



CEDAR MOUNTAIN SERVICE DISTRICT

3620 Mammoth Creek Rd
HC 82 Box 1084, Duck Creek Village, UT 84762
T: 435-682-3225 F: 435-682-3206
www.CedarMountainServiceDistrict.gov

8 July 2026

Dear Cedar Mountain Service District Property Owners,

Cedar Mountain Service District would like to address and clarify recent misinformation being circulated regarding the decision to include Zion View Mountain Estates (ZVME) in our dust mitigation services.

The District has been applying Magnesium Chloride for dust control on traveled roads across most areas located within District boundaries since 2022. Dust abatement as an additional service of the District was instituted four years ago by the official action of the Kane County Commission, see attachment (Kane County Resolution No. R 2021 - 10). This grant of approval for conducting dust control on roads within the District was applicable to all areas located within District boundaries which included those areas generally known as Zion View. Initially, the District Board decided not to implement dust control in every area at that time but would review areas for implementing dust abatement when requested by property owners. Following a year of discussions initiated by property owners, the Board determined it was necessary to extend these services to ZVME, particularly as rising tourism traffic made dust mitigation critical for that area.

Please understand that the District Board did not create a new service for the ZVME area but rather extended this service to this area, which clearly lies within the District boundaries. Accordingly, the extension of this service necessitates imposing a fee to cover the cost for providing this service for the newly included area. This fee for dust abatement will appear on the tax notices sent out this October by Kane County. It is important to distinguish that this is a service fee, not a new tax.

Regarding concerns over transparency and legality, we assure you that all necessary legal procedures were completed when the dust service was first established and allowed by the official act of the Kane County Commission in 2022. Previous there too, public input was received by the District during a public hearing held July 24, 2021, see notice of hearing and minutes attached. Under the law, the CMSD Board has the authority to extend its services to every area of the District without conducting further hearings. Despite this, the Board in its effort to seek input from property owners requested the ZVME POA to help collect community opinions, even though this step was not legally required. Claims that proper legal procedures were not followed by the District are not accurate.

If you have concerns or object to the District providing dust control service to your area, we encourage you to utilize proper appeal methods. Threatening litigation, burdening administrative staff with excessive GRAMA requests, or engaging in social media hostility are not productive or appropriate ways to challenge the Board's decision. We ask that you direct your efforts toward formal channels that may lead to a more constructive outcome.

Cedar Mountain is a cherished place to live and visit. We recognize the impact our decisions have on the community and continue to take our responsibilities to all residents seriously.

Sincerely,
The Cedar Mountain Service District Board

CHAIRMAN | PAULA BELL-SAXTON **VICE CHAIRMAN** | BRENT CARTER **CLERK** | ZACH HASCALL
TREASURER | SHERYL SNOW **MEMBER** | SCOTT BOWEN **DISTRICT MANAGER** | KENDALEE COX

KANE COUNTY RESOLUTION NO. R 2021 – 10

**A RESOLUTION ADDING ROAD DUST MITIGATION AS A SERVICE OF
THE CEDAR MOUNTAIN FIRE PROTECTION DISTRICT**

WHEREAS, the Cedar Mountain Fire Protection District ("District") is a Special Service District in Kane County, established on October 24, 1994 by Kane County Resolution No. 1994-12; and

WHEREAS, the District currently has authority to provide the services of Fire Protection, Emergency Access Snow Removal, and Emergency Medical Services; and

WHEREAS, many residents located within the current boundaries of the District have expressed the desire to have Road Dust Mitigation services provided by the District to benefit the public health and convenience of the residents of the District; and

WHEREAS, the public health, convenience, and necessity require the inclusion of Road Dust Mitigation as a service of the District; and

WHEREAS, Kane County intends to include Road Dust Mitigation as a service of the District; and

WHEREAS, the boundaries of the District remain unchanged and are set forth in Kane County Resolution No. 1994-12, which is incorporated as if set forth fully herein; and

WHEREAS, Kane County previously adopted Kane County Resolution No. R 2020-31, which gave notice of this intended action; and

WHEREAS, on Tuesday January 5, 2021 at 6:00 p.m., the Kane County Commission held a public hearing regarding this intended action and opened a protest period which expired on March 6, 2021; and

WHEREAS, no adequate protests were filed regarding this intended action; and

WHEREAS, the statutory authority for this resolution is found in Utah State Code §§ 17-53-201, 17D-1-401, and 17D-1-201 et. seq.;

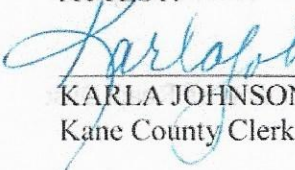
NOW THEREFORE BE IT HEREBY RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:

1. Road Dust Mitigation is included as a service of the Cedar Mountain Fire Protection District.
2. The Administrative Control Board of the District is authorized to take any and all actions necessary to provide this service.

3. Any staff or contractors of the District shall coordinate with the Kane County Roads Department Supervisor to schedule any services on Kane County Roads

ADOPTED this 13th day of April 2021.

ATTEST:


KARLA JOHNSON
Kane County Clerk



Andrew Gant, Chair
Board of Commissioners
Kane County

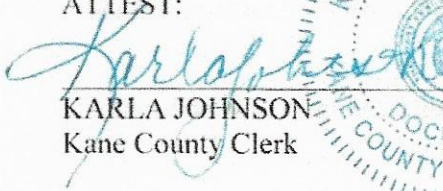
Commissioner Gant voted
Commissioner Chamberlain voted
Commissioner Heaton voted

aye
aye
aye

3. Any staff or contractors of the District shall coordinate with the Kane County Roads Department Supervisor to schedule any services on Kane County Roads

ADOPTED this 13th day of April 2021.

ATTEST:


KARLA JOHNSON
Kane County Clerk



Andrew Gant, Chair
Board of Commissioners
Kane County

Commissioner Gant voted
Commissioner Chamberlain voted
Commissioner Heaton voted

aye
aye
aye

PUBLIC HEARING

This serves as Notice for a Public Hearing of the Governing Board of
THE CEDAR MOUNTAIN FIRE PROTECTION DISTRICT

To be held
July 24, 2021 at 6:00 pm

at 3620 N. Mammoth Creek Road, Duck Creek Village, Utah 84762

The Meeting will be held both virtually via Zoom and in person.

Zoom Meeting ID 605 623 4587 and Password cmfpd

AGENDA

- Call meeting to order
 - Prayer and Pledge of Allegiance
 - Board Member Comments
 - Chairperson Comments
-
1. **Public Comment:** Public participation (no action will be taken on any item until it is properly agendized). Citizens wishing to speak during public participation are asked to state their name for the record and limit comments to a minimal duration and/or for no longer than two (2) minutes.
 2. **For discussion and possible action: Dust Abatement.** Action may include approving District-wide dust control measures for 2022 and setting an annual fee for dust abatement that would be included in Kane County tax bills.
 3. **Adjournment**

Cedar Mountain Fire Protection District Public Hearing

July 24, 2021

Date

NAME

Salli Shackelford

David/Lori Zante

Gina Chapman

GARY HACKBART

Y. J. Lucero

RON INGRAM

ZOOM-online

ERIN DEWEE

Patti Sanderson

SUBDIVISION

Strawberry, Cmcc

Strawberry Valley

SWAIN CREEK

STRAWBERRY VALLEY

SWAIN CREEK

DCV movie/ranch

MIRROR LAKE

movie Ranch South

Cedar Mountain Fire Protection District
Minutes
July 24, 2021 Public Hearing

This meeting was held in person and virtually via Zoom

Board members present:

Chairperson Suzy Polnisch
Vice Chairman John Burrows
Treasurer Sheryl Snow
District Clerk Zach Hascall – via zoom
Member and Commissioner Wade Heaton

Meeting is called to order at 6:03 p.m. by Suzy Polnisch.

Prayer – Sheryl Snow

Pledge of allegiance –

Board Member comments –

Wade Heaton says this is the CMFPD official public hearing to add an assessment to district parcels. There have been 4 or 5 public meetings with discussion to add the service to CMFPD and hear from the public but this hearing is to have the board vote as to whether they choose to add the service and assess a fee for dust abatement. He says that the Community Coalition and Salli Shackleford in particular have worked on this project for a very long time. The public input the board has received over the last 14 months has been overwhelmingly in support of the service. He goes on to explain the role of a special service district and the services provided due to the lack of services provided by the county or state. This would be the third service to be provided by CMFPD. Kane County has authorized CMFPD to provide a service and assess a fee if the board chooses. It is important to mention that the funds for each service that is assessed must remain in that fund and be used only for that purpose.

Zach Hascall says that after extensive research he has included the following areas/subdivisions: Swains Creek, Ponderosa Ranch, Strawberry Valley, Duck Creek Pines/Timber Trails/Color Country, Mirror Lake Estates/Lost Creek, Meadowview Heights. All of these areas combined have approximately 68 miles of road. With all costs accounted for, the fee that has been agreed upon by the board is \$100 per parcel. The same parcels that would be assessed are the same parcels used to assess snow removal and total approximately 3,030 parcels. These road totals and measurements were provided by the county and based on a state-wide mapping system.

Wade Heaton says that the fee they are proposing has factored in future anticipated increases in pricing of the product, water and preparation and the Board is not expecting this number to change in the immediate future.

Suzy Polnisch says that they did look at different products but were disappointed with the results and the price, and so for the first year magnesium chloride would be the product used.

Zach Hascall explains that the cost of using the alternative Earthbind product as opposed to mag chloride would result in a cost increase of 40 to 50 percent for the product and that does not include the additional costs for road prep needed.

Wade Heaton makes a motion to go into and out of Public Hearing at the discretion of the Chairperson.

Sheryl Snow seconds

All are in favor, motion carries unanimously.

Public Comments –

Patti Sanderson of Movie Ranch South – online

Says they are in Movie Ranch and not part of an HOA so they have collected money and applied mag chloride themselves. She asks if their area is going to be included because they have one of the most travelled roads. All board members answer yes that area will be included and she says thank you so much.

Salli Shackelford of Strawberry Valley and The Cedar Mountain Community Coalition – in person.

Says she would like to thank the board for their support in this and it has been a very long process but the dust is such a problem for safety and health reasons for all residents. This is needed so badly. This is a much needed project and thankful for the support and 99 percent of the people she has talked to are in favor.

Erin DeLoe of Mirror Lake Estates – online reads a lengthy statement regarding the negative effects on the environment associated with magnesium chloride. It includes death to trees and the incorrect application of the product and suggests that CMFPD is knowingly applying a harmful product and people should start worrying about the damage to trees.

Gina Chapman of Swains Creek Pines - in person

Says she has been on the mountain since 2004 and has experienced Swains with and without dust abatement. Other products have been used there and only mag chloride was effective and while trees are very important, she says her health and human health is more important. She explains that with the added amount of \$26 that Swains Creek lot owners will be paying she feels that road maintenance in Swains Creek is a concern. Main roads are hilly and ditches alongside are treacherous and the recent rains have narrowed some to less than 10 feet in width. She asks that

before CMFPD makes the decision, they should send someone to look at those roads because after the recent rain all of the mag chloride that was applied has washed away and the county has not made good on their promise to maintain the roads with good base and culverts to prevent this. On behalf of the people of Swains she asks that something be done about the conditions before money is wasted.

Gary Hackbart of Strawberry Valley – in person

Says the Earthbind product that was applied worked nice but ATV's have already destroyed it. He says he is fine with the fee but asks that the application go beyond the cattleguard to help cut down on the dust from the traffic on Strawberry Point Road and tells the board that they have done a great job.

David Zanze of Strawberry Valley – in person

Says that there are airplanes getting damaged from all of the dust and something needs to be done to mitigate that especially because of the airport.

Michael Lucero of Swains Creek – in person

Thanks to the board for their efforts. Has the utmost respect for Erin DeLoe who spoke about the trees and she did her homework. He asks what research is there for the health hazard for human beings and animals. Realized it's a touchy situation and you can't make everyone happy but being from Swains he is very thankful to have the mag chloride and it has made a difference. He asks if Swains Creek Heights is part of the plan and are they being charged also?

Ron Ingram of DCV/Movie Ranch – in person

He asks what is the cost difference between chip seal and mag chloride. He says that he has test results to show that the trees on his property are also being killed by mag chloride. He is upset because the runoff brings the mag chloride onto his property. The berms that protect his property are being knocked down by the people that grade the roads. He has test results to show the levels are 900 times the rate of exposure that his trees can handle and these results are from a university. He said he is willing to pay for the service but does not want the area in front of his property treated.

Michael Lucero of Swains Creek – in person

Comments to say that he would like to have the district ensure that all areas are properly treated. In the past some property owners indicated that cul-de-sacs had areas missed because the spray was applied in a straight manner.

Zach Hascall says that special attention will be paid to each subdivision to make sure there is proper application. He goes on to reply to some of the other public comments regarding chip sealing of roads and says that rather than use reserve funds to apply chip seal the district will use funds for road maintenance such as installing culverts and adding road base where it is needed. He has been working with Bert Harris from the Kane County Road Department and their goal is

to have a cooperative effort to provide better service and improve the road quality at the same time.

Zach Hascall and Wade Heaton comment that Swains Creek Heights is not factored into the cost of the dust abatement service at this time but will be when the individual properties are deeded to the county. All new developments will be taken into account and if all HOAs take part in the service it will benefit all.

Wade Heaton talks about the county's role and how they will assist the district with part of the process such as the use of water trucks, road prep and other things but they are not providing the service. The service of dust control is being provided by the district and is a cooperative effort between a lot of entities.

Suzy Polnisch responds to Gina Chapman's comments about overall road maintenance. She says that with the recent rains there are a lot of roads washed out and it's a constant battle for the small county road maintenance crew. She raises the question and discussion as to what can be done to have better ongoing maintenance and get some improvements.

Wade Heaton says that all roads in the county have been affected by the recent rains and a lot of the problem goes back 60 years when the district roads were designed and they were not designed for their current use. Road grades, widths, drainage were not designed correctly the first time. The district is stuck with the roads it has with regards to design but some things can be done with maintenance. He says the public needs to be realistic about the expectations of what can be provided.

Zach Hascall says he believes that the changes that have been made to the snow removal contracts this year will make a big difference in protecting road surfaces. More evaluation of the condition of the roads will be made in the spring after the snow melts. Regarding dust abatement he says that all factors have been considered and the comments from public regarding trees and the environmental impact have not been ignored. The district is making the best decision they can based on the situation.

Wade Heaton agrees with Zach's comments and says the public has overwhelmingly said that they would rather stay at the \$100 for the application of mag chloride than pay the extra that an alternative product would cost.

Suzy Polnisch says that it has to come down to performance and she really does not like mag chloride and prefers they don't use it but is also disappointed with the result of the Earthbind product. She says that mag chloride is the solution for 2022 but if other products could be found to meet the same performance, they will be evaluated but the benefits of mag are too great to be ignored.

Gary Hackbart – in person says that we just encountered a 100-year flood. It is very unusual to have this much rain come so fast and added to that, the fact that it has been so dry added to problem of the water running off and not seeping into the ground.

Erin DeLoe- online says that for the property owners who are losing huge one hundred and three hundred year old trees, it is more than just a concern. She says she lives in a cul-de-sac with no traffic and CMFPD is going to require her to pay the fee and asks who is going to come and pay to have her dead trees removed?

John Burrows asks if she is saying the tree deaths are due to mag chloride and Erin responds “yes” and that she sent the report to him. John Burrows responds to say that there is no causal relationship established and that there might be an association but it’s not a causal relationship. Other members of the public jump in and there is a short, heated discussion regarding the reports that have been previously presented to the board.

Wade Heaton responds to the questions regarding chip sealing. He says he has some information. Chip seal is cost prohibitive and can be 5 to 10 times what mag chloride will cost. It may be a good option for some areas but too costly for all areas. There is a lot of road maintenance to be done before chip seal could be applied.

Ron Ingram – in person asks how long does chip seal last and what about asphalt?

Wade Heaton says there is also constant maintenance on chip seal and asphalt is even more expensive. But the district is willing to listen to what the public wants.

Ron Ingram reiterates that he doesn’t want mag chloride sprayed in front of his property because of the poor road design and drainage and says that he has a three hundred year old tree that has died that he attributes that to mag chloride runoff from the road.

Wade Heaton and Zach Hascall both comment on the change that was made to increase the dust abatement fee between the public meeting and the current hearing. They say that the changes were frustrating and unforeseen and don’t want the public to feel that the district had not been forthcoming. They are attributed to reevaluation of the number of parcels included and miles of roads to be treated.

Suzy Polnisch leads a discussion among the board members about possibly treating Strawberry Point Road through the Zion View Subdivision and how it would be handled with the Zion View home owners. There is no final decision as to whether the road through Zion View will be included in the service and there needs to be more community discussion with their association.

Michael Lucero – in person points out again that any new subdivisions that are established such as Swains Creek Heights need to be part of the service and pay into the program and uses the portion of Swains Creek Road from Hwy 14 entrance as an example.

Salli Shackelford – in person replies that in the same respect, the Strawberry Point Road which will be included in the service is used by the residents of Zion View for access.

Zach Hascall says it's too difficult to start nit-picking and they have to take all areas into consideration to account for what is best for all.

Gary Hackbart comments about the positive results of treating the stretch of Swains Creek Road from the highway.

Suzy Polnisch calls the meeting out of public hearing at 7:16 pm.

The board members discuss the deadline for making a formal decision about the dust abatement service. John Burrows says they can agree to disagree about some of the public input and that is the purpose of a public hearing. He says Josh Jennings and Zach Hascall have put in much work and there has been good public input and he recommends to move forward to assess the fee for the lots as Zach has suggested. It is not perfect and products and areas will continue to be evaluated.

Zach Hascall makes a motion to move forward with a \$100 fee/lot for dust abatement based upon the same lots used for snow removal.

Wade Heaton suggest there are two motions. One to take on the service of dust abatement and one to assess the fee.

Zach Hascall's motion is tabled and the motion dies.

John Burrows makes a motion to include dust mitigation in the Cedar Mountain Fire Protection District services.

Wade Heaton seconds

All are in favor, motion carries unanimously

Zach Hascall makes a motion to assess a \$100 fee/lot to provide dust control to the previously discussed lots to be included in the 2022 tax roll.

John Burrows seconds

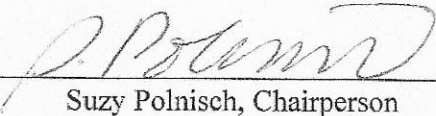
All are in favor, motion carries unanimously and all are Yay

Wade Heaton explains that the district must provide a roll of lots to the county for each service it provides every year.

Wade Heaton makes a motion to adjourn

John Burrows seconds

All in favor, meeting adjourned at 7:24 pm.

Minutes approved by  August 10, 2021
Suzy Polnisch, Chairperson

Signed copy on file at 3620 Mammoth Creek Road, Duck Creek Village, UT 84762