

Neighborhood Meeting – 5/25/2022

Citizen Comments Summary

Staff received emails and/or phone calls from the following:

1. Michael & Kerry McLelland
2. Joyce Becker
3. Randy & Sheila Bowen
4. Audree Ketchum
5. Patrick & Stephanie Lawrence
6. Amanda Larson
7. Stewart Harman
8. Chase Schafer
9. Adrian Ward
10. Lamar Beckstead
11. Michael Nordoff
12. Kent Holland
13. Larry Larsen
14. Jeffrey Stoppenhagen
15. Keri Wright
16. Melinda Pham
17. Katherine Wharton
18. Chris McCandless



Neighborhood Meeting – 5/25/2022

Citizen Comments Summary from the meeting:

- Wanted clarification on fencing regulations.
- Concerns over whether this regulates pets and farm animals
- Boarding Concerns – why allow a business without a license and insurance. Increased impacts on bridal paths and liability by allowing non-owners on the property. Increasing traffic and strangers to neighborhood. Would create several visits per day per boarded horse. Should be licensed and carry insurance. Could be detrimental to neighborhood. Damage to property and accidents from people who board and ride on bridal paths.
- Concerned over creating a non-conforming situation with Farm Animal Set Aside changes.
- Want to read the fine print of the proposal but supports the overall intent.
- Concern over conflicts of CCR regulations and these proposed regulations.
- Unintended consequence of 50 pot bellied pigs on a property and associated impacts.
- Should be easy to have paperwork on ownership through brand inspection.
- Will these amendments be reviewed by city attorneys?
- Lack of ability to adequately enforce existing code requirements.
- Objections to changing non-conforming uses into legal status.
- Other animals require licenses (dogs), why not horses?
- Support of boarding - many do it in some form (whether for \$ or favors to friends). Provides income for re-investment and supports the horse hobby. Liability of inviting friends to ride in neighborhood is same as boarding.
- Pointed out a few inaccuracies in draft (calculations on animal allocations)

Neighborhood Meeting – 5/25/2022

Citizen Comments Summary after the meeting:

There were also several letters in support of the proposal, including boarding.

The following are concerns expressed in the letters received:

- Boarding creating impact by allowing non-owners on the private bridle paths
- Increased usage and liability on the bridle paths
- Homes being converted to boarding facilities and changing character of neighborhood
- No business license being required for boarders
- Would these changes just make it more attractive for people to operate a boarding facility?
- Creating new non-conforming properties with regulation changes
- Unintended consequences of allowing too many small/medium animals
- Lack of enforcement and ability to keep out bad actors
- There is no HOA to manage the bridle paths. It's up to each individual owner.
- If boarding is added, then the offset should be eliminating the Special Use Permit to allow for more farm animals.
- Proposed rules regarding accessory buildings are not equitable because they are based on use, not on impact of the structure itself.
- Concern over pigs and unintended consequences.
- Business license fees should be charged for boarding and go toward offsetting impacts created in neighborhood.

From: [E JEFFREY STOPPENHAGEN](#)
To: [Mike Wilcox](#)
Subject: Re: [EXTERNAL] Neighborhood Meeting
Date: Monday, May 23, 2022 3:46:07 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Mr. Wilcox,

Thank you for taking the time to answer my questions in such a detailed and thorough manner. Your email answers my questions and addresses my concerns, please know that it is very much appreciated. I look forward to attending the Neighborhood Meeting and listening to further discussions on the proposed amendments.

Thank you again,
Jeff Stoppenhagen

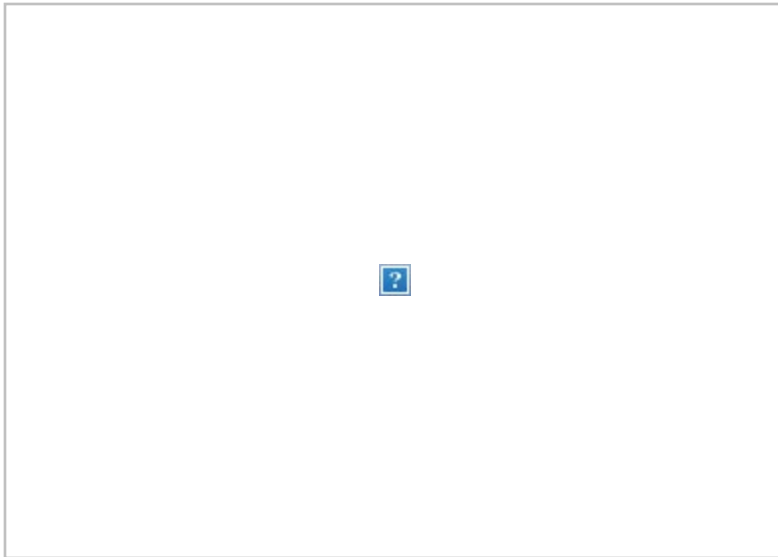
From: Mike Wilcox <mwilcox@sandy.utah.gov>
Sent: Monday, May 23, 2022 6:39 PM
To: E JEFFREY STOPPENHAGEN <jeffstop@msn.com>
Subject: RE: [EXTERNAL] Neighborhood Meeting

Mr. Stoppenhagen,

Thanks for your inquiry. I appreciate your concern and questions. Here are my answers to your questions below:

1. The meeting will be held next Wednesday, May 25th. We were made aware of the date confusion this past Wednesday afternoon and mailed out a revised notice that evening (see the attached corrected notice). Those should be arriving in the mail soon if not already received.
2. It is scheduled for 7PM. It is approximate because technology can be fickle sometimes. We will try to begin the meeting at 7PM but we may delay the start if there are technical issues. Because this is an informal meeting, we are little flexible with our start times to ensure we've got attendees signed in and ready to go.
3. City Administration consists of the highest level of the Executive Branch of Sandy City's government. The Mayor, as the head of Administration, initiated the request.

Exhibit "D"



4. See the attached request from administration. The proposed section of code that is proposed to be amended is found here:
https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-19SPDESDDI_S21-19-34SD30ABECAAC10600S.1300E
5. The “file” consists of the request from Administration for staff to review possible amendments to this section of code referenced above. Staff is working on a draft, but it’s not finalized in any way. We are attempting to gather input on these topics that will be presented next week. If this topic interests you, then we invite you to find out more be part of the discussion next week. This isn’t a formal review meeting. No decisions will be made. The exact language of the proposed amendments isn’t finalized. We are merely seeking to present information on areas we’ve identified that should be addressed and gather initial input from the community. There will be many other opportunities during the formal review process for public comment when these proposed amendments are in a final draft form. At that time, we will have the final draft publicly available through the formal review process, which consists of Planning Commission and City Council reviews.
6. All of our neighborhood meetings are held via Zoom. We have found that participation increased when we began holding these virtually. Our public hearings with the Planning Commission and City Council are hybrid meetings, which means you can participate both in-person and virtually through Zoom. You will be able to make your case for or against the proposal through the formal review process with those bodies. That time hasn’t yet come. The public does need information so that you can form opinions on things. This meeting is being held for that purpose. It will allow the public to be informed as well as be part of the initial code amendment drafting process. Staff will take that input, and then formalize our recommendations to the Planning Commission and eventually the City Council will make a decision on that proposal.

Hopefully, that helps provide further context on this topic and you’ve found those answers helpful.

Mike Wilcox
Planning Director

Sandy City Logo



10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov

sandy.utah.gov



From: E JEFFREY STOPPENHAGEN <jeffstop@msn.com>

Sent: Thursday, May 19, 2022 1:15 PM

To: Mike Wilcox <mwilcox@sandy.utah.gov>

Subject: [EXTERNAL] Neighborhood Meeting

Dear Mr. Wilcox,

I am in receipt of your letter informing me of an upcoming Neighborhood Meeting however it is unclear when the meeting is scheduled to take place. The letter itself is not dated so I'm unable to comment on when it may have been sent but I received it on Wednesday May 18, 2022.

I have a few questions that I'm hoping you can answer:

1. The letter says the meeting will be held on Thursday, May 25, 2022. May 25, 2022 is a Wednesday, what is the correct day and date?
2. It is scheduled to begin "approximately 7:00 pm, why approximately?
3. The letter states "requested by City Administration". Who in the City Administration requested the proposed code amendment?
4. What is the subject of the proposed code amendment? Which code does the City Administration think needs amending?
5. Where can I get a copy of File #CA02092022-0006266 so that I can review it prior to the Neighborhood Meeting? I think that a copy should have been included with the meeting announcement so that each resident of the Special Development Zone can decide if it's an amendment that they have no interest in or if it's something that they are passionately for or against.
6. Why is the meeting being held via Zoom and not in person? I think that any meeting to discuss changes that could affect an entire community should be held in person to give everyone who is interested a chance to present their case for or against.

Thank you for taking the time to answer my questions.

Sincerely,

E. Jeffrey Stoppenhagen
10939 South Whirlaway Lane
Sandy, Utah 84092-4607

801-244-5016

From: [Mike Wilcox](#)
To: [Larsen, Larry](#)
Subject: RE: [EXTERNAL] Neighborhood Meeting Notice
Date: Tuesday, May 24, 2022 7:42:00 AM
Attachments: [image002.jpg](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[Mayor Request - Bell Canyon Acres Special District Code Amendment.pdf](#)

Larry,

As explained in the Neighborhood Meeting notice, the request is to amend certain portions of the special development zone of Bell Canyon Acres area. The proposed section of code that is proposed to be amended is found here:

https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-19SPDESDDI_S21-19-34SD30ABECAAC10600S.1300E

The request came from administration (see attached).

What is attached is all that consists of the file. We have some draft recommendations prepared by staff, but those will be presented and discussed during the meeting.



Sandy City Logo

Mike Wilcox
Planning Director

10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov

sandy.utah.gov



From: Larsen, Larry <larry.larsen@cbrealty.com>
Sent: Monday, May 23, 2022 1:29 PM
To: Mike Wilcox <mwilcox@sandy.utah.gov>
Subject: [EXTERNAL] Neighborhood Meeting Notice

Hello Mike,

I received a notice of a neighborhood meeting on Wednesday May 25, 2022 about a proposed code amendment application. I would like to receive a copy of the application prior to the meeting. Would you please email me the pdf of the application.

Thanks,

Larry Larsen

1549 East Churchill Downs Drive

Sandy, Utah 84092

Larry J. Larsen

Associate Broker, Realtor®,GRI.

Coldwell Banker Realty

(801) 949-3611

larry.larsen@cbrealty.com

75 E. 12300 South, Suite 100

Draper, Utah 84020



Sent from [Mail](#) for Windows 10

***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

From: [Keri Wright](#)
To: [Mike Wilcox](#)
Cc: [James Sorensen](#)
Subject: Re: [EXTERNAL] Neighborhood Meeting for proposed code amendment application #02092022-0006266
Date: Monday, May 23, 2022 1:55:20 PM
Attachments: [image002.png](#)
[image001.jpg](#)
[image005.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)

Thank you very much, Mike. I just want to come to the meeting prepared to discuss the topic of discussion. I figured that this would be the case, but wanted to be sure. Take care, see you on Wednesday evening.

On Mon, May 23, 2022 at 12:38 PM Mike Wilcox <mwilcox@sandy.utah.gov> wrote:

Keri,

I appreciate your concerns. Attached is the Mayor's request of staff on this proposed code amendment.

This process of holding a neighborhood meeting the opposite of keeping the public in the "dark" on these proposed amendments. As stated before, it is first of many opportunities that the public will have to provide comment and feedback. You'll be notified of those other opportunities as they're scheduled.



sandy.utah.gov

Mike Wilcox
Planning Director

[10000 S. Centennial Pkwy. | Sandy, UT 84070](#)
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov



From: Keri Wright <cariswood@gmail.com>
Sent: Friday, May 20, 2022 9:13 AM
To: Mike Wilcox <mwilcox@sandy.utah.gov>
Cc: James Sorensen <jsorensen@sandy.utah.gov>

Subject: Re: [EXTERNAL] Neighborhood Meeting for proposed code amendment application #02092022-0006266

Thank you. Is the application a public document? And if not why not? It doesn't feel right to have the city doing all of this research and proposed code amendments with the citizenry completely in the dark about it.

On Fri, May 20, 2022 at 8:29 AM Mike Wilcox <mwilcox@sandy.utah.gov> wrote:

Keri,

We were made aware of the date confusion this past Wednesday afternoon and mailed out a revised notice that evening (see the attached corrected notice). Those should be arriving in the mail today or tomorrow I would imagine.

The request came from City Administration. It was to have staff prepare potential code amendments to address certain areas identified by City Administration. Those priorities were identified in the notice that was sent out. It did not come with a proposal of redlines. Staff has been working on that draft and we will present it next week. As part of that code amendment process, we are presenting a draft to the public with context and history along with it. We will be seeking input on this draft during this meeting and comment will be welcomed before a final draft is presented to the Planning Commission and throughout the public meeting review process. We are at the very beginning so please be patient and allow the process to take place.

I look forward to meeting with you and the rest of your interested neighbors next week in our Zoom Neighborhood meeting.



sandy.utah.gov

Mike Wilcox
Planning Director

[10000 S. Centennial Pkwy. | Sandy, UT 84070](https://www.sandy.utah.gov/10000-S-Centennial-Pkwy)
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov



From: Keri Wright <cariswood@gmail.com>
Sent: Thursday, May 19, 2022 4:21 PM
To: James Sorensen <jsorensen@sandy.utah.gov>; Mike Wilcox <mwilcox@sandy.utah.gov>
Subject: Re: [EXTERNAL] Neighborhood Meeting for proposed code amendment application #02092022-0006266

Additionally, There is some confusion as to the correct date is it Thursday the 26th or is it Wednesday the 25th I think it would be good to get a correction out to the neighborhood so that they are aware of the actual date and Day of the week for this meeting

On Thu, May 19, 2022 at 4:18 PM Keri Wright <cariswood@gmail.com> wrote:

Why would the city not want to share the details associated with the meeting prior to the meeting? It seems a poor use of time to come to a meeting uninformed and unprepared to speak intelligently about the subject at hand. The application is a public document, right?

On Thu, May 19, 2022 at 11:10 AM Mike Wilcox <mwilcox@sandy.utah.gov> wrote:

Keri,

That information will be shared during the neighborhood meeting. This meeting is an informal informational gathering meeting both for residents and city staff. There will be further opportunities for comment and review when it goes through the formal review process with the Planning Commission and City Council.



sandy.utah.gov

Mike Wilcox
Planning Director

[10000 S. Centennial Pkwy. | Sandy, UT 84070](https://www.sandy.utah.gov/10000-S-Centennial-Pkwy-Sandy-UT-84070)
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov



From: Keri Wright <cariswood@gmail.com>
Sent: Wednesday, May 18, 2022 5:01 PM
To: Mike Wilcox <mwilcox@sandy.utah.gov>
Subject: [EXTERNAL] Neighborhood Meeting for proposed code amendment application #02092022-0006266

I am in receipt of a notice regarding the above referenced meeting and in preparation for the meeting would like to obtain a copy of the code amendment application noted above. If you can just reply with said application as an attachment I would greatly appreciate it. Thank you very much.

Sincerely yours,

Keri Wright

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801-455-8740

www.cariswood.com

<https://www.facebook.com/cariswood.arabians>

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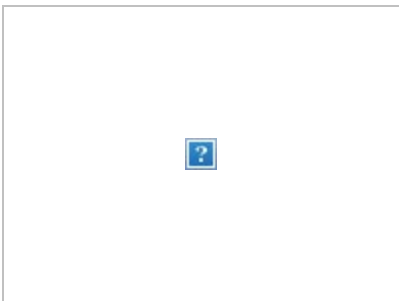
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<https://www.facebook.com/cariswood.arabians>

Exhibit "D"

From: [Mike Wilcox](#)
To: [Kate Leigh](#)
Subject: RE: [EXTERNAL] Neighborhood Meeting - Bell Canyon Acres
Date: Monday, May 23, 2022 12:48:00 PM
Attachments: [Mayor Request - Bell Canyon Acres Special District Code Amendment.pdf](#)
[Corrected Neighborhood Meeting Notice Letter.pdf](#)

Kate,

Thanks for your inquiry. I appreciate your concern and questions. Here are my answers to your questions below:

Please note the meeting is to be held Wednesday May 25th (see attached corrected noticed).

As explained in the Neighborhood Meeting notice, the request is to amend certain portions of the special development zone of Bell Canyon Acres area. The proposed section of code that is proposed to be amended is found here:

https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-19SPDESDDI_S21-19-34SD30ABECAAC10600S.1300E

The request came from administration (see attached).

What is attached is all that consists of the file. We have some draft recommendations prepared by staff, but those will be presented and discussed during the meeting.

Mike Wilcox
Planning Director
10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov

sandy.utah.gov

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

From: Kate Leigh <kleigh7@live.com>
Sent: Sunday, May 22, 2022 9:31 PM
To: Mike Wilcox <mwilcox@sandy.utah.gov>
Subject: [EXTERNAL] Neighborhood Meeting - Bell Canyon Acres

Dear Mr. Wilcox,

Exhibit "D"

I am a homeowner in Bell Canyon Acres. I am reaching out to you regarding the notice I recently received about a Neighborhood Zoom Meeting, Community #22, Council District 4, being held this Wednesday, May 22 at 'approximately' 7:00 pm. Said meeting is about a proposed code amendment application (File # CA02092022-0006266) requested by City Administration. Per the notice, the application proposes to amend requirements of the Special Development Zone, SD(R-1-30A).

I would appreciate you providing the following pieces of information prior to the meeting, as the notice gives little direction as to the content to be addressed in the meeting.

-What specifically is it about?

-Who in the city administration requested it?

-Will you please provide a copy of the File# prior to the meeting?

Thank you. I appreciate your attention and response to this.

Sincerely,

Katherine Wharton

Sent from my iPhone

From: [Chris McCandless](#)
To: [Mike Wilcox](#)
Subject: Re: [EXTERNAL] Bell Canyon Estates
Date: Monday, May 23, 2022 4:47:07 PM
Attachments: [image004.png](#)
[image003.png](#)
[image006.png](#)
[image005.png](#)
[image002.png](#)
[image001.jpg](#)

Thanks Mike

On Mon, May 23, 2022 at 4:34 PM Mike Wilcox <mwilcox@sandy.utah.gov> wrote:

Chris,

Yes, that meeting will be on Wednesday at 7 PM. I don't have a draft ready for public release just yet. We will discuss the areas of concern and some suggested changes during the meeting. This will be an information gathering meeting only. We are still very early in our review process. When it's ready to move forward to Planning Commission, we'll have a full final draft ready to distribute to the public. I have attached the request of administration for your review. The proposed section of code that is proposed to be amended is found here:

https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-19SPDESDDI_S21-19-34SD30ABECAAC10600S.1300E

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Mike Wilcox
Planning Director

[10000 S. Centennial Pkwy. | Sandy, UT 84070](#)
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov



From: Chris McCandless <chris@cwmcorp.com>
Sent: Monday, May 23, 2022 2:46 PM
To: Mike Wilcox <mwilcox@sandy.utah.gov>

Subject: [EXTERNAL] Bell Canyon Estates

Mike,

I received a notice from Sandy about the Bell Canyon Neighborhood Meeting. Do you have any materials you could send me that reflect what the administration is considering.

Thanks,

Chris McCandless, President

CW MANAGEMENT CORPORATION

[9071 South 1300 West #100](#)

[West Jordan, UT 84088](#)

Cell: 801-597-4575

Office: 801-984-5770

--

Chris McCandless, President

CW MANAGEMENT CORPORATION

9071 South 1300 West #100

West Jordan, UT 84088

Cell: 801-597-4575

Office: 801-984-5770

From: [Stewart B. Harman](#)
To: [Mike Wilcox](#)
Subject: RE: [EXTERNAL] Bell Canyon Acres Neighborhood Meeting
Date: Tuesday, May 24, 2022 10:44:33 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Thank you. I appreciate you sending that over.

STEWART B. HARMAN
SHAREHOLDER
EMAIL: SHARMAN@PCKUTAH.COM
DIRECT LINE: 801-990-0809
CELL: 801-232-3530

**PLANT
CHRISTENSEN &
KANELL** ATTORNEYS AT LAW

136 EAST SOUTH TEMPLE, SUITE 1700, SALT LAKE CITY, UTAH 84111
TEL: (801) 363-7611 FAX: (801) 531-9747 WEBSITE: WWW.PCKUTAH.COM

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From: Mike Wilcox <mwilcox@sandy.utah.gov>
Sent: Monday, May 23, 2022 12:40 PM
To: Stewart B. Harman <sharman@pckutah.com>
Subject: RE: [EXTERNAL] Bell Canyon Acres Neighborhood Meeting

You don't often get email from mwilcox@sandy.utah.gov. [Learn why this is important](#)

Mr. Harman,

It appears I didn't attach the Mayor's request in my initial response. This attachment may provide additional context on what will be discussed in the neighborhood meeting.

Sandy City Logo



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Mike Wilcox
Planning Director

10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov



From: Mike Wilcox
Sent: Wednesday, May 18, 2022 4:16 PM
To: Stewart B. Harman <sharman@pckutah.com>
Subject: RE: [EXTERNAL] Bell Canyon Acres Neighborhood Meeting

Mr. Harman,

We apologize for the discrepancy on the date. A corrected notice will be mailed out promptly (see the attached pdf).

The purpose of the meeting is to discuss the details of the proposed amendments to the existing [SD Zone for the Bell Canyon](#) Acres area. We will share the current draft with the public at that time. There will further opportunities for further comment on the proposed code amendments as they move forward through the formal review process.

As stated in the neighborhood meeting notice, this was initiated by City Administration. They have directed staff to draft several amendments to this section of code with the intent to further preserve this area's unique identity, and refine requirements that have proven difficult to apply and enforce.

I don't pretend to know much about the ongoing lawsuit amongst the neighbors. From what I do know, these proposed amendments have no effect on the ongoing litigation. After you've had a chance to see and review the content of the current draft of these code changes, you can decide from there if any action on your part is warranted.

Let me know if you have further questions.

Sandy City Logo



Mike Wilcox
Planning Director

10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov

sandy.utah.gov



From: Stewart B. Harman <sharman@pckutah.com>
Sent: Wednesday, May 18, 2022 3:06 PM
To: Mike Wilcox <mwilcox@sandy.utah.gov>
Subject: [EXTERNAL] Bell Canyon Acres Neighborhood Meeting

Mr. Wilcox,

I hope this email finds you well. I represent the McClellands, Stopenhagens, Wolheuters and Nordhoffs in a lawsuit brought against them by the Bell Canyon Acres Homeowners Association. I received a copy of a letter regarding a Neighborhood Meeting scheduled for next week regarding a

proposal to amend requirements of the Special Development Zone, SD (R-1-30A). I have several questions that I am hoping you can help me with.

1. Is the meeting on Wednesday May 25th or Thursday May 26th? The letter appears to be incorrect.
2. Can you provide me with a copy of the application so that we can determine exactly what amendments have been proposed?
3. Who submitted the application and proposed the amendment?
4. As I am sure you are aware, this neighborhood has been embroiled in litigation for the past 5 ½ years and it is currently set for trial in August of this year. As such, I am interested in whether this application seeks anything by one of the parties or other residents which is at the heart of the issues in controversy in the litigation. And I would hate for the City to proceed with any action at this point which may require our involving the Courts to issue an injunction enjoining any such action at this point.

Thank you and I look forward to your response. You are welcome to call me at one of the numbers listed below if that is more convenient.

STEWART B. HARMAN
SHAREHOLDER
EMAIL: SHARMAN@PCKUTAH.COM
DIRECT LINE: 801-990-0809
CELL: 801-232-3530

PLANT
CHRISTENSEN &
KANELL ATTORNEYS AT LAW

136 EAST SOUTH TEMPLE, SUITE 1700, SALT LAKE CITY, UTAH 84111
TEL: (801) 363-7611 FAX: (801) 531-9747 WEBSITE: WWW.PCKUTAH.COM

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From: kerry@fitnessrealty.com
To: [Mike Wilcox](#)
Cc: [James Sorensen](#)
Subject: [EXTERNAL] Letters to be read tonight
Date: Wednesday, May 25, 2022 9:20:29 AM
Attachments: [image001.jpg](#)
[Becker Letter for meeting 5-25-22.docx](#)
[Bowen Letter 5-23-22.jpg](#)
[Kerry McLelland letter for Sandy meeting 5-25-22.docx](#)
[Ketchum Letter for Sandy meeting 5-25-22.docx](#)
[Lawrence Letter BCA 5-24-22.pdf](#)
[Michael McLelland letter for Sandy meeting 5-25-22.docx](#)

Hello again Mr. Wilcox. I do hope you received my last email and please let me know if you did not. I've attached letters that I'm requesting to be read tonight at the Bell Canyon Acres neighborhood meeting. Many really good points that have been brought up. Please confirm that you have received this email.

Thank you.

Kerry McLelland
Fitness Realty
801-694-2010
kerry@fitnessrealty.com



Click my photo to see what your home is worth!



Virus-free. www.avast.com

Michael McLelland – mmkd455@gmail.com
10711 S Whirlaway Ln. Sandy, Utah.

A year ago on April 20, 2021, to be exact. A group of us joined a Sandy City Council meeting in hopes to have our District 4 representative look into the issues of illegal horse boarding happening in Bell Canyon Acres. We also asked for all council members to see the liability each property owner is faced with when nonresidents of the community are traversing our private property on the bridle paths. At that time there had been a close call with a young girl on a runaway horse that narrowly missed being hit by a vehicle when the horse ran across the road. As she came to the interconnecting bridle path the horse turned sharply and she fell off. Thankfully she was okay.

My question to the city and all those in charge; why would a law be implemented in 2009 during the Special Zoning adoption to help protect the property owners and then never enforced? The zoning was specific at that time and currently all know that horse boarding is prohibited in Sandy City. The zoning even specifies that proof of ownership is required and yet we have heard that the code enforcement officers don't even ask for it. This is a frustration that many look to the city to uphold the laws for all.

We are witnessing many neighbors boarding horses and have too many horses in our community. This puts a tremendous burden and impact on residents in the community with more liability than anywhere else in the city because of the private paths throughout. A recent lawsuit for a claimed injury on a bridle path by a boarder shows that we all are in danger.

Knowing that the mayor has taken this endeavor upon herself and only supporting her chosen few is disheartening. Maybe they are the voters that she has promised to legalize boarding if they had voted for her. I've heard that statement from one individual in our community. This proposal is self-serving and shows to discriminate other neighbors in the community. Turning our residential community into a business/commercial based area is not okay. The impact on everyone in the neighborhood is huge.

Let's talk about how many additional horses could be brought in with the standard 4 horses per lot. We know that many Bell Canyon Acres residents do not own horses anymore. But let's say horse boarding is legalized and many property owners choose to rent out their paddocks and barns to other individuals to make a monetary gain on the property they own.

114 homes in Bell Canyon Acres, 114 X 4 allowed horses = 456 possible horses.

With the additional horses and riders traversing our paths, there will now be additional cars, trucks, horse trailers, etc on our roads. This means additional traffic that we have not been faced with in the past. Kids no longer can play anywhere near our streets because of this impact. Boarders coming and going to their horses at the boarded location, vets stopping by, farriers making trips, hay deliveries, weekly poop dumpster dumps just to name a few items.

Along with the impact on our streets we now have liability issues facing every property owner regarding the bridle paths. Why would residents of a community be so open and willing to give their land for the public to ride horses on? Suggestion might be to charge fees to all boarders and let them pay the costs associated with this property that is owned by others. The taxes and insurance on this portion of land should be a toll charge to others that don't live here. Where are the boarders or the property owners renting out their space a responsibility to others? Where are the signed waivers and releases for every property owner in the neighborhood? How about the businesses pay for a liability insurance policy for everyone?

I hope this sparks some good and productive discussion. The goal is to resolve issues in the community. I love horses and hope the city and community find a way to help the neighborhood and keep all of us safe from harm.

5-24-22

Mr. Wilcox,

A member of my family has lived at my residence since our home was built in 1971. For the past 50 years there has been extreme bias and prejudice against certain homeowners of Bell Canyon acres perpetrated by the self-appointed Bell Canyon Homeowners Association. Up until recently Miss Zoltanski was a member and director.

It pains me to say. Never has there been such a blatant act malfeasance by a government official than what Miss Zoltanski has put forth as Mayor of Sandy City.

Mr. Wilcox

I spoke to you on the phone and asked you what this meeting was about, and you would not tell me.

You said that's what the meeting is for.

Is this Zoltanskis definition of transparency?

I have since obtained Miss Zoltanskis directive to James Sorenson dated January 25th, 2022.

I am not only concerned; I am frightened by the audacity of an elected official to use her position to dictate to an entire community a potentially catastrophic position of liability for her personal gain and pay back to her constituents also known as the self-appointed and voluntary Bell Canyon Homeowners Association.

The legalization of boarding horses for profit. By encouraging boarding of horses not owned by residents would allow people that do not live in our neighborhood to randomly access our privately owned property known as Bridle Paths.

I and my neighbors have no intention of allowing random strangers the use of our privately owned property so other neighbors can make a profit. I and my neighbors have no intention of taking on added liability from inept and incompetent weekend horse enthusiasts so the likes of Miss Zoltanski and her crew can profit at the expense of their neighbors.

Sandy city officials have always taken the position that they will not get involved in our neighborhood squabbles over rights and obligations of private property.

I ask...what has changed?

Is the answer, a corrupt, unethical, and immoral mayor who occupies the mayors chair?

If the proposal to allow the boarding of horses for profit goes forth, Sandy City will most likely have been the catalyst to the systematic closure of our communities most cherished bridle paths.

I hope you are aware that a false campaign has been put forth by people who don't even own property in our neighborhood to legalize boarding. Please I ask. Do your research and do not consider input from people who don't own property in our neighborhood. They have no rights, legal obligations, or liability to our private property.

Audree Ketchum
10735 S. Whirlaway Ln.
Sandy, Utah 84092

My name is Kerry McLelland and I live at 10711 Whirlaway Ln in Sandy, Utah.

Exhibit "D"

In 2009 Sandy City established a new zone 15A-19-31 SD(R-1-30A) Bell Canyon Acres. The special zoning was set up to help protect and preserve the unique horse area and one of the last in Sandy. Laws were established to maintain a set aside for just animals. Specific rules were set up to help regulate the animals in the neighborhood. This new zoning idea was 'sold' to neighboring communities, telling them that there are restrictions so as not to impact their communities with too many horses, smells, flies, etc. Now with a proposal to allow boarding of horses, increase the number of small animals and the species of animals to be allowed just puts more burden on the residents bordering these very communities we told in 2009 that we would not harm their own peace and enjoyment of their properties. Can you imagine how the individuals that live to the east, south and west of Bell Canyon Acres will feel when they hear a proposal is being made to legalize boarding horses? Turning this very beautiful community into a business-based neighborhood is Not what we promised.

As I ride my horse on the perimeter of the neighborhood and on these dry dusty days, I see the dirt and dust fly up and circle around to all the homes on the other sides of the fences that are not Bell Canyon Acres. I do think of others when I ride and hope that they will not find my use of the bridle paths offensive in anyway. I respect them and want to be mindful of their properties and health concerns they may have from breathing dust. Bringing additional horses that are not owned by residents could have a negative impact to those neighbors. How many will be traversing the trails? I'm not ready for calls to come in from the Dimple Dell neighborhood behind me saying that the flies and smells are just too much when in fact it's not from my property but a boarder who does not care for their place as they should. Who then enforces that action? Not Sandy City as nothing has been done in the past. Why would owners believe enforcement would start now?

I'm totally against any idea to legalize horse boarding. This community was everything to me when I first saw it in 1992. I knew I wanted to live here and be a part of the horse area. When it happened almost 20 years ago, and I could call myself a resident I realized that there are not as many horses here as I thought there was. That's sad but I can't change that, and it is reality with the costs of everything. Changing our status in this neighborhood from residential to commercial use would change every aspect of the enjoyment I've always cherished.

The place we call home has already been encroached on by more individuals than just our neighbors surrounding us. When I mention boarders it's not in a derogatory way. It's just that it changes our quiet community, and we are sharing with others that have no financial responsibility here. I've heard statements made by neighbors who board so they can make money to offset the cost of their own horses. And statements that barns are closing or there just isn't enough land for people to keep their horses and each time hearing this puts pressure on us and makes us feel guilty so we then will give our hard-earned treasures to others because they have no where else to go. I'm sorry about that but buy a home in Bell Canyon Acres then. It can't be our responsibility to help every horse owner with their situation. If Sandy City had upheld the very law implemented in 2009, we as a community wouldn't be faced with this crazy proposal and something that we all know should not happen. Legalizing boarding is just not an option.

I have many concerns about our community, first being the bridle paths and how to protect everyone. There is nothing set up to help with policing the paths. We have many people walking over who live across 106th South to get their exercise or whatever then they look up and say wow...let's walk on that area today. Looks like a dirt road or something. The next thing you know they are back behind our barns or feeding our horses because they see nothing wrong with that. But...I don't know what they just fed to my horses. We need to protect our property, items, horses and enjoy our space without thinking..."should you be here or are you allowed?" And knowing that Sandy police will not and has never supported us when our private properties are involved is another story I won't get into.

Let's think about our neighbor when deciding how this proposal will impact others. I see this as selfish and only rewarding the business owners. I'm here to support a quiet residential lifestyle! Thank you.

5/24/2022

Hello Mr. Wilcox,

I am writing on behalf of my partner and myself who reside at 10620 South Bay Meadows Drive in Sandy. I know some concern has been raised about the current topic of the rezoning of Bell Canyon Acres, the neighborhood that we call home. It is a unique neighborhood, and we love living here but we do share in some of the concerns regarding legalizing boarding within the neighborhood, especially with the recent and past lawsuits brought upon our neighbors. Now, to be clear, we are not against boarding. With the lack of land some are in need of finding places to board their horses in order to keep them. We are more concerned about how this will negatively impact those of us that live here when people that are boarding, say get hurt on the bridle paths that belong to the residents. This could open a big can of worms for lawsuits brought upon my neighbors and we do not want that. We are hoping that this concern will be addressed during the meeting scheduled for this Wednesday the 25th. Or you can respond to us directly.

In community,

Patrick & Stephanie Lawrence

Sl.law101@yahoo.com

5/23/22

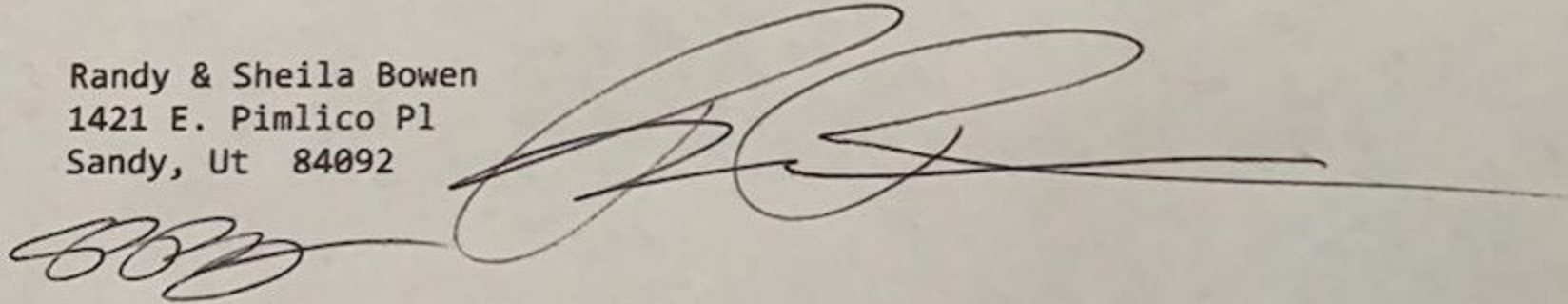
In regards to the Neighborhood Meeting Community #22 Council 4.

We are opposed to horse boarding if it means we are impacted in any way as we are currently without our permission and in a disrespectful way. Such as the use of our bridal trails for vehicular traffic at will at any time of the day or night. Current driving without our permission on the bridal trail stirs up dirt and dust and has caused damage to where the bridal trail has sunk at least 18 inches. One neighbor in particular drives on the path just about every day without consideration for our wishes as the Homeowner. When trying to discuss the issue he has threatened a fight and said he would bring down a tractor and tear down any gate that might be put up on OUR PROPERTY. Other Bridal paths in the community have gates and signs and show no activity on them. How is this fair? And was this a precursor for horseboarding?

Security is an issue as well when there are open bridal trails. There have been issues in the past regarding theft on the bridal trail as well as from the bridal trail. As the Homeowner of a portion of the bridal trail we pay the taxes and carry Homeowners insurance on that portion for protection from any liability and any activity should only be conducted with our consent. Could this become worse with horseboarding?

Additionally our property in the Bridal Trail is our backyard. A backyard is for peace, relaxation and privacy. Not I-15. We also do not want the street in front of our house turned into I-15 as it has been in the past with horseboarding.

Randy & Sheila Bowen
1421 E. Pimlico Pl
Sandy, Ut 84092

Handwritten signatures of Randy and Sheila Bowen. The signature on the right is larger and more prominent, while the one on the left is smaller and partially obscured.

May 23,2022

In re: Bell Canyon Acres Special District Code Amendment

It has been brought to my attention that there are special zoning items being forced upon residents of the Bell Canyon Acres subdivision. I believe that Mayor Zoltanski is spear heading this effort and I would like to weigh in on the matter. There has been an ongoing battle about having an HOA adopted in the neighborhood for the past 5 - 10 years. The battle is over implementing special zoning regulations and the implementation of an HOA that not everyone agrees with. As a result, there has been a Jury trial scheduled for August and I'm wondering why the sudden urgency in getting ordinances changed prior to the outcome of the trial?

I appreciate Mayor Zoltanski's dedication to the citizenry of Sandy, but I believe that the mayor is too close to this issue and would like to see her recuse herself from this matter. I feel that Mayor Zoltanski is using her office to promote her own personal agenda and I feel that she cannot be impartial to this cause.

One of the issues that is up for implementation that I am strongly against is the boarding of horses. Bell Canyon Acres was never intended to become Sandy's riding stables. There are several concerns that I have in turning BCA into a commercial endeavor. The increase in horses boarded in the area would increase the ridership on our bridle trails. This increased traffic would mean that I as a property owner would be liable for any mishaps that may occur on my portion of the trail. Another concern would be with increased traffic comes increased eyes on everyone's back yard. This could lead to vandalism or theft or both and is an unnecessary burden to put on everyone's right to peaceful enjoyment of their personal properties. My question is if this were to be made possible is Sandy City prepared to increase the patrol of our neighborhoods to keep them safe? My bet is that there won't be any additional manpower dedicated to patrolling renters using/abusing the paths.

The other problem that I see with allowing boarding is that the number per acre of horses would have to significantly be increased to accommodate not only the property owner's personal horses, but those of the boarders as well. This increase in animals would put a strain on each homeowners' ability to control fly's and other unwanted critters due to the increase in manure, feed, and bedding...

I have been a resident of Bell Canyon Acres for 43 years and have loved being a part of a great neighborhood, but I feel that the proposed changes in special zoning would cause this beautiful area to deteriorate due to overuse and changing the character of my neighborhood.

Joyce Becker

10963 Whirlaway Lane

Sandy, UT 84092

From: [Jon Eicher](#)
To: [Mike Wilcox](#)
Subject: [EXTERNAL] Feedback from Bell Canyon Acres meeting on May 25th
Date: Sunday, May 29, 2022 9:44:06 PM

Hi Mike,

Thank you for the time and work you have done on the Bell Canyon Acres code amendments. You did a great job conducting, explaining the changes and listening to comments at the end of the meeting. We ran out of time so I didn't get to comment, but wanted share my thoughts with you. Also, it made us smile that you used our property (1528 East Ascot) as your example.

I am in favor of all of the changes you suggested, except maybe the number of small animals (50), might be too many?

The most commented on item was the horse boarding changes. I am **highly in favor** of this change. But here is why. On the slide you showed with all the people who have contacted you with their opinions before your presentation, many of them are part of a small neighborhood anti-trail group. They are pushing their fences and placing obstacles into the bridle trails. They mentioned their big concern is "liability", but their real concern is increased usage of the bridle trails. This is because they are claiming in court that the protective covenants and bridle paths have been abandoned.

In the fifty years the bridle trails have existed, I'm only aware of one instance where a property owner was sued for an accident on their bridle path property. The only reason there was a lawsuit is because the Schaeffers had placed an illegal obstacle in their bridle path which caused a horse to stumble and the lady riding was thrown off and broke her hip. A judge ordered the obstacle to be removed.

In Sandy right now, many horse properties are being sold to developers for additional housing. We have had many people knock on our door and ask if they could board their horse(s) at our home since their previous horse facility closed. Under the current rules we can't, but it would sure be nice to help. It would also simplify (like you mentioned) the code enforcement officer's job. They could just show up, count the animals and see if any violations occurred.

Thank you for reading this and hope you have a nice Memorial Day weekend.

Thanks,
Jon Eicher

Exhibit "D"

From: [Ed and Allison Holmes](#)
To: [Mike Wilcox](#)
Subject: [EXTERNAL] farm area set aside definition
Date: Wednesday, May 25, 2022 9:51:15 PM

Mike,

Thank you for the very professional meeting tonight. My name is Ed Holmes, 10893 Whirlaway lane, in Bell canyon Acres. I am concerned that the proposed definition of what constitutes the minimum farm area set aside, will make some properties, including mom, out of compliance. My home was re-built and expanded starting about 15 years ago with a pool, RV Garage/shop, sport court, etc all done according to code, with proper permits and reviews by the city. The areas around the pool side yards and out building were all approved as meeting the current definitions of proper set aside for the farm animal square footage (even though they are landscaped and not used for farm animals). I think the new definitions proposed could alter that situation and I want to make certain you do not codify something that now takes a legitimate home and site plan and makes it non-conforming. Please look at my lot and call me to discuss and re-assure me that you are not going to change the wording to bring my property out of compliance when it has been in compliance for a decade or more.

Thank you again,

Ed Holmes
801-893-2254

From: [Kate McConaughy](#)
To: [Mike Wilcox](#)
Subject: [EXTERNAL] Bell Canyon Acres Special Development Zone comments
Date: Thursday, May 26, 2022 2:03:36 PM

Dear Mike,

First thank you and your team for thinking through how to clarify zoning requirements for the Bell Canyon Acres subdivision

There was a lot of information to digest last evening and a lot of good comments and a lot of good thinking about how to clarify requirements.

Like others, I am concerned about the allowing of people to board horses with no regulations around what that looks like. I believe that if no business license is required or if there are no limitations on the number of horses boarded (outside of the general limitations on number of horses) that the door will be open to properties becoming boarding facilities (especially in light of the larger outbuilding proposals).

Already, we had a property owner who wanted to buy adjacent properties for just that purpose. Additionally, the property owner next door to us doesn't live there but rents it and houses horses as well (the property is well taken care of so I wasn't concerned until last night).

I'm not sure how allowing several horses to be boarded preserves the unique nature of our community. I did not get the impression that this was about our area becoming small boarding facilities-but with no way to regulate that or stop that I do worry that will be the outcome. Horse property is tough to find in the valley. Allowing larger outbuildings and allowing up to 6 horses with no need for any sort of business license (just a special use permit) will certainly grab the attention of some-but is that the real intent?

For that reason I am asking for consideration of limiting the number of horses boarded (say no more than two) and/or reconsideration of the need for a business license and/or both. Any other home owner who utilizes their property for a business purpose has to obtain a business license. I understand that is difficult to enforce but it does give the City some flexing power if a situation becomes problematic. Under the proposed changes, property owners have no recourse if someone comes in and sets up a boarding facility.

In terms of individuals not having proof of ownership. I have to be honest, I think that is a weak argument. How could you not be interested in obtaining proof? What if your horse is lost or stolen - how do you demonstrate it is yours? The process of having your horse identified as yours is simply not that difficult. And I think that if you have a horse, the City is well within its rights to require that proof. Likewise, a boarder should be able to provide that proof otherwise how do you know they really own it?

In sum, I have not had an issue with anyone boarding horses - the ordinance to not allow boarding was helpful only during times when boarding became unsafe or caused a nuisance and the property owner didn't address it. The proposed changes, given that people are already not owner/occupants with horses on the property and others are already talking about boarding facilities, are very concerning to me. Unfortunately, I worry the proposed regulations will not preserve the unique nature of our neighborhood, they will lead to further

problems with no way to resolve them (outside of further changes to zoning which will lead to grandfathering any existing problems).

Thank you again for the meeting and for allowing us to comment. I know your jobs aren't easy and it is tough to strike the proper balance in all this. I am not anti-boarding but I am anti-boarding without regulations or the need for a license or both.

Thank you again for your time and consideration

Kate McConaughy

Exhibit "D"

From: kerry@fitnessrealty.com
To: [Mike Wilcox](#)
Cc: [James Sorensen](#)
Subject: [EXTERNAL] Bell Canyon Acres path safety
Date: Wednesday, May 25, 2022 8:52:42 AM
Attachments: [image001.jpg](#)
[Plat Phase 2.pdf](#)
[Sandy code - use of office for personal benefit prohibited.jpg](#)
[Eagle Gate Title letter - no HOA or covenants 11-2021.pdf](#)
[Monica taking pictures and making statements 5-21-22.mp4](#)

Good morning Mr. Wilcox. Thank you for helping to manage items in Sandy City for all individuals that live here. I live in Bell Canyon Acres and hope for your understanding on some of the issues our neighborhood is faced with and most importantly mine and my husbands responsibility to our private property and our civil rights associated with the property we own. One incident that happened back in March is in the email thread for you to review. And the statements by the officer I spoke with on the phone is not only reckless by him but absurd. Just put yourself in our shoes and look at the situations as you would have to face if you were the property owner.

And now...there is a proposal to legalize horse boarding that will only bring more individuals on private property. Wow. And how many times can I say this is a conflict of interest on the part of whom is proposing the change. Also, very self serving. When this person moved into the neighborhood back in 2015 she actually boarded to others and made money from it. If this isn't self serving for her to continue that trend I don't know what is. Also, I've attached the code Section 1-3-3 use of Office for Personal Benefit is prohibited. And yet...that is what is happening.

As you know because you Mr. Wilcox headed the 2009 implementation of the Special Zoning in which you took great care to support and protect the community. With this endeavor I only see heartache and future lawsuits and or closures of the beautiful bridle path that the property owners have rights to use in BCA. No one else pays for them and of course the city has no right to them as well. Why would you allow visitors to use private property? We have no way to control anything. In fact at this point a person could drive their horse trailer into the neighborhood, unload their horse and traverse all through the community without any property owners authorization and or a way to protect their property.

Question...please provide to me all procedural code in adopting the new proposals that will be brought out this evening? I do have the letter that the mayor sent to James Sorensen on January 25, 2022 and realize that much discussion has taken place since then in order to begin this process. I do know that dialog with other property owners including plaintiff's suing me are being discussed with the mayor. Also, please let me remind you that the mayor is involved in the litigation between Bell Canyon Homeowners Association as she was a director of this entity however it is labeled. She will have to explain herself when she is called as witness. I've attached a letter from my title company explaining the lack of hoa and no covenants in our neighborhood. This letter was also distributed to the residents of BCA recently.

One more thing...I've attached a video that happened Saturday night and will not stand for anymore harassment. If you'd like to reel this person in and explain to her that I have every right to control the property I own. I do not need a court order for this sign or gate. Turn up the volume when

watching. I hope you can put some stops to all actions before this video goes viral. It will definitely show a different side to the situation.

Please let me know if you have any questions or would like to speak to myself or husband about any of this. I will eventually find a resolution to gain our peace back in our lives and not being controlled by others that have no rights.

Have a wonderful day and good luck tonight.

Kerry McLelland
Fitness Realty
801-694-2010
kerry@fitnessrealty.com



Click my photo to see what your home is worth!

From: kerry@fitnessrealty.com <kerry@fitnessrealty.com>
Sent: Saturday, March 26, 2022 12:42 AM
To: sacosta@sandy.utah.gov; jhulet@sandy.utah.gov
Cc: 'Scott Earl' <searl@sandy.utah.gov>; msoper@sandy.utah.gov; gseverson@sandy.utah.gov
Subject: Bell Canyon Acres path safety

Hello Officer's Acosta and Hulet. It was a pleasure talking with you earlier on the phone and trying to understand your points of view regarding the law associated with private property and easements.

Attached is the 'municipal code' that was developed for Bell Canyon Acres in 2009.
https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-19SPDESDDI_S21-19-34SD30ABECAAC10600S.1300E. As stated in the first paragraph of the code it says "this is a unique community that was developed to cater to horse owners. It has access to the horse trails of the park and was developed with an extensive network of bridle trails within the community." So as stated in the code...the bridle trails and horse owners represent equestrian use and it is documented on the plat map as a riding easement. (see attached plat – McLelland lot 231 and Nordhoff lot 235) Any individual on this private property would need to be on a horse to be compliant with this code.

Also, as taxpayers residing in Sandy City we would ask that you enforce the laws that are created to keep all individuals safe from harm. As you are aware the call from Michael Nordhoff was made for two reasons. First...the person walking the bridle path was not on a horse (which was clearly marked for equestrian use only). Second...this person had a dog off leash. There are strict leash laws in Sandy

City and we look for you as our protectors to enforce this law and keep us safe. Why would you not give a citation to this individual? Property owners are responsible for the safety of the bridle path and a loose dog can cause potential injury to riders and horses.

When I spoke to you regarding the paths...you agreed that these paths are full of liability and you made two suggestions. First..."to relinquish the easement to the city so we have no liability." Can I just say...that doesn't work for me. I'm a realtor who understands property values and I give up nearly ¼ of my one acre for these easements. Currently the value of lots selling in Sandy City are nearly \$500k for one half acre. That means my land I'm willingly allowing for people to ride horses on is valued at \$250,000. I'll keep my land at this point! And your other thought is "to close off the paths altogether." Well, I ride the paths so I don't think that is a great option either. However, reducing the liability is an important part for All residents in Bell Canyon Acres. And we look to our government and law enforcement to help control the situations that we are dealt with in this neighborhood. Not enforcing laws is supporting some and discriminating against others. When will your support be toward a property owner who is voicing their property rights and not to others who are merely making claims without documentation?

One more question...if you can't enforce trespassing then is this a code enforcement responsibility?

Any additional information you may have regarding the current laws would be helpful. I'd be happy to discuss any of this information in person just let me know when.

Thank you.

Kerry McLelland
Fitness Realty
801-694-2010
kerry@fitnessrealty.com



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Exhibit "D"

EAGLE GATE TITLE

Insurance Agency, Inc

Date: November 2, 2021
Parcel No.: 28-16-327-004-0000
Property: 10711 South Whirlaway Lane
Sandy, UT 84092

To Whom it May Concern:

This letter is in response to the request made for a property title search regarding 10711 South Whirlaway Lane, Sandy, UT 84092, also described as: Lot No. 231, within the following described subdivision located in Salt Lake County, State of Utah, to wit: Bell Canyon Acres Number 2, a subdivision of part of Section 16, township 3 South, Range 1 East, Salt Lake Meridian according to the plat thereof, recorded in the office of the County Recorder of Salt Lake County. The title search request was in effort to determine the existence of any current governing homeowners' association ("HOA") for said property.

A thorough title search revealed that a recorded Declaration of Protective Covenants was originally filed on December 17, 1971, pertaining to the subject subdivision's lots, nos. 223-244 ("The Lots"). That Declaration established the creation of an "Architectural Control Committee" and allowed either the Committee or any affected property owners to enforce the Declaration's covenants.

However, a Notice of Waiver, Abandonment and Rescission of Protective Covenants for The Lots was later filed and recorded on March 06, 1992, by J. Garry McAllister, representing the homeowner of Lot No. 229 (Attached to this letter for reference). This Notice of Waiver, Abandonment and Rescission ("Rescission") was filed and recorded "pursuant to and in recognition of the undisputed fact that the Protective Covenants have not, in any manner whatsoever, been followed, acted upon, or enforced" since their 1971 inception. Consequently, the Rescission was recorded to give notice that because the Protective Covenants had been "abandoned," they would no longer be binding upon *any* of The Lots.

As of the date of this letter, it appears that no other documents have been recorded on the title of Lot No. 231 that establish and/or authorize an HOA or other enforcing authority. Furthermore, the Utah Homeowner Association Registry does not show any HOA registered for: 10711 South Whirlaway Lane, Sandy, UT 84092, or any homes in the immediate area.

Recording documents to which you are entitled can be mailed to you by the County Recorder.

We appreciate the opportunity to have been of service to you and hope that we may again serve you in the near future. Thank you for trusting Eagle Gate Title Insurance Agency, Inc. with your business.

Sincerely,

Eagle Gate Title Insurance Agency, Inc.

Mesia Swan
Escrow Officer
Phone: (801) 577-8688
Fax: (801) 772-2770
Email: mesia@eaglegatetitle.com

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