



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
76 North Main, Kanab
May 13, 2020

Meeting held via telephone conference.

CHAIRMAN: Doug Heaton

MEMBERS PRESENT: Doug Heaton, Wade Heaton, Pam Hill, Byard Kershaw, Hal Hamblin, Danny Brown, Jeremy Chamberlain

EX-OFFICIO MEMBER: Commissioner Andy Gant

STAFF PRESENT Shannon McBride, Land Use Administrator; Wendy Allan, Administrative Assistant; Lou Pratt, GIS; Rob Van Dyke, Attorney; Tom Avant, Engineer

6:00 PM Meeting called to order Doug Heaton
Invocation Jeremy Chamberlain
Pledge of Allegiance Danny Brown

GENERAL BUSINESS

1. Approval of minutes March 11, 2020

MOTION: Harold Hamblin made a motion to **approve** the March 11, 2020 minutes. Danny Brown seconded the motion. The Chair asked for any questions or comments. The **motion passed** unanimously.

2. Public Comment (NONE)

MOTION: A motion was made by Wade Heaton to go in and out of public hearing at the call of the chair. The motion was seconded by Jeremy Chamberlain. The Chair called for the question and the **motion passed** unanimously.

LEGISLATIVE ITEMS

3. Public Hearing - Ordinance 2020-09/Zone Change: Chamberlain

An application for a zone change from C-1 to C-2 to allow for further development, parcel 2-6-31-3, 5.48 acres, Moqui Cave area located 5.5 miles north of Kanab, Utah. Submitted by Lee Anne Chamberlain.

Tanner Chamberlain requested to change his zoning from C-1 to C-2 to expand for a guiding and concierge center. He recognized that he is in a well source protection zone. They do not plan to add any plumbing or septic. They plan to locate two dry shipping containers on the property to serve as office space.

Shannon explained that Moqui Cave is located in a well source protection zone. Shannon has spoken with Tom Avant, County Engineer, and Joe Decker, Kanab City Manager and well as Paul Wright with the DWQ. Paul indicated that the well protection zone precautions are in effect regardless of the County's zoning. She explained that if Tanner decided to rent ATVs the units would need to be taken into town to be washed and fueled.

Joe Decker representing Kanab City indicated that as long as the well protection zone stipulations are followed the city is in agreeance with this zone change. He further stated that if there is some kind of spill or the like, the city would need immediate notification.

Tanner indicated he had spoken with Jake Dutton, Kanab City Public Works Director, about doing a survey of the property to determine where the well source protection zone actually lies. Tanner believes that half of the property lies outside the protection zone. Tanner feels that if that is the case, they could designate a place outside of the protection zone to wash and fuel ATVs.

Joe Decker reminded Tanner that maps of the protection zones are available for review. He further stated the surveying of the zone should be the developer's responsibility.

Chairman Heaton called the commission into public hearing.

Jim Mace: Jim questioned why there needs to be a zone change. He wondered why they cannot do what they want to do in the current zone. He is also concerned about guests staying off of his property. He is opposed to this zone change.

Shannon responded that C-1 requires a conditional use permit and the applicant preferred a zone change because it was less expensive.

Jake Dutton: Jake stated that zone 2 (of the well source protection zones) requires 650 feet from the well head. That measure to the south side of the parking lot at Moqui Cave. Jake further explained that all contaminants must be controlled onsite. There cannot be any storage of excess amounts of contaminants; so no storage of oil, gasoline or chemicals.

Tanner questioned if he were to place something on the south side of the parking lot outside of the zone if he would be okay. Jake indicated things would need to be stored inside a sealed container.

Chairman Heaton called the commission out of public hearing.

MOTION: Pam Hill made a motion to **recommend** approval of the zone change application from C-1 to C-2 & Ordinance O-2020-09, submitted by Lee Anne Chamberlain based on the facts and findings as documented in the staff report. Seconded by Wade Heaton.

It was clarified that both sides of Hwy 89, including the majority of the property, are in the well source protection zones. Wade reminded the P&Z that well source protection is under the DEQ. He feels that the P&Z is responsible only for the zoning and the additional uses allowed in C-2. Joe reminded the P&Z that there are county ordinances that govern protection zones. Shannon clarified that the county is responsible for regulating the well source protection zones through Kane County Land Use Ordinance Chapter 26: Well Source Protection Areas.

Shannon further explained that when the applicant has an approved business plan they will need to work with the county to ensure that it is in compliance with the well source protection plan and zone that is on their property.

VOTE: Chairman Heaton called for the vote. The vote was unanimous. The **motion passed** and approval will be recommended to the commission.

FINDINGS:

- Parcel 2-6-31-3 meets the minimum acreage required to be zoned C-2. The parcel is currently zoned C-1.
- The developer requests the C-2 zoning which requires a zone change.
- Surrounding parcels are zoned AG, BLM and SITLA.
- The lot gains access from Highway 89.
- All property owners within 500 ft. of this lot have been mailed a public notice.
- Kane County Land Use Ordinance: 9-7A-1 PURPOSE: The C-1 Zone is to provide for light commercial areas located in or near Residential Zones to meet the day to day needs of area residences. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- Kane County Land Use Ordinance: 9-7B-1: PURPOSE: The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- Kane County General Plan, Preamble: “Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the

unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.”

- Kane County General Plan, page 7: “Industrial and Commercial Land Use: Industrial and commercial land uses are usually located at major highway intersections and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amangiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. They are all Planned Unit Developments and Kane County encourages this trend to continue.”

4. Public Hearing - Ordinance 2020-11/Zone Change: Mocker

An application for a zone change from R-1 to C-1 for a bed and breakfast, parcel 2-1E-32-5D, 20 acres, located at 2416 N. Waunita, Clark Bench, Utah. Submitted by Debra Mocker and Mark Gutteridge.

Debra Mocker just purchased this 20 acre parcel. They have a well on their property. They would like to rent two rooms in their home to adults only.

Shannon reviewed the zoning in the subdivision indicating every lot in the area is zoned R-1.

Staff received many letters in regards to this project. Wendy gave a summary of those letters. (Attachment #1)

Chairman Heaton called the commission into public hearing.

(NO COMMENTS)

Chairman Heaton called the commission out of public hearing.

MOTION: Danny Brown made a motion to **deny** approval of the zone change application from R-1 to C-1 for parcel 2-1E-32-5D & Ordinance O-2020-11, submitted by Debra Mocker and Mark Gutteridge based on the facts and findings as documented in the staff report. Seconded by Pam Hill.

Danny Brown stated that this is not a tally count on who is for and who is against. Based on location of this property, he recommends denial.

Wade believes we should let people do what they want with their property. However, we do not protect people; zones protect people. People buy and build in a zone with a reasonable expectation that the uses allowed in that zone is what will surround them. It is the P&Z's job to protect the zone.

Tom Avant, County Engineer, pointed out that the water supply in the area is subpar and would not support commercial development. Shannon reminded the P&Z that the Kane County General Plan discourages development in areas without infrastructure.

VOTE: Chairman Heaton called for the vote. The vote was unanimous. The **motion passed** and denial will be recommended to the commission.

FINDINGS:

- Parcel 2-1E-32-5D meets the minimum acreage required to be zoned C-1. The parcel is currently zoned R-1.
- The owner requests the C-1 zoning which requires a zone change.
- Surrounding parcels and lots are ALL zoned R-1.
- All the lots gain access from Highway 89.
- All property owners within 500 ft. of this lot have been mailed a public notice.

PURPOSE: The C-1 Zone is to provide for light commercial areas located in or near Residential Zones to meet the day to day needs of area residences. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

Kane County Land Use Ordinance: 9-7A-1

Uses Table: RESIDENTIAL

	R-1/2	R-1	R-2	R-5
Bed and breakfast	-	-	C	C
Lodges, residential	-	-	-	C

Uses Table: COMMERCIAL 1 and 2

	C-1	C-2		C-1	C-2
Bed and breakfast	P	P	Lodges	P	P

Kane County General Plan, Preamble: “Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated

county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.”

Kane County General Plan (KCGP): “Industrial and Commercial Land Use: Industrial and commercial land uses are usually located at major highway intersections and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amangiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. They are all Planned Unit Developments and Kane County encourages this trend to continue.” Page 7

The applicant’s request to rezone parcel 2-1E-32-5D from R-1 to C-1 would not be consistent with the Kane County General Plan (KCGP). KCGP states: “Zoning districts have been established to provide fundamental fairness in land use regulation and to protect property values, not the interests of those who intrude on the zone. Zone changes will be made only after those interests for which the zone was created have expired or there is no interest left to protect.” **(KCGP, Page 2)**

“Industrial and commercial land uses are usually located at major highway intersections and near established communities.” **(KCGP, Page 7)**

“A guiding principle which has been present in every Kane County plan since 1970 has been the recognition that unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses.” **(KCGP, Page 10)**

“Encourage and provide for commercial uses in locations with infrastructure in place to serve the public.

Objective: Develop commercial uses compatibly with the use and character of the surrounding area.” **(KCGP, Page 15)**

“U.S. Highway 89 is a limited-access highway, the Utah Department of Transportation restricts the number of ingresses and egresses. This is to promote safety, yet retain the capability of carrying traffic at relatively high speeds.” **(KCGP, Page18)**

“Kane County will discourage development that requires municipal-type services unless such development is serviced by a special district established for that purpose. Special Service Districts in Kane County include 11 districts. Clark Bench is not serviced by those districts.” **(KCGP, Page 27)**

5. Public Hearing - Ordinance 2020-12/Zone Change: Heaps/Broderick

An application for a zone change from R-1 to AG, for a bed and breakfast, parcel 120-2, 12.93 acres, located at 5060 West Lake Powell Boulevard, Church Wells, Utah. Submitted by Janiece Broderick, holding Attorney in Trust for Amy Heaps.

LaVon Broderick is asking to rezone from R-1 to AG. He shared his plan to rent rooms in his home and offer horseback rides.

Shannon reviewed the zoning of Church Wells. There is AG property right next to this property. Commercial property runs along the front of the subdivision. Church wells does have a water system and a special service district.

Staff received three letter containing four signatures, all in opposition to this zone change. (Attachment #2)

Chairman Heaton called the commission into public hearing.

(NO COMMENTS)

Chairman Heaton called the commission out of public hearing.

MOTION: Wade Heaton made a motion to **recommend** approval of the zone change application from R-1 to AG & Ordinance O-2020-12, submitted by Amy Broderick Heaps based on the facts and findings as documented in the staff report. Seconded by Jeremy Chamberlain.

Lou explained that the roads are county right-of-ways but they are not maintained by the county.

Pam noted that most of the comments in opposition stemmed from the road. Tom addressed traffic concerns stating that there are protections in the ordinance that require upgrades to the roads when a certain volume of traffic is reached.

Chairman Heaton noted that this property is on the edge of a subdivision with neighboring AG property.

Danny moved for previous question. Chairman called for a vote to end discussion. The vote was unanimous.

VOTE: Chairman Heaton called for the question on the motion. The vote was unanimously. The **motion passed** and approval will be recommended to the commission.

FINDINGS:

- Lot 120-2 meets the minimum acreage required to be zoned AG. The lot is currently Zoned R-1.

- The developer requests the AG zoning which requires a zone change.
- Surrounding parcels are zoned AG, R-1 and R1/2, BLM and SITLA.
- All the lots gain access from Consumer Street off Highway 89.
- All property owners within 500 ft. of this lot have been mailed a public notice.

Agricultural Zones, Purpose: To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the use matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013) **Kane County Land Use Ordinance: 9-5-1**

A. In this chapter are tables describing uses of land or buildings that are allowed in the zone as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the Planning Commission are indicated by a "C" in the appropriate column. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013) **Kane County Land Use Ordinance: 9-5-2**

B. All uses listed in the residential uses table shall be allowed in the Agricultural Zone with the appropriate designated use of permitted, conditional or not allowed. If there is a conflict between the designated uses in the Agricultural Zone the most restrictive use shall apply. Exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-502. (Ord. O-2019-2, 1-14-2019) **Kane County Land Use Ordinance: 9-5-2**

AG

Lodges	C
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Kane County General Plan, Preamble: Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.

Industrial and Commercial Land Use: Industrial and commercial land uses are usually located at major highway intersections and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amangiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. They are all Planned Unit Developments and Kane County encourages this trend to continue.

The applicant’s request to rezone lot 120-2 from R-1 to AG would be consistent with the Kane County General Plan (KCGP). KCGP states: “Zoning districts have been established to provide fundamental

fairness in land use regulation and to protect property values, not the interests of those who intrude on the zone. Zone changes will be made only after those interests for which the zone was created have expired or there is no interest left to protect.” (KCGP, Page 2)

“Industrial and commercial land uses are usually located at major highway intersections and near established communities.” (KCGP, Page 7)

“A guiding principle which has been present in every Kane County plan since 1970 has been the recognition that unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses.” (KCGP, Page 10)

“Encourage and provide for commercial uses in locations with infrastructure in place to serve the public.

Objective: Develop commercial uses compatibly with the use and character of the surrounding area.” (KCGP, Page 15)

“U.S. Highway 89 is a limited-access highway, the Utah Department of Transportation restricts the number of ingresses and egresses. This is to promote safety, yet retain the capability of carrying traffic at relatively high speeds.” (KCGP, Page 18)

“Kane County will discourage development that requires municipal-type services unless such development is serviced by a special district established for that purpose. Special Service Districts in Kane County include 11 districts. Clark Bench is not serviced by those districts.” (KCGP, Page 27)

Uses Table: RESIDENTIAL

	R-1/2	R-1	R-2	R-5
Bed and breakfast	-	-	C	C
Lodges, residential	-	-	-	C

Uses Table: COMMERCIAL 1 and 2

	C-1	C-2		C-1	C-2
Bed and breakfast	P	P	Lodges	P	P

5. Public Hearing - Ordinance 2020- 08/Zone Change: Stevens

An application for a zone change from AG to C-2 for ATV/UTV/eBike rentals, parcel 8-6-22-1B2, 10 acres, located at 1319 W Ranch Drive, Alton, Utah. Submitted by Vincent Stevens.

Vincent Stevens explained that they would like to start a UTV/ATV/eBike rental business with approximately four ATVs and six eBikes (battery operated bicycles). They anticipate delivering the equipment to the preferred trail heads. They do not anticipate customers coming to the property. They are requesting a zone change for 10 acres from AG to C-2. The property lies adjacent to Cedar Mountain Fire District Station #2 about a quarter mile from Hwy 89.

Shannon showed the zoning of the surrounding area. The property is accessed off of Hwy 89. Tom Avant has had discussions with UDOT regarding this area. They indicated that further development would most likely require the addition of turn lanes.

Staff received many comment letters. Wendy gave a summary indicating a total of 46 letters, containing 72 signatures, all opposed to the zone change. (Attachment #3) She also informed the P&Z that the applicants, although not currently licensed, already have a live website and are taking reservations.

Chairman Heaton called the commission into public hearing.

Melissa Lidle: She owns 10 acres in Elk Ridge Estates. She opposed the zone change because Elk Ridge is a family neighborhood. She feels that the noise and activity generated from commercial activities would affect wildlife in the area. She also feels that commercial endeavors in the area would cause safety issues.

Vincent Stevens: He indicated they do not plan on having customers picking up equipment. The site would be used for the storage of vehicles. He does not anticipate increased traffic as they will be delivering equipment to lawful trail heads in the area.

Matt Ryba: He lives approximately one mile from the property. He feels this property is in the center of Elk Ridge and questioned the 500 foot limited notification range. He feels that more properties should have been notified. He is concerned about the noise generated from the ATVs.

Chairman Heaton called the commission out of public hearing.

MOTION: Pam Hill made a motion to **deny** approval of the zone change application from AG to C-2 for parcel 8-6-22-1B2 & Ordinance O-2020-08, submitted by Vincent Stevens based on the facts and findings as documented in the staff report. Seconded by Danny Brown.

Wendy shared a statement off of the applicant's website that said "Driver's with suitable vehicles may arrange for pick-up of machines and trailer rentals."

The P&Z reviewed the zoning in the area.

Wade acknowledged that the concept was good but the P&Z needed to look at all uses permitted in a C-2 zone.

Lou clarified that the roads are all public county roads. However, the HOA chose to chip seal and maintain them.

Hal questioned why the applicant could not do this in the current AG zone. Shannon explained that ATV rentals are not listed in the AG uses table and therefore they are not permitted in the AG zone. ATVs are allowed in the AG zone for personal use but not commercial use.

VOTE: Chairman Heaton called for the question. The vote was unanimous and the **motion to recommend denial passed.**

FINDINGS:

- Parcel 8-6-22-1B2 meets the minimum acreage required to be zoned C-2. The parcel is currently zoned AG.
- The developer requests the C-2 zoning which requires a zone change.
- Surrounding parcels are zoned AG and R-1.
- All the lots gain access from Highway 89.
- All property owners within 500 ft. of this lot have been mailed a public notice.

PURPOSE: The C-1 Zone is to provide for light commercial areas located in or near Residential Zones to meet the day to day needs of area residences. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

Kane County Land Use Ordinance: 9-7A-1

PURPOSE: The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013) **Kane County Land Use Ordinance 9-7B-1**

Uses Table:

C-1 C-2

Automobile or recreation vehicle, ATVs, or side by side sales, lease, rental, service, new or used, conducted entirely within an enclosed building	C	P
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property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support.”

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The applicant’s request to rezone parcel 2-1E-32-5D from R-1 to C-1 would not be consistent with the Kane County General Plan (KCGP). KCGP states: “Zoning districts have been established to provide fundamental fairness in land use regulation and to protect property values, not the interests of those who intrude on the zone. Zone changes will be made only after those interests for which the zone was created have expired or there is no interest left to protect.” **(KCGP, Page 2)**

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ADMINISTRATIVE ITEMS

7. Public Hearing - Lot Line Adjustment: Harris

An application for a lot line adjustment, on behalf of The Harris Family Trust 3/1/2012, Brad & Cynthia Harris, Trustees, lots 8A-B-7 & 8A-B-8, Little Ponderosa Ranch Subdivision, Amended. Submitted by Scott Woolsey, Alpha Engineering.

Cynthia Harris presented the project. They are requesting a lot line adjustment because the cabin was built over the lot line. Scott Woolsey, Alpha Engineering, further explained that they added an access easement across lot 8 for access to lot 7. Shannon indicated that everything is in order.

Chairman Heaton called the commission into public hearing.

(NO COMMENT)

Chairman Heaton called the commission out of public hearing.

MOTION: Danny Brown made a motion to **approve** Amending a Subdivision Plat for a Lot Line Adjustment, on behalf of The Harris Family Trust 3/1/2021, Brad and Cynthia Harris Trustees, in the Little Ponderosa Subdivision, Amended Plat, Block “B”, lots 7 & 8, based on the findings documented in the staff report. Seconded by Byard Kershaw.

VOTE: Chairman Heaton call for the question. The voting was unanimous.

FINDINGS: Amending the above stated lots conforms to the standards in the Kane County Land Use Ordinance, 9-21E-9, (A-F), and Utah Code Sections §17-27a-201, 202, 206, 208 and §17-27a-608, 609. All requirements have been met. The project has been posted in two public places, noticed in the local newspaper, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. The new lots will retain the Residential ½ zoning (R-1/2). Changing the lot line between these lots is in compliance with all state and local ordinances.

8. Public Meeting - Rural Unimproved Subdivision: Thunderbluff

An application for a Rural Unimproved Subdivision, Thunderbluff RUS, parcel 4-5-3-1A. Submitted by Iron Rock Engineering.

Danny declared a conflict of interest and will abstain from voting.

Tom Avant, Iron Rock Engineering, presented the project. The Brown’s would like to split the property into two pieces. All documents are in order. The property is owned by the business and the owner does not want his home on the same piece of property as the business. They are adding an easement for a power line.

Shannon reported on a visit with the health department due to concerns over culinary water and septic systems. It was clarified that the Rural Unimproved Subdivision was created as a simple

way for families to split land. It was explained that the property will go through the permitting process with the health department when they apply for a building permit.

MOTION: Wade Heaton made a motion to recommend **approval** to the Kane County Commissioners, for the Thunderbluff, Rural Unimproved Subdivision (RUS), on behalf of “Western Hills Rocks and Gems, Inc.” Kihara Brown as Trustee, parcel #4-5-3-1a becoming two new parcels based on the findings in the staff report. Seconded by Hal Hamblin.

VOTE: Chairman Heaton called for the question. The vote was unanimous. Danny Brown abstained from voting.

FINDINGS: The application for a Rural Unimproved Subdivision (RUS) complies with Utah State Code unannotated §17-27a-605 (1), (ab)-(i)-(iv). The Thunderbluff RUS complies with Kane County Land Use Ordinance, Title 9, Chapter 21, Article K, 1-3. All requirements for rights-of-way and EXISTING easements conform to the standards in the Kane County Land Use Ordinance at the time of the application for the RUS process. All notices are in conformance to all standards and notice requirements of §17-27a-202. A notice was posted that was visible to the public for 10 days prior on two public notice boards at the Kane County courthouse, posted in the local newspaper, the Utah State web site and the Kane County website. This RUS contains 2 new parcels. The surrounding parcels are zoned AG. 17-27a-308 (1-3). Land use authority requirements -- Nature of land use decision.

- (1) A land use authority shall apply the plain language of land use regulations.
- (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
- (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

9. Public Hearing - Subdivision: Swains Creek Heights, Phase 1

An application for a subdivision, Swains Creek Heights, Phase 1, parcel 8-7-27-7, ±18 acres, creating 3 lots. Submitted by Brent Carter.

Brent Carter presented the project. He is proposing a three lot subdivision. Power, water and phone are in an established right-of-way. He will be adding more fire hydrants.

Tom Avant, County Engineer, recommends approval of the preliminary plat.

Chairman Heaton called the commission into public hearing.

(NO COMMENTS)

Chairman Heaton called the commission out of public hearing.

MOTION: Danny Brown made a motion to **recommend** to the Kane County Commissioners the Swains Creek Heights Subdivision Preliminary Plat, parcel 8-7-27-7, consisting of 3 new lots on behalf of Brent Carter, Swains Creek Heights, LLC. Seconded by Wade Heaton.

VOTE: Chairman Heaton call for the question. The vote was **unanimous to recommend approval** to the commission.

FINDINGS: The Swains Creek Heights Subdivision application and preliminary plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607, The Swains Creeks Heights Subdivision preliminary plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21C and D-Subdivision Regulations. All requirements for rights-of-way and easements conform to the standards in the Kane County Land Use Ordinance requirements and the “Kane County Standards Specifications and Drawing Details for Design and Construction” which requires 66 foot rights-of-ways. All notices are in conformance to all standards and notice requirements of 17-27a-201 & 202. A notice for the public hearing was posted in two public places; notices were mailed out to all owners within 500 feet of the project and posted in the local newspaper and on the Utah State and Kane County web sites as a public hearing.

10. Public Hearing - Subdivision: Swains Creek Heights, Phase 2
An application for a subdivision, Swains Creek Heights, Phase 2, parcel 8-7-27-5, ±6.03 acres, creating 3 lots. Submitted by Brent Carter.

Brent presented the project. This subdivision will contain three two acre lots. The improvements are already in Swains Creek Road.

Shannon indicated everything is in order. Tom Avant, County Engineer, recommends approval of this project.

Chairman Heaton called the commission into public hearing.

(NO COMMENTS)

Chairman Heaton called the commission out of public hearing.

MOTION: Byard Kershaw made a motion to **recommend** to the Kane County Commissioners the preliminary plat for Swains Creek Heights Subdivision, parcel 8-7-27-5, consisting of 3 new lots on behalf of Brent Carter, Swains Creek Heights, LLC. Seconded by Danny Brown.

VOTE: Chairman Heaton called for the question. The vote was **unanimous to recommend approval** to the commission.

FINDINGS: The Swains Creek Heights Subdivision application and preliminary plat complies with Utah State Code unannotated §17-27a-601, 603, 604, 604.5, 606, 607, The Swains Creeks Heights Subdivision preliminary plat complies with Kane County Land Use Ordinance, Title 9, Chapter 21C and D-Subdivision Regulations. All requirements for rights-of-way and easements conform to the standards in the Kane County Land Use Ordinance requirements and the “Kane County Standards Specifications and Drawing Details for Design and Construction” which requires 66 foot rights-of-ways. All notices are in conformance to all standards and notice requirements of 17-27a-201 & 202. A notice for the public hearing was posted in two public places; notices were mailed out to all owners within 500 feet of the project and posted in the local newspaper and on the Utah State and Kane County web sites as a public hearing.

MOTION: Hal Hamblin made a motion to adjourn. Danny seconded the motion. The motion passed unanimously.

Meeting was adjourned at 7:50 pm.


Land Use Authority Chair
Doug Heaton


Administrative Assistant
Wendy Allan

Attachment #1

	A	B	C
1	Mocker - Clark Bench	FOR	AGAINST
2	Brown, Buckley		X
3	Brown, Linda		X
4	Caron, Timothy		X
5	Christensen, Caroline		X
6	Christensen, John		X
7	Coates, Elizabeth		X
8	Coates, Randy		X
9	Cutchen, Seth		X
10	Dodson, Stephen		X
11	Dodson, Steve		X
12	Dodson, Susan		X
13	Dodson, Susan		X
14	Evenson, Brian		X
15	Gardner, Dan		X
16	Garnder, Tracey		X
17	Gizzo, Michael A.	X	
18	Glover, Cerrie		X
19	Glover, Rick		X
20	Jensen, Beau		X
21	Kuehl, Willaim Troy		X
22	Miner, Rick Neil		X
23	Mthis, Diana		X
24	Negroni, Gary		X
25	Negroni, Sandra		X
26	Pengra, Terence		X
27	Price, Adriane		X
28	Ratcliffe, Tina B.	X	
29	Richards-Brown, Patricia		X
30	Roberts, Billie	X	
31	Roberts, Donna	X	
32	Roberts, Douglas	X	
33	Roberts, Gary	X	
34	Roberts, Lyla	X	
35	Sorenson, Lynn		X
36	Swatski, Kris		X
37	Swatski, Vickie		X
38	Wentz-Cutchen, Mary		X

5/12/2020

17 letters

37 signatures

1 letter in FAVOR

16 letters OPPOSE

7 signatures in FAVOR

30 signatures OPPOSE

Clark Bench Comment Letter Summary

If approved it sets a precedent for more commercial zoning in Clark Bench

Once the zone is changed all commercial uses are permitted

Clark Bench was established as a residential community. Residents want it to remain so.

Clark Bench is accessed by one dirt road that does not provide adequate provision for high volume, commercial use. Additional traffic activity contributing to dust and noise pollution, also need for more maintenance

Waunita Ave. is single lane, undeveloped dirt road, not designed for commercial activities. Who will do maintenance?

Recently purchased property. Why didn't they purchase commercial property?

The well system was established for residential use and is not sufficient for commercial operations.

Residents question whether the septic system is adequate for commercial development.

Decrease in property values

Concern over prompt response (due to rural location) of law enforcement, if needed.

[\(Read Comment Here\)](#)

Seven properties representing 6 acres near the property requesting the zone change recommend approval.

"...once zone is changed to commercial many other uses could be added." (Susan & Steve Dodson)

"We expressly purchased this Residential/Agricultural property for the solitude it provides, surrounded on 3 sides by BLM and the Monument . If we had wanted to live near commercial enterprises, we would have bought in a own. All the lots surrounding 2416 N. Waunita are zoned R-1. I will quote Wade Heaton at the meeting of 3/11/2020 when he recommended a request "be denied based on the fact people bought in a residential zone and they deserve an element of protection". We hope the Land Use Authority will consider the current residents while making this decision." (Randy Coates, Susan Coates, & Elizabeth Tibbits)

“The stated purpose of 9-7A-1 is "...to meet the day to day needs of area residences"". We are unable to think of any reason Clark Bench would need a Bed and Breakfast since bed and breakfast, vacation rentals, short term lodging, hotels, and campgrounds, are plentiful in New Paria, Church Wells, and Big Water, not to mention unlimited lodging in Page and Kanab.” (Randy Coates, Susan Coates, & Elizabeth Tibbits)

“The General Plan encourages commercial development near intersections. The property in question is well removed from the highway and, in fact, sits right in the middle of the subdivision. (Randy Coates, Susan Coates, & Elizabeth Tibbits)

“Once a commercial business is using water from our Community Well System, the State of Utah will most likely require expensive upgrades to our system. This would greatly impact our shareholders financially due to the need to pay for these upgrades. The property at 2416 Waunita has a private well which produces 20 gallons per minute and has a 5 HP motor. This would not be adequate for a commercial operation with high water usage and consequently they would rely heavily on water from Clark Bench Water Co., as this property has since the well was drilled in 2003 by the previous owner.” (Buck & Linda Brown)

“ We respectfully ask for no zoning change on this parcel not because we are anti-growth but because we are enthusiastic supporters of *smart*, planned urban development.” (Form Letter)

“Clark Bench was established and zoned residential property, and should be protected as such.” (Susan & Steve Dodson)

“The recent purchase of a single family home by Debra Mocker & Mark Gutteridge as is, currently zoned R-1. Although stated proposed use as 'bed and breakfast', upon investigation, Debra Mocker has business entity "Monumental Arizona Weddings and Events LLC. Location is listed at Page Airport, and 2416 N. Waunita St, Clark Bench, UT. Website advertises wedding planning and services, from officiating the ceremony, reception coordination, catering, musicians and live music, rehearsal dinners and post wedding brunch. It is easy to project weddings, often hundreds of people, with late night receptions, (loud party, dancing live music etc) . These events could be booked every weekend causing crowds day and night ,traffic, noise and problems for local homeowners.” (Susan & Steve Dodson)

Shannon McBride

From: outpost@paria.com
Sent: Thursday, May 7, 2020 11:02 AM
To: planning@kane.utah.gov
Subject: Fwd: objection to commercial zone change in Clark Bench

----- Original Message -----

Subject: objection to commercial zone change in Clark Bench
Date: 2020-05-07 11:59
From: outpost@paria.com
To: planning@Kane.ut.gov

Kane County Planning and Zoning Commission Dear Sirs,

We are long time residents and homeowners in Clark Bench. We are very concerned about a commercial business in our residential zone.

We ask you to deny the zone change from residential to commercial in Clark Bench as requested by Debra Mocker and Gutteridge due to the following considerations.

1. Health and safety of local residents- Especially in recent weeks, shelter at home and social distancing guidelines because of Covid-19 pandemic include no gatherings and crowds. Associated commercial use will bring outside visitors increasing risks to local residents.
2. Traffic on Clark Bench Road . All traffic into the proposed property must enter/exit on gravel/dirt road, passing residents homes, increased dust, noise, negatively impacting homes and residents .
3. Lack of transparency of intent. The recent purchase of a single family home by Debra Mocker & Mark Gutteridge as is, currently zoned R1.
Although stated proposed use as 'bed and breakfast' , upon investigation , Debra Mocker has business entity "Monumental Arizona Weddings and Events LLC. Location is listed at Page Airport , and 2416 N.Waunita St, Clark Bench Ut. Website advertises wedding planning and services , from officiating the ceremony, reception coordination, catering , musicians and live music, rehearsal dinners and post wedding brunch. It is easy to project weddings , often hundreds of people , with late night receptions, (loud party, dancing live music etc) . These events could be booked every weekend causing crowds day and night ,traffic, noise and problems for local homeowners.
4. Future use in commercial zone , once zone is changed to commercial many other uses could be added. 'Monumental Arizona Weddings and Events LLC " also advertises tours in nearby National Parks , Grand Canyon , Bryce, etc and future growth in tours could see vans and tour buses, restaurant, associated delivery traffic etc. But once changed to commercial , other unforeseen future uses, all could lower property values and quality of life for residents.
5. Clark Bench was established and zoned residential property, and should be protected as such. Homeowners and residents have invested their money, life and future retirement in the rural, peaceful community , and to our knowledge all are in agreement to request the denial of the zone change.

Thank you for your consideration of our concerns as homeowners and residents of Clark Bench . Please deny the zone change to commercial , and keep Clark Bench zoned a residential community. Please don't hesitate to contact us for further information,

Thank you,
Susan and Steve Dodson

CLARK BENCH LANDOWNERS ASSOCIATION

May 2, 2020

Land Use Authority
76 N. Main Street
Kanab, UT 84741

Re: Request for Zoning Change – Parcel 2-1E-32-5D Clark Bench, UT

Dear Kane County Planning Commission and Land Use Authority Members,

The Clark Bench Landowners Association asks that you review this official opposition to the proposed zoning changes for Parcel 2-1E-32-5D from R-1 to C-1. Attached you will find signatures from the surrounding landowners.

As landowners, there are several concerns that we have regarding this request for the proposed zoning change:

1. Clark Bench Road Access

Clark Bench has one dirt road in and out of our community that will not provide adequate provision for high volume and commercial use. The location of the parcel in question is located in the center of our community. The increased amount of travel on this road from personal as well as commercial vehicles will cause our roads to go into disrepair and the additional traffic will congest our streets causing significant issues with safety, noise and dust.

2. Well System Concerns

The Clark Bench Well System was established for residential use only. The current system is not sufficient for commercial operations and will be subject to undo stress with the increased use.

3. Law enforcement

Due to increased traffic and the nature of a business hosting groups of people, there will be a need for additional law enforcement not only for potential disorderly conduct and noise issues but also for traffic enforcement. With increased traffic and activity, comes an increased need for law enforcement.

4. Septic concerns

Due to the possible guest counts, we have concerns as to whether this location has the required septic system to support commercial needs on a regular basis.

5. Dust and Noise pollution

Additional travel and traffic on our road will increase the amount of dust and noise pollution which will negatively impact the health, safety and comfort of those residing in this area. The property in question is centrally located our community. Gatherings at this location, particularly outdoors, will be heard by much of the community.

6. Safety Issues

This business will bring in groups of people on a regular basis. It is probable there will be issues that arise from these sorts of activities. The Clark Bench area is remote and is not conducive to prompt access from first responders. When law enforcement is needed, Kane County Deputies will not be able to respond for at least 30 minutes, and that is only if they are available. Law enforcement resources are often spread thin and this will make that gap even worse for Kane County Deputies.

7. Increased Fire Risk

There are several locations on the property to have fires. It takes one person that is not familiar with our fire danger or is generally not aware of fire safety guidelines to start a fire that could be detrimental for our entire community. In this case, help is many minutes away when seconds count.

8. Resident's Safety

The Clark Bench Community is a close-knit, quiet community with no crime or vandalism. With increased traffic, this may be a distant memory. Unfortunately, it is likely that various types of crime will result with the more traffic and people that come in and out of our community.

9. Employees

In addition to guests, there will likely be employees that would be entering and exiting our community on a regular basis opening us up to another means that our quiet community will be forced to manage problems that do not exist now.

10. Future Impact

As a residential community, we do not want to set the precedent for future commercial zoning in our neighborhood. It was initially established as residential and we would like it to remain as such.

Thank you for taking the time to review a few of our concerns and we look forward to the opportunity to discuss this further on May 13th. We have chosen to live in Clark Bench because of the quiet, beauty and seclusion that Clark Bench provides as well as the trust that we have among our neighbors. The proposed C-1 zoning permit is not harmonious with the neighborhood. Should the request for C-1 zoning be approved, it will be contrary to what our community holds dear.

We ask that you deny the request for C-1 zoning. We ask that you help to protect our residential community and allow the Clark Bench Community to remain an R1 zone as it was originally intended. As per the 9-7A-1 "the purpose of the C-1 Zone is "to provide for light commercial areas located in or near Residential Zones to *meet the day to day needs of area residences*". This zoning request does not meet the day to day needs of area residences.

Attached you will find a signature page residents that are opposed. In addition, we have included emails from those that oppose but due to logistics and COVID19 concerns are not available to sign in person.

Sincerely,

Clark Bench Landowners

Attachment (1): Signature Page

We, the undersigned, agree with the letter from the Clark Bench Landowner's Association dated 5/02/2020 and are opposed to the proposed zoning change for Parcel 2-1E-32-5D from R-1 to C-1

	Printed Name	Signature	Date
1	Buckley Brown	<i>Buckley Brown</i>	5-2-20
2	LINDA BROWN	<i>Linda Brown</i>	5-2-20
3	William Troy Kuehl	<i>WTK</i>	5-2-2020
4	Sandra Negroni	<i>Sandra Negroni</i>	5-2-2020
5	Gary Negroni	<i>Gary Negroni</i>	5-2-2020
6	Kris Swatski	<i>Kris Swatski</i>	5-2-2020
7	Vickie Swatski	<i>Vickie Swatski</i>	5-2-2020
8	SETH CUTCHEN	<i>Seth Cutchen</i>	5-4-2020
9	Mary Wirtz-Cutchen	<i>Mary Wirtz-Cutchen</i>	5/4/2020
10	RANDY L. COATES	<i>Randy L. Coates</i>	5-7-2020
11	ELIZABETH T. COATES	<i>Elizabeth T. Coates</i>	5-7-2020
12	Susan Dodson	<i>Susan Dodson</i>	5-8-20
13	Stephen Dodson	<i>Stephen Dodson</i>	5-8-20
14	Timothy CARON	<i>Timothy Caron</i>	5-8-20
15	PATRICIA RICHARDS-BROWNE	<i>Patricia Richards-Browne</i>	5/8/20
16	TERENCE FENNER	<i>Terence Fenner</i>	5/8/20
17	Caroline Christensen	<i>Caroline Christensen</i>	5-8-20
18	John F. Christensen	<i>John F. Christensen</i>	5-8-20
19			
20			
21			
22			
23			
24			
25			

Dan Gardner <teamgardnerloans@gmail.com>
To: Elizabeth Coates <etcoates7@gmail.com>

Sun, May 10, 2020 at 4:21 PM

In response to the Clark Bench Landowners Association letter. Please consider this email as our signatures signing in opposition to the permit to change the zoning. We do believe that a commercial zoning is not in the best interest of the Clark Bench Subdivision.

Thank you,

Dan Gardner & Tracey Gardner owners of lot 2-1E-32-5H

On Fri, May 8, 2020 at 3:06 PM Elizabeth Coates <etcoates7@gmail.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

CLARK BENCH LANDOWNERS ASSOCIATION

May 2, 2020

Land Use Authority
76 N. Main Street
Kanab, UT 84741

Re: Request for Zoning Change – Parcel 2-1E-32-5D Clark Bench, UT

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As landowners, there are several concerns that we have regarding this request for the proposed zoning change:

1. Clark Bench Road Access

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Additional travel and traffic on our road will increase the amount of dust and noise pollution which will negatively impact the health, safety and comfort of those residing in this area. The property in question is centrally located our community. Gatherings at this location, particularly outdoors, will be heard by much of the community.

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This business will bring in groups of people on a regular basis. It is probable there will be issues that arise from these sorts of activities. The Clark Bench area is remote and is not conducive to prompt access from first responders. When law enforcement is needed, Kane County Deputies will not be able to respond for at least 30 minutes, and that is only if they are available. Law enforcement resources are often spread thin and this will make that gap even worse for Kane County Deputies.

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There are several locations on the property to have fires. It takes one person that is not familiar with our fire danger or is generally not aware of fire safety guidelines to start a fire that could be detrimental for our entire community. In this case, help is many minutes away when seconds count.

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9. Employees

In addition to guests, there will likely be employees that would be entering and exiting our community on a regular basis opening us up to another means that our quiet community will be forced to manage problems that do not exist now.

10. Future Impact

As a residential community, we do not want to set the precedent for future commercial zoning in our neighborhood. It was initially established as residential and we would like it to remain as such.

Thank you for taking the time to review a few of our concerns and we look forward to the opportunity to discuss this further on May 13th. We have chosen to live in Clark Bench because of the quiet, beauty and seclusion that Clark Bench provides as well as the trust that we have among our neighbors. The proposed C-1 zoning permit is not harmonious with the neighborhood. Should the request for C-1 zoning be approved, it will be contrary to what our community holds dear.

We ask that you deny the request for C-1 zoning. We ask that you help to protect our residential community and allow the Clark Bench Community to remain an R1 zone as it was originally intended. As per the 9-7A-1 "the purpose of the C-1 Zone is "to provide for light commercial areas located in or near Residential Zones to meet the day to day needs of area residences". This zoning request does not meet the day to day needs of area residences.

Attached you will find a signature page residents that are opposed. In addition, we have included emails from those that oppose but due to logistics and COVID19 concerns are not available to sign in person.

Sincerely,

Clark Bench Landowners

Attachment (1): Signature Page

Carrie Colver and Rick Colver
Jayzroc Family Trust
5/9/2020 

Date: May 7, 2020

To: Kane County Planning Commission & Land Use Authority

From: Buck & Linda Brown
2473 N. Clark Bench Road
Kanab, Utah
Parcel # 115-8

Re: Proposed zone change for R-1 to C-1 for Parcel 2-1E-32-5D located at 2416 Waunita in the Clark Bench Subdivision

Buck and I have been residents of Clark Bench Subdivision for 21 years and are registered voters in Kane County. We are opposed to the change of zoning due to the negative impact this would have to our current and future residents.

Listed below are the major concerns we have:

1. C-1 zoning within the subdivision would set a precedent for future commercial zoning applications.
2. Increased traffic would cause wear and tear on Clark Bench Road
3. Once a commercial business is using water from our Community Well System, the State of Utah will most likely require expensive upgrades to our system. This would greatly impact our shareholders financially due to the need to pay for these upgrades. The property at 2416 Waunita has a private well which produces 20 gallons per minute and has a 5 HP motor. This would not be adequate for a commercial operation with high water usage and consequently they would rely heavily on water from Clark Bench Water Co., as this property has since the well was drilled in 2003 by the previous owner.
4. Parcel 2-1E-32-5D is situated in the middle of our subdivision and additional traffic & noise would have a direct affect on the majority of the residents, not just those whose property adjoins the parcel.
5. The uses that would be allowed with a C-1 zoning for this parcel are especially alarming. The applicants are asking for a change in zoning in order to operate a Bed & Breakfast. This would open the door to other permitted uses on their parcel that could allow them to operate their current business, Monumental Arizona Weddings & Events LLC that offers large wedding receptions including catering, alcohol and live music. Debra Mocker filed a Certificate of Organization with the Utah Division of Corporations on 3/24/20. (See Attached)

We sincerely hope that our Kane County Planning Commission will deny this zoning change so that our residents and landowners will continue to enjoy the quiet, peaceful living that our subdivision offers. Thank you for your time.

Sincerely,



Buck & Linda Brown



May 8, 2020

Kane County
Land Use Authority
76 N. Main Street
Kanab, Utah 84741

Attn: Planning and Zoning

RE: Notice of Public Hearing
2416 N. Waunita, Clark Bench, UT
Parcel 2-1E-32-5D, 20 acres

Regarding the meeting for Zone change on the above property. I would like to express our opposition to this change from R-1 to C-1. My husband and I purchased the home that is directly attached to this property, 7426 W. Guava for our retirement. We are genuinely concerned about this proposed zoning change as it will affect our quality of life and property value. We would like to point out the following concerns we have to this rezoning request:

1. Our property value will decrease with commercially zoned property in close proximity. This is our retirement home that we purchased in 2017 for the wonderful views, quiet community and good neighbors. Our plan was to make sure that we would have equity in the home to use for an emergency if necessary. A decrease in our property value would certainly hurt that effort.
2. Currently the only access to 2416 N. Waunita is West Guava. West Guava is a single lane, dirt road that was intended for a residential neighborhood. It is clearly not meant or designed for commercial activities. I have enclosed a picture of our truck on West Guava to give you a perspective on the width of the road.

Waunita is an undeveloped road, picture attached. While the road is present it is not drivable, except for maybe a four-wheel drive vehicle.

As our home is directly adjacent to the property requesting the rezoning, 2416 N. Waunita, we are concerned with the volume of traffic that would be generated on West Guava. This will increase noise, generate dust and dirt, as well as cause concerns for the safety of our animals, all affecting our quality of life!

3. With the increased vehicular traffic on Guava especially during inclement weather who is going to maintain and repair the ruts and holes in the road?

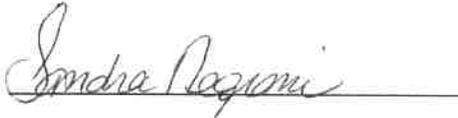
In conclusion I know that our new neighbors just recently purchased their property. This leads me to believe that they had planned from the start to run a Bed and Breakfast, so my question is why not purchase commercial property that allowed for that activity?

If this zoning request should be approved it will set a precedence, how many others will follow requesting similar zoning changes? This is clearly a rural residential community and it is our hope that it remains so. We ask that the zoning change for 2416 N. Waunita from R-1 to C-1 be denied, so that we may live our golden years in a beautiful rural community.

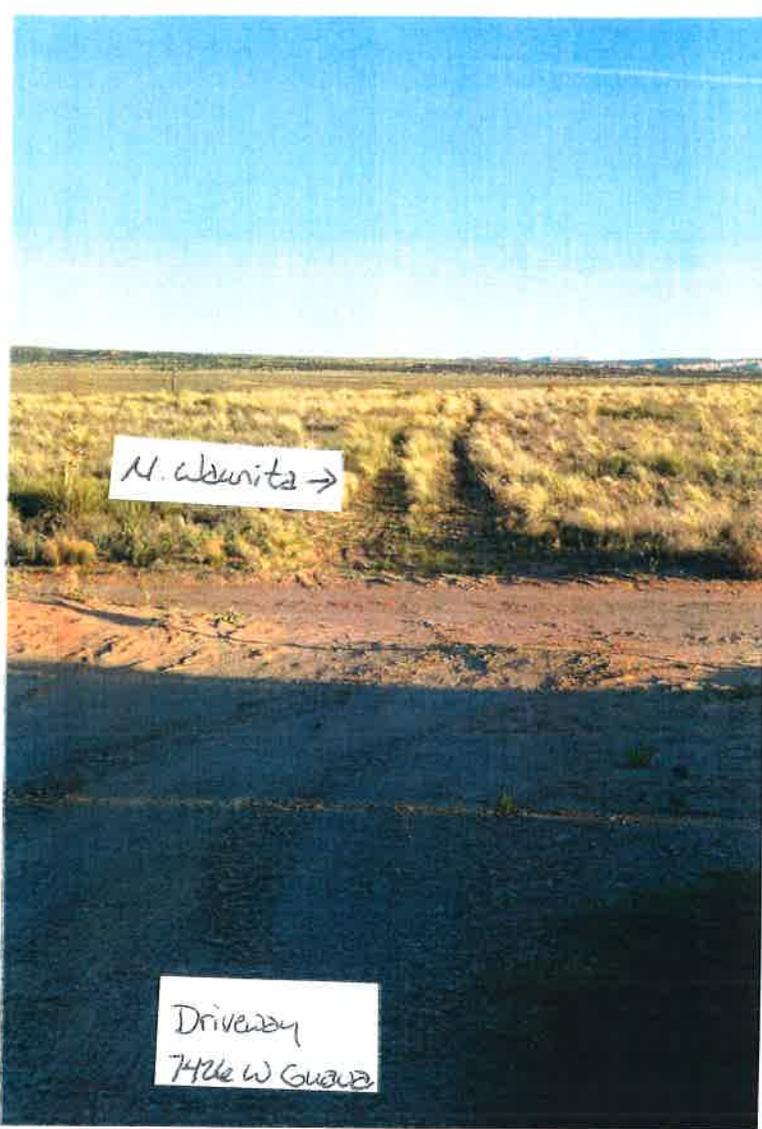
Respectively,



Gary Negroni
7426 W. Guava
Clark Bench, UT 84741

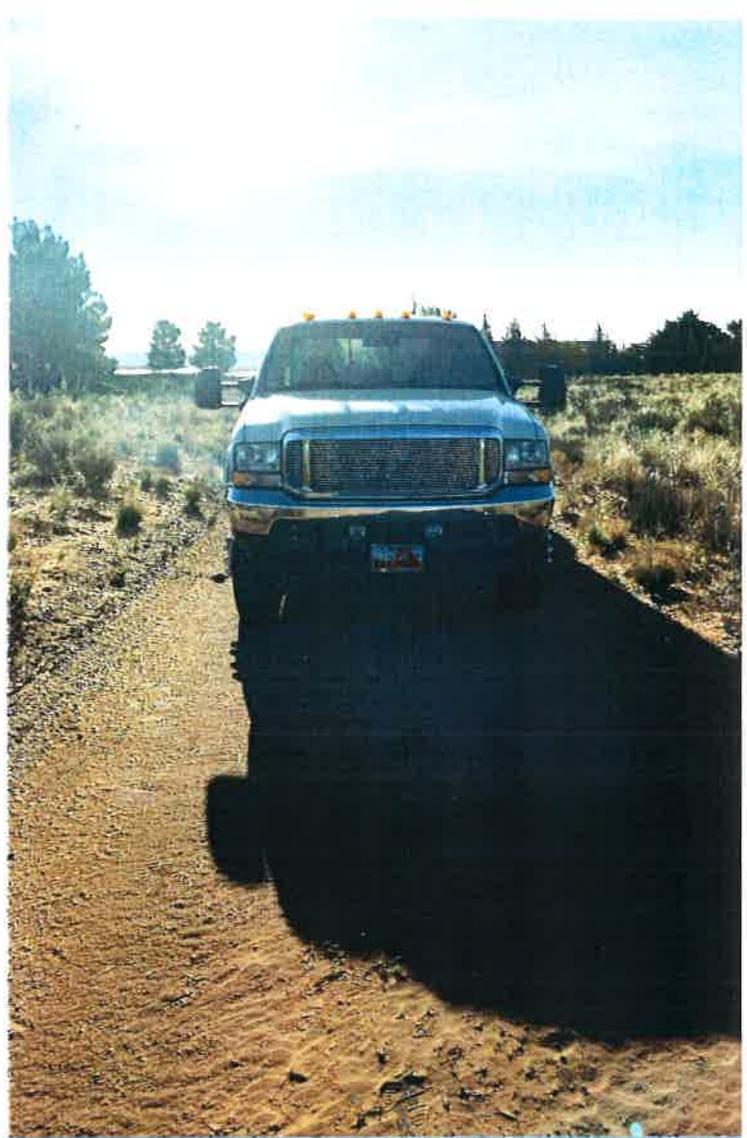


Sandra Negroni
7426 W. Guava
Clark Bench, UT 84741



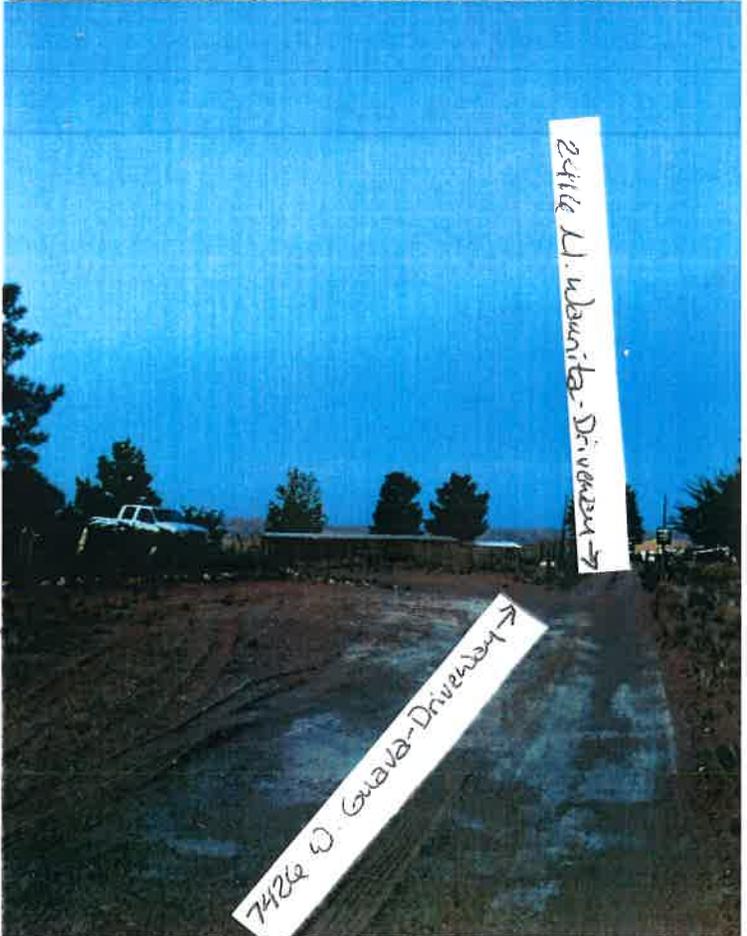
N. Wabunita ->

Driveway
7426 W. Guava



7426 W. Guava

2416 N. Wabunita



2416 N. Wabunita - Driveway ->

7426 W. Guava - Driveway ->

Randy and Elizabeth
Coates

2624 N. Clark Bench Road
Kanab, Utah 84741-8141

May 8, 2020

Land Use Authority
76 N. Main Street
Kanab, UT 84741

RE: Request for zoning change
2416 N. Waunita, Clark Bench

Dear Kane County Planning Commission & Land Use Authority Members,

My husband, sister, and I share a property line with the above referenced property. Both my husband and I are registered voters in Kane County and both of us are currently employed within the county. We purchased this property in 1998 and have been living here since July 2000. All this is stated to assure you we are long time residents with a vested interest in Clark Bench and Kane County.

We are opposed to the zoning change for a number of reasons. We expressly purchased this Residential/Agricultural property for the solitude it provides, surrounded on 3 sides by BLM and the Monument. If we had wanted to live near commercial enterprises, we would have bought in a town. All the lots surrounding 2416 N. Waunita are zoned R-1. I will quote Wade Heaton at the meeting of 3/11/2020 when he recommended a request "be denied based on the fact people bought in a residential zone and they deserve an element of protection". We hope the Land Use Authority will consider the current residents while making this decision.

The stated purpose of 9-7A-1 is "...to meet the day to day needs of area residences". We are unable to think of any reason Clark Bench would need a Bed and Breakfast since bed and breakfast, vacation rentals, short term lodging, hotels, and campgrounds, are plentiful in New Paria, Church Wells, and Big Water, not to mention unlimited lodging in Page and Kanab.

The General Plan encourages commercial development near intersections. The property in question is well removed from the highway and, in fact, sits right in the middle of the subdivision. It must be accessed via Guava, a single lane, dirt unimproved road, which fronts another residence. Clark Bench Road is little better. 9-7A-2C states "Adequate ingress and egress must be in place ...". Any increase in traffic will impact the residents of the area. And although the road has posted speeds, there is no enforcement.

The number of people who will be utilizing 2416 N. Waunita is also of concern to us. Our water is provided by a small, private water company which does not have the means, at the present time, to increase storage. How will the Bed and Breakfast impact water use? Everyone out here is on septic systems, no sewer. Will the current septic tank be adequate? Emergency Medical Service is at least 20 minutes away and the Sheriff is 45 minutes away on a good day.

This is our home and we would like to see it protected from commercialism. Thank you for your consideration.

Sincerely,


Randy L. Coates


Susan A. Tibbitts


ELIZABETH T. COATES

Original Message

Subject: objection to commercial zone change in Clark Bench

Date: 2020-05-07 11:59

From: outpost@paria.com

To: planning@Kane.ut.gov

Kane County Planning and Zoning Commission

Dear Sirs,

We are long time residents and homeowners in Clark Bench. We are very concerned about a commercial business in our residential zone.

We ask you to deny the zone change from residential to commercial in Clark Bench as requested by Debra Mocker and Gutteridge due to the following considerations.

1. Health and safety of local residents- Especially in recent weeks, shelter at home and social distancing guidelines because of Covid-19 pandemic include no gatherings and crowds. Associated commercial use will bring outside visitors increasing risks to local residents.
2. Traffic on Clark Bench Road . All traffic into the proposed property must enter/exit on gravel/dirt road, passing residents homes, increased dust, noise, negatively impacting homes and residents .
3. Lack of transparency of intent. The recent purchase of a single family home by Debra Mocker & Mark Gutteridge as is, currently zoned R1. Although stated proposed use as 'bed and breakfast' , upon investigation , Debra Mocker has business entity "Monumental Arizona Weddings and Events LLC. Location is listed at Page Airport , and 2416 N.Waunita St, Clark Bench Ut. Website advertises wedding planning and services , from officiating the ceremony, reception coordination, catering , musicians and live music, rehearsal dinners and post wedding brunch. It is easy to project weddings , often hundreds of people , with late night receptions, (loud party, dancing live music etc) . These events could be booked every weekend causing crowds day and night ,traffic, noise and problems for local homeowners.
4. Future use in commercial zone , once zone is changed to commercial many other uses could be added. 'Monumental Arizona Weddings and Events LLC " also advertises tours in nearby National Parks , Grand Canyon , Bryce, etc and future growth in tours could see vans and tour buses, restaurant, associated delivery traffic etc. But once changed to commercial , other unforeseen future uses, all could lower property values and quality of life for residents.
5. Clark Bench was established and zoned residential property, and should be protected as such. Homeowners and residents have invested their money, life and future retirement in the rural, peaceful community , and to our knowledge all are in agreement to request the denial of the zone change.

Thank you for your consideration of our concerns as homeowners and residents of Clark Bench . Please deny the zone change to commercial , and keep Clark Bench zoned a residential community. Please don't hesitate to contact us for further information,

Thank you,

Susan and Steve Dodson
2789 Clark Bench Rd ,
928-691-1047

Kris & Vickie Swatski
2585 Clark Bench Rd.
P.O. Box 302
Kanab, UT. 84741
406-381-1398

Land Use Authority
76 N. Main Street
Kanab, UT. 84741

To Whom it May Concern:

I am writing in regards to changing our neighborhood from an R-1 to C-1 to allow Debra Mocker and Mark Gutteridge to start a *Bed and Breakfast*.

We moved to Clark Bench back in 2011 from Montana. We lived there for six (6) years enjoying the peace and solitude that the neighborhood provided.

We traveled for a year trying to find the perfect place to spend the rest of our lives, somewhere that had the outdoors recreation that we wanted, without the hustle and bustle of a large town. Being twenty-eight miles from Page allows us the convenience of a town without the crowds.

The wonderful neighbors are always there when help is needed, but respect our privacy and need for peace and quiet.

Due to work, we had to move in 2017. In the last three years, we have missed our neighborhood and the feeling of peace that came with living there. So, two years ago, we purchased a piece of property in the same neighborhood on Clark Bench Road.

We have since built our retirement home and go there every weekend to unwind and refresh. We are looking forward to spending the rest of our lives in this tranquil part of Utah. Then, we find out that one of our new neighbors wants to open the neighborhood for commercial use. We were so upset, seeing our peaceful, tranquil retirement going out the window.

To allow this neighborhood to become commercial is a travesty. Most of us have been here for years, purposely picking this area to get away from all the noise and bustle. We can see that as soon as the neighborhood is opened to commercial, all sorts of businesses will try to open. It will absolutely ruin our neighborhood.

Please, we are begging you as residents who absolutely love where we live, do not let this happen. There are so many other areas that businesses can be opened, that it doesn't seem that residential neighborhoods be allowed to be ruined.

Thank you for your time.

Kris & Vickie Swatski

Date: May 7, 2020

To: Kane County Planning Commission

From: William Troy Kuehl - Property Owner 2520 N. Clark Bench Rd., Kane County, UT.

I bought my home at Clark Bench in spring 2015. After living in Page, AZ for the prior 16 years, moving to Clark Bench allowed me a lifestyle away from the increasing tourism and troubling issues associated with the home-stay rental explosion. Clark Bench is quiet and remains yet free from the traffic of special events and tourist.

In fall 2018 I was transferred to Tempe, AZ by my employer, Salt River Project. This was due to the closure of the Navajo Generating Station (NGS) where I had been the Sr. Safety & Health Specialist since 1999. My hope still is to someday retire at Clark Bench, but it is a financial struggle to keep my Clark Bench home while incurring the cost of residing near my current job in Tempe.

I considered renting my Clark Bench home as a vacation rental or home-stay such as an Airbnb. The income from that would allow me to pay off my home sooner, and reduce the financial challenge of maintaining the home unrented. I do not rent my home because I chose to not intrude on the quality of life my neighbors enjoy, and expected when they too made a home at "the Bench." Rezoning the Bench to commercial status will disrupt the lifestyle of those that have invested in a remote, quiet community.

Increased traffic, littering and disrespect for natural areas, invasive noise and disregard for the local families and their neighborhoods, and the disrespectful - entitled attitudes of those who come to play in the area while on vacation, are the reasons why I moved out of Page, AZ. Rezoning the quite secluded residential community of Clark Bench will invite the same growing irreverence for the solitude of those who have invested in their lifestyle at the bench.

Please do not rezone Parcel # 2-1E-32-5D on Clark Bench.

Warm Regards,



William Troy Kuehl

2520 N. Clark Bench Rd.

Mobile - 928-614-0498

Dear Commissioners of Kane County,

May 3rd, 2020

As a concerned Clark Bench neighbor building on T-A-48 and T-A-49 plus landowner in the Clark Bench Community at T-A-34, T-A-35, T-A-37, and T-A-38, we are opposed to the proposed rezoning of the 20 acre property parcel 2-1E-32-5D located at 2416 North Waunita, Clark Bench, UT up for Committee hearing on Wednesday, May 13th, 2020.

We respectfully ask for no zoning change on this parcel not because we are anti-growth but because we are enthusiastic supporters of smart, planned urban development. Our most compelling reasons include:

Inappropriate use of large scale development in an Area of Stability – The neighborhood in which the rezoning is proposed is an Area of Stability. Yet, the proposed rezoning seeks significant change. If approved this commercial (C-1) lot would be the largest in the neighborhood.

Insufficient road infrastructure – roads cannot handle the dramatic increase in traffic that will occur if the rezoning is permitted. Off of the main road “Clark Bench” there are undeveloped roads leading to the property parcel 2-1E-32-5D located at 2416 North Waunita, Clark Bench, UT. Whether dead ends, narrow or do not allow for turning around, notably limiting traffic flow.

Additionally, Hwy-89, 4,000 feet from this property, does not function well, and is a high-risk for those turning into and leaving the neighborhood who do not know the location of the community. There is occasionally heavy traffic flow, unclear signs and high speeds through highway-89 which would be a high-risk for pedestrians as well.

The Neighborhood Does Not Support this Rezoning.

Lynn Sorensen


Lynn Sorensen (May 7, 2020)

May 7, 2020

Dear Commissioners of Kane County,

May 3rd, 2020

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The Neighborhood Does Not Support this Rezoning.

Beau Jensen



Beau Jensen (May 3, 2020)

May 3, 2020

Dear Commissioners of Kane County,

May 3rd, 2020

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The Neighborhood Does Not Support this Rezoning.

Diana Mathis


Diana Mathis (May 4, 2020)

May 4, 2020

Dear Commissioners of Kane County,

May 3rd, 2020

As a concerned Clark Bench neighbor building on T-A-48 and T-A-49 plus landowner in the Clark Bench Community at T-A-34, T-A-35, T-A-37, and T-A-38, we are opposed to the proposed rezoning of the 20 acre property parcel 2-1E-32-5D located at 2416 North Waunita, Clark Bench, UT up for Committee hearing on Wednesday, May 13th, 2020.

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The Neighborhood Does Not Support this Rezoning.



Rick Neil Miner

Dear Commissioners of Kane County,

May 3rd, 2020

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The Neighborhood Does Not Support this Rezoning.

Adriane Price



Adriane Price (May 2, 2020)

May 3, 2020

Dear Commissioners of Kane County,

May 3rd, 2020

As a concerned Clark Bench neighbor building on T-A-48 and T-A-49 plus landowner in the Clark Bench Community at T-A-34, T-A-35, T-A-37, and T-A-38, we are opposed to the proposed rezoning of the 20 acre property parcel 2-1E-32-5D located at 2416 North Waunita, Clark Bench, UT up for Committee hearing on Wednesday, May 13th, 2020.

We respectfully ask for no zoning change on this parcel not because we are anti-growth but because we are enthusiastic supporters of smart, planned urban development. Our most compelling reasons include:

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The Neighborhood Does Not Support this Rezoning.

Brian Evenson


Brian Evenson (May 5, 2020)

May 5, 2020

Shannon McBride

From: DONNA Roberts <DONNASHAIRHUT@msn.com> on behalf of DONNA Roberts
Sent: Saturday, May 9, 2020 9:54 PM
To: planning@Kane.utah.gov
Subject: Zoning change for a Clark Bench Property R- 1 to C - 1

The seven of us are giving notice to the public hearing that is being held May 13 on behave of Debra Mocker and Mark Gutteridge asking for a change in zoning for their property to be changed from R-1 to C-1 so they can operate a Bed and Breakfast on their property

We ask this be granted to them.

We are ALL for the zoning change.

We are a family business operating under the name Heritage Center, Douglas Roberts acting president.

We own approximately 6 acres (19 lots) between their property and the main road coming into the Clark Bench subdivision. Michael Gizzo and Timothinna B. Ratcliffe own the four corner lots 7 -8-9-10 where the new owner turns off the main road to get to their property.

Billie, Lyla & Gary Roberts own another privately owned piece of land with a boat barn on it about a ¼ mile from this area.

We are SEVEN PROPERTY OWNERS that are closest to 2416 N Waunita Clark bench Utah and would like to go on record that we WOULD LIKE to see the new owners get the zoning change that they are asking for.

Douglas Roberts	435-773-3906
Donna Roberts	435-668-9996
Gary Roberts	435-899-0278
Lyla Roberts	435-899-0152
Michael A. Gizzo	480-268-0012
Tina B. Ratcliffe	702-279-7054
Billie Roberts	702-346-0626

Cutchen, Seth

From: Mary Wurtz <mary.wurtz1129@gmail.com>
Sent: Tuesday, May 12, 2020 9:56 AM
To: Cutchen, Seth
Subject: C-1 zoning opposition

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

From: **Plunkett, James-Scott** <jplunkett@coconino.az.gov>
Date: Tue, May 12, 2020 at 9:49 AM
Subject: Re: C-1 zoning opposition
To: Mary Wurtz <mary.wurtz1129@gmail.com>

To whom it may concern,

We wish to add our names to the signature page of the letter opposing the Request for Zoning Change - Parcel 2-1E-32-5D - 2416 N. Waunita, Clark Bench, Utah.

James Scott Plunkett & Jennifer L. Plunkett

May 6, 2020

Kane County
Land Use Authority
76 N. Main Street
Kanab, UT 84741

Dear Kane County Planning Commission and Land Use Authority Members,

We would like to take this opportunity to oppose the current proposed zoning change request for Parcel 2-1E-32-5d from R-1 to C-1.

Specific to the bed and breakfast, we have several concerns and will try to be as concise as possible:

- * If approved, it will be setting precedent for more commercial zoning in Clark Bench.
- * There will be additional traffic and activity that will yield noise and dust pollution.
- * Groups of people entering and exiting our community on a regular basis will result in safety issues. Clark Bench does not have crime or vandalism issues and we would like it to remain that way.
- * Our well system is not set up to facilitate the needs that would come from a commercial business.
- * We have concerns whether the septic at this location is sufficient for commercial needs. Also a concern is whether or not there is a fire suppression system in place and what safety precautions are there for outdoor/firepit burning as those unfamiliar with this area do not understand the unpredictable winds and ever present fire danger.
- * Housing constantly changing groups of people at regular intervals will result in taxing the already limited resources of local law enforcement when responding to calls such as noise disturbances, traffic enforcement and disorderly conduct. My husband has upwards of 30 years in law enforcement and can speak to the issues that start when these types of businesses are established in a residential area. Law enforcement assistance in Clark Bench is a minimum of 30 to 45 minutes away.
- * A commercial business would require a revolving door of employees and vendors. This will also increase the traffic and congestion in our community, ultimately adding to safety issues.

On more of a personal note, we understand that Ms. Mocker and Mr. Gutteridge are most likely alledging they desire to only have a small operation but we feel that this may be a conduit by which they can move larger operations here. Unfortunately, they have denied their intent too bring a business here when asked and have been less than forthcoming about the volume of their current business. In addition, while I have been working from home, I have witnessed them disregarding no trespassing signs, driving on to our property and on to the property of the water company where the community well is located. I have seen large passenger vans enter and exit their property as well as vehicals with out of state tags. There may be explanations for these but their lack of transparency and disrespect for others property speaks volumes.

No matter the size of their business, the approval of this zoning change will not contribute to the overall well being of our community, does not meet the day to day needs of current residents and will have detrimental impacts on the safety, health and comfort of those in Clark Bench. Our residents are primarily retired or close to being retired. Our homes are modest and our community is safe. We look out for one another and help when someone needs it. We have all chosen to make certain sacrifices in order to live in Clark Bench in order to enjoy the seclusion, peace and safety. Living here is a privilege. This is our forever home. To allow this or any commercial business into our community contrary to what we and our neighbors hold dear. Please help us to protect our residential zone and deny the C-1 zoning request.

[Handwritten signatures and notes]

Attachment #2

	A	B	C
1	Broderick - Church Wells	FOR	AGAINST
2	Bell, Rosalyn		X
3	Garvin, John		X
4	Garvin, Sandra		X
5	Wright, Rocky		X

5/12/2020 1:45pm

3 letters

4 signatures

ALL in OPPOSITION

Shannon McBride

From: rosalyann.usu <rosalyann.usu@gmail.com> on behalf of rosalyann.usu
Sent: Monday, May 11, 2020 12:14 PM
To: Shannon McBride
Subject: Broderick Ag Zoning

I moved in to a residential zoned area 10 years ago. In this 10 years there has been 1 zone change. This particular zone change went from Residential to Agricultural Zoning since this Zone change the community has not benefited. It has created issues with traffic, extreme dust (more that what is expected from living in the desert), noise and light control, as well as the collector access road that has not been developed (Pioneer Road). They reap the benefits of having Agricultural zone while doing no actual agricultural business, all business that happens there is business that happens under commercial Zoning. (Bed and Breakfast/vacation rentals)

As a member of a residential community I would very much like the zoning to stay residential. I purchased residential for a reason. It was away from business and commercial use, thus restricting commercial traffic to the commercially zoned area.

Allowing for another Agricultural zone increases the problems we are already experiencing, thus violating rights of the residential zoning.

I found this under sterling conifers of Kane County, Utah.

AGRICULTURAL USE: Land shall be deemed to be in agricultural use when devoted to the raising of plants and animals useful to man, including, but not limited to: forages and sod crops; grains and feed crops; dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees, fur animals, trees, fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral and ornamental stock; or when devoted to and meeting the requirements and qualifications for payment or other compensation pursuant to a cropland retirement program under an agreement with an agency of the State or Federal government.

Please keep residential zoning residential.

Warm Regards,
Rosalyann Bell

Sent from my Verizon, Samsung Galaxy smartphone

Wendy Allan

From: Shannon McBride <smcbride@kane.utah.gov> on behalf of Shannon McBride
Sent: Monday, May 4, 2020 10:17 AM
To: Wendy Allan
Subject: FW: Garvin letter in regards to AG zone
Attachments: Screenshot_20200504-091441_Messenger.jpg; Screenshot_20200504-091427_Messenger.jpg

Shannon McBride,
Kane County Land Use Planner
smcbride@kane.utah.gov
1-435-644-4966
76 North Main Street
Kanab, Utah 84741

*By failing to prepare, you are
preparing to fail.
Benjamin Franklin*

From: rosalyann.usu <rosalyann.usu@gmail.com>
Sent: Monday, May 4, 2020 10:16 AM
To: smcbride@kane.utah.gov
Subject: Garvin letter in regards to AG zone

Good morning Shannon,
Below is a letter from Sandy and John Garvin. I was asked to send this to you as they so not use email and will not be able to make the meeting. I've also included a screen shot of the original letter. **I will compose my letter and get it to you as soon as possible.**
Warm Regards,
Rosalyann.

To whom it concerns. My husband John and I have lived in the Church Wells community for over the past two decade. Levon Broderick moved after us to church Wells. His intentions to move forward with this zone plan shows what we John and I have felt. John and I moved to Church Wells believing in country, and country ways. We look at the beauty of our town and like others want it to stay a country town. No Motels there are great places in town, both Kanab and Page for the visitors to pack onto. Our town is not set to handle the traffic, and for lawless behavior of people who have no love for the people, and our home town. As mentioned in my previous letter. John and I reside on the street that is now being used for Lavons traffic. The people drive down the gravel road coming off highway 89 at highway speeds. We have lost window, the neighborhood animals are in danger, and have been killed do to the recless speeding of traffic brought by the Bed and Breakfasts and rentals. Looking out and around our small town it's the big house with the tower to oversee everything, and eveyone business that is an eye sore! Ask any of us in the community. Please this type of business tourist from all over running fast and furious, big lights on the house, parties all night and total disarray and disrespect for the community this is not what we moved here it's what what we moved away from. Let's

stick together keep thing simple where people want country, and let the city's be city's. Our country, free, and wild. Eagles still fly into the blue skies. No big poarch light left on. No threat that my pet can't cross, and dust gravel roads flung cracking glass. No noise from tourist late night party night. Silent is our neighbors when bed time comes. We have respect, and love of country our number say it all. Big \$\$\$ Motels truck stops and shopping malls keep moving on we here in Church Wells are not all about that? Family, friends, and community value stand by me so please for the love of country, please remember what this little town really was built on.

Sandra and John Garvin

Sent from my Verizon, Samsung Galaxy smartphone

Shannon McBride

From: Rocky Wright <wrighttrail@gmail.com> on behalf of Rocky Wright
Sent: Monday, May 11, 2020 2:58 PM
To: planning@kane.utah.gov
Cc: smcbride@kane.utah.gov
Subject: Broderick Property Lot 120-2 West Acres Proposed Zone Change

To the Attention of:

KANE COUNTY PLANNING AND ZONING COMMISSION

Meeting Date: May 13, 2020

Our property is within 500 feet of the proposed zone change on parcel 120-2, 12.93 acres located at 5060 West Lake Powell Blvd., West Acres Subdivision, Church Wells, Utah.

We purchased our property some 32 years ago in a designated residential zoned area.

At that time, the Kane County Commissioners, stated openly and publicly that all of the lots and parcels in the Church Wells Subdivisions with the residential/residential estates zoning would remain with that zone designation and that agriculture and commercial zoning would not be allowed in the existing residential areas, then or in the future.

Therefore, property was being purchased in the community of Church Wells in those residential areas with the expectation of remaining residential and would not become impacted by zone changes to agriculture and commercial.

That expectation was honored until recently when a parcel in the West Acres Subdivision was changed to an agricultural zone. That action has not been of any benefit to our residential quality of life and in fact has become a very obvious detriment.

Instead of producing crops and animals with a reasonable expectation of making a profit, this so called agricultural property produces excessive blowing sand from bared ground. Tourism has become the crop of choice along with the increased noise, traffic, trash, weeds, and lights at night.

The West Acres Subdivision Plat clearly shows Pioneer Avenue as a designated collector access for that subdivision and yet with two commercial tourism businesses being operated in West Acres, (one being operated by the applicant), Pioneer Avenue has not been upgraded.

Allowing another agricultural zone in West Acres just adds insult to injury to the residents that have already had their quality of life and enjoyment of property rights and expectations violated.

Sincerely, Rocky L Wright
4895 End Avenue
Church Wells, Utah

Shannon McBride

From: Rocky Wright <wrighttrail@gmail.com> on behalf of Rocky Wright
Sent: Monday, May 11, 2020 2:58 PM
To: planning@kane.utah.gov
Cc: smcbride@kane.utah.gov
Subject: Broderick Property Lot 120-2 West Acres Proposed Zone Change

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Sincerely, Rocky L Wright
4895 End Avenue
Church Wells, Utah

Attachment #3

	A	B	C
1	Stevens - Elk Ridge	FOR	AGAINST
2	Bayles, Arthur		x
3	Blackburn, Bonnie		x
4	Blackburn, John		x
5	Carlson, Brian		x
6	Carlson, Darlene		x
7	Chandler, Christina		x
8	Chandler, Roy		x
9	Copeland, Charles		x
10	Copeland, Kathy		x
11	Cutright, David		x
12	Cutright, Elizabeth		x
13	Dannan, Gene		x
14	Dannan, Naomi		x
15	Davis-Perkins, Londa		x
16	DeMott, Sheri		x
17	Forsythe, Kent		x
18	Forsythe, Leslie		x
19	Goodsell, Garry		x
20	Goodsell, Laurie		x
21	Green, Gary		x
22	Gruber, Lisa		x
23	Jacobs, Mark		x
24	Keller, Jerry		x
25	Kessler, Michael		x
26	Kludjian, Diran		x
27	Kludjian, Mary		x
28	Lawrence, Carolyn		x
29	Lawrence, Charles		x
30	Lehotsky, Donna		x
31	Lord, George		x
32	Martin, Bill		x
33	Martin, Denise		x
34	McNally, David		x
35	Meyers, Daniel		x
36	Million, Kevin		x
37	Million, Shawn		x
38	Moore, Richard		x
39	Moore, Richard		x
40	Oeland, Andre		x
41	Oeland, Jennifer		x
42	Ogden, MerylLee		x
43	Perkins, Will		x
44	Power, John		x
45	Power, Melanie		x

5/12/2020 1:44pm

37 letters

59 signatures

ALL in OPPOSITION

	A	B	C
46	Rowe, Bruce		x
47	Rowe, Sheral		x
48	Sedminik, Theresa		x
49	Seminik, Gregory		x
50	Sullivan, Jacqueline		x
51	Sullivan, Mark		x
52	Valienta, Terri		x
53	Valiente, Alfredo		x
54	Walker, Hyman		x
55	Walker, Susan		x
56	White, Maria		x
57	White, Robert		x
58	Wright, Greg		x
59	Wright, Jennifer		x
60	Yeoman, Charleotte		x

Elk Ridge Comment Letter Summary

If allowed all Commercial uses including truck stop, hotel, RV Park, etc. will be permitted

Sets a precedent for future zone changes

The infrastructure is not there to support commercial uses

Increased traffic

Property is surrounded by Elk Ridge subdivision.

HOA maintains roads (this property does not pay HOA fees for maintenance)

Commercial establishment in that area will adversely affect quality of life and property values

Property sandwiched between two residential communities

Added traffic load of Hwy 89 (safety concern)

Noise & congestion

Opens the door to more commercial businesses

Elk Ridge was developed to be an alternative from Duck Creek, to provide a quieter life away from Duck Creek with year round access. It has CC&Rs, fire hydrants, water and year round access. This property sits in between two phases of Elk Ridge.

Not consistent or compatible with surrounding area

Disrupt wildlife –migration route for deer, elk and bald eagles

Goes against General Plan

“rezoning a single parcel in the middle of a sparsely populated residential and agricultural area of the County violates the purposes of the County’s general plan and the stated purposes of the C-1 and the C-2 Zones, which are identified, respectively, as providing “for light commercial areas . . . to meet the day to day needs of area residences,” and “heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses”

“ The applicant’s proposed use is not intended to serve the area residents....and the County’s own zoning text clearly indicates that “heavy commercial uses” are not appropriate near residential uses.” (David McNally)

“Kane County Planning and Zoning objectives are designed to approve commercial properties in areas with compatible use and character of surroundings. This zone change is not compatible with current residential “character”. “ (Donna Lehotsky)

“The proposed Heavy Commercial C2 Zone change is totally inconsistent with the current R1 zoning and threatens to irrevocably alter the nature of this community.” (Christina & Roy Chandler)

“If we wanted to be located in an area of constant activity, we would not have purchased our property in this location. I feel that this proposed zoning change could/would be a threat to my right to quiet enjoyment of my property and thereby violate my rights as a property owner.” (Londa Davis-Perkins)

“There is no other C-2 zoned land near the area surrounding Stevens land.” (Andre Oeland)

“There is no infrastructure in place to support C-2 development. Water rights in the area are privately held. Presently water supplied to Stevens land by the water owner is insufficient to support a commercial level enterprise of either C-1 or C-2 zoning.” (Andre Oeland)

Shannon McBride

From: Jerry Keller <j.keller534@gmail.com> on behalf of Jerry Keller
Sent: Monday, May 11, 2020 11:35 AM
To: smcbride@kane.utah.gov
Cc: Jerry Keller
Subject: Agenda item 7, scheduled May 13, 2020, 6 PM, ordinance 2020-8/zone change/Vincent Stevens

Dear Ms. McBride and others whom it may concern:

My wife and I have owned lots 77 and 78 within Elk Ridge Estates, unit 3, for 18 years and we built a home on lot 77 in 2002. We submit this document to formally object to the aforementioned request for zoning change. Elk Ridge Estates unit 3 encompasses 80+ residential lots and many homes have been established within its boundaries. The requested zone change, from R-1 to heavy commercial C-2, is totally inappropriate in this long term well established residential neighborhood. The ATV service, sales and rental business would totally disrupt the sanctity, solitude and quiet of our homes. We relocated from Duck Creek Village to escape and avoid just such nuisance and shouldn't be penalized for our decision and significant investment. There exists commercially zoned property nearby at the intersection of US 89 and Utah hwy 14. This zoning change, if approved, would offer nothing positive to our community and would significantly devalue the homes and property of Elk Ridge Estates. This application should and must be denied to protect the integrity and investments in our community.

Respectfully submitted,

Charlotte Yeoman and Jerry Keller
702-497-5355
j.keller534@gmail.com
3830 Wapiti Dr.
P.O. box 1459
Duck Creek Village, Utah 84762

Shannon McBride

From: Diran Kludjian <dkludjian@NRTTECH.COM> on behalf of Diran Kludjian
Sent: Monday, May 11, 2020 12:15 PM
To: smcbride@kane.utah.gov
Subject: Agenda Item #7, Ordinance 2020-08/Vincent Stevens

Good Afternoon Shannon,

I was recently informed that someone has proposed a zone change in our Elk Ridge neighborhood. After reading what is being proposed, I have to say, my wife and I were a bit taken back and worried. We purchased our home in Elk Ridge in 2006 because of the natural beauty and serene quietness of this private residential community. I cannot even fathom why someone would entertain the thought of having a commercial business in Elk Ridge Estates.

I guess the first thing that comes to mind is that if this is approved, it sets a precedent to have others propose more commercial businesses and then before you know it, we have all types of traffic, more dust, more noise, etc. There are not even any other commercial buildings near this area in our community.

When we made the decision to buy our cabin in Elk Ridge, we were told and we of course expected that our community would remain residential. As did others, we spent quite a bit to buy our home and love the lack of car movement and noise throughout the community. This is a private community where someone is proposing a commercial business. It just does not make sense to my wife and I. Lastly, in thinking about this potential business, the only access to the Dixie National Forest, is on the other side of Elk Ridge Estates. Someone renting these vehicles would have to ride thru our community to get out to the trails. That is very concerning.

In light of all these seemingly disruptive possibilities, my wife Mary and I urge you and your associates from the Zoning Commission to turn down this proposed zone change.

Thank you very much for the consideration.

Respectfully, Diran and Mary Kludjian
53 Wapiti Road
Elk Ridge Estates

Diran Kludjian

c. 561.866.8348
O. 702.407.7630
www.nrttech.com



TORONTO | LAS VEGAS | SAN DIEGO | SINGAPORE | MACAU



Shannon McBride

From: clawrence <carolhls@aol.com> on behalf of clawrence
Sent: Monday, May 11, 2020 12:35 PM
To: smcbride@kane.utah.gov
Subject: Opposition to Zoning Change

Good Morning Ms. McBride:

We are writing to express our opposition to the proposed zoning change as required by Vincent Stevens for his 10 acre parcel, 8-6-22-1B2 located at 1319 West Ranch Drive, Alton, Utah. The requested zoning change is from AG to C2 for the purpose of ATV/E-Bike rentals.

We have serious concerns that such a zoning change will severely decrease the quality of life and safety to the residents of Elk Ridge Estates. Not to mention a decline in our property value. We purposely purchased in Elk Ridge Estates because of its tranquil atmosphere. We are full-time residents. Our concerns are as follows:

Zoning change will bring an increase in the number of vehicles and ATV's traveling through Elk Ridge Estates, as the only access to Dixie National Forest is through the residential area at 3255 N. Roosevelt. The path was created for the use of Elk Ridge residents and not for commercial business use. This will create more traffic and dust and therefore create an increased potential for accidents.

Zoning change will create a commercial atmosphere in an otherwise single family development of Elk Ridge as Mr. Stevens will need to post commercial signage on the 89 adjacent to the Elk Ridge entrance.

Additionally, the roads in Elk Ridge are privately maintained. Elkridge residents pay annual dues to maintain the roads in good condition. Allowing a commercial business to operate within our residential area would greatly increase wear and tear and private residents should not have subsidize road maintenance for a commercial business.

We do understand that Mr. Stevens has stated he will be trailering rentals and dropping them off to the renters. Once zoning is approved, there is nothing stopping Mr. Stevens from allowing renters to pickup ATV's, bikes, and snowmobiles and driving through Elk Ridge to access the ATV trail on Roosevelt creating even more traffic and safety risks.

For the above reasons, we are respectfully requesting the Kane County Planning Commission deny Mr. Stevens' request for rezoning.

Thank you for your consideration,

Theresa & Gregory Sedminik
Carolyn & Charles Lawrence
(435) 648-3593
1895 W. Manitoban Trail
Alton, Utah 84710

Sent from [Mail](#) for Windows 10

Wendy Allan

From: Shannon McBride <smcbride@kane.utah.gov> on behalf of Shannon McBride
Sent: Tuesday, May 5, 2020 2:20 PM
To: Wendy Allan
Subject: FW: Zone Change Project #20016 - 1319 Ranch Drive

Shannon McBride,
Kane County Land Use Planner
smcbride@kane.utah.gov
1-435-644-4966
76 North Main Street
Kanab, Utah 84741

By failing to prepare, you are
preparing to fail.
Benjamin Franklin

-----Original Message-----

From: Lisa Smith Gruber <lkgruber97@gmail.com>
Sent: Tuesday, May 5, 2020 12:05 PM
To: smcbride@kane.utah.gov
Subject: Zone Change Project #20016 - 1319 Ranch Drive

Dear Ms. McBride,

It was recently brought to my attention that there is a pending zone change application in/near the Elk Ridge subdivision requesting that the zoning be change from AG to C-2. The intent is for the applicant to open a ATV rental service.

I own several lots in the Elk Ridge subdivision including 2 cabins that my family owns on Roosevelt Lane. There is a right of way in between the 2 cabins for ATV access to the multiple riding trails that are located throughout the mountain. We do get some traffic from other residences in the subdivision. Although this is already a nuisance, it is not frequent as it is only the residences near our cabin that use this trail.

My concern is that if this business is allowed, the traffic on this trail would greatly increase. It is basically the only off road trail in Elk Ridge that connects the subdivision to the rest of the mountain. Anyone renting an ATV that is located in any other subdivision on the mountain would have to use this trail to get from the rental site back to their cabin/camp as they can not be driven on public highways.

One of the reasons we purchased property in Elk Ridge is that it is zoned to allow horses to reside on the resident's property. There have been many summers we have brought horses up to graze in the pasture adjacent to this trail. What kind of an impact would the increased ATV traffic have on the resident's that have horses and livestock on their property? Will the resident's be able to even ride their horses without having them spooked by the ATV's coming through the subdivision to get to this trail?

We have invested over 2 million dollars in our property in Elk Ridge and have 9 young grandchildren that frequently visit with their parents. Not only could the over use of this trail potentially ruin our property, it is a safety hazard to the children that play around it.

I would like to strongly protest the approval of this business in our quiet subdivision. Please let me know what steps I need to do in order to have my voice heard. Any assistance that you can give me would be greatly appreciated.

Sincerely,

Lisa Gruber
3255 Roosevelt Ln
Elk Ridge, Utah

Wendy Allan

From: Shannon McBride <smcbride@kane.utah.gov> on behalf of Shannon McBride
Sent: Wednesday, May 6, 2020 2:30 PM
To: Wendy Allan
Subject: FW: Zone Change

Shannon McBride,
Kane County Land Use Planner
smcbride@kane.utah.gov
1-435-644-4966
76 North Main Street
Kanab, Utah 84741

*By failing to prepare, you are
preparing to fail.
Benjamin Franklin*

From: Gary Green <Gary.Green@premiumwaters.com>
Sent: Wednesday, May 6, 2020 1:09 PM
To: smcbride@Kane.utah.gov
Subject: Zone Change

Shannon McBride,

My name is Gary Green and I own a home and 5 acres at 1545 W Red Deer Trail only about a mile from the proposed zone change from AG to C-2 for an ATV/Ebike rental on behalf of Vincent Stevens, parcel 8-6-22-IB2 located at 1319 Ranch Rd Alton Utah.

Shannon I built this cabin just this year so my kids and grandkids could experience and enjoy the quiet mountain life including seeing all wildlife in the area and feel an ATV rental business would completely destroy the serenity that we paid with our life savings to enjoy!

I also feel a business of this type, inexperienced riders renting ATV's would be very irresponsible for the location of a very dangerous intersection of hwy 89 and Ranch Rd.

Due to the potential spread of COVID-19 I am choosing this email as my written objection to the proposed zone change.

Thank you

Gary Green
Plant Manager

Premium Waters, Inc.
bottled water solutions 

3355 N. Lamb Blvd
Las Vegas, NV 89115
Office: 702-820-7500
Cell: 682-465-2456
premiumwaters.com



Wendy Allan

From: Shannon McBride <smcbride@kane.utah.gov> on behalf of Shannon McBride
Sent: Wednesday, May 6, 2020 3:33 PM
To: Wendy Allan
Subject: FW: Kane County Email: Planning Commission

Shannon McBride,
Kane County Land Use Planner
smcbride@kane.utah.gov
1-435-644-4966
76 North Main Street
Kanab, Utah 84741

*By failing to prepare, you are
preparing to fail.
Benjamin Franklin*

From: markjacobs206@gmail.com <markjacobs206@gmail.com>
Sent: Wednesday, May 6, 2020 3:16 PM
To: planning@kane.utah.gov
Cc: its@kane.utah.gov
Subject: Kane County Email: Planning Commission

Message from kane.utah.gov

To: Planning Commission

From: Mark Jacobs
markjacobs206@gmail.com

Message:

I don't think I'll want C-2 in the residential zone of Elk Ridge

Sent: May 6, 2020 at 3:15 PM
Submission URL: <https://kane.utah.gov/contact/directory/>
Referring Page: <https://kane.utah.gov/gov/dept/planning/>
Origin IP: 72.12.250.185

Shannon McBride

From: David McNally <dmcnally@nexsprout.com> on behalf of David McNally
Sent: Friday, May 8, 2020 10:10 AM
To: smcbride@kane.utah.gov
Subject: Objection to Zone Change Application for Parcel 8-6-22-1B2 Project #20016

Dear Shannon,

We have received the Notice of Public Hearing and the Staff Report associated with the Zone Change Application on behalf of Vincent Stevens, parcel 8-6-22-1B2, which is adjacent to our residence and three agricultural parcels totaling 40 acres (Parcel 8-6-22-1B1).

As noted in the Staff Report, the property is presently zoned agriculture, and the surrounding parcels are zoned R-1 or AG.

The area requirements in these zones are one and ten acres respectively, promoting and preserving a rural and agricultural area within the County.

As noted in the Staff Report, the County's general plan encourages "industrial and commercial land uses" at major highway intersections and near established communities, and "zone changes [should] be made only after those interests for which the [existing] zone have expired or there is no interest left to protect."

The Staff Report inconsistently indicates both: (a) that a rezoning from "R-1 to C-1 would not be consistent with the Kane County General Plan"; and (b) that "the applicant's request to rezone parcel 8-6-22-1B2 from AG to C-2 would remain consistent with the Kane County General Plan."

We don't understand that inconsistency, and we strongly believe that rezoning a single parcel in the middle of a sparsely populated residential and agricultural area of the County violates the purposes of the County's general plan and the stated purposes of the C-1 and the C-2 Zones, which are identified, respectively, as providing "for light commercial areas . . . to meet the day to day needs of area residences," and "heavy commercial areas not appropriate near or in Residential Zones to meet larger commercial uses."

The applicant's proposed use is not intended to serve the area residents—it is overtly directed at providing services to non-area residents and to other locations of the County—and the County's own zoning text clearly indicates that "heavy commercial uses" are not appropriate near residential uses.

Moreover, by re-zoning this property as requested, you would authorize and invite all permitted and conditional uses allowed in the C-1 and C-2 Zones, either as a matter of right or pursuant to a conditional use permit. That list of uses is extensive, and the Planning Commission should consider the implications of this rezoning in light of each of the permitted and conditional uses identified in the text of the zoning ordinance. Once re-zoned, the County will not be able to limit which permitted and conditional uses are allowed on the subject property.

We strongly believe that the County should not spot-zone a single parcel in the middle of a residential and agricultural neighborhood and thereby simultaneously authorize and invite the host of commercial uses that the zoning text overtly identifies as "heavy commercial . . . not appropriate near or in Residential Zones."

While we recognize each owner's common-law property rights, recommending this legislative change in the County's current zoning framework violates the rights of the existing owners as protected by the current zoning of the area. The requested zone change is not an effort to be freed from an unduly restrictive application of the existing rules; rather, it is an overt and inappropriate attempt to change the rules for a single parcel in the middle of an agricultural and residential neighborhood.

Shannon McBride

From: tvaliente27@aol.com
Sent: Thursday, May 7, 2020 3:59 PM
To: smcbride@kane.utah.gov
Subject: zone change

May 7, 2020

Planning and Zoning Department,

My name is Terri Valiente. My husband, Alfredo Valiente and myself own a home at 3275 Tule Circle, Alton, Utah, 84710, inside of Elkridge. It has come to our attention that a man, by the name of Vincent Stevens, is applying for a zone change to his property. His property is located at 1319 W Ranch Rd. He is applying to change his zone from AG To C-2. He wants to start renting ATV's and bikes. My husband and myself are both very much against this. His property is close to the entrance to Elkridge. What he is proposing to do would change our neighborhood in a very negative way. Our neighborhood is very quiet and that is the one reason we bought our cabin. Our houses are not on top of each other, we all have a minimum of 2 acres. The roads in our development are maintained by the homeowners. I do not want any undo traffic on our roads. The undo wear and tear would be terrible. Where would all of these people be riding these vehicles? Accidents are also a major concern as we are far away from any medical services. I would not want the quiet serenity that we have up there to give way to the sounds of atv vehicles. Speeding is also another concern. We have wildlife that roam throughout our area, and this would have an impact on them. I am also pretty upset that we didn't receive any info on this matter. I feel that our property values will decline if this is allowed. So, we are asking you to please to deny this application.

Thank you,
Alfredo and Terri Valiente
3275 Tule Circle
Alton, UT 84710
702-499-8467

May 8, 2020

Good Afternoon Ms. McBride,

We are writing to express our **opposition** to the proposed zoning change as requested by Vincent Stevens for his 10 acre parcel, 8-6-22-1B2, located at 1319 West Ranch Drive, Alton, Utah. Mr. Stevens is seeking a zoning change from AG to C2 for the purpose of ATV/e-Bike rentals.

Generally, we do not get involved in such matters; however, in this case, we have serious concerns regarding the request and its effect on our property value and quality of life. We purchased land and built a home on Ranch Drive in Elk Ridge Estates in 2014. Prior to deciding on making Elk Ridge Estates our home, we researched properties for several years all over the mountains of southern Utah. We made our determination on residing in Elk Ridge as the neighborhood has large lots, a rural feel, and paved and plowed roads that provide year-round access to our home. Elk Ridge residents have a homeowner's association and pay significantly higher dues than residents in other neighborhoods in the area. Elk Ridge is very peaceful and quiet, without much traffic from vehicles or ATV's. We purposefully chose not to live in Duck Creek Village, due to the volume of ATV rentals and subsequent traffic and noise pollution.

It is our assertion that Mr. Stevens' request is inconsistent with the rural lifestyle that Elk Ridge Estates offers and will permanently destroy residents' quality of life and property values. Specifically, the zoning change will:

- Create an aesthetically unpleasing property at the entrance to Elk Ridge Estates as Mr. Stevens will most likely post signage for his business and build a parking lot as well as some sort of large storage building(s) to house the ATV's and bikes he'll be renting. These common business features will not blend in with the single family dwellings in Elk Ridge.
- Bring an increase in the number of vehicles and ATV's traveling through Elk Ridge as there are no other safe alternatives for his customers to access the trail system from his business without crossing two major highways. This is especially troubling as Elk Ridge residents pay a hefty amount to maintain the roads for all seasons and there is no way to prevent Mr. Stevens' customers from utilizing Elk Ridge roads.
- Increase activity and noise associated with motorized equipment. To ensure his rentals are operable, he will have to turn them on prior to renting them. The sound of motorized equipment carries in the quiet mountain air and our property is just up the hill from the one in question.

We understand Mr. Stevens may be trailering rentals and dropping them off with the person renting them; however, once Mr. Stevens has zoning approval, there is nothing preventing him from later deciding to rent direct to the customer from the property in question.

Finally, there are numerous places in commercial areas on the mountain for people to rent ATV's, bikes, and snowmobiles. In fact, most everyone knows where to seek such rental items. Mr. Stevens' request for rezoning of his property ultimately brings all of the distasteful elements of commercial activity, as found in Duck Creek Village, into a very serene, rural neighborhood.

It is for these reasons, we request the Kane County Planning Commission **deny** Mr. Stevens' request for rezoning. Thank you for your consideration.

Sincerely,

Kent and Leslie Forsythe
(702) 499-6770
3280 North Ranch Drive
Alton, Utah 84710

Shannon McBride

From: gm@5starhelicoptertours.com
Sent: Thursday, May 7, 2020 9:33 PM
To: smcbride@kane.utah.gov
Cc: Mark Sullivan; gm@5starhelicoptertours.com; Melanie Power; cathybarsness@gmail.com
Subject: Agenda Item #7, Ordinance 2020-08/zone change/Vincent Stevens - Feedback from ELK RIDGE RESIDENT

REF: Agenda Item #7, Ordinance 2020-08/zone change/Vincent Stevens

Dear Shannon, this email serves to raise our concerns with respect the re-zoning to commercial usage for the purposes of operating a business for lease, rentals, sales, service, and delivery of new/used ATVs, UTVs, e-bikes and snowmobiles from an enclosed building. Please note our concerns:

COMMERCIAL RISK ASSOCIATED WITH TRANSIENT ATV/UTV'S/SNOW-MOBILES

Transient rentals of ATV/UTV/SNOW Mobiles have a high risk of incident/accident/deaths due to the lack of formal education and training. While Utah law requires that 16 or older may operate an OHV on any public land, roads, or trails, Youth's aged between the age of 8 and 15 must possess an OHV education certificate in order to operate an OHV on any public land, roads, or trails. There are significant risks associated with a commercial operation that does not have the formal training and capacity to provide such due-diligence to ensure all rider's are screened and meet the Utah under 16 years of age law provisions.

Short term ATV/UTA/SNOW mobile rental(s) statistically present high risk and elevated injuries and associated insurance claims. This increase in insurance claims, will potentially increase the premiums for local Elk Ridge Residents.

RESTORATION OF QUIETNESS

Elk Ridge has significant wildlife and is proud of it's quiet environment. Short term ATV/UTV/SNOW mobile rentals will significantly increase noise levels in the Elk Ridge Estates. As such, Elk Ridge will be unable to maintain restoration of quietness, which are critical to property owners in the Elk Ridge Estate boundaries.

LOCAL KANE COUNTY EMERGENCY SERVICES

As short term ATV/UTV and Snow Mobiles present an increased safety risk associated with operation and lack of experience, handling and poor situational awareness of these machines, Kane County will be presented with increased requirements for emergency response. The re-assignment of emergency services from Kane County Fire & Rescue has the potential to interrupt current service response times and standards to local Kane County Residents.

SAFETY

With Highway 89 being a busy State Road with traffic potentially traveling at 65+ mph, we are extremely concerned about the rider lack of situational awareness and dangers associated with the re-entry and access to the ATV/UTA/Snow-mobile rental facility off Highway 89. As such, this may lead to a high risk zone for passing traffic, commuters and heavy traffic passing along HWY 89.

We purchased our property in Elk Ridge specifically to avoid the noise and safety risks associated with ATV/UTV and Snow Mobile rentals.

Please do not hesitate to contact me if you have any questions.

Sincerely,

John & Melanie Power
3110 N. Roosevelt Lane, Alton, UT 84710

Shannon McBride

From: john blackburn <herakles1969@hotmail.com> on behalf of john blackburn
Sent: Sunday, May 10, 2020 9:52 AM
To: smcbride@kane.utah.gov
Subject: 1395 ELK Ridge Dr. , Ordinance 2020-08/zone change/Vincent Stevens

Ms. McBride,

My name is John Blackburn. My wife Bonnie and I are the owners of the house and property located at 1395 Elk Ridge Dr. (lot 79 Elk Ridge Estates unit 2), and as such are very concerned about the proposed zoning change from AG to C-2 being considered for the 10 acres adjacent to highway 89 as requested by Vincent Stevens.

We built our home in Elk Ridge with the understanding and expectations that the community and neighbors we have come to love would remain unspoiled from the traffic and dust that has come to plague Duck Creek Village. An ATV store in such proximity to our community can only have a negative impact.

There are a several reasons for this negative effect, the first being environmentally. Not only would there be an increase in the noise and dust in the area but the wildlife we so enjoy watching would be affected as well. Long Valley is part of the migration route of deer, elk and bald eagles as everyone knows. The additional noise, dust and human activity would alter the normal migration patterns of these animals. Secondly, the addition of a commercial property of this nature would only serve to encourage customers of the business to venture into our neighborhoods resulting in damage to the roads that we privately maintain at considerable cost.

Finally, approving this parcel for commercial use will establish a precedent that opens the adjacent parcels zoned agricultural or otherwise for commercial rezoning thereby establishing a commercial corridor not consistent with the zoning commissions objectives of "compatible use and character of surroundings".

Respectfully,

John and Bonnie Blackburn

Shannon McBride

From: Mark Sullivan <gmsulliva1@gmail.com> on behalf of Mark Sullivan
Sent: Sunday, May 10, 2020 11:27 AM
To: smcbride@kane.utah.gov
Subject: Proposed Elkridge Zone Change-Agenda Item #7, Ordinance 2020-08/zone change/Vincent Stevens

Hi Shannon,

This zone change if approved, has potential to increase traffic down Roosevelt (turning left off of Hwy 14), turning right onto Manitoba and up to this development and then potentially back again for ATV rental customers accessing the trail head at the end of Manitoba.

It is a reasonable assumption that customer traffic related to the proposed business, will ingress Elkridge Estates via whatever route is most convenient to the customer, that being a left turn off of Hwy 14 into Roosevelt lane, then turning right into Manitoba despite the more commonly considered access method via HWY 89 (which as pointed out, is a more hazardous method given the lack of a designated turn lane on HWY 89).

We purchased our property (3110 North Roosevelt Lane) in Elkridge because of the more exclusive and unspoiled nature of the development with traffic being limited to home owners accessing their respective properties and light ATB\UTV traffic accessing the trail network via FR 1714 at the end of Manitoba.

Allowing the zone change (and a Zone change to C2 at that), has the potential to change this dynamic significantly, impacting the current serenity of the setting and potentially leading to further business developments in this new C1/C2 parcel corridor therefore further increasing traffic through the estate road system.

Safety of the public, together with that of the current property owners\land users must be maintained as a paramount concern with respect to the increase in passenger vehicle traffic as referenced above, itself a hazard on the narrow, twisting community road network even now, but also a predictable increase in the amount of OHV traffic accessing the trail system via the community road network with little if any empathy for the local residents or in fact, maintenance of the trail system.

If the use case for the road network and land in general is to change to be less weighted toward private use and more weighted toward commercial use, this must surely have to be reflected in the HOA assessment to the extent that owners may no longer see the economic sense in owning properties in Elkridge especially if the general tone of the area declines into a Duck Creek like living experience.

This zoning change would be completely inconsistent with the peace and tranquility found within this very sort after community, both attributes that have thus far, encouraged and motivated home owners to collectively preserve it.

--

Respectfully

Mark and Jacqueline Sullivan
[Email:GMSulliva1@gmail.com](mailto:GMSulliva1@gmail.com)

Shannon McBride

From: Brian Carlson <mohavebc@gmail.com> on behalf of Brian Carlson
Sent: Sunday, May 10, 2020 11:29 AM
To: Shannon McBride
Cc: Wade Heaton
Subject: Comments Regarding Rezoning Parcel 8-6-22-1B2

From Brian Carlson
1425 W Elkridge Dr

To Kane County Planning Commission

I am writing to express my opposition to the pending rezoning request. My opposition should not be misunderstood as coming from someone who opposes all development on Cedar Mountain. I come from 2 generations of builders who ran construction businesses in the midwest and in central Arizona. I understand the desire of the County to provide a means to make improvements that better the community and to generate revenue. I also understand that governments create a framework of rules designed to keep the process fair and that no single person or group can have unfair advantage and that *all citizens benefit*. These rules take the form of zoning and in Kane County the **Kane County General Plan**. The KCGP and zoning rules enable the County to make smart and fair decisions about development. There are several distinct areas on Cedar Mt, each with their own characteristics, Swains Creek has a strong HOA which does not allow Vacation Rentals, Strawberry Valley has an airport. Duck Creek is the focal point of ATV use and rentals due to its proximity to the Dixie Nation Forrest trails. Elkridge also has its' own unique character. This is of a quieter lifestyle, far from the commotion of Duck Creek but still near major highways which provide all season access to services for the full and part time residents. I do not oppose development which adheres to the KCGP and established zoning principles. All corners of HWY's 14 and 89 are currently zoned commercial and would be excellent locations for additional businesses to serve residents and tourists. The parcel that is asking to be rezoned is surrounded by both AG and R1 parcels. and is not adjacent to HWY 89. I am not asking that the AG parcels in that area never be rezoned. A future rezoning to Residential would add value to our community and income to the county from property taxes while complying with the spirit and letter of the KCGP.

Kane County government likes to remind residents that being a "small County" development needs to pay for itself and that residents should address many of their own needs at the local level. I must remind you that there is no better example of this philosophy being put into action than the community of Elkridge. Since the very beginning Elkridge residents have willingly paid to maintain our own roads with out any participation from the County. The developer of Elkridge donated land to the County in order to build a fire station to serve the eastern area of Cedar mountain. The water system in Elkridge is privately owned and maintained by Elkridge without any contribution from the Kane County Water Conservation District. With little crime or vehicle accidents Law Enforcement or emergency services are rarely needed. There are a mix of part time and full time residents in Elkridge, many of whom pay property taxes at a non-primary rate. Taken all together the revenue that Elkridge generates for the County far exceeds any costs that the County may expend in the Elkridge area.

I support the rezoning of the parcels along Ranch Dr at any time to residential. As new houses are constructed in a desirable area County revenue will increase from property taxes likely paid as non primary rather than the questionable agricultural taxes being currently paid. Residential development in the future will not create additional expense needs for the area that would come if the parcels are rezoned commercial and the increased

traffic and associated problems begin. Elkridge would continue to be an example of the smart growth that the County has asked for and would still be a net supporter of County revenue.

Thanks you,
Brian Carlson

Shannon McBride

From: Darlene Carlson <damsel808@gmail.com> on behalf of Darlene Carlson
Sent: Sunday, May 10, 2020 12:00 PM
To: smcbride@kane.utah.gov
Subject: Comments Regarding Rezoning Parcel 8-6-22-1B2

From Darlene Carlson
1425 W. Elk Lodge Dr.

To Kane County Planning Commission:

I am one of seven property owners in Elk Ridge Phase 1/2 who live here full time. We do not want to see our rural neighborhood becoming a Duck Creek East with future C-1 or C-2 zones within our R-1 zone.

The rezoning changes do not comply with the Kane County General Plan. How can we put any trust in our county government when they do not follow their own guidelines? Change is good, but let us not infringe on others when there is a solid plan for new growth in the county that when followed will benefit us all.

Darlene Carlson

Shannon McBride

From: ARTHUR BAYLES <anlbayles@icloud.com> on behalf of ARTHUR BAYLES
Sent: Sunday, May 10, 2020 2:59 PM
To: smcbride@kane.utah.gov
Subject: Zoning Change

I just heard about the proposed zoning change in Elk Ridge. I am a resident of Elk Ridge. 3899 Bugle Dr and I would like to say that I do not agree with having a zone change. This is a residential area and we have enough ATV traffic on weekend and don't need to add to any more. Manitoban is the main road thru Elk Ridge leading to the National Forest. This road is privately maintained by the residence of Elk Ridge and would be the only access for the business being proposed. Please take this into consideration. Art and Linda Bayles

Sent from my iPhone

May 9, 2020

Kane County Planning Commission
ATTN: Shannon McBride
76 North Main Street
Kanab, Utah 84741

RE: Proposed zoning change-property designated as 1319 West Ranch Rd Alton, UT

As a homeowner for 21 years in Elk Ridge Estates 2, we are strongly opposed to the proposed rezoning variance at 1319 West Ranch Rd that will be discussed at the May 13, 2020 commission meeting. We respectfully ask for NO zoning change as we desire to keep our mountain neighborhood residential as originally planned. This rezoning request would significantly disrupt the beauty, solitude and wildlife in all the Elk Ridge Estates properties and the noise level and business activity would be very undesirable. We are not against commercial development but feel that property on highway 89 would be much more appropriate. We urge you to vote against this request.

Sincerely,

Gene and Naomi Dannan
2855 N. Dead Horse Loop
Elk Ridge Estates 2
Alton, Utah

May 8, 2020

Kane County Planning Commission
ATTN: Shannon McBride
76 North Main Street
Kanab, UT 84741-3209

VIA USPS Priority Mail and email smcbride@kane.utah.gov

RE: Proposed zoning change - property designated as 1319 West Ranch Drive, Alton, UT

Ladies and Gentlemen:

In response to the *Notice of Public Hearing* for the rezoning hearing on the subject property, as a property owner within Elk Ridge Estates, which is adjacent to the subject property, we respectfully register our opposition to such a zoning change from AG to C-2.

- Our objection centers on the question of commercial zoning being permitted directly adjacent to historically residential property. With the exception of a convenience store at the junction of US-89 and UT Hwy 14, to the best of my knowledge the closest commercial zoning is Hatch, eleven miles to the north and Glendale, thirteen miles to the south, both on US-89, and ten miles to the west on UT-14 to Duck Creek Village. We strongly believe that as matter of policy anywhere, commercial initiatives of any type should more properly be located in existing commercially zoned areas, not breaking ground on a ten acre parcel in a rural setting that backs up to a development where all property is purely residential.
- However, should there be an inclination toward opening that aforementioned twenty-four mile stretch of U.S. 89 for mercantile endeavors that wish to financially advantage themselves from the highway's consistent traffic flow, a choice of a more isolated site bordering undeveloped properties, even zoned AG, would certainly seem to be not just preferable, but mandatory.
- The chosen location is not trending commercial. This is a critically key factor in the decision-making process in land usage cases. Were this zoning to be approved and the precedent set, aided by ten acres at his disposal, would the applicant's eyes cast upon expansion? It would seem a certainty. This turns the decisioning from addressing a single business type to the potential of even a commercial shopping arcade of any type. The intrusion on the surrounding residents becomes geometrically more pronounced. To repeat, while the issue to us is the current plan, it is decidedly also the long-term threat of the rezoning.
- But turning to the proposed business itself, our first thought is that the location presents a pronounced safety factor that portends disaster. All ATV riders exiting the facility would be cautioned to NOT turn right on Ranch Drive because it immediately intersects the high-speed and therefore hazardous stretch of U.S. 89, The law of human nature says there are always those who would ignore such guidance. Contemplate the consequences of an error in judgement by an inexperienced or under-age rider on a Utah registered but non-street/highway legal OHV.
- It may be reasonably assumed that without exception, every single purchaser of property in Elk Ridge Estates, as well as the entire broad mountain area if we may be so bold, did so to enjoy the privacy, abundant wildlife that visits daily and relaxed lifestyle offered by the rural and secluded location. This proposed business by its very nature would be totally disruptive to this environment.

Shannon McBride, Land Use Coordinator
Kane County Planning Commission
May 8, 2020
Page 2

- o Unlike the ATV rental facility located in Duck Creek Village, the proposed location is at is approximately two miles east of the easement entrance to the Dixie National Forest. ATV riders would be told to turn west onto Ranch Drive which in approximately 100 yards turns into Manitobin Drive. If one were to modestly estimate fifty rentals per day, that's two hundred trips per weekend through residential properties in Elk Ridge Estates, disturbing its tranquility and the quality of life it affords its residents.
- o The properties located on Manitobin Drive would be the most drastically affected, but it is not unreasonable to assume that there is a natural attraction to a tour of the entire community thus bringing disharmony to all residents. No one will be exempted from the intrusion resulting from the nature of the contemplated business in the form, over a season, of a flow of thousands of curious and noisy riders.
- o As bad as the daily effect, the zoning change would have a huge detrimental financial impact on all Elk Ridge properties, but most especially on those properties on Manitobin Drive. There are both housing structures and undeveloped lot throughout Elk Ridge. Picture if you would please a prospective buyer viewing a property while ATVs by the dozens go whizzing by? In my opinion it would have more than a chilling effect on the value of any property listed for sale. There are quite simply too many purchase options in these beautiful mountains as opposed to buying into such obvious chaos.
- o Manitobin Drive is a private road, not a dedicated county road. It is maintained through Homeowner Association members' dues that include road maintenance and snow removal, by far the most dominant burden on HOA funds. I don't know public policy or Utah laws governing such things but the applicant's plan essentially opens it for unrestricted public usage void of tax support. That would seem to us to be a departure from the intent of a policy of permitting streets not intended as county destination roads.

Fortunately, the review process of your Commission offers the opportunity for all sides to openly present their views. As a result, those most impacted by the applicant's proposal, -- in this case, those affected financially and having their quality of life and their right to quiet enjoyment of personal property threatened -- are provided the platform to present their respective objections. And these are very valid and personally based objections.

In summary and conclusion, the serenity of the area should not be allowed to be disrupted because the applicant sees a profit opportunity to be gained from the traffic flow on U.S. 89. Surely the residents of Elk Ridge Estates aren't his targeted market. The core of the application, a commercial operation directly adjoining a residential neighborhood, runs contrary to the spirit of Southern Utah; one of privacy and peacefulness, of which we all feel so privileged to be a part.

Thank you for your consideration of our views. Respectfully hoping you protect the sanctity and peacefulness that we do so treasure.

Sincerely,



Bill and Denise Martin
3845 North Waipiti Drive
Alton, UT 84710
wemartin10@aol.com
dexter89052@aol.com

Shannon McBride

From: Sheri DeMott <wolfwalker46@gmail.com> on behalf of Sheri DeMott
Sent: Friday, May 8, 2020 5:56 PM
To: smcbride@kane.utah.gov
Subject: Rezoning

Re: KANE COUNTY ZONING CHANGE PROPOSAL FOR 10 ACRE PARCEL, TO BE USED COMMERCIALY, ADJACENT TO RANCH ROAD ACCESSING ELK RIDGE DEVELOPMENT FROM HIGHWAY 89

I am so opposed to this. I bought property in this area to avoid noise and congestion. I believe that if this allowed, it will open the door for more commercial traffic. There are much better places for business. Let us live in peace and quiet..please

Dr. Sheri DeMott
1920 W. Silverado Dr.

--

Dr. Sheri DeMott
Licensed School Psychologist

Shannon McBride

From: Danny Meyers <DCMeyers@scinternet.net> on behalf of Danny Meyers
Sent: Saturday, May 9, 2020 4:03 PM
To: smcbride@kane.utah.gov
Subject: Item #7 Ordinance 2020-08/zone change/Vincent

TO: Zoning Administrator

This letter is in response for your consideration on a zoning change commission.

First off, let me say my wife and I are adamantly OPPOSED to a zoning change within the Elk Ridge RESIDENTIAL community for Mr. Stevens' personal gain.

As my father-in-law, a city planner for Southern Nevada for almost 40 years, has brought to our attention, communities are designed to harmonize with the local landscape. When land is designated for commercial use first, residents can build their homes around that zone and they are expected to "blend in" with the local businesses. But once a residential community is established, a change into a heavy duty commercial business, presents a county or city political suicide. That county or city will experience loss of home property values, excessive disturbing the peace calls for local law enforcement, lawsuits, and not to mention the loss political support for the politicians approving such a absurd change.

Thank You for your attention and consideration,
Mr & Mrs Daniel C Meyers(soon to be attorney at civil law)

Sent from [Mail](#) for Windows 10

Shannon McBride

From: Donna Lehotsky <revdonna99@gmail.com> on behalf of Donna Lehotsky
Sent: Sunday, May 10, 2020 3:29 PM
To: smcbride@kane.utah.gov
Cc: Wade Heaton
Subject: Comments Regarding Rezoning Parcel 8-6-22-1B2

Comments Regarding Rezoning Parcel 8-6-22-1B2

From Donna Lehotsky

1420 W Elk Ridge Drive

Elk Ridge Estates Unit 1

To Kane County Planning Commission

I am writing to express my opposition to the pending rezoning request.

Listed below are my reasons:

1. If this parcel is rezoned it is likely other property owners along Ranch Road will see a benefit to seek rezoning to commercial as well. The 10-acre parcels could also be subdivided creating many C1/C2 parcels. With the precedent created by the approval for the current request there would be little reason for the County to not approve rezoning requests for the other parcels. This would create a commercial corridor in a master planned residential area. Elk Ridge residents made the choice to purchase property in Elk Ridge precisely because the area is not like Duck Creek. The creation of a commercial corridor would begin the process of creating a "Duck Creek East" along with all of the problems that exist in that community.
2. All surrounding parcels are AG (Agricultural) or R1 (Residential, single family). There are no other adjoining commercial properties. If the property owner's idea is to only create a facility to rent ATVs/UTV/E bike rentals and deliver to customers at other locations, why do they need a C-2 Zone change?
3. Tod's /KB market is at the intersection of Highways 14 and 89, a mile away, complies with Kane County zoning standards i.e. "industrial/commercial land use properties are typically located at major highway intersections and near established communities".
4. Kane County Planning and Zoning objectives are designed to approve commercial properties in areas with compatible use and character of surroundings. This zone change is not compatible with current residential "character".
5. Elk Ridge property owners and several adjacent non-Elk Ridge owners purchased their properties with grounded and time-honored expectations that their homes would be with-in and surrounded by non-commercial properties or enterprises.
6. The proposed zone change, subsequent signage, increased vehicle ingress and egress (auto and recreational) particularly emanating from Highway 89, creates an attraction to an otherwise "private" residential

neighborhood. There is no way of managing or restricting access by business consumers, located near the gate accessing Elk Ridge Estates and private homes.

7. Elk Ridge roads and private parcels are privately maintained at homeowner expense, through a HOA assessment. Likewise, snow removal is managed through HOA assessment or assumed privately by non-Elk Ridge but adjoining residents. It is unacceptable to homeowners to consider underwriting road maintenance for a commercial enterprise.

8. The establishment of a commercial property, adjacent to both the high-volume public Highway 89 may expose drivers to risk as there is NO designated turn lane. The speed limit on Highway 89, in both directions is 65 MPH.

--

#VegasStrong

Listen to the wind, it talks

Listen to the silence, it speaks.

Listen to your heart, it knows.

-Native American Proverb

Shannon McBride

From: Robert White <rkwhitemd@gmail.com> on behalf of Robert White
Sent: Sunday, May 10, 2020 5:33 PM
To: smcbride@kane.utah.gov
Subject: Proposed zoning change -property designated as 1319 West Ranch Dr, Alton, Utah

Kane County Planning Commission
Attn: Shannon McBride
76 North Main St.
Kanab, UT. 84741- 3209

RE: 10 acre zone change from AG to C-2 for ATV/eBike rentals
1319 West Ranch Dr., Alton, UT

Dear Planning Commissioners,

I write this letter in response to the recent notice of public hearing in regards to the rezoning of the above property from AG to C-2. I am opposed to the zoning change.

I am among the newest residents in the Elk Ridge Estates community, purchasing my home on April 1, 2020. The location of my property is 3180 N Merriam Circle, just off Manitoban trail. My new home is only several blocks "up the hill" from the property seeking this zoning change.

I first viewed my property on March 1, 2020 when I was captivated by the view, looking southeast towards Highway 89. The quiet serenity of this mountain home was exactly what I had been looking for, knowing that "this was the one". In the short amount of time that I have owned this home I have come to appreciate all my new neighbors who are so willing to help my family get adjusted to this new environment. The whole community appreciates the privacy and solitude Elk Ridge Estates seems to offer. Now, with the above propose zoning change, I feel my newfound "fortress of solitude" is being threatened as my particular location would be especially affected with my view been altered by a commercial business, the traffic on Manitoban trail would skyrocket, not to mention the noise pollution created by dozens of ATV rentals constantly roaring by my new home.

I implore the planning commission to not allow this zone change to occur which will negatively impact all the Elk Ridge Estate residents, and preserve this pristine mountain neighborhood without intrusion of commercial businesses whose only concern is financial gain.

Thank you for this consideration,

Respectfully submitted,
Robert and Maria White
3180 N. Merriam Circle
Alton, UT 84710

Sent from my iPad

May 10, 2020

Ms. Shannon McBride
Zoning Administrator
76 Main St.
Kanab, Utah 84741
smcbride@kane.utah.gov

Agenda Item #7, Scheduled May 13, 2020, 6 PM, Ordinance 2020-8/Zone Change/Vincent Stevens

To Whom It May Concern:

We recently became aware of the above noted Public Hearing. We are fourteen year residents in Phase 3, Elk Ridge Estates Development. We relocated to this community following a 10 year residence in Duck Creek Village, UT. We found the increasing development and overwhelming ATV traffic and related nuisances, including excessive dust, day and night noise and troublesome road conditions, to no longer be acceptable. We found the development vision of the Elk Ridge community to be extraordinary in all ways and consistent with our objectives enabling us to enjoy and thrive where nature, privacy, solitude and like-minded neighbors prevailed. We have not been disappointed.

The proposed Heavy Commercial C2 Zone change is totally inconsistent with the current R1 zoning and threatens to irrevocably alter the nature of this community. While the KB Market and gas station at the intersection of Highways 14 and 89 is a long standing commercial property, it appears to be the *only commercial* property between Hatch, UT and Glendale, UT on 89 and is some 13 miles from Duck Creek Village on Highway 14. It does not encroach on R1 properties. It also appears to comply with existing Kane County Zoning policies i.e. "industrial/commercial land use properties are typically located at major highway intersections"... As a reminder, ALL intervening and neighboring properties are AG (Agricultural), R-1 (Residential) zones or US Forest Service property. Perhaps a more relevant question is what protections will be afforded to R1 property owners should future C1 or C2 petitions be entertained.

Should the petition for a zone change be approved, we submit that there are public safety risks on both Highways 14 and 89 in the absence of designated turn lanes for entering Elk Ridge Estates. Traffic will be required to dramatically slow down from highways where speed limits are 50MPH (Highway 14) and 65MPH (Highway 89) creating a safety and traffic hazard. Entrance from Highway 14, to the proposed commercial property, will require travel on private roads, throughout the development, maintained through HOA assessments by Elkridge residents. Highways 89 and 14 are heavily traveled by National Park and Brian Head Resort tourists as are large commercial vehicles, many of which are transporting coal to and from the Alton, UT area. This traffic and vehicle scenario is a perfect storm for accidents and state or county liability.

In closing, please seriously consider our comments, concerns and interests as you weigh the risks and benefits of this proposed zone change. We recognize and appreciate that Kane County will promote business opportunities resulting in tax revenue. We also know the applicant is free to pursue entrepreneurial ventures. They currently operate a vacation rental business with two sites: Kanab Paradise and Juniper Hills which is located immediately adjacent to the R1 zoned Elk Ridge properties/residents under auspices of VTpropertiesutah.com, (801)675-6599. The zone change before you today is for an ATV business promoting rental, delivery and services also immediately adjacent to Elk Ridge properties/residents, under the auspices of Conquerutah.com, (801) 675-7576. There is evidence that if this zoning change is approved for commercial use, either C1 or C2, it will enable other

enterprises to pop up. Regrettably, the outcome will replicate the Duck Creek "model" and the nature, peace, quiet and recreation relished by residents and their families will be irrevocably lost.

Sincerely,

Christina and Roy Chandler

(435) 648-2608

Shannon McBride

From: WILLIAM PERKINS <bdmpollo@aol.com> on behalf of WILLIAM PERKINS
Sent: Sunday, May 10, 2020 7:43 PM
To: smcbride@kane.utah.gov
Subject: Proposed Zoning Change On Highway 89 Near Tod's Junction (Long Valley Junction)

Kane County Commissioners,

If this rezoning is approved, this would create a commercial corridor in a master planned residential area. As a full-time ElkrIDGE resident, seventeen years ago we made the choice to purchase property in ElkrIDGE precisely because the area is not like Duck Creek. The creation of a commercial corridor would begin the process of creating a "Duck Creek East" along with all of the problems that exist in that community.

There is no legal access to Dixie National Forest from the proposed location. The only way to access the trails is through private property. That would mean through Elk Ridge Estates. Even with all the VRBO properties, we can still enjoy the lack of "noise" pollution. We enjoy the beauty of the Elk Ridge Estates and the surrounding area. If this rezoning occurs we will lose all the reasons why we purchased in Elk Ridge Estates. We are also afraid that this would only be the beginning of "rezoning." There are already rumors that at the intersection of Highway 89 and Highway 14, a RV park is in the planning stages.

ElkrIDGE roads and private parcels are privately maintained at homeowner expense, through a HOA assessment. It is unacceptable to large majority of Elk Ridge Estate homeowners to consider underwriting road maintenance for a commercial enterprise. Unfortunately, many Elk Ridge residents have no idea that a "rezoning" is even being considered.

Please vote against this "rezoning". In the past, present and for the future we have placed our trust in each of you as our representatives. The reason for that trust, is that we believe that you will always consider what is best for residential communities over commercial interests that will have a negative impact on those communities.

Thank you for your time.

Will Perkins
Elk Ridge Estates Phase 1 Lot 38

Shannon McBride

From: Londa <yogidavis@aol.com> on behalf of Londa
Sent: Sunday, May 10, 2020 8:05 PM
To: smcbride@kane.utah.gov
Subject: Rezoning from Residential to Commercial (Elkridge Estates)

Dear Sirs/Madams:

As an owner and full time resident of Elkridge Estates for the past thirteen years I would like to express my disapproval of the proposed rezoning from residential property to commercial property. It is my understanding that the proposed rezoning is for the purpose of an ATV rental location.

The reasoning behind my disapproval has to do with several issues. First being that the only way to access nearby trails would be for riders to have access throughout our private community. The residents within Elk Ridge pay substantial H.O.A. Dues for the use and maintenance of these private roads. With this being said, would the County (should zoning be changed) step in and take over the maintenance of these roads? Would the roads then become public access roads?

The second reason I find issue with the proposal is the aesthetics of such a "ATV parking and storage area." As an owner in Elk Ridge, we paid higher prices for our lots and thus pay higher taxes to the County to be located where we currently reside. If we wanted to be located in an area of constant activity, we would not have purchased our property in this location.

I feel that this proposed zoning change could/would be a threat to my right to quiet enjoyment of my property and thereby violate my rights as a property owner.

Lastly, I feel it would/could create a dangerous traffic situation to have a commercial property located in the pro-ported location. Traffic is traveling at a high rate of speed in that area. Should an ATV rider miscalculate the speed in which a vehicle is approaching it could become a deadly situation.

Please carefully consider the pros and cons of this situation.

Respectfully,
Londa Davis-Perkins
Lot 38, Phase 1, Elk Ridge Estates

Gregory & Jennifer Wright
3210 N. Merriam Circle
Alton, UT, 84710
Mailing Address:
7671 Jacaranda Bay Street
Las Vegas, NV 89139
702-289-2742

May 8, 2020

Shannon McBride
Kane County
Planning & Zoning Department
Land Use Authority
76 North Main Street
Kanab, UT 84741

Re: Proposed Zone Change 1319 W. Ranch Drive, Alton, Utah
Parcel 8-6-22-1B2

Dear Ms. McBride:

We respectfully OPPOSE the proposed zoning changes requested by Vincent Stevens for the 10-acre parcel located at 1319 W. Ranch Drive in Alton, Utah, parcel # 8-6-22-1B2. This parcel is located near the base of our neighborhood, near one of only two access points into our neighborhood.

We chose to buy our home in Elk Ridge Estates for the year-round access, paved roads and quiet beautiful views. As our home is located just west of Ranch Drive, we are very near the entrance to the neighborhood at Highway 89 and in close proximity to the parcel listed above. Our house is located on Merriam Circle which is just off Manitoban Trail, the main street running through our neighborhood. In the rear part of our neighborhood, near the intersection of Manitoban and Roosevelt, there is a private access to Forest Services ATV trail system. This access is provided for Elk Ridge residents only, as it is a private neighborhood. We currently have extremely minimal ATV traffic, belonging strictly to residents and guests of Elk Ridge Estates.

With the proposed re-zoning of this parcel, it is our fear that the amount of ATV traffic through the neighborhood would increase exponentially and create a dangerous environment. Additional ATV traffic would change our neighborhood from private and quiet to a noisy speedway with ATVs racing through the heart of our entire neighborhood from Stevens' property in the front of the neighborhood to the ATV trail system access in the rear of the neighborhood. We have children and pets that enjoy walking, playing, hiking, bicycling and jogging on the streets of our neighborhood. With the additional street traffic, our neighborhood will become dangerous, not to mention the wear and tear on our paved roads.

The roads in our neighborhood are paved and paid for through our homeowner's association. Even though the parcel is located just outside of our neighborhood, our private roads would be used for commercial purposes, which in essence turns our neighborhood into commercial property instead of residential. With the proposed re-zoning, our property will become less desirable, thereby lowering the value and taxable value of our property.

Overall, we feel that the re-zoning of Mr. Stevens' property will deprive us of our right to quietly enjoy our property. We chose our home specifically in this neighborhood because the lots are spacious, it is not over-populated and there is extremely minimal ATV traffic. If we wanted to live in a more congested area with more ATV traffic, we would have chosen our forever home to be in another neighborhood.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg & Jennifer Wright". The signature is written in a cursive style with some overlapping strokes.

Greg & Jennifer Wright

Shannon McBride

From: Jennifer Oeland <jloeland@gmail.com> on behalf of Jennifer Oeland
Sent: Sunday, May 10, 2020 11:47 PM
To: smcbride@kane.utah.gov
Subject: Kane County Planning Commission Agenda May 13, 2020 Item 7 Comments

From: Andre Oeland <oeland@color-country.net>
Subject: Kane County Planning Commission
Land Use Authority / Zoning Administrator
May 13, 2020 Agenda Item 7 Legislative / Public Hearing for
Ordinance 2020-08 / Zone Change for Stevens Parcel 8-6-22-1B2

Re: Comments objecting to the Zone Change Application from AG to C-2 submitted by Vincent Stevens for 10 acres of land at 1319 W Ranch Drive near Elk Ridge Estates Subdivision

Dear Shannon McBride:

Although we were not noticed by letter, this application very recently came to our attention. Our residence on 2 ½ acres directly overlooks Mr Stevens' acreage and is within mere feet of the 500 foot Notice boundary. We are strongly opposed to approval of the zone change for several reasons.

There is no other C-2 zoned land near the area surrounding Stevens land. South on UT 89, the major intersection of Highway 14 and UT 89, known for many years as Tod's Junction, has been developed commercially and comprises many users including KB/Tod's Store on the west, and UDOT property on the east. That was to be expected to occur at a major intersection. Mr Stevens land is centered within, and surrounded by, private residences in R-1 or AG zones. This Zone Change is a direct conflict with the County's own land use ordinance 9-7B-1 because it would insert C-2 in the heart of rural and residential properties. It is incompatible with the present occupancy in the area as well.

Also, although it is stated in the Staff Report under Facts & Findings that all lots gain access from UT Highway 89, that is not accurate. Ingress and egress for Mr Stevens' property is off Ranch Road, a road within the Elk Ridge Estates Subdivision, but not directly off UT 89. All the light-duty internal subdivision roads are maintained at personal expense by Elk Ridge Estates property owners through the HOA. Mr Stevens property is not within that subdivision and he is not a member of the HOA so he does not pay to support those internal subdivision roads. Yet, historically his land has been granted limited access via Ranch Road for private vehicles but not for C-2 level commercial traffic. Alternately, the Stevens land does not have direct access to UT 89 because there is other private land in the path. That prevents a request or approval of a limited access entry point by UDOT for Stevens' commercial access directly off Hwy 89.

In the Staff Report it is noted that there have been exceptions granted to Best Friends Animal Sanctuary and Amangiri for Industrial and Commercial Land Use. Those Zone changes were approved because the enterprises are located miles from any rural, residential communities and there were no nearby major highway intersections.

Lastly, there is no infrastructure in place to support C-2 development. Water rights in the area are privately held. Presently water supplied to Stevens land by the water owner is insufficient to support a commercial level enterprise of either C-1 or C-2 zoning. Stevens property is also in the flood path of McCloud Creek which is controlled by the Army Corp of Engineers because as the headwater for the Sevier River it provides measured Utah drinking and agricultural water as far north and west as Delta's ranching community.

With the above provided information we hope that you will recommend denial of the Zone Change Application to the County Commission.

Sincerely,

Andre & Jennifer Oeland

Property Owner :Lot 75 Elk Ridge Estates Unit 2

1470 Dead Horse Circle, Alton, UT

Cell: 435-590-5176

Shannon McBride

From: RICK MOORE <loungyboy@aol.com> on behalf of RICK MOORE
Sent: Monday, May 11, 2020 9:18 AM
To: smcbride@kane.utah.gov
Subject: Agenda #7 ordinance 2020-08

To Whom it May Concern:

My name is Richard Moore, I live in Elkridge on Dead Horse Cir. I am emailing you today to state my feelings on the proposed zone change 2020-08/zone change/VincentStevens. Please know that I am completely against this zone change. It goes against every reason I purchased a property in Elkridge. I live there part time however find myself spending more and more time there over my main residence. It is peaceful, quite and what I consider to be a world away from the hustle and bustle of everyday life. I don't go there to be surrounded by anything other than nature, family and good friends. Any type of business in the area would take away from that. On a financial note, adding any type of business access to our community will end up costing the HOA which is the residents. We no do need, nor do we want business in our neighborhood. Elkridge was built and intended for wildlife and family's. Keep the "business" in the areas on our mountain that want and NEED it. Not in our backyards.

Thank you,
Richard Moore
1465 Dead Horse Circle
Elkridge, Utah

Sent from my iPhone

From Bruce & Sheral Rowe:
Lot 60 Phase 3 Elkridge Estates
BRoweLV@Outlook.com
702-279-7801

To : Ms Shannon McBride, Zoning Administrator
Kane County,Utah

Ms. McBride,
Please accept these comments from my wife and I regarding the Agenda Item #7, Ordinance 2020-08/zone change/Vincent Stevens

My wife and I have been owners of 5 different properties in Elk Ridge Estates, including a cabin and lot that spanned phases 1 & 2. We currently own a lot and cabin and plan on spending much more time there with family and friends.

We specifically bought in Elk Ridge because of the foresight of Mark Jacobs to develop an alternative to what was going on in Duck Creek. That included CCRs, lot sizes, the only development on the mountain with fire hydrants, chip sealed roads, year-round access, and community water. As, or more important was what was not there, which included small lots, dirt roads, noise and commercial properties.

Our first cabin looked directly across the meadow at Mr. Stevens property, and it still does today. Of the ten acres barely, a half-acre is used today. To envision a commercial property of up to 10 acres expanding to accommodate parking of customers, employees, trailers, UTVs, ATVs, storage boxes or facilities and offices showroom and parts department would have material and permanent impact on many things including:

The long-term property value of Elk Ridge properties, but especially view sensitive homes in Phase 1 & 2 where homeowners paid a lot premium for the view assuming it would stay largely as is with the Stevens property being agricultural and not commercial. I am certain the tax revenue from this commercial property would not offset the reduction of taxes from the reduced tax base on these properties.

Access to this isolated property is not easy intentionally. It was not designed for repetitive and predictable traffic from cars, recreational vehicles or trucks and trailers. The goal of the development is to minimize this, and the commercial model is to create as much as possible as traffic drives profitability and there is no profitability without traffic volume.

This concept is in no way consistent with or compatible with the surrounding area and the infrastructure of the Estate was never intended to or designed to support this commercial venture.

We hope you take this seriously and protect this special place in Southern Utah that people like us travel hundreds of miles to enjoy and have invested our life saving into for our family and friends.

Sincerely,
Bruce and Sheral Rowe

Shannon McBride

From: hyman walker <hognguy@yahoo.com> on behalf of hyman walker
Sent: Tuesday, May 12, 2020 1:04 PM
To: Shannon McBride
Subject: Re: Ranch Road Agenda #7 OPOSITION

My and my wife's residence is located at 3250 Tule Cir, in Elk Ridge subdivision. Just a short distance from the subject property in question.

We oppose the rezoning agenda #7 for the following reasons.....

- 1) the property is surrounded by Elk Ridge Subdivision, not adjacent to US89. A business within the boundaries of a subdivision will certainly negatively impact our property value. Would you want to live next to a business, any business in such circumstances?
- 2) Elk Ridge residents pay for the paved roadways to be maintained within the subdivision. This zoning change and proposed business would deteriorate the roads we pay for With additional vehicle and ATV/UTV traffic.
- 3) the noise, dust and hazard as well as litter that is generated by Such a business can be seen in Duck Creek Village, as well as other related locations along US89.
- 4) There is no left hand turn lane from US 89 onto Ranch Rd in Elk Ridge Subdivision. The increased traffic and use of the US 89 Elk Ridge entrance (as it is) would result in catastrophic loss of life and property. Check the record a fatality has taken place at this intersection in the past.
- 5) As US 89 cannot be used for ATV/UTV traffic the significant traffic increase on Ranch Rd/Manitoban would ruin the solitude, quiet mountain life we worked so long for.
- 6) Local and migratory fowl and wildlife would be substantially impacted, virtually stopped from utilizing the natural water way that runs through the property in question (as well as others) that now collects the annual water shed.

This is the wrong location for any commercial venture. The area in question should be maintained as a home site, in a beautiful, peaceful, quiet, neighborhood that should remain that way.

Thank you for your valuable time regarding this matter.

Hyman & Susyn Walker
3250 Tule Cir. (Elk Ridge)
Alton, UT, 84710
Hognguy@yahoo.com
Hm (435) 648-2882

Sent from my iPhone

> On May 12, 2020, at 8:15 AM, Shannon McBride <smcbride@kane.utah.gov> wrote:
>
> There was no message attached.
>
> Shannon McBride,
> Kane County Land Use Planner
> smcbride@kane.utah.gov
> 1-435-644-4966
> 76 North Main Street
> Kanab, Utah 84741
>

Shannon McBride

From: MICHAEL KESSLER <michaelckessler@icloud.com> on behalf of MICHAEL KESSLER
Sent: Tuesday, May 12, 2020 11:31 AM
To: smcbride@kane.utah.gov
Subject: Kane County Zone Change Proposal for 10 acre parcel adjacent to Ranch Road - Agenda Item #7

I am opposed to this proposed zone change. My property is located near this proposed change and my wife REGINA and I prefer the neighborhood to remain residential and peaceful. There are plenty of other areas nearby where this shop can be located.

Michael KESSLER
505-577-3146

Sent from my iPad

Shannon McBride

From: MeryLee Ogden <redrockqueen@gmail.com> on behalf of MeryLee Ogden
Sent: Monday, May 11, 2020 4:35 PM
To: smcbride@kane.utah.gov
Subject: Zone change in Elk ridge estates

I **strongly oppose** the zone change in Elk Ridge Estates from private to commercial for:
**Kane County Zone Change Proposal for 10 acre parcel adjacent to Ranch Road - Agenda
Item #7.**

This would alter our quiet, private community to a dusty, noisy, air pollution condition which we
all strongly oppose! **Most** of us are retired Senior Citizens enjoying our lives in solitude **by choice**. Please, please
do not allow this zone change to take place.

Respectfully,

MeryLee Ogden Lot 31, 1975 W. Manitoban Trail. 435-648-3249, 801-455-1047

Shannon McBride

From: Garry Goodsell <garrygoodsell@gmail.com> on behalf of Garry Goodsell
Sent: Tuesday, May 12, 2020 8:21 AM
To: smcbride@kane.utah.gov
Subject: proposed zone change on property located at 1319 West Drive, adjacent to Elk Ridge Subdivision

Commission Members:

Please accept this letter as formal notice of our opposition to the above captioned proposed zone change.

We have owned our lot in Phase 3, Elk Ridge Subdivision for over 20 years and have found that, for a residential subdivision, this development is very unique. The large lots have provided owners with a very quiet environment, along with the opportunity of seeing and enjoying the abundant wildlife.

The proposed zone change, allowing an ATV sales and rental service, would deprive the entire development of these qualities. We find it hard to imagine the Commission would allow this to happen. To take away these qualities from so many people for the benefit of one party doesn't make sense. You may want to consider a zone change allowing bee hives in Sunday School classes.

Obviously I'm making light of s very serious situation, although the two scenarios are not totally unlike.

Again please do not allow destruction of the qualities that so many owners enjoy for the benefit of one party.

Sincerely,
Garry and Laurie Goodsell

 Virus-free. www.avast.com

Shannon McBride

From: George Lord III <lord111@msn.com> on behalf of George Lord III
Sent: Monday, May 11, 2020 7:28 PM
To: smcbride@kane.utah.gov
Subject: Proposed Elkridge Zone Change (Long Valley Junction)

From: George W. Lord III
1475 W. Elkridge Drive
Lot 65

Kane County Commissioners,

As a full time resident of Elkridge I wish to state my objection to the proposed rezoning change that is being considered.

There is no legal access to Dixie National Forest from the proposed business location.

Access to trails would have to be through private property. " Elk Ridge Estates "

This also would increase the noise pollution of the area as well as the increase of traffic within this community.

Roads and private parcels are privately maintained at the homeowners expense through a HOA assessment. It is unacceptable to ask that we required to be required to accept additional fees to maintain roads for a commercial establishment.

I would like to see Elk Ridge Estates remain a residential area.

Respectfully,
George W. Lord III

Shannon McBride

From: Dave <dc53@hotmail.com> on behalf of Dave
Sent: Monday, May 11, 2020 6:03 PM
To: smcbride@kane.utah.gov
Subject: Kane County Zone Change Proposal for 10 acre parcel adjacent to Ranch Road - Agenda Item #7

To whom it may concern,

We bought and built in this Elk Ridge subdivision that is zoned residential, because of the R-1 zone restrictions and their protections.

We oppose any change of the R-1 zone.

We live within 1 mile of the property requesting the change.

Thank you,

David and Elizabeth Cutright

3805 N. Wapiti Dr. (lot # 69, Elk Ridge)

Alton, UT 84710

Shannon McBride

From: Kathy Copeland <kjccfc@aol.com> on behalf of Kathy Copeland
Sent: Monday, May 11, 2020 5:09 PM
To: smcbride@kane.utah.gov
Subject: Elk Ridge

My husband and I live on Manitoban Trail in Elk Ridge. We oppose the zoning on Ranch to commercial from agriculture. We bought in Elk Ridge because of the chip sealed roads. They take a lot of upkeep which I gladly pay for in my homeowners dues. Added use from atv's & other rentals on Manitoban would not be fair to owners.

Kathy Copeland
Charles Copeland

Shannon McBride

From: loungyboy@aol.com
Sent: Monday, May 11, 2020 5:06 PM
To: smcbride@kane.utah.gov
Subject: Re: Agenda #7 ordinance 2020-08

Thank you

-----Original Message-----

From: Shannon McBride <smcbride@kane.utah.gov>
To: RICK MOORE <loungyboy@aol.com>
Sent: Mon, May 11, 2020 9:40 am
Subject: RE: Agenda #7 ordinance 2020-08

Thank you for your comments. We read them out loud during the meeting and make them part of the record.

Respectfully,
Shannon

Shannon McBride,
Kane County Land Use Planner
smcbride@kane.utah.gov
1-435-644-4966
76 North Main Street
Kanab, Utah 84741

By failing to prepare, you are
preparing to fail.
Benjamin Franklin

-----Original Message-----

From: RICK MOORE <loungyboy@aol.com>
Sent: Monday, May 11, 2020 9:18 AM
To: smcbride@kane.utah.gov
Subject: Agenda #7 ordinance 2020-08

To Whom it May Concern:

My name is Richard Moore, I live in Elkridge on Dead Horse Cir. I am emailing you today to state my feelings on the proposed zone change 2020-08/zone change/VincentStevens. Please know that I am completely against this zone change. It goes against every reason I purchased a property in Elkridge. I live there part time however find myself spending more and more time there over my main residence. It is peaceful, quite and what I consider to be a world away from the hustle and bustle of everyday life. I don't go there to be surrounded by anything other than nature, family and good friends. Any type of business in the area would take away from that. On a financial note, adding any type of business access to our community will end up costing the HOA which is the residents. We no do need, nor do we want business in our neighborhood. Elkridge was built and intended for wildlife and family's. Keep the "business" in the areas on our mountain that want and NEED it. Not in our backyards.

Thank you,
Richard Moore
1465 Dead Horse Circle
Elkridge, Utah

Sent from my iPhone

Shannon McBride

From: Kevin Million <KMillion@local501.org> on behalf of Kevin Million
Sent: Monday, May 11, 2020 10:05 PM
To: smcbride@kane.utah.gov
Subject: Stevens Vincent NON-Approval ATV/Rental

To all whom this concerns,

As requested for E-mail in comments of the requested zone change of the Property none as Stevens Vincent 1319 W. Ranch Drive Alton Utah. As you read this I hope that all are safe and well.

My wife and I are adamantly opposed to any sort of ATV/ Rental or Zone change that disrupts the peace and tranquility we are afforded here in Elk Ridge. I personally oppose this with extreme prejudice. Operating an ATV/Rental business brings with it the struggles that many residents are faced with in Duck Creek, Swains Creek, Strawberry and Ponderosa Pines. When we looked for property to Retire and enjoy our years of hard work many areas were available for sale, ATV traffic was the deterring factor in the other areas (Hence why we didn't buy or want to live there.)

Alone the increased traffic, non-residents exploring the roads here and the potential for trespassing is a concern from all of us here in Elkridge. (Properties being broken into when not occupied) We and our neighbors enjoy not having to worry about theft, our doors are left unlock while we go to town and keys are left in the vehicles. (If approved that would now cause us additional expense of security systems, locks, Driveway gates and that's no small cost.) The Big City Problems. The Environmental impact is another disturbing concern, Tires, Oil, Noise, Road Maintenance (Which Stevens Vincent does not participate in) trash being thrown out of the rentals. The land being driven on with no approval from any resident. The careless renters who would cause fires which doesn't impact the renters they go home and leave us with the mess to clean-up and the impact to the Fire Dept.

The Health issues for me personally due to the increase in the Dust presents challenges for me. I do not want to live plugged into an oxygen tank or breathing machine because of this. Yes I have severe lung issues.

My wife and I have invested a substantial amount of money in our property and home here to date over 100,000.00 dollars on top of the purchase price. Adding to the value of the area. We continue to invest in and improve on our property and home, we hire all local contractors to give our support to the community. Along with substantial investments with local material suppliers and equipment rentals. Elkridge has afforded us the peace and tranquility we had searched for. None of us here in Elkridge wish to see this area suffer a rapid degradation of the value and quality of the area. This is exactly where this is headed should it be approved.

Mr. Stevens Vincent should withdraw this request and respect the Residents that live here and made Elkridge what it is. If he wants to open a business renting ATV's there are opportunities in Duck Creek Village to do that. else. I see no benefit to Alton, Utah or Elkridge. This is clearly a negative impact to our pristine community. When the business fails and it will fail we'll be left holding the bag and the expense to restore all the damage.

Kevin & Shawn Million
3280 N. Tule Circle

Alton, Utah 84710

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Shannon McBride

From: Janet Fowler <mail@janfowler.info> on behalf of Janet Fowler
Sent: Wednesday, May 13, 2020 8:58 AM
To: smcbride@kane.utah.gov
Subject: Proposed Zone Change to Elkridge Residential Units

To whom it may concern;

This email is being sent to oppose the potential zone change to our residential community. We purchased the land and built a home in this community in 2003. For the past 17 years we have enjoyed the standards of this community and the surrounding area of Kane County. We have paid taxes to the county and through our HOA have carried the burden of the maintenance of the roads, grounds, and water. This is a quiet residential area and we would like to see it remain that way.

This will not be an improvement or serve any benefit to the community as a whole. It is merely to benefit one party. It will not create revenue for the county or the community.

Thank you.

Edward and Janet Fowler

Lot 59
2825 Dead Horse Loop

mail@janfowler.info
702-279-2888

Shannon McBride

From: Timothy Beller <tebeller@yahoo.com> on behalf of Timothy Beller
Sent: Tuesday, May 12, 2020 8:29 PM
To: smcbride@kane.utah.gov
Subject: Kane County Zone Change Proposal for 10 acre parcel adjacent to Ranch Road - Agenda Item #7

Hello Ms. McBride,

I would like to have my opposition to the subject Agenda Item read into the record. The beauty of Elk Ridge is that it is far removed from the more touristy area of Duck Creek Village and is, therefore, more peaceful and serene. I am strongly opposed to a property in the neighborhood actively renting out OHVs and bikes to tourists who will inevitably use our neighborhood roads to find trails. I believe people bought property in Elk Ridge because it promised a natural, quiet setting in which to live or vacation. I don't feel that business traffic fits that dream.

Timothy Beller
3195 Merriam Cir

Sent from my iPhone

Shannon McBride

From: Chester Jacobs <cjacobs@jacobsconstruction.com> on behalf of Chester Jacobs
Sent: Tuesday, May 12, 2020 8:10 PM
To: planning@kane.utah.gov
Subject: Vincent Stevens Zone Change

Kane County Planning Commission,

Please read the following statement pertaining to the zone change for parcel 8-6-22-1B2 from AG to C-2.

I am writing in opposition to the requested zone change for the following reasons.

1. I own a home directly across the street from the subject property and feel a commercial establishment in that location would adversely affect my quality of life and property value.
2. The subject property is located within, and sandwiched between, two residential areas and is not adjacent to or adjoining Highway 89 or any other commercial property.
3. I am concerned about the added traffic load off Highway 89, and what that additional load will do to future traffic study requirements for Elk Ridge Estates future development.
4. The subject property is not a member of the Elk Ridge Estates Home Owners Association and does not pay any dues to the association, yet uses this road to access the subject property. The Association pays for all the maintenance, and snow removal of the road used to access the subject property, and the added traffic will cause undue costs and maintenance to the Association.
5. The only way to access the ATV trail system is through Elk Ridge Estates adding additional wear and tear to all the roads in the subdivision, as well as increased noise, and the potential for trespassing when riders get lost.
6. It doesn't really matter what the proposed use is, once this 10 ACRE parcel is zoned C-2 there is no going back and its use could change the next day to include a truck stop, hotel, RV Park, or all of the above. We aren't talking about a ¼ acre lot here.

If you grant a zone change on this 10 acres it could cost incalculable damage to the area, both in quality of life and property value. The long term perspective in regards to the impact to existing infrastructure needs to be considered. The existing subdivision road and access off Highway 89 are not sufficient to support the highest possible use for what a 10 acre parcel zoned C-2 could be used for.

Regards,

Chester Jacobs
1320 W Ranch Drive, Alton UT

Chester Jacobs – President



O: 435-648-3318
M: 435-691-2100

Shannon McBride

From: Donald Bradford <dhb45@hotmail.com> on behalf of Donald Bradford
Sent: Tuesday, May 12, 2020 7:47 PM
To: smcbride@kane.utah.gov
Cc: Cathy Barsness
Subject: Proposed ATV rental at 10 Acres on Ranch Dr. Adjacent to Elk Ridge

I am strongly opposed to any zoning change for this property. Elk Ridge was and is a housing/agricultural development not a commercial development. We bought property here in Elk Ridge to get away from all of the commercial development and the associated traffic, noise and congestion it brings. It seems incredible to me that anyone would seriously consider a zoning change in that location for the proposed purpose. If Kane county does approve the change then maybe I should request a zoning change for my property to change it into a salvage yard for ATV's and Ebikes.

Donald and Dorothy Bradford
2235 Manitoban Trail, Elk Ridge

Shannon McBride

From: Jim Davis <davis.jim@earthlink.net> on behalf of Jim Davis
Sent: Tuesday, May 12, 2020 7:13 PM
To: smcbride@kane.utah.gov
Cc: 'Cathy Barsness'; 'Jim Davis'
Subject: JIM & KARIN DAVIS - 3160 & 3250 N Wapiti Dr / Elkridge Estates

To Whom It May Concern,

The purpose of this is email is to state our position on the proposed zone change to 10 acres on Ranch Dr adjacent to Elk Ridge Estates. We are not in favor of the zone change as we feel it will change the peaceful/serene dynamics of our community. The reason we purchased in this area was to have an escape from the hustle/bustle of city life and other more populated areas of Utah ie; Duck Creek. This type of commercial enterprise will bring more traffic, tourism and density of visitors to our area. This is exactly opposite of what we are looking for. In addition, allowing this one commercial enterprise will leave the door open for future business to be approved. Soon after Elkridge will no longer be the community set apart and it will lose its unique position. This is turn will lead to the devaluation of property. To summarize, we oppose the zone change and hope the commissioner will support the vision Elkridge Estates offers to homeowners.

Sincerely,

Jim & Karin Davis
3160 & 3250 N Wapiti Dr / Elkridge Estates

Shannon McBride

From: Peggy Beller <peggyimbe@yahoo.com> on behalf of Peggy Beller
Sent: Tuesday, May 12, 2020 6:41 PM
To: smcbride@kane.utah.gov
Subject: Kane County Zone Change Proposal for 10 acre parcel adjacent to Ranch Road - Agenda Item #7

To whom it may concern,

My name is Peggy Beller and my husband is Timothy Beller, and we are the owners of 3195 N Merriam Circle (Lot 41) in Elk Ridge Estates. I am opposed to the zoning change of the Kane County Zone Change Proposal for the 10 acre parcel adjacent to Ranch Road (Agenda Item #7). I feel changing the zoning of that lot would drastically change the entire feel of the neighborhood for the worse. We bought our lot because the neighborhood is more remote but well maintained and we enjoy the peace and quiet we get when going there, but this would completely change the neighborhood with a commercial lot renting ATVs/bikes and drawing traffic.

Thank you for your consideration,

Peggy Beller

Shannon McBride

From: jneal1954@aol.com
Sent: Tuesday, May 12, 2020 6:33 PM
To: smcbride@kane.utah.gov
Subject: Zone change

I just received the info on this.

I would like to voice my feelings on the zone change.

We are absolutely opposed to this zone change. The roads in the Elk Ridge development are not paved roads. They are chip and sealed and have to be repaired every few months. Off road vehicles with there off road tires would destroy them.

Elk Ridge is a quiet residential area that would also be unduly impacted by this plan.

Thank you

**Jerry & Betty Neal
1850 w. Manitoban trail
Lot # 36**

Shannon McBride

From: Iris <spiritrcks@aol.com> on behalf of Iris
Sent: Tuesday, May 12, 2020 5:11 PM
To: smcbride@kane.utah.gov
Subject: 10 acre zoning change near Elk Ridge Estates

Dear Kane County Zoning Board committee: My wife
and I are owners of lot 83 in the Elk Ridge Estates subdivision and an adjoining parcel account 0172953. We object to the rezoning to commercial so close to our property. In addition to all the other objections raised by our neighbors our 50 acres is vulnerable to atv and snow mobiles who trespass on our land. We can't afford to fence our property , instead relying on posting no trespassing signs.
Those of you on the Board who own acreage know that signs are often ignored. Our insurance agent has told us that our liability insurance is in jeopardy with frequent trespassers. Our land is vulnerable because of the arid conditions. Road cuts and wheel marks are visible for years and take forever to heal...if ever. Finally, who needs another atv dealer when just up the road is Duck Creek atv paradise sales and rentals.I hope this adds to the mounting opposition you will receive. Thank you....

Iris and Edward Ptak

Shannon McBride

From: robocop237 <robocop237@sbcglobal.net> on behalf of robocop237
Sent: Tuesday, May 12, 2020 4:34 PM
To: smcbride@kane.utah.gov
Subject: Vincent Stevens Zone Change Request

To the Zoning Commission.

I am writing this email in regards to Vincent Stevens Zone Change request.

I am 100% against the zone change and would like the zoning to stay as it is and as the Elk Ridge was originally designed.....Agricultural Zoned.

Thank You.

Joseph Dillon
3675 N Wapiti Dr.
Alton, Ut. 84710
Elk Ridge Estates

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