

Little Ponderosa Subdivision
*funding assistance request
for public water system*

To: Kane Country Commissioner
Mitt Romney
Chris Stewart
Utah Legislative Rep for Kane and Washington Cputing
Lt Governor State of Utah
Governor of Utah
Kane County Clerk
Kane County Planning & Zoning Commission
Principals of Zion Forever Projects
Regional Head of NPS
Regional Head of BLM
Secretary of Interior, United States Government
South West Utah Health Department Engineer
South West Utah Health Department Director
Kane County Health Department Representative
South West Water District

EXECUTIVE SUMMARY

{To be written}

BACKGROUND

The "Little Ponderosa Ranch Subdivision" (LPRS) is comprised of over 300 residential lots located in rural Kane County Utah adjacent to the east border of Zion National Park (ZNP). LPRS is sandwiched between ZNP to the west and Zion Ponderosa Ranch (ZPR) on the east. LPRS, was approved by county and state authorities as a "dry" subdivision in the late 1960's. For the most part occupancy is seasonal in nature, less than a handful of landowners use their property from late December until mid-February each year. Winter snow and muddy roads prevent open access by landowners as well-as tourists during the Winter. It is way past time that a **PROACTIVE PLAN** be put in place to meet the current and anticipated needs for tourism. Increased tourism has overwhelmed the limited infrastructure available to support Zion biker (vehicles) and bicycle rider demands. **Landowners are in REACTIVE MODE** trying to implement Traffic, Tourist and Fire Protection temporary solutions using their own funding. In addition, Current public and private initiatives have simply left LPRS out of their Tourism impact assessment including funding.

More than half the active landowners are using or have near term plans to use their property for vacation rental. Agreed municipalities across the country are voicing concern about Vacation Rentals. Agreed Lodging providing in some areas of the country are losing business to Airbnb rentals. **NEITHER** is the case in LPRS. As previously mentioned, most landowners favor Vacation Rentals in LPR by a sizable margin. Almost all landowners understand their "Cabin in the Woods" atmosphere can be preserved while their property values will likely increase in direct proportion with tourism. In fact, some non-active landowners are sitting on their property waiting for land values to go up because of Vacation Rentals. Vacation Rental Management companies and landowners are employing housekeepers, maintenance personel, building contractors, admin personnel, etc. All these local workers in-addition to the guests in the vacation rental cabins are contributing to the local economy. New lodging is springing up on both the West and East sides of Zion. Existing lodging owners do not need to be concerned with vacancies any time in the near to intermediate future. Demand simply exceeds supply. Finally, Little Ponderosa Subdivision is likely the only residential (R2) Subdivision in the State that was designed for vacation rentals, and not by any fault of its own other than it is the front doorstep to East Zion National Park tourism. Improving LPRS will not only clean up any potential for expanded East Zion eyesore but it is a natural fundamental economy booster to both Washington and Kane County as well as the entire desert south west United States.

GarKane Electric with offices in Kanab, Utah provides public electric service via an underground distribution network to each lot at the street-side property line. Wood (stoves & fireplace), propane and/or electricity are used for home heating often in a complimentary heat source implementation. Wastewater is managed in state approved private septic system on each lot. Limited Internet, intermittent phone and good television services are provided via satellite and/or cell tower atop Clear Creek mountain to the east.

Fire protection service “annexation” is under consideration by the landowners from East Zion Special Service District (EZSSD) with a fire station and associated equipment located on the ZPR. The annexation along with associated annual property tax will be in place by mid-August unless protested by landowners. Many of the EZSSD volunteer firemen own real property in LPRS. Landowners have requested participation on the EZSSD board. Solid waste removal (garbage collection) is managed via Kane county using disbursed large garbage bins located on North Fork Road. The large containers are emptied on a weekly basis. No provision is available for recycling. Approximately 10 miles of roads throughout the community are gravel and dirt/gravel mix.

Landowners currently haul water from central water storage facility located approximately 2 to 4 miles from the furthest extents of subdivision to each landowner private water tanks using shared water trailers. The central water distribution facility, located on ZPR is connected via a transmission and distribution water network to a 2500 foot deep well water source in the Navajo Sandstone Aquifer located approximately 8 miles away on ZMR (Zion Mountain Ranch). Landowners have implemented both gravity-fed and/or electric pump to supply the homes with pressurized water lines. Landowners’ Individual tanks are typically sized from a few hundred gallons on up to 5000 gallons. Often the same landowner will own more than one adjacent lot. Each lot is zoned as residential and range in size from just under one acre on up to 5plus acres.

About seventy five percent of landowners have built a home or are currently building a home on their property. There is considerable acreage inside the subdivision that was not subdivided. This acreage along with the roadways is owned and managed by the original subdivider company, Zion Land Development Corporation (ZLDC). Descendants of the original developer, Ray Lewis own and operate ZLDC. Landowners pay the equivalent of an annual HOA fee to Zion Ponderosa Ranch (ZPR) for road maintenance, hauled water access/water transportation equipment, and other select services. Principals of ZLDC own and operate the ZPR.

The Zion Land Development company still support their initial commitment to guarantee a right-of-way to the two main trail heads (East Zion Mesa / Observation Point and Stave Springs / Cable Mountain). Their for-profit company, ZPR is in the process of providing vehicle parking lots and shuttle services to hikers who will park and ride the shuttle back to the trailheads.

CHALLENGES

It is clear even to the casual observer that the infrastructure to support increased tourism on the east border of Zion National Park is woefully inadequate in Little Ponderosa Ranch Subdivision (LPRS). Significant funds are required. **“Landowners are constrained by past decisions”**, including hauled water **and** cannot even begin to meet the **tourism demands** being placed on it by expanded development on the East Side of Zion National Park.

“Landowners have their skin-in-the-game” and are currently implementing their own DIY solutions using their private resources while solicitating needed funding from government agencies. LandOwners interested in culinary waters have **bought “Water Rights”** using their own funds. They realize any public water systems or private water cluster water system will require water rights. Outside Funding sources are to a large extent non-existent to landowners.

Challenges facing landowners include:

1. **Lack of Funding** from government and/or private agencies.
2. **Lack of positive support** from Kane County and Utah State Government officials.
3. Specifically, **no water funding** to support minimal fire protection for landowners nor increased tourist demands.
4. Specially, **lack of unified leadership** from NPS, BLM. Kane County central government authorities, Zion Forever Project, State legislative and State Federal Representatives for ANY infrastructure including sorely needed fire protection not withstanding support for impending pressurized fire hydrant water, culinary water, sanitary waste disposal or paved road funding. EZSSD had to force annexation of LPS for fire protection just to protect adjacent ZPR / Zion Ridge / existing buildouts in addition to homes and forestation in LPRS. LPRS are more than willing to pay for that protection from their own funds until Kane county can add it to their tax base.

5. **Water Hauling Rights Revoked:** Kane County Health and the state of Utah Health Department along with collaborative support from the Kane County Clerk and Kane County Commission to **prevent use of hauled water for any Commercial use** in current or planned buildouts in LPR. Will they support flush water at the trailheads? Will they support “Condition use Permits” for Commercial Use of LPRS property currently zoned Residential? Will they support new private wells drilled for landowners in support of existing documented ordinance and policy that gives landowners the right to use their property for nightly vacation rental? Is there already discussion about polluting the water table under LPR coming from government with too many septic systems? Do they have any clue the size of social disruption/rift they have caused between grandfathered landowners and non-grandfather landowners? Do they even recognize or care the investment for build-out by work-in process efforts planned for vacation rental?

Do the following list of items sound like a proactive approach for LPRS?

- a. First they lobbied the State Health Department to embrace a policy that the “Landowners couldn’t use hauled water for commercial use. However, the policy was changed such that the county could at its discretion approve hauled water use. Their earlier stance on Grandfathering still held. Landowners often asked the question, “If the hauled water is sanitary enough for Grandfathering, why isn’t the same water OK whether it is Grandfathered or not”? The State of Utah’s initial policy on the subject matter said that it was OK unless the county said no. Onerous legal (tort) fines accompanied the documentation. In addition, Kane county stated that they would not issue a business license to anyone in violation.
- b. They composed the equivalent of a retro-active **cease and desist** letter that was delivered by **certified mail to every landowner** of record on their taxpayer database in LPRS.
- c. Their non-ordinance backed letter states that existing landowners who were openly involved in Vacation Rentals would be grandfathered if they had been operating with a business letter since December 2019.
- d. Their non-ordinance backed letter did not state that if you had **more than one vacation rental that Kane county required a business license for each home**. What ever happened to One business license for one business regardless of where they operative in Kane County?

- e. Many landowners have expressed the concern that Kane County may not be acting in good faith. Many landowners understand that the county may have some legal liability but, discussions between parties have not born this out. Most in depth discussions lead to the county pointing to the state and the state pointing to the county. At least one enterprising landowner had to plant himself at the County Health Department in Kanab, UT, then voicing the State Representative from St George on the line at the same time in a vain attempt to get a consistent answer. As of this writing no one could refer him to a documented ordinance referencing the tone of the certified letter.
6. Yada yada

Signed by:

LandOwner: _____ / ____/_____
(James R. Bassett)

LandOwner _____ / ____/_____
(John Q. LandOwner

LandOwner: _____ / ____/_____