

**October 26, 2015**

**Kane County Commission  
Commission Chambers, Kane County Courthouse  
76 North Main Street, Kanab, Utah**

## **Agenda**

Facilitator: Commission Chairman, Douglas K. Heaton

Attendees: Commission, Elected Officials, County Staff, Interested Citizens

### **9:00 AM Work Meeting:**

**Administrative 1. Records Officer Discussion on GRAMA/ Attorney Rob VanDyke**

### **10:00 AM Regular Meeting:**

Welcome  
Prayer  
Pledge of Allegiance  
Announcements  
Public Comment

Approve the Consent Agenda:

Check Edit Reports  
Approval of Sept. 23, 2015 Commission Special Meeting Minutes  
Approval of BOE Protest Extraction Report & Minutes

**Legislative Action 1. Adopt Tentative Budget/ Clerk/Auditor Karla Johnson**

**Legislative Action 2. Adopt Resolution R-2015-22, a Resolution of Appointment of a Kane County Representative and an Alternate Representative for the Utah Counties Indemnity Pool Annual Membership Meeting/ Clerk Auditor Karla Johnson**

**Legislative Action 3. Victim Services Update/ Victim's Advocate Sari Brinkerhoff and Attorney Rob VanDyke**

### **11:00 AM Time Certain Item:**

**Legislative Action 4. 2016 Employee Health Plan/ KCEA Dave Owens**

**Legislative Action 5. Proposed Changes to Employee Dental Plan/ KCEA Dave Owens**

- |                           |  |
|---------------------------|--|
| <b>Legislative Action</b> | <b>6. Lot Joinder, Mark Jones, Zion View Mountain Estates, Unit C, Lots 88 &amp; 89, New Lot 89, and vacate a 10 foot utility easement/LUA Shannon McBride</b> |
| <b>Legislative Action</b> | <b>7. Zone Change: RAH Ridge, LLC, Parcels #1-9-14-3 and 1-9-13-5; change from Ag to R-1/ LUA Shannon McBride</b>  |
| <b>Legislative Action</b> | <b>8. Zone Change: Zion Mountain Land Holdings, LLC Parcel #1-9-13-4; change from C-2 to R-1/ LUA Shannon McBride</b>  |
| <b>Legislative Action</b> | <b>9. The Ranch at Zion, LLC, Parcel #1-9-14-4; change from Ag to R-1/ LUA Shannon McBride</b>   |
| <b>Legislative Action</b> | <b>10. Land Use Ordinance Revision: Chapter 21-9-218-4B/ LUA Shannon McBride</b>   |
| <b>Legislative Action</b> | <b>11. Report on “The Legalization of Marijuana in Colorado: The Impact”/ Attorney Rob VanDyke</b>   |
| <b>Legislative Action</b> | <b>12. Statewide 6<sup>th</sup> Amendment Indigent Defense Issues/ Attorney Rob VanDyke</b>  |
| <b>Legislative Action</b> | <b>13. At Your Leisure update Chad Booth</b>   |
| <b>Other Business:</b>    | <ul style="list-style-type: none"> <li>* Reports</li> <li>* Schedules</li> <li>* Assignments</li> </ul>  |

**12:00 PM Closed Session**

- a. Discussing an individual’s character, professional competence, or physical or mental health
- b. Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property
- c. Contract Negotiations
- d. Discussions regarding security personnel, devices or systems
- e. Investigative proceedings regarding allegations of criminal misconduct.

**NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS:**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Karla Johnson at (435) 644-2458 or Keiren Chatterley at (435) 644-4959.

Agenda items may be accelerated or taken out of order without notice as the Administration deems appropriate.

Definitions:

“Public Hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. “Public Meeting” means a meeting that is required to be open to the public pursuant to the requirements of Title 52, Chapter 4 Open and Public Meetings; the public may or may not be invited to participate. “Legislative” means an action taken by the County Commission or Land Use Authority; amending ordinances, adopting general plan, annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community. “Administrative” means an action taken by the Land Use Authority Commission, staff, County Commission interpreting ordinances and regulations, conditional uses, approving subdivision site

plans, issuing building permits; an administrative decision must satisfy the requirements prescribed under state law or the County Land Use Code (LUC), whichever is stricter.

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: \_\_\_\_\_

Dept. /Business Name: Attorney \_\_\_\_\_  
\_\_\_\_\_

Topic/Re: Statewide 6<sup>th</sup> Amendment Issues/  
\_\_\_\_\_  
\_\_\_\_\_

Dept. Head/Owner: Rob Van Dyke \_\_\_\_\_

Meeting Requested by: " " \_\_\_\_\_

Contact name & #: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Linda Millett

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**From:** robvandykekaneattorney@gmail.com on behalf of Rob Van Dyke [rvandyke@kane.utah.gov]  
**Sent:** Thursday, October 08, 2015 10:35 AM  
**To:** Linda Millett  
**Subject:** Fwd: Subcommittee Meeting on Indigent Defense  
**Attachments:** SWAP UIDC Principles\_16Sep15.docx

Linda,

The attachment should be included in the next commission meeting packet on the sixth amendment/public defender topic.

Thanks,

Rob Van Dyke  
County Attorney  
Kane County Utah  
(435) 644-5278

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----- Forwarded message -----

**From:** Kelly Wright <KWright@slco.org>  
**Date:** Thu, Sep 17, 2015 at 11:13 AM  
**Subject:** Subcommittee Meeting on Indigent Defense  
**To:** Patrick Anderson <Panderson@sllda.com>, "Mauro, Rich" <rmauro@xmission.com>, Judge Fred Voros <jfvoros@utcourts.gov>, Adam Trupp <adam@uacnet.org>, Jared Eldridge <jarede@co.juab.ut.us>, Rick Schwermer <ricks@utcourts.gov>, Judge Stephen Roth <sroth@utcourts.gov>, Parker Douglas <pdouglas@utah.gov>, Tyson Skeen <Tysons@wjordan.com>, Paula Podwys <PPodwys@slco.org>, David Wilson <dwilson@co.weber.ut.us>, Ryan Robinson <ryan.robinson@wvc-ut.gov>  
**Cc:** Sim Gill <SGill@slco.org>, Paul Boyden <PBoyden@slco.org>, Adam Trupp <adam@uacnet.org>, Lincoln Shurtz <lincoln@uacnet.org>, Andrew Fitzgerald <thines@grandcountyutah.net>, Barry Huntington <garfieldcountyattorney@color-country.net>, Brock Belnap <brockb@wcattorney.com>, Brody Keisel <bkeisel@msn.com>, Chad Woolley <cwoolley@me.com>, Chris Allred <callred@co.weber.ut.us>, "Dale Eyre (deyre@sevier.utah.gov)" <deyre@sevier.utah.gov>, Gary Heward <gheward@co.weber.ut.us>, Gene Strate <Gene.Strate@carbon.utah.gov>, James Swink <jswink@cacheattorney.org>, Jann Farris <jfarris@morgan-county.net>, Jared Eldridge <jarede@co.juab.ut.us>, Jeffrey Buhman <JEFFREYB@utahcounty.gov>, Kendall Laws <KLaws@sanjuancounty.org>, LeEllen McCartney <2leellen@gmail.com>, Mark Thomas <mthomas@co.uintah.ut.us>, Mike Olsen <mikeolsenlaw@gmail.com>, Niel Lund <nlund@daggettcounty.org>, "Patrick Finlinson (PFinlinson@co.millard.ut.us)" <PFinlinson@co.millard.ut.us>, Robert Hilder <RHilder@summitcounty.org>, Robert Van Dyke <rvandyke@kane.utah.gov>, Scott Broadhead <SBroadhead@co.tooele.ut.us>, Scott Burns <burnslaw7@gmail.com>, Scott Garrett <scottg@ironcounty.net>, Scott H Sweat <SSweat@co.wasatch.ut.us>,"

Stephen Hadfield <[shadfield@boxeldercounty.org](mailto:shadfield@boxeldercounty.org)>, Steven Foote <[sfoote@duchesne.utah.gov](mailto:sfoote@duchesne.utah.gov)>, Troy Rawlings <[troy@daviscountyutah.gov](mailto:troy@daviscountyutah.gov)>, "Von J. Christiansen" <[vonslawoffice@gmail.com](mailto:vonslawoffice@gmail.com)>, Arie <[arie@uacnet.org](mailto:arie@uacnet.org)>, Dave Shawcroft <[Daves@utahcounty.gov](mailto:Daves@utahcounty.gov)>, David Wilde <[DWilde@slco.org](mailto:DWilde@slco.org)>, David Wilson <[dwilson@co.weber.ut.us](mailto:dwilson@co.weber.ut.us)>, Eric Clarke <[eric.clarke@wcattorney.com](mailto:eric.clarke@wcattorney.com)>, Gavin Anderson <[GAnderson@slco.org](mailto:GAnderson@slco.org)>, Jami Brackin <[jbrackin@summitcounty.org](mailto:jbrackin@summitcounty.org)>, Jeffrey Buhman <[ucadm.jeffreyb@state.ut.us](mailto:ucadm.jeffreyb@state.ut.us)>, Jon Stearmer <[jonathan@uintahcountyattorney.org](mailto:jonathan@uintahcountyattorney.org)>, Kelly Wright <[KWright@slco.org](mailto:KWright@slco.org)>, Neal Geddes <[NGeddes@co.davis.ut.us](mailto:NGeddes@co.davis.ut.us)>, Patrick Reimherr <[PReimherr@slco.org](mailto:PReimherr@slco.org)>, Ralph Chamness <[RChamness@slco.org](mailto:RChamness@slco.org)>, Tim Bodily <[TBodily@slco.org](mailto:TBodily@slco.org)>, "Tony C. Baird" <[tbaird@cacheattorney.org](mailto:tbaird@cacheattorney.org)>, Wade Farroway <[wfarraway@utah.gov](mailto:wfarraway@utah.gov)>

At our Subcommittee meeting today I plan to focus on consideration and acceptance of the attached SWAP principles voted on yesterday, regarding the provision of indigent defense services in the state, as well as the formula contained in our proposed legislation. I look forward to your participation!

Kelly W. Wright

SWAP Civil Coordinator

Civil Division - Tax and Land Use Unit Chief

Salt Lake County District Attorney's Office

2001 S State Street, #S3600

Salt Lake City, Ut 84190

W: 385.468.7803

C: 801.791.1634

Carpe Diem!

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**Provision of Indigent Defense Services  
SWAP Principles**

1. No unfunded mandates to counties, cities or towns;
2. Establish a formula by statute that fairly allocates costs between the state and local entities;
3. Favor the establishment of a limited state indigent defense commission to help the state fulfill its constitutional duty to provide counsel for indigent defendants;
4. Favor the establishment and promulgation of minimum standards for the provision of indigent defense services to ensure constitutional compliance;
5. The state indigent defense commission cannot have authority to supervise counties, cities or towns;
6. The state indigent defense commission should remain independent yet have the adequate support necessary to accomplish its duties.
7. The state indigent defense commission shall have no authority to lobby the legislature on substantive criminal matters; and
8. The state indigent defense commission shall advocate for state funding of indigent defense services.

**MINUTES**  
OF THE KANE COUNTY  
BOARD OF COMMISSIONERS' SPECIAL MEETING  
**SEPTEMBER 23, 2015**  
IN THE KANE COUNTY ADMINISTRATION BUILDING  
180 WEST 300 NORTH, KANAB, UTAH

Attendees: Commission, Elected Officials, County Staff, Interested Citizens

**11:30 AM Special Meeting:**

Facilitator: Deputy Clerk/ Auditor for BOE, Dave Owens

Present: Assessor Linda Little, IT/ Deputy Clerk/ Auditor for BOE Dave Owens,  
Hearing Officer Randy Kelly, Chief Deputy Clerk/Auditor Keiren Chatterly,  
and Deputy Clerk Linda Millett

Telephonic Attendees: Commissioner Douglas K Heaton, Commissioner Jim Matson, and  
Commissioner Dirk Clayson

**Call in information: 435-676-9000 Participant code 812919#**

**Approve Hearing Officer Recommendations**

Assessor Linda Little and Deputy Clerk/Auditor for BOE Dave Owens, and Hearing Officer Randy Kelly reported on the Findings and Recommendations of the BOE Hearings. The Commissioners reviewed the recommendations. Equalization through the Re-Appraisal process was explained. Some decisions were reviewed, and a discussion ensued.

**Motion** to Approve the Board of Equalization Findings as Recommended by the Hearing Officer was made by Commissioner Matson, and the Motion carries with all Commissioners present voting in favor.

**Approve 2015 Abatements and Tax Credits.**

Dave Owens presented the Kane County Tax Credits and Abatement recommendations. Abatements for tax relief are given to widows/widowers, blind, veterans, and low income citizens of Kane County who meet required qualifications.

**Motion** to Adopt Abatements for Tax /Relief as recommended by Clerk/Auditor Karla Johnson was made by Commissioner Clayson, and the Motion carries with all Commissioners present voting in favor.

Review	Account	Parcel	TotalAdjustment	Owner	DecisionCode1
150001	152663	I-64-A	-500	KANE COUNTY	Decrease
150002	69693	35-M-5	0	BELLAMY CHRISTOPHER & BRENDA	No Change
150003	173545	K-216-2	-14900	ORTON KEVIN B & NICOLE	Decrease
150004	55122	25-A-191	-43568	DILLARD DENNIS K SR	Decrease
150005	94451	64-317	-23780	WIESEN ROBERT & KIMBERLY	Decrease
150006	59454	3-4.5-27-1	-285957	WETZEL LYLE FRANKLIN & SHARON LEE -TR-	Decrease
150007	71673	39-1081	0	BALL CONNIE VOISIN -TR-	No Change
150008	79940	51-118	-99191	BEGGS ED	Decrease
150009	79957	51-119	0	PINEWOOD ENTERPRISE LLC	No Change
150010	172441	51-116A	0	PINEWOOD ENTERPRISE LLC	No Change
150011	80021	51-126	0	PINEWOOD ENTERPRISE LLC	No Change
150012	80013	51-125	0	PINEWOOD ENTERPRISE LLC	No Change
150013	133358	3-5-13-6	0	DUNN SCOTT C & BONNIE	FAA Add
150014	127061	9-9-7-3	0	DEEP CREEK RANCHES LLC	FAA Add
150015	17502	K-70-14	26883	MICKELSON JAY M & JILL L	Increase
150016	118599	88-300	0	LAUB DOUGLAS D & DENISE I	Primary Add
150017	4070	F-21	0	MOCK JEROLD S & CHRISTINE	Primary Add
150018	17908	K-70-50	0	ENGLAND KIM	Primary Add
150019	165723	K-183-B3	-72771	CARLSON SALLY L & JON D-CO-TR-	Primary Add
150020	65394	34-1049	0	MCMAIN DAVID H	Primary Add
150021	165939	K-183-H8	0	MCDONALD BRIAN J & MARY LU -TR-	Primary Add
150022	95524	65-2073	0	KIRBY JASON S & KAYCY A	Primary Add
150023	100316	72-1221	0	SUTTON HAROLD F & SHEILA R	Primary Add
150024	100506	72-1240	0	GARRETT TERRY G & SHANNA F	Primary Add
150025	71996	39-1112	0	MONUMENT GROUP LLC	Primary Add
150026	65337	34-1043	0	BLOMQUIST KEVIN C & KRESTA	Primary Add
150027	65196	34-1030	0	STOVALL ORAN	Primary Add
150028	29390	U-A-5	0	RODRIGUEZ FERDINAND E & KRISTY	Primary Add
150029	10721	K-B-3-4	0	CASTLE GREGORY & JULIE	Primary Add
150030	10705	K-B-3-2	0	CLEGG JAMES B & CALLEEN	Primary Add
150031	84296	57-116	0	KEYS ED & BARBARA	Primary Add
150032	95433	65-2064	0	MCFADDEN DOUGLAS A & JOHANNA	Primary Add
150033	154883	150-11	-216989	VERBIL ANDREW D & LYDIA K	Decrease

150034	53523	23-86	-47259	LEWIS F DEAN & MARILEE J	Decrease
150035	117005	G-83-3	-113321	MCCOWAN MILO P & BONNIE D	Decrease
150036	6331	I-58	-17559	MOSER WILLIAM G & LAURIE A	Decrease
150037	86580	6-112	0	WATERS DANIELLE	Primary Add
150038	100738	72-1263	0	BODEM TERESA JO	Primary Add
150039	65618	34-115	0	ENSOR CHARLES E & DIANE	Primary Add
150040	144827	K-17-2B-ANNE	-556504	COMMUNITY HOUSING SERVICES-MONTEZUMA VILLA INC	Decrease
150041	6596	I-82-1	0	AXELGAARD JENS & INGE J -CO-TR-	No Change
150042	2413	D-A-18	-30268	DAWSON DOUGLAS S III & HEIKE	Decrease
150043	21298	O-4-115-ANNE	0	SOUZA CHRISTINE F	Primary Add
150044	112014	8-9-14-1	-58024	ESCALANTE FARMS LLC	Decrease
150045	19458	K-77-A-76	0	RILEY WILBUR JR & CHARLENE -CO-TR-	No Change
150046	69933	36-23	16097	BARLOW GARY & SANDRA	Increase
150047	69925	36-22	-23463	ROCKTOP PARTNERS I LP	Decrease
150048	87380	6-185	7700	DAWSON DOUGLAS S & JENNIFER J	Increase
150049	97090	65-340	-41171	LANDAR LLC	Decrease
150050	13733	K-26-16	-136257	KARPER SHERI BELLE -TR-	Decrease
150051	79403	5-52	-73808	WILLIAMS SAMUEL M & ELISABETH A	Decrease
150052	159460	160-69	0	TAYLOR HYRUM	Primary Add
150053	61591	K-33-2-ANNEX	-19608	WESTERN HILLS ROCKS & GEMS INC	Decrease
150054	59694	3-4.5-31-1	-258928	HARDISON KENNETH HAROLD -TR-	Decrease
150055	156516	O-1-7-4-11	0	LAMB TIA S -TR-	No Change
150056	155831	O-5-1A-ANNEX	-16765	S & T ORDERVILLE LLC	Decrease
150057	39464	O-5-1-ANNEX	0	S & T ORDERVILLE LLC	No Change
150058	20290	K-9-7	0	SUNSET TRUST/ MANAGEMENT/ GROUP-#10222010B	No Change
150059	60833	K-14-1-ANNEX	0	GASINK KAREN ELIZABETH	No Change
150060	60841	K-14-2-ANNEX	0	GASINK KAREN ELIZABETH	No Change
150061	163256	K-14-7A-ANNEX	0	GASINK KAREN ELIZABETH	No Change
150062	137391	K-14-7-ANNEX	0	GASINK KAREN ELIZABETH	No Change
150063	140619	K-14-8A-ANNEX	0	GASINK KAREN ELIZABETH	No Change
150064	163264	K-14-8B-ANNEX	0	GASINK KAREN ELIZABETH	No Change
150065	163249	K-14-2A-ANNEX	0	GASINK KAREN ELIZABETH	No Change
150066	163272	K-14-9A-ANNEX	0	GASINK KAREN ELIZABETH	No Change
150067	162332	K-14-10A-ANNEX	0	GASINK KAREN ELIZABETH	No Change

150068	138977	K-14-10-ANNE	0	GASINK KAREN ELIZABETH	No Change
150069	145980	K-14-16-ANNE	0	GASINK KAREN ELIZABETH	No Change
150070	162787	K-15-2-ANNEX	0	GASINK KAREN ELIZABETH	No Change
150071	139348	3-6-23-1	0	GASINK KAREN ELIZABETH	No Change
150072	139355	3-6-25-1	0	GASINK KAREN ELIZABETH	No Change
150073	19649	K-77-A-93	0	GASINK KAREN ELIZABETH	No Change
150074	173002	K-77-A-10A	0	GASINK KAREN ELIZABETH	No Change
150075	173019	K-77-A-10B	0	GASINK KAREN ELIZABETH	No Change
150076	173026	K-77-A-10C	0	GASINK KAREN ELIZABETH	No Change
150077	173033	K-77-A-10D	0	GASINK KAREN ELIZABETH	No Change
150078	173040	K-77-A-10E	0	GASINK KAREN ELIZABETH	No Change
150079	173071	K-77-A-11B	0	GASINK KAREN ELIZABETH	No Change
150080	173095	K-77-A-11D	0	GASINK KAREN ELIZABETH	No Change
150081	173088	K-77-A-11C	0	GASINK KAREN ELIZABETH	No Change
150082	173103	K-77-A-12A	0	GASINK KAREN ELIZABETH	No Change
150083	173110	K-77-A-12B	0	GASINK KAREN ELIZABETH	No Change
150084	173127	K-77-A-12C	0	GASINK KAREN ELIZABETH	No Change
150085	173134	K-77-A-12D	0	GASINK KAREN ELIZABETH	No Change
150086	173141	K-77-A-12E	0	GASINK KAREN ELIZABETH	No Change
150087	62524	3A-A-1	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150088	62540	3A-A-2	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150089	62573	3A-A-5	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150090	62581	3A-A-6	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150091	62599	3A-A-7	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150092	62607	3A-A-8	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150093	62763	3A-B-3	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150094	62771	3A-B-4	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150095	62789	3A-B-5	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150096	62805	3A-B-8	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150097	62631	3A-B-10	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150098	62649	3A-B-11	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150099	62656	3A-B-12	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150100	62672	3A-B-14	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150101	62706	3A-B-17	0	UTAH LOWE PROPERTY HOLDING LLC	No Change

150102	62714	3A-B-18	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150103	62722	3A-B-19	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150104	62748	3A-B-20	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150105	62821	3A-C-1	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150106	62912	3A-C-2	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150107	62920	3A-C-3	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150108	62938	3A-C-4	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150109	62946	3A-C-5	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150110	62953	3A-C-6	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150111	62961	3A-C-7	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150112	62979	3A-C-8	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150113	62987	3A-C-9	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150114	62854	3A-C-12	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150115	62862	3A-C-13	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150116	62870	3A-C-14	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150117	62888	3A-C-15	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150118	62896	3A-C-16	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150119	62904	3A-C-17	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150120	62995	3A-D-1	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150121	63084	3A-D-4	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150122	63092	3A-D-5	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150123	63100	3A-D-6	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150124	63118	3A-D-7	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150125	63126	3A-D-8	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150126	63134	3A-D-9	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150127	63001	3A-D-10	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150128	63019	3A-D-11	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150129	63027	3A-D-12	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150130	63035	3A-D-13	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150131	63043	3A-D-14	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150132	63050	3A-D-15	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150133	63142	3A-E-1	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150134	63159	3A-E-2	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150135	63167	3A-E-3	0	UTAH LOWE PROPERTY HOLDING LLC	No Change

150136	63175	3A-E-4	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150137	63209	3A-E-7	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150138	63217	3A-E-8	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150139	63225	3A-E-9	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150140	149024	3A-OL	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150141	125735	9-8-3-2	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150142	126162	9-8-4-3	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150143	126246	9-8-8-1	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150144	126279	9-8-8-4	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150145	126287	9-8-9-1	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150146	123524	9-8-10-2	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150147	124753	9-8-15-3	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150148	125065	9-8-16-3A	0	UTAH LOWE PROPERTY HOLDING LLC	No Change
150149	147655	3-4-32-2-1	-31949	RANCHO BACK ACRES INC	Decrease
150150	147986	3-4-32-2-1B	-43009	RANCHO BACK ACRES INC	Decrease
150151	147994	3-4-32-2-1C	-31930	RANCHO BACK ACRES INC	Decrease
150152	148000	3-4-32-2-1D	-43133	RANCHO BACK ACRES INC	Decrease
150153	148018	3-4-32-2-1E	-31911	RANCHO BACK ACRES INC	Decrease
150154	148026	3-4-32-2-1F	-65596	RANCHO BACK ACRES INC	Decrease
150155	148034	3-4-32-2-1G	-31930	RANCHO BACK ACRES INC	Decrease
150156	148042	3-4-32-2-1H	-43357	RANCHO BACK ACRES INC	Decrease
150157	148059	3-4-32-2-1I	-31787	RANCHO BACK ACRES INC	Decrease
150158	44423	13-33	-2753	KRUCKENBERG MATT	Decrease
150159	86267	59-27	-9200	WALTON RICHARD & JERRY T	Decrease
150160	72309	39-1143	-15444	BARNSON DUANE M & JOANN	Decrease
150161	67663	35-A-20	23936	THOMAS CHARLES S & TINA H	Increase
150162	67705	35-A-24	19624	JEFFS BRUCE W & MARIAN G	Increase

**RESOLUTION OF APPOINTMENT OF A KANE COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING**

WHEREAS, the Governing Body of Kane County, Utah, is the proper authority to appoint a qualified person to act as the official representative for Kane County at the Utah Counties Indemnity Pool Membership Meeting to be held on November 12, 2015; and

WHEREAS, the Governing Body of Kane County, Utah, has been informed that the By-laws of the Utah Counties Indemnity Pool require that the official representative and an alternate representative for Kane County must be an elected or appointed officer or employee of a Member and must be appointed by majority vote of the Governing Body of the Member to be the Member's official representative for the purposes of the Pool

NOW, THEREFORE, be it resolved that the Governing Body of Kane County, Utah, hereby appoints \_\_\_\_\_ as the official Kane County representative for the Utah Counties Indemnity Pool Membership Meeting to be held on November 12, 2015, with \_\_\_\_\_ as an alternate representative.

RESOLVED ADOPTED AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

GOVERNING BODY  
KANE COUNTY, UTAH

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_

# UTAH COUNTIES

INDEMNITY POOL

September 23, 2015

Karla Johnson  
Kane County Clerk-Auditor  
76 North Main Street  
Kanab, UT 84741

RE: Annual Membership Meeting

Dear Karla:

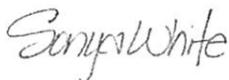
The Utah Counties Indemnity Pool's Annual Membership Meeting will be held in conjunction with the Utah Association of Counties' Annual Convention at 4:00 p.m. on Thursday, November 12, 2015 at the Dixie Convention Center in St. George.

Pursuant to the Pool Bylaws, Article 4.7, *Members shall have the obligation to: (b) Designate in writing a representative and one or more alternate representatives for the Membership Meetings. Each representative and alternate representative must be an elected or appointed officer or employee of a Member and must be appointed by majority vote of the governing body or by the county executive or county mayor of the Member to be the Member's official representative for the purposes of the Pool. An alternate representative may exercise all the powers of a representative during a Membership Meeting, in the absence of the representative.*

Please have the Kane County Governing Body appoint a representative and an alternate representative, who will attend the Membership Meeting on November 12, **by adopting the attached resolution** at the **next Commission meeting**. Please fax/email the signed resolution to me at 435-608-4531/[sonya@ucip.utah.gov](mailto:sonya@ucip.utah.gov).

The Board of Trustees request that you encourage the Commissioners to attend this meeting. Register for the event at: [uacmeets.org](http://uacmeets.org).

Sincerely,



Sonya White  
Chief Financial Officer

**RESOLUTION OF APPOINTMENT OF A KANE COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING**

WHEREAS, the Governing Body of Kane County, Utah, is the proper authority to appoint a qualified person to act as the official representative for Kane County at the Utah Counties Indemnity Pool Membership Meeting to be held on November 12, 2015; and

WHEREAS, the Governing Body of Kane County, Utah, has been informed that the By-laws of the Utah Counties Indemnity Pool require that the official representative and an alternate representative for Kane County must be an elected or appointed officer or employee of a Member and must be appointed by majority vote of the Governing Body of the Member to be the Member's official representative for the purposes of the Pool

NOW, THEREFORE, be it resolved that the Governing Body of Kane County, Utah, hereby appoints \_\_\_\_\_ as the official Kane County representative for the Utah Counties Indemnity Pool Membership Meeting to be held on November 12, 2015, with \_\_\_\_\_ as an alternate representative.

RESOLVED ADOPTED AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

GOVERNING BODY  
KANE COUNTY, UTAH

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_

**Linda Millett**

---

**From:** Devin Shakespear [dshakespear@kane.utah.gov]  
**Sent:** Thursday, October 08, 2015 12:07 PM  
**To:** ldmillett@kane.utah.gov  
**Subject:** Commission Meeting on October 26

Hello,

Can you add on a Victim Services update to the agenda for Commission Meeting on October 26?

Thank you!

Devin Shakespear  
Kane County Victim Services  
76 North Main Street  
Kanab, Utah 84741  
435-644-4989 work  
435-689-1254 cell

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: Oct. 19, 2015

Dept. /Business Name: Planning & Zoning; Land Use  
Authority

Topic/Re: Lot Joinder; Mark Jones, Zion View Mountain  
Estates, Unit C, Lots 88 & 89, New Lot 89; and vacate a 10 ft  
utility easement.

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: 644-4966 or 4951

Notes: See application and plat map attached.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





KANE COUNTY COMMISSION AGENDA REQUEST:

~~Regular~~ or Work Meeting

Date of Commission Meeting Requested: Oct. 19, 2015

Dept. /Business Name: Land Use Authority

Topic/Re: Zone change: RAtt Ridge, LLC, parcels # 1-9-14-3  
and 1-9-13-5; change from Ag to R-1

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: 644-4966 or 4951

Notes: See attached app's map.

Fee: 1409  
Paid: yes ✓

**REQUEST FOR ZONE CHANGE**

Owner Name: RAH Ridge, LLC Date: 6/9/15  
Address: 180 W. 975 N #23-12 Phone: \_\_\_\_\_  
City: Hurricane State: UT Zip: 84737-1735

LOCATION AND LEGAL DESCRIPTION AND PARCEL # OF SUBJECT PROPERTY:

Parcel #1-9-14-3 & #1-9-13-5  
\_\_\_\_\_  
\_\_\_\_\_

Current Zone: AG  
Proposed Zone: R-1

INTENDED USE AND REASON FOR ZONE CHANGE: For sale of selected land to developer  
\_\_\_\_\_  
\_\_\_\_\_

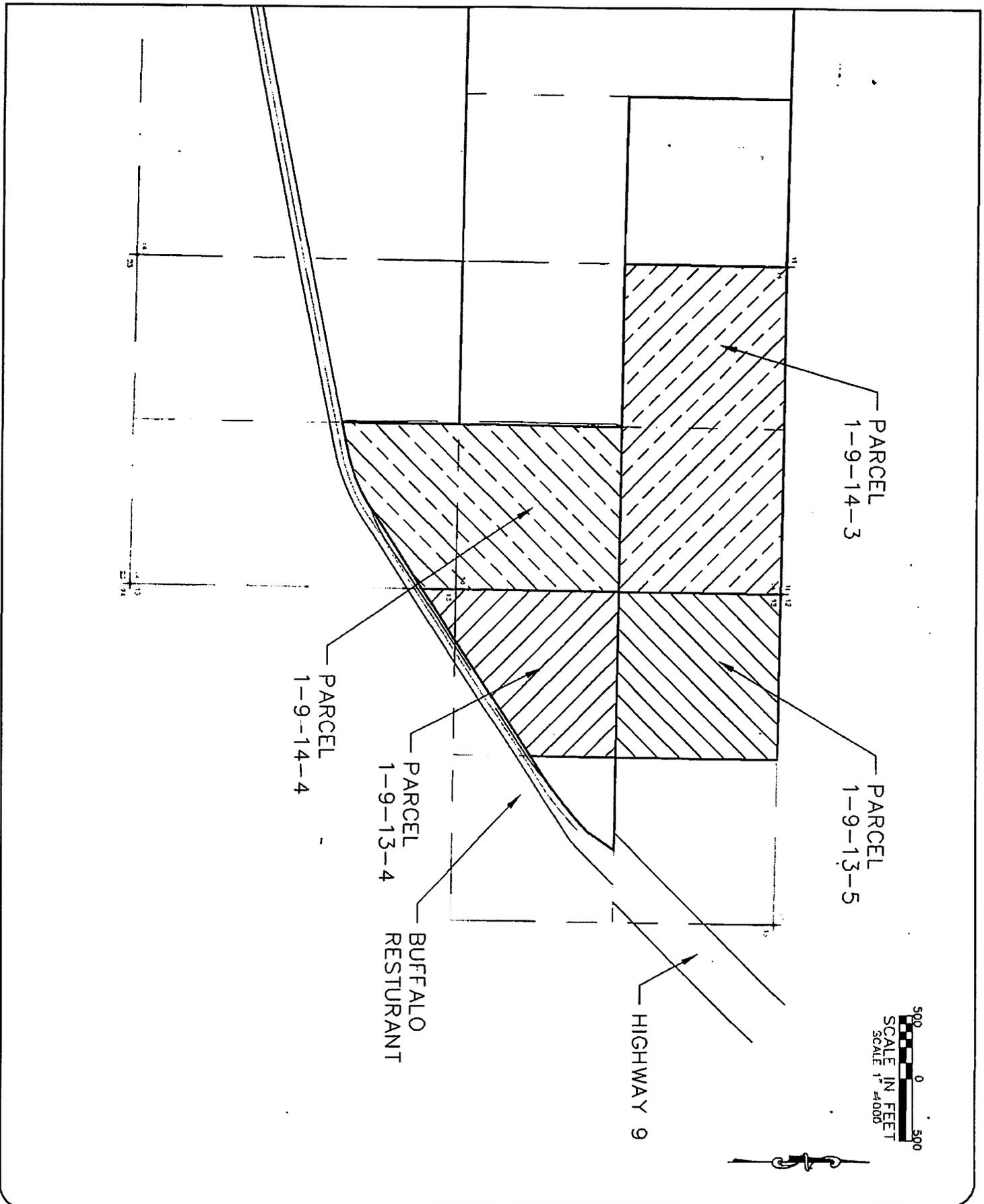
I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

Signature of owner or authorized Representative: Roland a Hall, Manager

PLANNING COMMISSION ACTION: APPROVE \_\_\_\_\_ DENY \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLANNING COMMISSION CHAIRMAN \_\_\_\_\_ Date \_\_\_\_\_



FILE:  
PEACHES-Boundary

SHEET:  
1 OF 1

DRAWN BY:  
TWA

**TC ENGINEERING**  
DESIGNING and BUILDING A  
BETTER FUTURE  
460 EAST 300 SOUTH  
P.O. BOX 55, KANAB, UTAH 84741  
(435)544-2031 (office) / (435)644-2069 (fax)

**EAST ZION ZONE CHANGE  
PARCEL MAP  
KANE COUNTY, UTAH**

SCALE: 1" = 1000'

DATE:	REVISION:

KANE COUNTY COMMISSION AGENDA REQUEST:

~~Regular~~ or Work Meeting

Date of Commission Meeting Requested: Oct. 19, 2015

Dept. /Business Name: Land Use Authority

Topic/Re: Zone Change: Zion Mountain Land Holdings, LLC  
parcel # 1-9-13-4; change from C-2 to R-1

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: 644-4966 or 4951

Notes: See attached app & map

Fee: 1409  
Paid: 2500 ✓

REQUEST FOR ZONE CHANGE

Owner Name: Zion Mountain Land Holdings, LLC Date: 6/9/15  
Address: 2923 W. Crestview Dr. Phone: \_\_\_\_\_  
City: Santa Clara State: UT Zip: 84765

LOCATION AND LEGAL DESCRIPTION AND PARCEL # OF SUBJECT PROPERTY:

Parcel #1-9-13-4 (See attached)  
\_\_\_\_\_  
\_\_\_\_\_

Current Zone: C-2  
Proposed Zone: R-1

INTENDED USE AND REASON FOR ZONE CHANGE: For sale of selected land to developer.  
\_\_\_\_\_  
\_\_\_\_\_

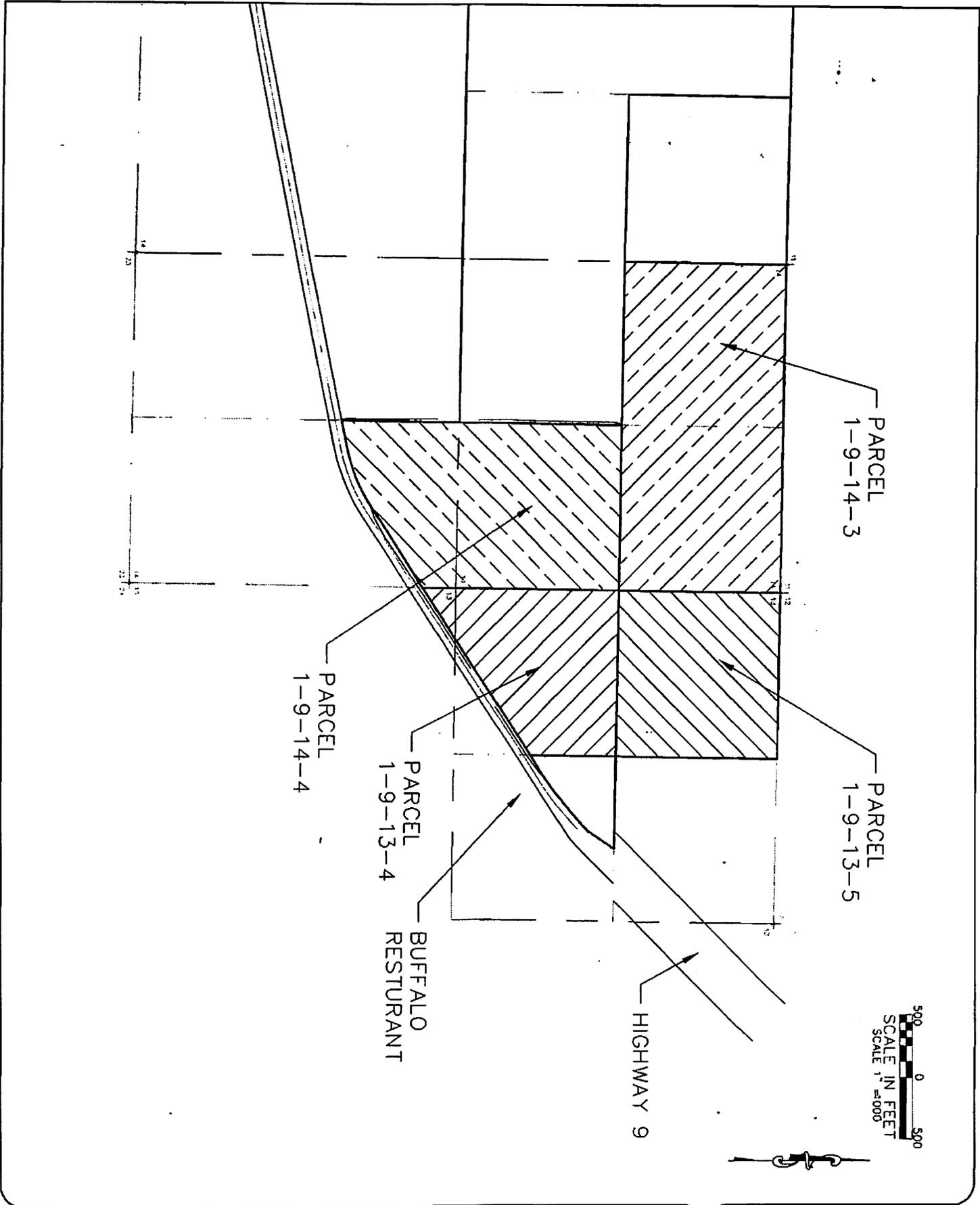
I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

Signature of owner or authorized Representative: K. M. [Signature], Manager

PLANNING COMMISSION ACTION: APPROVE \_\_\_\_\_ DENY \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLANNING COMMISSION CHAIRMAN \_\_\_\_\_ Date \_\_\_\_\_



FILE:  
PEACHES-Boundary

SHEET: 1 OF 1

DRAWN BY:  
TWA

**TC ENGINEERING**  
DESIGNING and BUILDING A  
BETTER FUTURE  
460 EAST 300 SOUTH  
P.O. BOX 55, KANAB, UTAH 84741  
(435)844-2031 (office) / (435)844-2069 (fax)

**EAST ZION ZONE CHANGE**  
PARCEL MAP  
KANE COUNTY, UTAH  
SCALE: 1" = 1000'

DATE:	REVISION:

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: Oct. 19, 2015

Dept. /Business Name: Planning & Zoning; Land Use Authority

Topic/Re: Zone Change: The Ranch at Zion, LLC, parcel # 1-9-14-4  
change from Ag to R-1

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: 1-414-21966 or 4951

Notes: See attached app's map.

SEP 07 2015  
SEP 07 2015

Fee: 1409  
Paid: 2507.80

REQUEST FOR ZONE CHANGE

Owner Name: The Ranch at Zion, LLC Date: 6/9/15  
Address: 2300 W. Sahara Ave. Ste #550 Phone: \_\_\_\_\_  
City: Las Vegas State: NV Zip: 89102

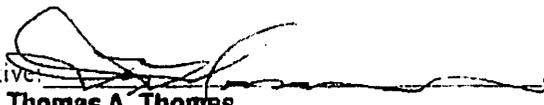
LOCATION AND LEGAL DESCRIPTION AND PARCEL # OF SUBJECT PROPERTY:

Parcel #1-9-14-4 (See attached)  
\_\_\_\_\_  
\_\_\_\_\_

Current Zone: AG  
Proposed Zone: R-1

INTENDED USE AND REASON FOR ZONE CHANGE: For sale of selected land to developer.  
\_\_\_\_\_  
\_\_\_\_\_

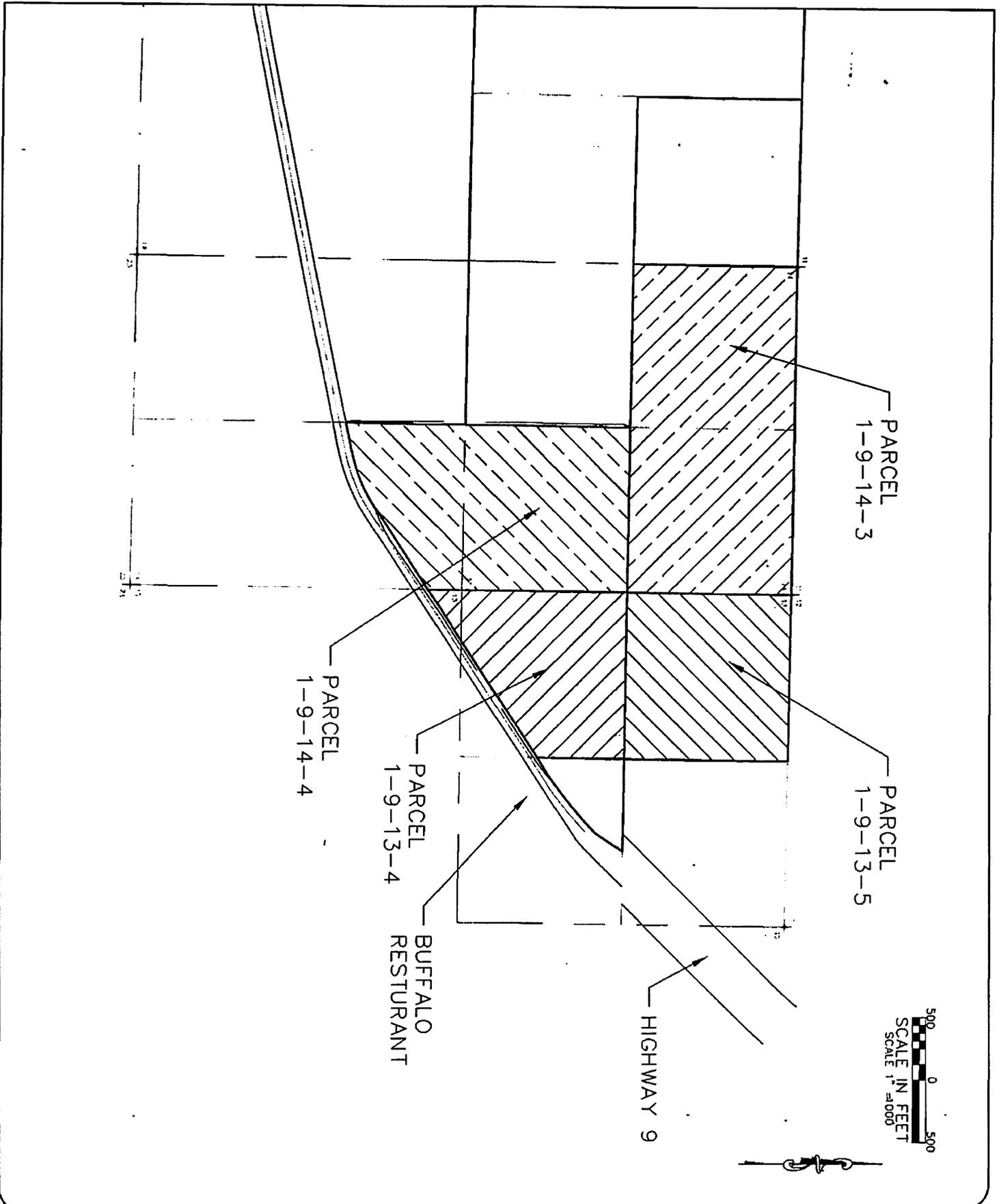
I (we) certify that the proposed Zone Change will conform to the Kane County Zoning Ordinance and that no changes will be made without prior approval.

Signature of owner or authorized Representative:   
**Thomas A. Thomas**  
**Manager**

PLANNING COMMISSION ACTION: APPROVE \_\_\_\_\_ DENY \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLANNING COMMISSION CHAIRMAN \_\_\_\_\_ Date \_\_\_\_\_



FILE:  
PEACHES-Boundary

SHEET: 1 OF 1

DRAWN BY:  
TWA

**TC ENGINEERING**  
DESIGNING and BUILDING A  
BETTER FUTURE  
460 EAST 300 SOUTH  
P.O. BOX 55, KANAB, UTAH 84741  
(435)841-2031 (office) / (435)841-2069 (fax)

EAST ZION ZONE CHANGE  
PARCEL MAP  
KANE COUNTY, UTAH  
SCALE: 1" = 1000'

DATE:	REVISION:



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Color Country District Office

Kanab Field Office

669 South Highway 89A

Kanab, UT 84741

Telephone (435) 644-1200

[www.blm.gov/ut/st/en/fo/kanab.html](http://www.blm.gov/ut/st/en/fo/kanab.html)



IN REPLY REFER TO:

1440

LLUTC04000

October 8, 2015

Kane County Land Use Authority  
180 West 300 North  
Kanab, UT 84741

Ladies and Gentlemen:

Thank you for notification of the Zone Change application for several parcels of private land along the Highway 9 corridor of Kane County. According to our records, the United States holds the rights to ditches & canals and coal on these parcels, as well as other minerals on a portion of these parcels.

Specifically, the lands listed as Township 41 South, Range 9 West, the N1/2NE1/4 of Section 14, the NW1/4NW1/4 of Section 13 (identified as parcels 1-9-14-3 and 1-9-13-5), and the SW1/4NW1/4 of Section 13 (identified as a portion of parcel 1-9-13-4) were initially conveyed under Patent Number 1022308 dated January 12, 1929, which reserved ditches & canals, coal, and other minerals to the United States.

In addition, the lands listed in Township 41 South, Range 9 West, the SE1/4NE1/4 and the NE1/4SE1/4 of Section 14 (identified as parcel 1-9-14-4), and the NW1/4SW1/4 of Section 13 (identified as a portion of parcel 1-9-13-4), were initially conveyed under Patent Number 884410 dated October 25, 1922, which reserved ditches & canals and coal to the United States.

We have enclosed an overview map of the parcels and copies of the patents for your review.

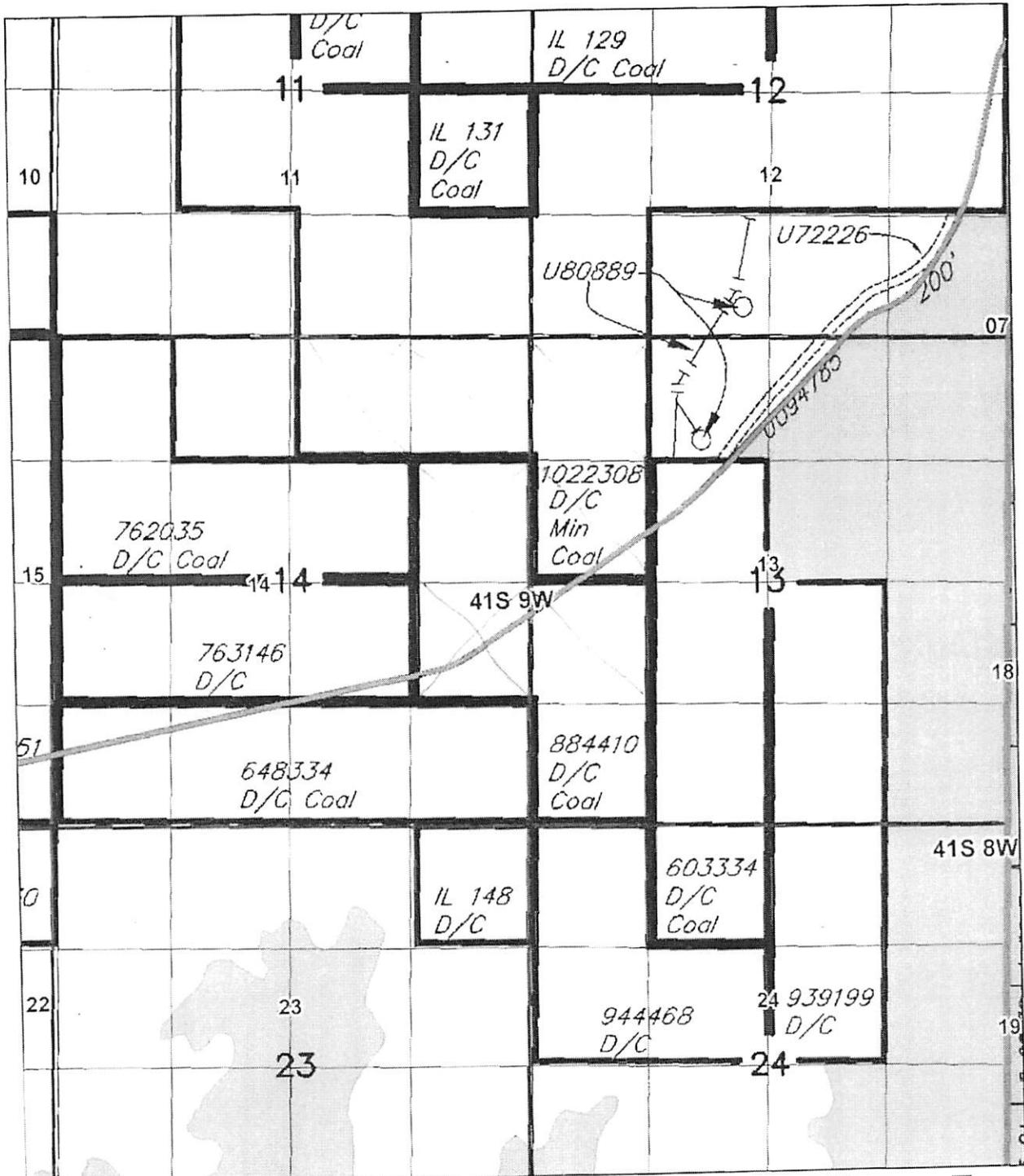
What would be the impact under Kane County zoning regulations of these changes from Agriculture (Ag) and Commercial (C-2) to Residential (R-1) on the ditches & canals, coal, and other mineral rights reserved to the United States in these patents?

Sincerely,

Harry Barber  
Field Office Manager

# Zone Change Overview

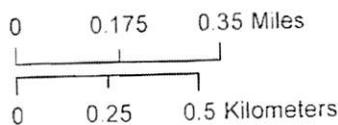
October 2015



- BLM
- BLM Wilderness
- National Forest
- National Park
- State
- Private



BLM WSA



Projection: Transverse Mercator  
 Coordinate System: UTM  
 Datum: North American Datum of 1983 (NAD 83)

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



BLM

KANAB FIELD OFFICE

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Salt Lake City, Utah, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Henry Chamberlain** has been established and duly consummated, in conformity to law, for the southeast quarter of the northwest quarter, the northeast quarter of the southwest quarter, the southeast quarter of the southeast quarter and the west half of the southeast quarter of Section eleven, the west half of the southwest quarter, the northeast quarter of the southwest quarter, the north half of the southeast quarter and the south half of the northeast quarter of Section twelve, the west half of the northwest quarter of Section thirteen and the north half of the northeast quarter of Section fourteen in Township forty-one south of Range nine west of the Salt Lake Meridian, Utah, containing six hundred forty acres, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, Calvin Coolidge,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed:

GIVEN under my hand, at the City of Washington, the TWELFTH day of JANUARY In the year of our Lord one thousand nine hundred and TWENTY-NINE and of the Independence of the United States the one hundred and FIFTY-THIRD

(SEAL)

By the President: *Calvin Coolidge*  
 By *W. B. Cagle* Secretary.  
*M. P. LeRoy*  
 Recorder of the General Land Office.

# The United States of America,

On all in which these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Salt Lake City, Utah, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant **Margaret A. Anderson** according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, and supplemented by the Act of March 4, 1915, for the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of Section fourteen and the west half of the southwest quarter of Section thirteen in Township forty-one south of Range nine west of the Salt Lake Meridian, Utah, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States; reserving, also, to the United States all coal in the lands so granted, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of and subject to the limitations of the Act of June 22, 1910 (36 Stat., 583).

IN TESTIMONY WHEREOF, I, **Warren G. Harding,**

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the TWENTY-FIFTH day of OCTOBER In the year of our Lord one thousand nine hundred and TWENTY-TWO and of the Independence of the United States the one hundred and FORTY-SEVENTH.

By the President *Warren G. Harding*  
 By *Viola B. Cough* Secretary.  
*W. P. LeRoy*  
 Recorder of the General Land Office

1435138

(SEAL)



## Land Use Authority

180 West 300 North  
Kanab, Utah 84741  
Phone (435) 644-4966  
Or 435-644-4901  
Fax (435) 644-4963  
[planning@kane.utah.gov](mailto:planning@kane.utah.gov)

October 13, 2015

Harry Barber  
Office Manager  
Kanab BLM Field Office

Dear Mr. Barber,

I am emailing you this letter due to time restraints before tomorrows, October 14, Planning and Zoning meeting at 6:00 p.m. In response to your letter dated October 8, 2015, concerning rights to ditches and canals and coal on the parcels, as well as other minerals on a portion of the parcels, located in Township 41 South, Range 9 West, the N1/2NE1/4 of Section 14, the NW1/4NW1/4 of Section 13 (identified as parcels 1-9-14-3 and 1-9-13-5), and the SW1/4NW1/4 of Section 13 (identified as a portion of parcel 1-9-13-4) initially conveyed under Patent Number 1022308 dated January 12, 1929, which reserved ditches and canals, coal, and other minerals to the United States.

This also includes, Township 41 South, Range 9 West, the SW1/4NE1/4 and the NE1/4 of Section 14 (identified as parcel 1-9-13-4), initially conveyed under Patent Number 884410 dated October 25, 1922, which reserved ditches and canals, and coal to the United States.

In answer to your inquiry about impact of the zone change, the ditches and canals would still be allowed and the easements thereto. The change from AG and Commercial zoning to Residential zoning would eliminate the use of mining. The Commercial Zone does not allow mining at this time as represented in Kane County Land Use Ordinance, Title 9, Chapter 7, Section 5, (9-7B-5) in the "Use Matrix". In the Kane County Land Use Ordinance, (9-6A-6), Title 9, Chapter 6-Residential Zones, the "Use Matrix" lists all of the residential uses. Mining is not allowed in residential zones. In the Agricultural Zone mining is allowed with a conditional use permit.

The public hearing is scheduled for tomorrow evening at 6 p.m. If you have concerns or questions and need further time to contact your supervisors on the matter of mining this item still needs to go through the Kane County Commission, if it is passed by the Planning Commission. Please let me know your intentions on this matter.

Thank you,

Shannon McBride  
Kane County Zoning Administrator

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: Oct. 19, 2015

Dept. /Business Name: Land Use Authority

Topic/Re: Land Use Ordinance Revision: Chapter 21 -  
9-21B-4B Building Permits

Dept. Head/Owner: Shannon McBride

Meeting Requested by: Shannon McBride

Contact name & #: 644-4966 or 4951

Notes: See attached workbook

Proposed changes to 9-21B-4(B): BUILDING PERMITS

B. No building permit shall be issued for the construction or alteration of any residential or commercial building or structure within a subdivision or planned unit development until the infrastructure is completed and approved by the Kane County engineer, as outlined in this Article. ~~u~~Unless the following conditions are met:

1. The property on which the building will be located is owned by the developer and that it cannot be transferred or reservations taken on the property until the infrastructure is completed and approved by the Kane County Engineer.
2. The Preliminary Plat and Construction Plans shall be approved by the Land Use Authority and Kane County Engineer, respectively.
3. The developer must provide financial assurance, in accordance with Article I of this chapter, prior to issuance of the building permit. The financial assurance shall be maintained until the infrastructure is completed and approved by the Kane County Engineer.
- ~~4.~~ The developer provides a 'hold harmless' agreement, acceptable by Kane County, that the developer takes all liability in connection with building prior to the completion and approval of the infrastructure and will not: a) seek to obtain a certificate of occupancy until the infrastructure is completed and approved by the Kane County Engineer; b) not sell, transfer or take a reservation on the property until the infrastructure is completed and approved by the Kane County Engineer; and/or c) not hold Kane County liable for ~~in any costs and/or damages occurred~~ **resulting** in connection with the developer starting construction on the building regardless of the final outcome of the overall project.

Attach file from email

KANE COUNTY COMMISSION AGENDA REQUEST:

Regular or Work Meeting

Date of Commission Meeting Requested: \_\_\_\_\_

Dept. /Business Name: Attorney

Topic/Re: Report on "the legalization of Marijuana in Colorado: The Impact"

Dept. Head/Owner: Rob Van Dyke

Meeting Requested by: " "

Contact name & #: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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# Executive Summary

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## Purpose

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Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) is tracking the impact of marijuana legalization in the state of Colorado. This report will utilize, whenever possible, a comparison of three different eras in Colorado's legalization history:

- 2006 – 2008: Early medical marijuana era
- 2009 – Present: Medical marijuana commercialization and expansion era
- 2013 – Present: Recreational marijuana era

Rocky Mountain HIDTA will collect and report comparative data in a variety of areas, including but not limited to:

- Impaired driving
- Youth marijuana use
- Adult marijuana use
- Emergency room admissions
- Marijuana-related exposure cases
- Diversion of Colorado marijuana

This is the third annual report on the impact of legalized marijuana in Colorado. It is divided into eleven sections, each providing information on the impact of marijuana legalization. The sections are as follows:

### Section 1 – Impaired Driving:

- In 2014, when retail marijuana businesses began operating, there was a 32 percent increase in marijuana-related traffic deaths in just one year from 2013.
- Colorado marijuana-related traffic deaths increased 92 percent from 2010 – 2014. During the same time period all traffic deaths only increased 8 percent.

- Marijuana-related traffic deaths were approximately 20 percent of all traffic deaths in 2014 compared to half that (10 percent) just five years ago.
- In 2014, when retail marijuana businesses began operating, toxicology reports with positive marijuana results of active THC results for primarily driving under the influence have increased 45 percent in just one year.

### Section 2 – Youth Marijuana Use:

- In 2013, 11.16 percent of Colorado youth ages 12 to 17 years old were considered current marijuana users compared to 7.15 percent nationally. Colorado ranked 3<sup>rd</sup> in the nation and was 56 percent higher than the national average.
- Drug-related suspensions/expulsions increased 40 percent from school years 2008/2009 to 2013/2014. The vast majority were for marijuana violations.
- There was a 20 percent increase in the percent of 12 to 17 year old probationers testing positive for marijuana since marijuana was legalized for recreational purposes.
- A 2015 survey of school resource officers and school counselors revealed similar results about increased school marijuana issues since the legalization of recreational marijuana.

### Section 3 – Adult Marijuana Use:

- In 2013, 29 percent of college age students (ages 18 to 25 years old) were considered current marijuana users compared to 18.91 percent nationally. Colorado, ranked 2<sup>nd</sup> in the nation, was 54 percent higher than the national average.
- In 2013, 10.13 percent of adults ages 26 years old and over were considered current marijuana users compared to 5.45 percent nationally. Colorado, ranked 5<sup>th</sup> in the nation, was 86 percent higher than the national average.
- Probationers age 18 to 25 and 26+ years old testing positive for marijuana increased 49 and 87 percent respectively since marijuana was legalized in 2013.

#### Section 4 – Emergency Room Marijuana and Hospital Marijuana-Related Admissions:

- In 2014, when retail marijuana businesses began operating, there was a 29 percent increase in the number of marijuana-related emergency room visits in only one year.
- In 2014, when retail marijuana businesses began operating, there was a 38 percent increase in the number of marijuana-related hospitalizations in only one year.
- In the three years after medical marijuana was commercialized, compared to the three years prior, there was a 46 percent increase in hospitalizations related to marijuana.
- Children’s Hospital Colorado reported 2 marijuana ingestions among children under 12 in 2009 compared to 16 in 2014.

#### Section 5 – Marijuana-Related Exposure:

- In 2014, when retail marijuana businesses began operating, marijuana-only related exposures increased 72 percent in only one year.
- In the years medical marijuana was commercialized (2009 – 2012), marijuana-related exposures averaged a 42 percent increase from pre-commercialization years (2006 – 2008) average.
- During the years 2013 – 2014, the average number of all age exposures was 175 per year. Exposures have doubled since marijuana was legalized in Colorado.
- Young children (ages 0 to 5) marijuana-related exposures in Colorado:
  - During the years 2013 – 2014, the average number of children exposed was 31 per year.
    - This is a 138 percent increase from the medical marijuana commercialization years (2009 – 2012) average which was a 225 percent increase from pre-commercialization years (2006 – 2008).

Section 6 – Treatment:

- Over the last ten years, the top three drugs involved in treatment admissions, in descending order, were alcohol (average 12,943), marijuana (average 6,491) and methamphetamine (average 5,044).
- Marijuana treatment data from Colorado in years 2005 – 2014 does not appear to demonstrate a definite trend. Colorado averages approximately 6,500 treatment admissions annual for marijuana abuse.

Section 7 – Diversion of Colorado Marijuana:

- During 2009 – 2012, when medical marijuana was commercialized, the yearly average number interdiction seizures of Colorado marijuana increased 365 percent from 52 to 242 per year.
- During 2013 – 2014, when recreational marijuana was legalized, the yearly average interdiction seizures of Colorado marijuana increased another 34 percent from 242 to 324.
- The average pounds of Colorado marijuana seized, destined for 36 other states, increased 33 percent from 2005 – 2008 compared to 2009 – 2014.

Section 8 – Diversion by Parcel:

- U.S. mail parcel interceptions of Colorado marijuana, destined for 38 other states, increased 2,033 percent from 2010 – 2014.
- Pounds of Colorado marijuana seized in the U.S. mail, destined for 38 other states, increased 722 percent from 2010 – 2014.
- From 2006 – 2008, compared to 2013 – 2014, the average number of seized parcels containing Colorado marijuana, that were destined outside the United States, increased over 7,750 percent and pounds of marijuana seized in those parcels increased over 1,079 percent.

Section 9 – THC Extraction Labs:

- In 2013, there were 12 THC extraction lab explosions compared to 32 in 2014.
- In 2013, there were 18 injuries from THC extraction lab explosions compared to 30 in 2014.

Section 10 – Related Data:

- Overall, crime in Denver increased 12.3 percent from 2012 to 2014.
- Colorado annual tax revenue from the sale of recreational marijuana was 52.5 million (CY2014) or about 0.7 percent of total general fund revenue (FY2015).
- The majority of cities and counties in Colorado have banned recreational marijuana businesses.
- National THC potency has risen from an average of 3.96 percent in 1995 to an average of 12.55 percent in 2013. The average potency in Colorado was 17.1 percent.
- Homelessness increased with the appeal of legal marijuana being a factor.
- Denver has more licensed medical marijuana centers (198) than pharmacies (117).

Section 11 – Related Material:

- This section lists various studies and reports.

There is much more data in each of the eleven sections, which can be used as a standalone document. All of the sections are on the Rocky Mountain HIDTA website and can be printed individually; go to [www.rmhidta.org/Reports](http://www.rmhidta.org/Reports).