carter**

Shannon McBride: Everything is in order [with this application]. I recommend approval and it doesn't have to go to [County] Commission. There are no easements being vacated.

The Chairman called the commission out of public hearing.

**Motion** was made by Byard Kershaw to approve the application for a Lot Joinder for **Charger Construction, LLC, Tim Washburn, Mgr., Swains Creek Pines, Unit 3, Lots 412 & 413, New Lot 413**, and adopt the findings of the staff report. Motion was seconded by Que Johnson. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

The Chairman called the commission into public hearing.

**Administrative**  
**Public Hearing**

**(9) Lot Joinder**

**Steve & Connee Rushfield, Zion View Mountain Estates, revised Unit A, Lots 167 & 189, New Lot 189; Submitted by Brent Carter**

Shannon McBride: Everything is in order [with this application]. I recommend approval; no easements are being vacated.

The Chairman called the commission out of public hearing.

**Motion** was made by Que Johnson to approve the application for a Lot Joinder for **Steve & Connee Rushfield, Zion View Mountain Estates, revised Unit A, Lots 167 & 189, New Lot 189**, and adopt the findings of the staff report. Motion was seconded by Byard Kershaw. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Administrative**  
**Public Hearing**

**(10) Land Use Ordinance Revision**

**Revisions to Chapter 21; 9-21B-4B Building Permits; Shannon McBride**

Shannon McBride handed the floor over to county engineer, Tom Avant because this revision was his recommendation.

Tom Avant: We've had developers wanting to build spec homes as they start a subdivision. Right now, the ordinance reads that no [building] permits will be approved until the subdivision is complete. We came up with an amendment for the ordinance to allow for it under certain circumstances. This allows them to build a spec home, but they can't transfer it or take reservations on the lot until the infrastructure is complete.

Tom went over the amendments that would allow the spec home with conditions/restrictions. He explained how it protects the county and the land owner. (The verbiage is attached to the minutes.)

Shannon McBride said it had been discussed with legal and approved. Charlie Saba asked about corrections in text.

Kent Burggraaf: Commissioner Clayson had some concerns about a permit not being issued for [a structure] such as a barn or shed. The [subdivision infrastructure] requirements are different for rural unimproved subdivisions [where his concerns would apply] and the engineer signs off on the plat. His questions should be addressed at County Commission [meeting]. This body should just be aware of his concerns, unless it has similar questions.

Dale Clarkson: If someone wants to build a shed or barn in a regular subdivision, can they get a permit?

Kent Burggraaf: If it's been previously approved by the County Engineer, it doesn't have to be approved by the engineer every time [someone submits for a building permit thereafter].. Once the subdivision has been approved, [building permit applications] go back to the original approval process.

Tom Avant explained the prior approval process and its importance for a full-blown subdivision. This will have no affect on a rural unimproved subdivision.

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Que Johnson to recommend approval to the County Commission the revisions to Chapter 21, 9-21B-4B (Building Permits). Motion was seconded by Byard Kershaw. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

**Administrative**

**(11) Ratify Agenda for September 9, 2015**

**-Charlie Saba, parcel #4-5-3-2D; Rancho Back Acres, Inc., Christopher Langham; parcels #3-4-32-2- 1, 3-4-32-2-1B through 1I; Gerald & Carol Sills, parcel #3-5-35-8; Floyd & R. James Irish, parcel #4-5-3-2F; Dani Eskamp-Franke, parcel #3-5-35-9; Kenneth Smith, parcel #3-5-35-5; Sue Scott, parcel#4-5-10-1B & 4-5-10-1C; Glen & Jill Crawford, parcel#3-5-35-10A; T.J. Houston, parcel #4-5-3-4A; Lot Joinder, Chris Archibald, Navajo Lakes Estates, Unit 1, Lots 69-73, New Lot 71; Lot Joinder, Dwane & Sharon Jones, Trustees of the "Jones Family Trust 5/3/06", Strawberry Valley Estates, Unit 4, Lots 30 and 31, New Lot 31; Kane County Land Use Ordinance correction, Correction to the acreage in Chapter 5.**

Tony Chelewski: We need to ratify the agenda [items] of Sept. 9, 2015. Are there any objections to taking this motion in bulk? [No]

The chair reach each specific agenda item to be ratified.

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Byard Kershaw to ratify the decisions of September 9, 2015, approving the following agenda items:

- Charlie Saba, parcel #4-5-3-2D**
- Rancho Back Acres, Inc., Christopher Langham; parcels #3-4-32-2-1, 3-4-32-2-1B through 1I**
- Gerald & Carol Sills, parcel #3-5-35-8**

- Floyd & R. James Irish, parcel #4-5-3-2F
- Dani Eskamp-Franke, parcel #3-5-35-9
- Kenneth Smith, parcel #3-5-35-5
- Sue Scott, parcel#4-5-10-1B & 4-5-10-1C
- Glen & Jill Crawford, parcel#3-5-35-10A
- T.J. Houston, parcel #4-5-3-4A
- Lot Joinder, Chris Archibald, Navajo Lakes Estates, Unit 1, Lots 69-73, New Lot 71;
- Lot Joinder, Dwane & Sharon Jones, Trustees of the “Jones Family Trust 5/3/06”, Strawberry Valley Estates, Unit 4, Lots 30 and 31, New Lot 31;
- Kane County Land Use Ordinance correction, Correction to the acreage in Chapter 5.

Motion was seconded by Que Johnson. The Chair asked if there were comments or questions. The Chair called for the question; and the motion passed unanimously.

**Motion** was made by Que Johnson to adjourn the meeting. The motion was seconded by Byard Kershaw.

Meeting was adjourned at: 6:48 pm

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 Land Use Authority Chairman,  
 Tony Chelewski

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 Land Use Assistant Administrator,  
 Mary Reynolds