



COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer  **DATE:** November 5, 2004

FROM: David Dobbins 

RE: Petition 400-04-11: A request by North Salt Lake City for a voluntary boundary adjustment. The requested action seeks to remove 80 acres from Salt Lake City's municipal boundary and extend the municipal boundary of North Salt Lake to include the 80 acres.

STAFF CONTACT: Ray McCandless, Principal Planner 535-7282

DOCUMENT TYPE: Briefing

BUDGET IMPACT: There are potential budget impacts depending on the Council's final decision.

DISCUSSION: The City of North Salt Lake owns an 80-acre piece of property located in Salt Lake City on the Lake Bonneville Bench east of Beck Street above the gravel extraction businesses at approximately 405 West 2300 North (Salt Lake City address coordinates). The property is in Salt Lake City's corporate limits and is zoned Open Space (OS).

The City of North Salt Lake has requested a voluntary boundary adjustment between North Salt Lake and Salt Lake City in order to develop the property as a 23-acre cemetery and a 10-acre residential development. The remaining 47 acres would be kept in natural open space. Under Salt Lake City's OS zoning district, the proposed 23-acre municipal cemetery is a permitted use, and the proposed 10-acre residential development is not permitted.

From 1927 to 1977, the subject property was zoned for low-density single-family residential land uses. From 1977 to 1995, the property was zoned Foothill Preservation (P-1). The zoning was changed to Open Space as part of the 1995 zoning rewrite project.

To the south of the North Salt Lake property is a 20-acre parcel of vacant land owned by the Bates / Hunter family. These 20 acres are the last portion of the Bates / Hunter family-owned properties that originally extended north and west to Beck Street dating back to the late 1800's. The property was incrementally purchased by various gravel excavation companies, and the most recently sold properties were purchased by Staker Paving and Hughes (Lakeview Rock Products) for gravel extraction operations in the

middle 1980s. Following the 1995 zoning rewrite project, the Bates / Hunter family filed an inverse condemnation lawsuit (case 99-09 10566) against Salt Lake City which is still active. This property is not included as part of this petition.

The Salt Lake City Planning Commission held a public hearing on this item on March 10, 2004. At that hearing, the Planning Commission voted to table consideration of North Salt Lake City's request to allow time for the Planning Commission to visit the site and set up a Planning Commission subcommittee meeting to consider the issues discussed at the hearing. (See attached Planning Commission meeting minutes).

The Planning Commission members visited the site at various times and on September 29, 2004, held a subcommittee meeting. The subcommittee meeting focused on North Salt Lake City's proposed residential development on the northern portion of the property, the proposed cemetery use, and acquisition of the property by an open space preservation entity. The Planning Commissioners at the subcommittee meeting were mainly concerned that approving the residential component of North Salt Lake City's plan would not be consistent with the Capital Hill Community Master Plan and would result in the further loss of existing natural open space on the ancient Lake Bonneville Bench.

The Planning Commissioners were also concerned about the proposed cemetery. Although the Planning Commissioners recognize that a cemetery is a permitted use in Salt Lake City's OS zoning district, some Planning Commission members stated that they were not convinced that a cemetery was the best use for the property.

The Planning Commission continued the public hearing on October 27, 2004. After receiving comments from North Salt Lake and from the public, the Planning Commission voted to make a negative recommendation on the proposed boundary adjustment because it was not consistent with the City's master plan for the area. The Planning Commission also unanimously voted to forward a strong recommendation that the Salt Lake City Mayor's Office and the Salt Lake City Council exhaust the opportunities for negotiations that might suit the needs of both jurisdictions while preserving the maximum amount of open space. (Please refer to the attached October 27, 2004 Planning Commission meeting minutes.)

Public Process: On February 25, 2004, notices for the March 10, 2004 Planning Commission meeting were sent to all community council chairpersons, adjoining property owners, applicants and others. On October 12, 2004, notice of the October 27, 2004 Planning Commission meeting was mailed to abutting property owners, North Salt Lake City, the Bonneville Shoreline Trail Committee, the Forest Service, Davis County and all community council chairpersons.

Utah State Code, Section 10-2-419 (Boundary Adjustment - Notice and Hearing – Protest): State code requires that the legislative body hold advertised public hearings for boundary adjustments. Notice advertised in a newspaper is required prior to consideration by the City Council. A draft notice has been provided in this transmittal packet.

Relevant Ordinance:

Utah State Code, Section 10-2-419. Boundary Adjustment - Notice and Hearing - Protest

TABLE OF CONTENTS

TABLE OF CONTENTS

1. Chronology
2. Notice of City Council Public Hearing
 - A. Notice of City Council Hearing Newspaper Publication Draft
 - B. Newspaper Publication Transmittal
 - C. Mailing List and Labels
3. Agendas of the Planning Commission Hearings for March 10, 2004 and October 27, 2004.
4. Planning Commission Meeting Staff Reports:
 - A. March 10, 2004 Planning Commission
 - B. October 27, 2004 Planning Commission
5. Planning Commission Minutes for March 10, 2004 and October 27, 2004 Hearings.
6. Planning Commission Public Hearing Notices.
7. Material distributed to the Planning Commission and Planning Staff.

1. CHRONOLOGY

PROJECT CHRONOLOGY

- February 25, 2004 Petition initiated by the Planning Commission.
- February 25, 2004 Petition assigned.
- February 25, 2004 Request for City Departmental comments mailed.
- February 25, 2004 Notices for the March 10, 2004 Planning Commission meeting mailed.
- March 10, 2004 Planning Commission Hearing.
- September 29, 2004 Planning Commission Subcommittee Meeting.
- October 12, 2004 Notices for the October 29, 2004 Planning Commission meeting mailed.
- October 27, 2004 Planning Commission Hearing.
- November 2, 2004 City Council Transmittal Completed by the project Planner.

2. NOTICES OF CITY COUNCIL PUBLIC HEARING

**2. A. NOTICE OF CITY COUNCIL HEARING
NEWSPAPER PUBLICATION DRAFT**

Posted _____
By _____

NOTICE OF PUBLIC HEARING

On _____, the Salt Lake City Council will hold a public hearing to consider Petition 400-04-011 by North Salt Lake City requesting a boundary adjustment for an 80 acre piece of property located at approximately 405 West 2300 North, which is East and above the gravel extraction businesses on Beck Street on the ancient Lake Bonneville Shoreline. The City of North Salt Lake owns the property but it is located in Salt Lake City. The City of North Salt Lake wishes to adjust the boundary between North Salt Lake and Salt Lake City so that this 80 acre parcel is in North Salt Lake City. The City of North Salt Lake proposes to develop 10 acres as residential development and 23 acres will be a municipal cemetery. The remaining 47 acres will be left as natural open space.

The City Council is holding an advertised public hearing to receive comments regarding the petition request. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME:

PLACE:

ROOM 315
City and County Building
451 South State Street
Salt Lake City

If you have any questions relating to this proposal, please attend the meeting or call Mr. Ray McCandless at 535-7282. Monday through Friday.

2. B. NEWSPAPER PUBLICATION TRANSMITTAL

MEMORANDUM

To: Lynn Valdez
Newspaper Corporation
From: Salt Lake City Council's Office
Re: **SPECIAL NOTICES - 010 – CLASSIFIED ADS**
Date:

Please run the following ad, one time only, on _____, in both papers

NOTICE OF PUBLIC HEARING

A request for a boundary adjustment between the City of North Salt Lake and Salt Lake City.

On _____, the Salt Lake City Council will hold a public hearing to consider Petition 400-04-011 by North Salt Lake City requesting a boundary adjustment for an 80 acre piece of property located at approximately 405 West 2300 North, which is East and above the gravel extraction businesses on Beck Street on the ancient Lake Bonneville Shoreline. The City of North Salt Lake owns the property but it is located in Salt Lake City. The City of North Salt Lake wishes to adjust the boundary between North Salt Lake and Salt Lake City so that this 80 acre parcel is in North Salt Lake City. The City of North Salt Lake proposes to develop 10 acres as residential development and 23 acres will be a municipal cemetery. The remaining 47 acres will be left as natural open space.

The public meeting of the City Council begins at _____ p.m. in Room _____, City and County Building, 451 South State Street, Salt Lake City, Utah. For more information or special arrangements, call Mr. Ray McCandless at 535-7282.

2. C. MAILING LIST AND LABELS

STAKER PAVING & CONSTRUCT
Sidwell No. 0813300010
PO BOX 3429
OGDEN UT 84409

DAVIS COUNTY PLANNING OFFICE
ATTN. WILF SUMMERKORN
P.O. Box 618
FARMINGTON, UTAH 84025

PR

STAKER PAVING & CONSTRUCT
Sidwell No. 0813300003
PO BOX 3429
OGDEN UT 84409

WILLIAM T. WRIGHT
203 N VALLEY VIEW DR.
NORTH SALT LAKE, UTAH
84054

BONNEVILLE SHORELINE TRAIL COMMITTEE
ATTN RICK REESE OR JIM BURNE
P.O. Box 581136
SALT LAKE CITY, UTAH
84158-1136

STAKER & PARSON COMPANIES
Sidwell No. 0824100003
PO BOX 3429
OGDEN UT 84409

SALT LAKE RANGERS DISTRICT
ATTN. LOREN KROENKE
6944 S. 3000 E.
SALT LAKE CITY, UTAH
84121

SALT LAKE CITY CORPORATIO
Sidwell No. 0824100004
451 S STATE ST
SALT LAKE CITY UT 84111

SALT LAKE CITY PLANNING
ATTN RAY MCANDREES
451 S. STATE, RM 406
SALT LAKE CITY, UTAH
84111

SALT LAKE CITY CORPORATIO
Sidwell No. 0813300011
451 S STATE ST # 245
SALT LAKE CITY UT 84111

SALT LAKE CITY PLANNING
ATTN. BRENT WILDE
451 S. STATE ST. RM. 406
SALT LAKE CITY, UTAH
84111

SALT LAKE CITY CORP
Sidwell No. 0824400005
451 S STATE ST # 345
SALT LAKE CITY UT 84111

SALT LAKE CITY MAYORS OFFICE
ATTN LISA ROMNEY - MOSAC
451 S. STATE STREET - RM. 406
SALT LAKE CITY, UTAH
84111

NORTH SALT LAKE CORP.
Sidwell No. 0813300004
PO BOX 540208
NORTH SALT LAKE UT 84054

NORTH SALT LAKE CITY PLANNING
ATTN. ROO WOOD
P.O. BOX 540208
NORTH SALT LAKE, UTAH
84054

HUGHES AND HUGHES INVESTM
Sidwell No. 0813300007
PO BOX 540700
NORTH SALT LAKE UT 84054

CLARKE, MARY L
Sidwell No. 0813300005
PO BOX 651643
SALT LAKE CITY UT 84165

UNITED STATES OF AMERICA
Sidwell No. 0824100002
125 S STATE ST # 6107
SALT LAKE CITY UT 84138

BATES, EDNA L; ET AL
Sidwell No. 0813300009
1926 E ORCHARD DR
SALT LAKE CITY UT 84106

UNITED STATES OF AMERICA
Sidwell No. 0813400001
125 S STATE ST # 6107
SALT LAKE CITY UT 84138

Peter Corroon
GREATER AVENUES
445 East 200 South, Suite 306
Salt Lake City, Utah 84111

Peter Von Sivers
CAPITOL HILL
223 West 400 North
Salt Lake City, Utah 84103

Thomas Mutter
CENTRAL CITY
P.O. Box 2073
Salt Lake City, Utah 84101

Brian Watkins
LIBERTY WELLS
1744 So. 600 East
Salt Lake City, UT 84105

Camille Spute
PEOPLES FREEWAY
1540 South Major Street
Salt Lake City, UT 84115

Bill Davis
RIO GRAND
329 Harrison Avenue
Salt Lake City, UT 84115

Dave Mortensen
ARCADIA HEIGHTS/BENCHMARK
2278 Signal Point Circle
Salt Lake City, Utah 84109

Ellen Reddick
BONNEVILLE HILLS
2177 Roosevelt Ave
Salt Lake City, Utah 84108

FOOTHILL/SUNNYSIDE
Vacant

Shawn McMillen
H ROCK
1855 South 2600 East
Salt Lake City, Utah 84108

Mike Zuhl
INDIAN HILLS
2676 Comanche Dr.
Salt Lake City, Utah 84108

Paul Tayler
OAK HILLS
1165 Oakhills Way
Salt Lake City, Utah 84108

Doug Foxley
ST. MARY'S
1449 Devonshire Dr.
Salt Lake City, Utah 84108

Larry Spendlove
SUNNYSIDE EAST ASSOC.
2114 E. Hubbard Avenue
Salt Lake City, UT 84108

Tim Dee
SUNSET OAKS
1575 Devonshire Dr.
Salt Lake City, Utah 84108

Beth Bowman
WASATCH HOLLOW
1445 E. Harrison Ave.
Salt Lake City, Utah 84105

Kenneth L. Neal
ROSE PARK
1071 North Topaz Dr.
Salt Lake City, Utah 84116

Jim Webster
YALECREST
938 Military Drive
Salt Lake City, Utah 84108-1326

Penny Archibald-Stone
EAST CENTRAL
1169 Sunnyside Avenue
Salt Lake City, Utah 84102

Boris Kurz
EAST LIBERTY PARK
1203 South 900 East.
Salt Lake City, Utah 84105

Angie Vorher
JORDAN MEADOWS
1988 Sir James Dr.
Salt Lake City, Utah 84116

Mike Harman
POPLAR GROVE
1044 W. 300 S
Salt Lake City, Utah 84104

Jilene Whitby
STATE FAIRPARK
846 W 400 N.
Salt Lake City, Utah 84116

Kadee Nielson
WESTPOINTE
1410 N. Baroness Place.
Salt Lake City, Utah 84116

Mark Holland
SUGAR HOUSE
1942 Berkeley Street
Salt Lake City, Utah 84108

Randy Sorenson
GLENDALE
1184 S Redwood Drive
Salt Lake City, Utah 84104

**3. PLANNING COMMISSION AGENDAS FOR
MARCH 10, 2004 AND OCTOBER 27, 2004**

**AMENDED AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, March 10, 2004, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.


1. APPROVAL OF MINUTES from Wednesday, February 25, 2004

2. REPORT OF THE DIRECTOR

3. CONSENT AGENDA – Salt Lake City Property Conveyance Matters:

- a. Utah Power and Salt Lake City & County Landfill Board – request by Utah Power to make minor adjustments to a previously granted easement (2003) necessary to realign a portion of an existing electric power transmission line easement which went through the City/County sanitary landfill site, located at 1300 South (California Avenue) and 5800 to 6400 West. The minor adjustments slightly change barring and distance dimensions from the 2003 relocation easement locations. (The prior easement was not reviewed by the Planning Commission.) The property is located within the Salt Lake City limits and is zoned Manufacturing “M-1” and Open Space “OS”.
- b. Utah State Prison and Salt Lake City Public Utilities Department – request by the Utah State Prison for the Public Utilities Department to grant a standard utility permit to cross the Jordan and Salt Lake City Canal R.O.W. property to provide a new sanitary sewer for the prison. The proposed utility permit location is in Draper City at approximately 13800 South and 200 West on the west side of the I-15 Freeway.
- c. The Metropolitan Water District of Salt Lake and Sandy City – The Metropolitan Water District is removing and replacing the Little Cottonwood Creek intake structure which is located on Salt Lake City owned property at approximately 9800 South Wasatch Boulevard. This permit will include the intake structure, power and communication cables and a construction permit through this property. As part of this proposal, the existing Cottonwood Improvement permit/easement for a sewer line will need to be relocated to accommodate the new water structure. A new permit will need to be issued for a portion of the sewer line. (Staff – Doug Wheelwright at 535-6178 or Karryn Greenleaf at 483-6769)

4. PUBLIC HEARINGS

- a. **PUBLIC HEARING at 6:00 p.m.** – Petition No. 400-04-09, a request by the Salt Lake City Council to conduct a formal review and modification to the City's regulations, including modifications to the City's land use and zoning regulations, relating to sexually oriented businesses. (Staff – Wayne Mills at 535-6173 or wayne.mills@slcgov.com)
- b. **PUBLIC HEARING at 6:30 p.m.** – Petition No. 480-03-04 – Geoff Smart is requesting preliminary approval for the proposed conversion of two (2) existing structures in a Community Business “CB” Zoning District to private condominium ownership areas. The two (2) structures include the Parley's Corporate Center located at 2545 East Parleys Way - a four (4) unit, single-story, retail/office structure; and the Balley's Fitness Center - a single unit, two (2) story retail service structure located at 2505 East Parleys Way. In conjunction with this request, the Applicant is requesting to subdivide the 5.04-acre parcel (wherein the Parley's Corporate Center and Balley's Fitness Center structures are currently located) into two separate lots. (Staff – Greg Mikolash at 535-7932)
-  c. **PUBLIC HEARING at 7:00 p.m.** – Request by the City of North Salt Lake for a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property owned by North Salt Lake City located east of the gravel pits along Beck Street. (Staff – Doug Wheelwright at 535-6178)

Attorney – Client privilege:

The Planning Commission will consider a motion to enter into Executive Session, in keeping with Utah Code, to discuss attorney-client matters that are privileged, pursuant to Utah Code Ann. § 78-24-8.

5. UNFINISHED BUSINESS

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.

**AMENDED AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 27, 2004, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, October 13, 2004
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **UNFINISHED BUSINESS**

Attorney – Client privilege:

The Planning Commission will consider a motion to enter into Executive Session, in keeping with Utah Code, to discuss attorney-client matters that are privileged, pursuant to Utah Code Ann. § 78-24-8.



- a. **PUBLIC HEARING** – Petition No. 400-04-11 (tabled on March 10, 2004), by the City of North Salt Lake, requesting a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property owned by North Salt Lake City located east of the gravel pits along Beck Street (Continued from the March 10, 2004 Planning Commission meeting). (Staff – Ray McCandless at 535-7282)
- b. **Continued Discussion of Petition No. 410-701**, by the Salt Lake County Administration, requesting conditional use approval to allow modifications to the “D-4” zoning requirements to accommodate the expansion of the Salt Palace on the block between South Temple and 100 South from 200 West to 300 West. The property is located within the “D-4” Downtown Secondary Central Business District. The Petitioner is requesting modifications of the following “D-4” requirements:
 1. The front yard setback;
 2. Restrictions on parking lots and structures located in block corner and mid-block areas;
 3. Requirements for retail goods/service establishments, offices and/or restaurants on the ground floor of parking structures adjacent to the front or corner side yard;
 4. Requirements for the first floor elevation facing a street to include at least 40% glass; and
 (Staff – Joel Paterson at 535-6141 or joel.paterson@slcgov.com and Doug Dansie at 535-6182 or doug.dansie@slcgov.com)

5. **PUBLIC HEARINGS**

- a. **PUBLIC HEARING** – Petition No. 410 – 678, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, and 696 by Qwest Corporation to install electrical utility cabinets measuring approximately 40 inches long by 48 inches high by 14 inches deep for Digital Subscriber Line (DSL) services at the following approximate locations:

<u>Petition No</u>	<u>Location</u>	<u>Zoning District</u>
410-678	1403 S. Roxbury Road	Single Family Residential – “R-1-12,000”
410-683	402 N. Virginia Street	Open Space – “OS”
410-684	395 E. 12 th Avenue	Foothills Residential – “FR-3”
410-685	704 N. East Capitol Boulevard.	Single Family Residential – “R-1-7000”
410-686	1304 Federal Heights Drive	Single Family Residential – “R-1-12,000”
410-687	22 East Zane Avenue	Single and Two-Family Residential – “R-2”
410-688	1357 East 100 South	Single Family Residential – “R-1-5,000”
410-689	699 East 13 th Avenue	Foothills Residential – “FR-3”
410-690	1744 N. Cavallo Drive	Single Family Residential – “R-1-7,000”
410-691	763 North 900 West	Single Family Residential – “R-1-7,000”
410-692	760 North 900 West	Moderate Density Multi-Family Residential – “RMF-35”
410-693	395 North 1300 West	Single Family Residential – “R-1-7,000”
410-694	589 North 1200 West	Single Family Residential – “R-1-7,000”
410-695	577 North Colorado Street (1350 West)	Single Family Residential – “R-1-7,000”
410-696	954 West 1000 North	Neighborhood Commercial – “CN”

(Staff – Ray McCandless at 535-7282)

- b. **PUBLIC HEARING** – Petition No. 410-700, by Greg Larson, requesting approval of a 6-unit residential planned development called the “Bungalows of Sugar House” located at approximately 1850 East 1700 South in an “R-1-7000” zoning district. (Staff – Ray McCandless at 535-7282)
- c. **PUBLIC HEARING** – Petition No. 410-706, by Dru Damico, representing HOWA Properties, Inc. requesting a conditional use to allow for the construction of a new building and associated parking lot at 279 West South Temple in the “D-1”, Central Business District. The conditional use is required because a portion of the building exceeds the maximum front and corner side yard setback (5 feet) and the building does not meet the minimum height requirement (100 feet) for corner buildings located in the “D-1” zone. The proposal also does not meet the zoning code relating to parking lots that must be located behind a principal building or setback at least seventy five feet from the front and corner side lot lines. The use is considered an interim commercial service use to support the Downtown Community, which is specifically allowed as a conditional use in the “D-1” zoning district. (Staff – Wayne Mills at 535-6173 or wayne.mills@slcgov.com)
- d. **PUBLIC HEARING** – Petition No. 400-03-34, by the Salt Lake City Council, requesting review of the Nonconforming Uses and Noncomplying Structures section of the Zoning Ordinance related to the limitations for reconstruction, improvement or expansion of nonconforming uses and noncomplying structures; to establish refined standards, public notification, and review processes. The proposed text amendment will require amendment to the Avenues Community Master Plan policy regarding nonconforming uses. (Staff – Everett Joyce at 535-7930)

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.

**4. STAFF REPORTS FOR THE MARCH 10, 2004 AND
OCTOBER 27, 2004 PLANNING COMMISSION
MEETINGS**

**4. A. STAFF REPORT FOR THE MARCH 10, 2004
PLANNING COMMISSION MEETING**

DATE: March 5, 2004

TO: Salt Lake City Planning Commission

FROM: Ray McCandless

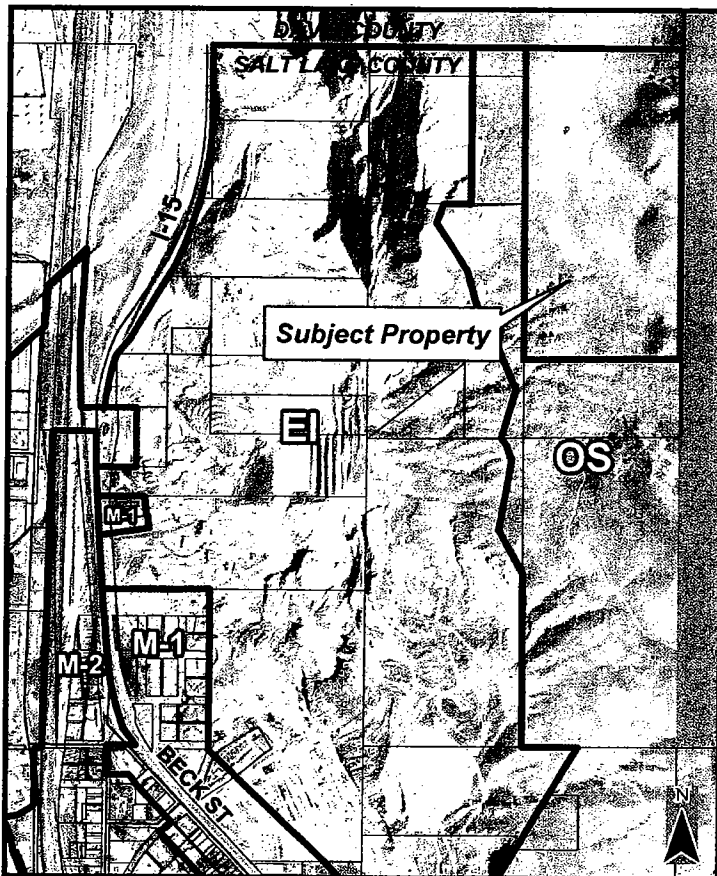
RE: STAFF REPORT FOR THE MARCH 10, 2004 MEETING

CASE#: 400-04-11

APPLICANT: City of North Salt Lake

STATUS OF APPLICANT: Property owner

PROJECT LOCATION: 405 West 2300 North (Salt Lake City
Address Coordinates)



PROJECT/PROPERTY SIZE:	80 acres
COUNCIL DISTRICT:	District 3
REQUESTED ACTION:	A voluntary boundary adjustment between the municipalities of North Salt Lake and Salt Lake City. The requested action seeks to remove 80 acres from Salt Lake City's municipal boundary and extend the municipal boundary of North Salt Lake to include the 80 acres.
PROPOSED USE(S):	Natural open space, future City cemetery (70 acres), single-family residential development (10 acres).
APPLICABLE LAND USE REGULATIONS:	Section 10-2-419. Utah Code Annotated <u>Boundary adjustment – Notice and hearing – Protest.</u>
SURROUNDING ZONING DISTRICTS:	North – North Salt Lake City (Residential) South – Open Space OS East – Open Space OS West - Extractive Industries EI
SURROUNDING LAND USES:	North – Vacant open space South – Vacant open space East – Open space West – Gravel quarries

MASTER PLAN SPECIFICATIONS:

Capitol Hill Community Master Plan

The Capitol Hill Community Master Plan was adopted on November 9, 1999 (Ordinance No. 92, 2001). The Future Land Use Map of that plan identifies this property as Foothill Open Space.

The Beck Street Reclamation Framework and Foothill Area Plan

The **Beck Street Reclamation Framework and Foothill Area Plan** also identify this property as Open Space with the Bonneville Shoreline Trail extending north and south through the eastern side of the property. The trail shown on the **North Salt Lake Eastside Neighborhood Master Plan** generally follows the **Beck Street Reclamation Framework and Foothill Area Plan** alignment, but also shows an optional alignment near the north side of the property (see map). An East-West trail connection with the "Cliff Face Trail" is also shown on the **Beck Street Reclamation Framework and Foothill Area Plan**. This connection is identified on the attached **North Salt Lake Plan** as the Lime Canyon Trail.

Salt Lake City Open Space Plan

The **Salt Lake City Open Space Plan**, adopted in 1992, identifies trail and open space corridor opportunities throughout the City. The main goals of the plan include:

- Conserve the natural environment
- Enhance open space amenities for all citizens
- Connect the various parts of the City to natural environments.
- Educate the citizens on proper use of open space.

The potential open space corridors are detailed on a series of 15 maps. The maps do not detail the bench area north of Ensign Peak but the Shoreline Trail Corridor (Map 1 of the series) shows a trail extending northward from 700 North Street called the Bonneville Boulevard Historic Road. The Bonneville Shoreline Trail also connects north of Ensign Peak and connects with the communication tower road. The **Open Space Plan** discusses the value of open space including recreational opportunities and preservation of wildlife habitat along the foothills and Bonneville bench areas.

SUBJECT PROPERTY HISTORY:

Before 1995, the property was zoned **Foothill Preservation (P-1)**. The zoning was changed to **Open Space (OS)** as part of the 1995 Zoning Rewrite Project.

To the south of the North Salt Lake property is a 20 acre parcel of vacant land owned by the Bates / Hunter family. It has been owned by the family since the late 1800's. The property initially went to Beck Street but was incrementally purchased by various gravel excavation companies, and was most recently purchased by Staker Paving and Hughes

(Lakeview Rock Products) for gravel extraction operations. Following the Zoning Rewrite project of 1995, the Bates / Hunter family filed an inverse condemnation lawsuit (case 99-09 10566) against Salt Lake City which is still active. This property is not included as part of this petition.

ACCESS:

The property is vacant. Vehicular access is provided via a gated dirt road from the north, through the City of North Salt Lake.

PROJECT DESCRIPTION:

The issue at hand is whether the boundary between the cities should be adjusted by mutual agreement, as allowed by **Section 10-2-419 of the Utah State Code**.

The City of North Salt Lake owns an 80 acre piece of property located at approximately 405 West 2300 North on the high bench area north and east of the gravel pits, east of Beck Street. The property is currently in Salt Lake City's corporate city limits and is zoned **Open Space (OS)**. The property also lies within the boundaries of Salt Lake County. North Salt Lake also owns 20 acres abutting the 80 acres to the north, which is currently within North Salt Lake's municipal boundary.

The intent behind this boundary adjustment between the two cities is to bring the 80-acre parcel into the jurisdiction of the City of North Salt Lake for future development purposes. The **North Salt Lake Eastside General Plan**, which was recently adopted by North Salt Lake, proposes using the southernmost 70-acres of this property as open space which includes a future 23 acre municipal cemetery. The **North Salt Lake Eastside General Plan** also shows residential development on the northernmost 10-acres. The City of North Salt Lake is the only jurisdiction that can provide street access, public water/sewer, and public safety for this property. For this reason, they have requested a voluntary boundary adjustment between the two municipalities.

In addition to the cemetery, open space and residential development, the **North Salt Lake City Eastside General Plan** also shows the Bonneville Shoreline Trail extending through the center of the property, and connecting to the existing Bonneville Shoreline Trail to the south on U.S. Forest Service and Salt Lake City owned foothill property.

COMMENTS, ANALYSIS AND FINDINGS:

The main components of the **North Salt Lake Eastside General Plan** are the trail corridor, future 23 acre cemetery, natural open space and a 10-acre area for future residential development (see attached map). The trail corridor, natural open space and future cemetery proposed in the **North Salt Lake Eastside General Plan**, comprise 70 acres or 87.5% of the property. The remaining 10 acres, or 12.5% of the property is proposed as future residential development.

1. COMMENTS

On February 25, 2004, a request for comments was sent to the Salt Lake City Public Utilities, Fire, Engineering, Surveyor, Transportation, Police, Property Management and Public Services Departments. It was also sent to the Mayor's Open Space Advisory Committee. To date, the following responses have been received.

- 1) **Mayor's Open Space Advisory Committee:** The Mayor's Open Space Advisory Committee responded indicating there is insufficient time to respond given their meeting schedule (see attached letter).
- 2) **Public Utilities:** The Public Utilities Department has no concerns with the proposal.
- 3) **Engineering Division:** Has no objection to the proposed boundary line adjustment. The comments indicate that in 1995, a "Bountiful Boulevard Feasibility Study" was performed by U.D.O.T. and the Wasatch Front Regional Council exploring the possibility of building an arterial roadway from the upper bench of North Salt Lake to connect with Salt Lake City somewhere in the vicinity of Victory Road. The preferred alignment bisects the North Salt Lake property. Although the connection was supported by Davis County cities, it has always been strongly opposed by Salt Lake City (see comment sheet).
- 4) **Fire Department:** The Fire Department has no objections to the boundary adjustment.
- 5) **Property Management:** The Property Management Division has no objections with the proposed boundary adjustment.

2. ANALYSIS AND FINDINGS

Section 10-2-419. Boundary adjustment – Notice and hearing – Protest. of the Utah State Code regulates boundary line adjustments between municipal jurisdictions. According to this section of State Code, the legislative body (City Council) is the approval body for boundary line adjustments. The Planning Commission's input will be forwarded to the City Council for their consideration and final decision. A public hearing before the City Council will be required following adoption of a resolution to adjust the boundary. If approved, the City will enter into an agreement with the City of North Salt Lake. If the agreement fails, then the City of North Salt Lake can go to court to pursue the issue.

Although there are no ordinance-specified findings required for a boundary adjustment between two municipalities, the Planning Commission will need to advise the City Council as to whether, in its judgment, the proposed boundary adjustment is in the best interests of the City.

Salt Lake City Master Plans:

Discussion: The proposed trail, natural open space, and future cemetery shown on the **North Salt Lake Eastside General Plan** which comprises 70 acres or 87.5% of the property is consistent with **Salt Lake City's Open Space Plan; Capitol Hill Community Master Plan;** the **Beck Street Reclamation Framework;** and **Foothill Area Plan** as these plans identify this area as open space. Cemeteries are a permitted use in the City's Open Space (OS) zoning district. The remaining 10 acres or 12.5% of the property shown as residential development on North Salt Lake's Plan is not consistent with Salt Lake City's Master Plans.

Finding: The Planning Commission in its advisory capacity needs to make a finding as to whether the proposed land uses by the City of North Salt Lake substantially comply with the master plans adopted by Salt Lake City.

OPTIONS:

The options which could be considered by the Planning Commission in its advisory capacity are as follows:

1. Recommend approval the boundary adjustment as requested, relying on the future land uses as specified in the North Salt Lake Eastside General Plan as being 87.5% in compliance with the Salt Lake City's future land use recommendations as stated in its applicable adopted master plans. Such a recommendation has the following advantages and disadvantages:

Advantages:

- No cost to Salt Lake City.
- The property is still 87.5% in compliance with Salt Lake City's plans.
- Fosters positive and cooperative working relations with North Salt Lake with respect to land use matters.
- The agreement between North Salt Lake and Salt Lake City will establish and set the development limitations on the property, rather than have them potentially set by court action.
- Potential for two cities to agree on a mutual win-win land use solution regarding development potential of the property and better guide future development requests.

Disadvantages:

- 12.5% residential development is not in compliance with the City's master plans.
- 23 acres of developed open space (cemetery) as opposed to natural open space.
- North Salt Lake gets to complete its suburban development of the neighborhood to the north (a positive for North Salt Lake).

- Reliance on North Salt Lake City to adhere to the agreement not to exceed the 12.5% residential development.

2. Recommend rejection of the boundary adjustment as an incompatible future land use of residential and cemetery development which will reduce the amount of open space and natural vegetation of this portion of the historic ancient Lake Bonneville bench topographic feature. Such a recommendation has the following advantages and disadvantages:

Advantages:

- Salt Lake City would retain development review oversight on the property (maintaining status quo).
- The property would remain predominantly natural vegetation, permitting only such uses as cemeteries and golf courses as permitted under the City's Open Space zoning district.

Disadvantages:

- Probable court challenge by North Salt Lake, which could potentially result in substantial acreage or all of the 80 acres being developed.
- Could foster animosity between the two municipalities with respect to land use decisions.
- Long-term threat of future development would not entirely be eliminated. North Salt Lake could for example, sell to private property owners who would come into the City and want to develop their property.

3. Recommend rejection of the boundary adjustment proposal and attempt to organize the purchase of the 80 acres to preserve the existing topography and natural vegetation. Such a recommendation has the following advantages and disadvantages:

Advantages:

- If purchased by an open space preservation entity, the property would be preserved as open space in perpetuity.
- When added to the other abutting publicly held open space, a visually significant no-development buffer between the two cities would be enhanced, protecting the environmentally sensitive areas in the area.

Disadvantages:

- The current property owner may not be willing to sell.
- The long-term threat or pressure to develop the property may not be entirely eliminated particularly if publicly owned.
- Probable court challenge by North Salt Lake, which could potentially result in substantial acreage or all of the 80 acres being developed.
- Could foster animosity between the two municipalities, with respect to land use decisions.

ATTACHMENTS

1. Letter from the City of North Salt Lake
2. Letter from the North Salt Lake City Attorney's Office
3. Letter from the Salt Lake City Attorney's Office
4. Letter from the Mayor's Open Space Advisory Committee
5. Beck Street Reclamation Framework and Foothill Area Plan
6. Departmental Comment Letters Received to Date



CITY OF NORTH SALT LAKE

20 South Hwy 89 • PO Box 540208
North Salt Lake, Utah 84054-0208
(801) 936-3877

KAY W. BRIGGS
Mayor

COLLIN H. WOOD
City Manager

October 8, 2003

Carlton Christensen, Chair
Salt Lake City Council
451 South State Street
Salt Lake City, Utah 84111

Dear Councilman Christensen:

In October 2002, the City of North Salt Lake contacted the Salt Lake City Attorney to begin discussions of a potential boundary adjustment between our two cities of an 80-acre parcel of property owned by North Salt Lake City located on the high bench above the Beck Street gravel pits. In March 2003, Mr. Lynn Pace, Deputy City Attorney, responded in writing to our request agreeing that the boundary adjustment is the appropriate legal process; however, conveyed that Salt Lake City needed information concerning North Salt Lake City's intended uses of the 80-acre parcel.

In April 2003 North Salt Lake City commenced a planning process to define the long-range plan for this property by hiring a professional planning consultant, Mr. Bill Wright, to develop a General Plan Amendment. We followed the proscribed planning process in Utah Statute to analyze alternative land uses, study development issues and follow the legal plan adoption process. The General Plan Amendment for this 80-acre city owned property was adopted by the North Salt Lake City Planning Commission on August 26, 2003 and North Salt Lake City Council on September 16, 2003.

Mr. Wright is very familiar with the planning processes employed by both cities in the shared "*Beck Street Reclamation Framework and Foothill Area Plan*". The plan identified the extent of the Beck Street gravel pit excavations and set in place the methods of reclamation. In that plan, the 80-acre parcel owned by North Salt Lake City was identified for open space and in April 1995, Salt Lake City rezoned the property to "OS" Open Space to regulate land use development. A definitive study of land use alternatives for the 80-acre parcel was not conducted in that planning process. The assumption was that because the parcel was publicly owned, the open space designation was the only land use explored. Much of this 80-acre parcel has relatively flat property characteristics that comply with development standards in both Salt Lake City and North Salt Lake City.

Third, the City of North Salt Lake owns multiple culinary water wells on this 80-acre parcel that supply its residents with drinking water. The city desires to protect these water sources through both ownership and jurisdictional regulation of development.

Please review the attached General Plan Amendment for this proposed boundary adjustment. I look forward to an opportunity in the near future to have a work session with the Salt Lake City Council where our planning consultant, Bill Wright, can review the details of the plan and elaborate on the value and importance of this planning approach. We have considered many land use alternatives for this 80-acre parcel and have concluded that these proposed uses support our community planning goals, are economically feasible for our community and will provide for responsible stewardship of this foothill property.

I would encourage that we schedule a field trip to our property before the fall weather turns to winter. We can accommodate limited access to the property with vehicles for convenience of time.

In March 2003, the North Salt Lake City Council decided to take a "planning approach" to this discussion of the boundary adjustment rather than a legal challenge to the Open Space zoning and boundary disconnection. We believe this planning approach will prove beneficial to both cities and we look forward to a productive dialogue with the Salt Lake City Council.

Please ask your staff to contact Collin Wood, City Manager, at 936-3877 to schedule a meeting to discuss this proposal.

Respectfully submitted,



Kay W. Briggs
Mayor

wtw:KWB

cc: Cindy Gust-Jensen, Executive Director, Salt Lake City Council
Lynn Pace, Deputy City Attorney
Louis Zunguze, Planning Director
North Salt Lake City Council

General Plan Amendment

North Salt Lake City Eastside Neighborhood Master Plan 80-Acre Parcel Adopted September 16, 2003

North Salt Lake City Planning Commission Recommendation to the City Council

Purpose:

The North Salt Lake City Eastside General Plan was adopted by North Salt Lake City Council to guide development along the east bench foothills of the city. That General Plan contained statements concerning an 80-acre parcel owned by North Salt Lake City but located in the jurisdiction of Salt Lake City, contiguous to North Salt Lake City. The plan recognized the importance of the parcel to the city and encouraged additional planning to determine appropriate land use opportunities. North Salt Lake City also participated in the Beck Street Reclamation and Foothill Area Plan with Salt Lake City to plan for the future of this corridor. That Plan identified the extent of the Beck Street gravel pit excavations and set in place the methods of reclamation. In this plan, the 80-acre parcel owned by North Salt Lake City was identified for open space and in April 1995, Salt Lake City rezoned the property to OS Open Space to regulate land use development.

The purpose of this General Plan Amendment is to propose and plan

Land Use Plan:

Open Space Uses: (See Land Use Plan)

The southernmost seventy (70) acres of the eighty (80) acre parcel is planned for open space uses that include a North Salt Lake City Cemetery, Wetlands Preservation Area, Wellhead Protection Area, Foothill Preservation Areas, Lime Canyon Trail, the Bonneville Shoreline Trail and Natural Open Space Areas.

The 80-acre property will retain its open space identity south of a planned ten (10) acre residential neighborhood. The Wetlands Preservation Area will provide the gateway to the open space and the North Salt Lake City Cemetery from the north. Approximately 23 acres are identified for future cemetery use. This spectacular high-bench property will provide the city an opportunity to develop a cemetery for its citizenry at a most peaceful, serene location. Initially, no more than 10 acres will be allocated to begin the cemetery on the flat bench and foothill portions of the property. This permitted open space use will provide a public use of the current natural open space that will benefit city residents and provide a responsible stewardship over the property. The remaining 47 acres is devoted to natural open space, wetlands, pedestrian and bicycle trails and foothill preservation.

The southern 22 acres of the 80-acre parcel is devoted to natural open space. No motorized vehicle access will be permitted into the area south of the cemetery.

Pedestrian and Bicycle Trails: (See Land Use Plan)

North Salt Lake City continues to explore the development of a trail head along the Bonneville Shoreline Trail. The trail head should provide parking, rest room facilities, information kiosks and drinking water. The preferred location for the trail head is at the proposed canyon park located adjacent to the Eaglewood Golf Course, which is not located on this 80-acre parcel.

Residential Uses: (See Land Use Plan)

The land use plan identifies approximately ten (10) acres for residential uses on the flat bench and gently sloping foothills immediately adjacent to the Davis County boundary. The characteristics of these properties are similar to the bench parcels currently located within North Salt Lake City and generally comply with the foothill development guidelines for slope and geotechnical analysis. Detailed analysis will be conducted during the plan development approval process. The proposed densities will range from three lots per acre on the bench to one lot per acre on the foothills. These lands will generate between 21 and 23 residential lots. Vehicular access can only be provided to these residential properties by connecting into the existing road system in North Salt Lake City. All the support services necessary for viable neighborhoods including: public safety (police, fire protection, paramedic services), commercial and retail uses, schools, churches, etc. are provided by or in North Salt Lake City only.

A buffer area is provided between the Open Space uses to the south and the gravel pit uses to the east. Salt Lake City has required the Hughes gravel pit reclamation plan to set back approximately 250 feet from their property line to their high bench gravel excavation. This provides an adequate visual, noise, access and dust buffer to this residential development. This setback area is to be restricted to open

neighborhood should be zoned Residential R1-12 to be consistent with the development regulations of the upper east bench zoning patterns.

The open space uses should be zoned OS - Natural Open Space. North Salt Lake City has developed an open space zoning district for uses west of the alignment of the proposed Legacy Parkway. Some modifications to this zoning district will be necessary to include cemetery use.

SALT LAKE CITY CORPORATION

LYNN H. PACE
DEPUTY CITY ATTORNEY

LAW DEPARTMENT

ROSS C. "ROCKY" ANDERSON
MAYOR
EDWIN P. RUTAN, II
CITY ATTORNEY

March 14, 2003

D. Michael Nielsen
North Salt Lake City Attorney
505 South Main Street
Bountiful, Utah 84010

Re: Proposed Boundary Adjustment between North Salt Lake City and Salt Lake City

Dear Michael:

This letter is in response to your initial letter dated October 22, 2002 and our subsequent conversations regarding the proposed boundary adjustment between North Salt Lake City and Salt Lake City. As you are aware, North Salt Lake City is the owner of approximately 80 acres of undeveloped real property located just south of the Salt Lake/Davis County line within Salt Lake City's municipal limits. In your letter you inquired as to the possibility of either a disconnection from Salt Lake City or a voluntary boundary adjustment between Salt Lake City and North Salt Lake.

I have discussed this matter with the Salt Lake City Council and have been authorized to provide you with the following response.

1. As you may be aware, Salt Lake City and North Salt Lake jointly facilitated and funded the preparation of the Beck Street Reclamation Framework and Foothill Area Plan, dated September 1997 (the "Beck Street Master Plan"), which was subsequently adopted by the Salt Lake City Council in October 1999. That Beck Street Master Plan indicates that this property located along the Lake Bonneville Bench was to be preserved as open space. When we met to discuss this matter, you indicated that you were not certain as to what the City of North Salt Lake wished to do with that property, although several open space possibilities were being considered. Salt Lake City would be willing to support any proposed use of the property which is consistent with the adopted Beck Street Master Plan.

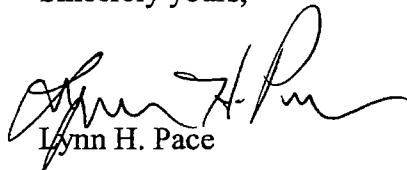
2. We do not believe that "disconnection" from Salt Lake City is appropriate or possible. It is my understanding that the municipal limits of Salt Lake City and North Salt Lake meet at the Salt Lake/Davis County line. The statute which governs disconnection (U.C.A. § 10-2-501, et seq.) indicates that when property is disconnected from a municipality, it becomes part of the unincorporated county in which it is located. However, the disconnection of this property from

Salt Lake City would leave an unincorporated island, which both the annexation and disconnection statutes specifically seek to avoid.

3. If the ultimate objective is to remove the property from within Salt Lake City and to include it within North Salt Lake City, we agree with your assessment that a boundary adjustment is the appropriate process to be used. Indeed, the disconnection statute specifically indicates that disconnection is not to be used as a substitute for boundary adjustment (U.C.A. § 10-2-510). The section governing boundary adjustment (U.C.A. § 10-2-419), contemplates a voluntary adjustment by both municipalities. Without further information as to North Salt Lake's intended use of the property, however, Salt Lake City is not interested in pursuing a boundary adjustment at this time.

If you wish to discuss this matter further, please let me know.

Sincerely yours,



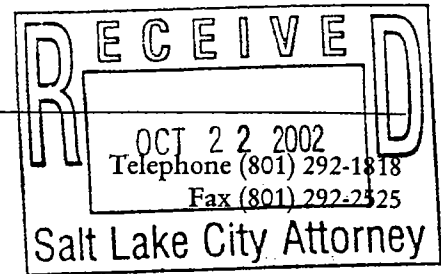
Lynn H. Pace

LHP/ns

cc: Cindy Gust-Jensen
Louis Zunguze
Doug Wheelwright

D. MICHAEL NIELSEN
North Salt Lake City Attorney

Sessions Place
505 South Main Street
Bountiful, Utah 84010



October 22, 2002

Steve Allred, Acting City Attorney
Salt Lake City
451 South State Street, #505
Salt Lake City, Utah 84111

Re: North Salt Lake City's interest in a voluntary boundary adjustment between the municipalities of North Salt Lake City and Salt Lake City.

Dear Steve:

I have recently been appointed as City Attorney for North Salt Lake City. One of the matters referred to me for review involves the City's interest in a boundary adjustment involving a parcel of property owned by our City. The parcel is approximately one hundred (100) acres, twenty (20) of which lie within our City boundaries. The other eighty (80) acres lie within the municipal limits of Salt Lake City.

You may recall that I discussed this matter with you by telephone last Tuesday, October 15, 2002. I appreciated your interest and comments.

Under the direction of the former City Attorney, a resolution was passed directing that a disconnection action be filed. In reviewing the matter, however, I have formed the opinion that rather than a formal disconnection action, a better course of action is to request a voluntary boundary adjustment.

I have enclosed the following for your consideration:

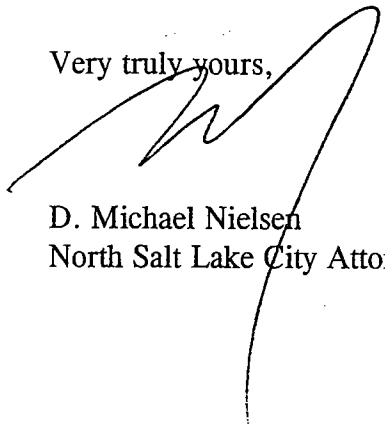
1. The disconnection resolution.
2. A plat map which should be helpful in familiarizing yourself with the location of the property.

You may recall that in last week's telephone conversation, you requested that I provide information to you so that you could attempt to assess the feelings of those who would be involved in making this decision. I would appreciate any helpful information you may be able to provide.

Incidentally, arrangements can easily be made to show you or any other appropriate personnel the property in question. Access can be obtained through a roadway which begins near Eaglewood Golf Course.

Thank you for your consideration. I would appreciate hearing from you at your earliest convenience.

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. Michael Nielsen', written over the typed name and title.

D. Michael Nielsen
North Salt Lake City Attorney

DMN/ab
enclosures

cc: Mayor Kay Briggs
Colin Wood, City Manager

**4. B. STAFF REPORT FOR THE OCTOBER 27, 2004
PLANNING COMMISSION MEETING**

DATE: October 22, 2004

TO: Salt Lake City Planning Commission

FROM: Ray McCandless

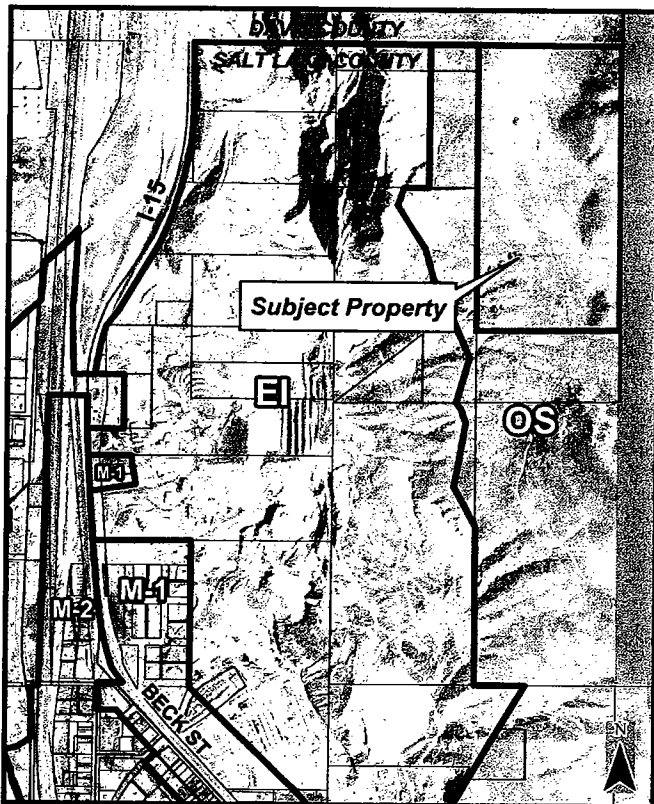
RE: STAFF REPORT FOR THE OCTOBER 27, 2004 MEETING

CASE#: 400-04-11

APPLICANT: City of North Salt Lake

STATUS OF APPLICANT: Property owner

PROJECT LOCATION: 405 West 2300 North (Salt Lake City Address Coordinates)



PROJECT/PROPERTY SIZE:	80 acres
COUNCIL DISTRICT:	District 3, Eric Jorgensen
REQUESTED ACTION:	A voluntary boundary adjustment between the municipalities of North Salt Lake and Salt Lake City. The requested action seeks to remove 80 acres from Salt Lake City's municipal boundary and extend the municipal boundary of North Salt Lake to include the 80 acres. The Planning Commission is only required to address land use issues proposed in the request.
PROPOSED USE(S):	Natural open space, (47 acres) future City cemetery (23 acres), single-family residential development (10 acres).
APPLICABLE LAND USE REGULATIONS:	Section 10-2-419. Utah Code Annotated <u>Boundary adjustment – Notice and hearing – Protest.</u>
SURROUNDING ZONING DISTRICTS:	North – North Salt Lake City (Residential) South – Open Space OS East – Open Space OS West - Extractive Industries EI
SURROUNDING LAND USES:	North – Vacant open space South – Vacant open space East – Open space West – Gravel quarries

MASTER PLAN SPECIFICATIONS:

Capitol Hill Community Master Plan

The Capitol Hill Community Master Plan was adopted on November 9, 1999 (Ordinance No. 92, 2001). The Future Land Use Map of that plan identifies this property as Foothill Open Space.

The Beck Street Reclamation Framework and Foothill Area Plan

The **Beck Street Reclamation Framework And Foothill Area Plan** also identifies this property as Open Space with the Bonneville Shoreline Trail extending north and south through the eastern side of the property. The trail shown on the **North Salt Lake Eastside Neighborhood Master Plan** generally follows the **Beck Street Reclamation Framework and Foothill Area Plan** alignment, but also shows an optional alignment near the north side of the property (see map). An East-West trail connection with the “Cliff Face Trail” is also shown on the **Beck Street Reclamation Framework and Foothill Area Plan**. This connection is identified on the attached **North Salt Lake Plan** as the Lime Canyon Trail.

Salt Lake City Open Space Plan

The **Salt Lake City Open Space Plan**, adopted in 1992, identifies trail and open space corridor opportunities throughout the City. The main goals of the plan include:

- Conserve the natural environment
- Enhance open space amenities for all citizens
- Connect the various parts of the City to natural environments.
- Educate the citizens on proper use of open space.

The potential open space corridors are detailed on a series of 15 maps. The maps do not detail the bench area north of Ensign Peak but the Shoreline Trail Corridor (Map 1 of the series) shows a trail extending northward from 700 North Street called the Bonneville Boulevard Historic Road. The Bonneville Shoreline Trail also connects north of Ensign Peak and connects with the communication tower road. The **Open Space Plan** discusses the value of open space including recreational opportunities and preservation of wildlife habitat along the foothills and Bonneville bench areas.

BACKGROUND INFORMATION:

The City of North Salt Lake owns an 80 acre parcel located in Salt Lake City on the Lake Bonneville Bench east of Beck Street above the gravel extraction businesses. The property is in Salt Lake City's corporate limits and is zoned open space. The City of North Salt Lake has requested a boundary adjustment regarding this property from Salt Lake City and intends to develop it as a cemetery, residential development and open space in their own jurisdiction.

The purpose of this memorandum is to outline the benefits of this property as open space for Salt Lake City and its relationship to the adopted Beck Street Reclamation Framework and Foothill Area Plan.

The 1992 Salt Lake City Open Space Plan recognizes Salt Lake City's outstanding open space resources and amenities. The Wasatch Mountain range, canyon streams, Jordan River, the Great Salt Lake, parks and golf courses all provide important wildlife habitat and recreational opportunities. Given the increasing awareness of the value of open space and increasing development pressures, the need to protect the remaining open spaces in and around the City is evident.

Salt Lake City's open spaces lie within three landforms that are identified in the 1994 Salt Lake City Open Space Plan. The three main landforms include the Mountains / Foothills landform, the Valley landform, which is the urbanized areas of the City, and the areas abutting the Great Salt Lake or Shore Upland landform. Each landform has its own set of characteristics that sets it apart from the other two.

Similarly, the open spaces that are located within each of these areas are unique and provide the residents of Salt Lake City differing benefits. The Salt Lake City's open spaces can generally be described as follows:

1. MOUNTAINS / FOOTHILLS

This open space category includes the Wasatch Mountains, canyons and associated foothill areas. It also includes the Lake Bonneville Bench, slope-restricted undevelopable private property, City-owned foothill property and Federal / State /Local and Private Property. Although some of this area is not within City Limits, it contributes as an important element to the overall livability and appearance of the City.

Open spaces that are part of the Mountains / Foothills area include the Wasatch Mountains, associated canyons and east bench foothills.

Importance / Benefits to the Community:

- Watershed and aquifer recharge
- Recreation
 - Bonneville shoreline trail
 - Foothill and mountain trails
- Quality of Life
 - Wasatch Mountains and Bench area provide the backdrop for the City.
- Wildlife Habitat
 - Forests
 - Foothills
- Transportation Corridors
 - Emigration Canyon
 - Parley's Canyon

The North Salt Lake property is part of this Mountain / Foothills Category. The property is situated on the ancient Lake Bonneville shoreline which was created approximately 18,000 years ago during the late Pleistocene when the lake was at its highest level at about 5,200 feet above sea level. The lake covered much of eastern Nevada, southern Idaho and western Utah. Approximately 14,500 years ago, the lake breached an area at Red Rock Pass in Southern Idaho resulting in a catastrophic outflow of water that caused the lake to drop approximately 360 feet to what is referred to as the Provo shoreline. Over time, the lake gradually receded from the Provo shoreline elevation to its current level at approximately 4212 feet above sea level. The Lake Bonneville shoreline is a prominent geologic feature that is visible along the foothills of the Wasatch Mountains and mountains of the west desert.

The Lake Bonneville shoreline at this location, is an impressive example of the geology of the shoreline as it is atypically wide, nearly 1000 feet, and is relatively undisturbed. Appreciation of the shoreline is best realized by physically being up on the bench where the views of the Salt Lake Valley and Great Salt Lake are outstanding. This area provides recreational opportunities for residents of both North Salt Lake and Salt Lake City. From Salt Lake City, the area is accessed by pedestrians and bicyclists via the Bonneville Shoreline Trail which extends along much of the east side of the City on the Lake Bonneville bench. From the north, the shoreline is accessed near the Eaglewood Golf Course in the City of North Salt Lake.

This area is similar in function and importance to other open spaces found in the mountains and foothills around Salt Lake City such as City Creek Canyon and other undeveloped segments of the Lake Bonneville bench.

2. VALLEY (URBANIZED AREAS)

This open space category includes the City's parks, golf courses, school and church yards and urban stream and river corridors such as Emigration Creek and the Jordan River.

Area Included:

- Urban Stream / River Corridors
- Parks
- Plazas
- Golf Courses
- School and Church Grounds

Importance / Benefits to the Community:

- Quality of Life
 - Recreational Opportunities
- Wildlife Habitat
 - Vegetation
 - Riparian areas along rivers and streams

- Wooded areas on golf courses and in parks

3. OPEN SPACE IN THE SHORE UPLANDS LANDFORM (GREAT SALT LAKE UPLANDS AND SHORELANDS)

This area is located generally near the Great Salt Lake.

Area Included:

- Uplands And Shorelands Near The Great Salt Lake

Importance / Benefits:

- Bird Migration / Habitat
- Recreation

BECK STREET RECLAMATION FRAMEWORK AND FOOTHILL AREA PLAN.

The Beck Street Reclamation Framework and Foothill Area Plan which was completed on September 15, 1998 and adopted on September 21, 1999, recognizes the importance of preserving the Lake Bonneville bench area above Beck Street. The bench area above Beck Street is largely intact and is a popular site for recreational activities such as hiking and mountain biking. It is the site of the Bonneville Shoreline Trail.

The bench area is described as the natural uphill link between North Salt Lake and Salt Lake City. The benefits of preserving the Bonneville Bench area for wildlife habitat, open space, aquifer recharge and overall quality of life is thoroughly discussed.

The Beck Street Reclamation Framework and Foothill Area Plan discusses the intrinsic value of open space.

"Open space has an inherent value beyond the demonstrated value for the study area:

1. Open space enhances the quality of life by adding aesthetic value to an area, preserving wildlife habitat and offering recreational opportunities
2. Recreation opportunities in open space areas are of value to the broader community and for visitors to an area . Recreation could include more active pursuits such as hiking, mountain biking and cross-country skiing, or passive activities such as bird-watching, appreciating wildlife and enjoying a beautiful view.

3. Environmental health of an area is enhanced by open space. This includes preserving wildlife habitat, providing noise and air pollution abatement, flood control and ground water recharge.
4. The environmental impacts of development can be avoided through maintaining land as open space."

Given these benefits and the benefits discussed above, protection of the remaining open spaces in and around the City is an important goal. The North Salt Lake Property is one of these remaining open spaces.

Although discussed in various parts of the Beck Street Reclamation Framework and Foothill Area Plan, the details of how the North Salt Lake property should (or should not be developed) are not clearly identified. The Preferred Land Use map of the Beck Street Plan shows the Bonneville Shoreline Trail extending north and south through the property but does not go into detail about what specific open space land uses (natural or developed) are appropriate for this property. Given the importance of this property as noted above, it would make sense at this point in time to initiate a detailed land use plan on this property that is consistent with the goals of the Beck Street Reclamation Framework and Foothill Area Plan.

SUMMARY:

All three types of open space discussed above provide interrelated yet differing roles that directly affect and add to the overall quality of life for Salt Lake City residents.

While the mountains and foothills are critical for watershed recharge, plant and animal habitat and recreation and the Great Salt Lake Uplands and Shorelands provide migratory bird refuge and limited recreational opportunities, in terms of usage alone, the open spaces in the Valley (Urbanized Areas), such as, the City's parks and golf courses are clearly the most heavily used open space component.

The North Salt Lake property is geographically closer to the City of North Salt Lake and is therefore likely to be used more often by North Salt Lake residents. Salt Lake City residents must either hike or bike to the property from the south or drive to North Salt Lake City to access this area. From a recreational standpoint, this property is not used as extensively as the Lake Bonneville shoreline in the developed parts of the City due to the physical distance of the property from the City.

From a recreational standpoint, the City's most important open spaces are the parks and golf courses in the Valley Urbanized Areas described above simply because they are used by more people than the other open spaces in the foothills, mountains or near the Great Salt Lake. Of next importance are open spaces in the foothills and canyons because they are accessible and close to the urbanized

areas of the City. The areas around the Great Salt Lake are somewhat difficult to access and are less significant in terms of recreational usage. From a recreational perspective, the importance of the North Salt Lake property likely lies somewhere between the developed foothill areas immediately east of the City and the open spaces near the Great Salt Lake.

In terms of watershed, aquifer recharge and views, the mountains are the most important open space component. The value of open space to wildlife habitat appears to be equally essential.

SUBJECT PROPERTY HISTORY:

From 1927 to 1977, the subject property was zoned for single family residential land uses at low densities. From 1977 to 1995, the property was zoned **Foothill Preservation (P-1)**. The zoning was changed to **Open Space (OS)** as part of the 1995 Zoning Rewrite Project.

To the south of the North Salt Lake property is a 20 acre parcel of vacant land owned by the Bates / Hunter family. This 20 acres is the last portion of the Bates / Hunter family owned properties that originally extended North and West to Beck Street dating back to the late 1800's. The property was incrementally purchased by various gravel excavation companies, and the most recently sold properties were purchased by Staker Paving and Hughes (Lakeview Rock Products) for gravel extraction operations in the mid 1980's. Following the Zoning Rewrite project of 1995, the Bates / Hunter family filed an inverse condemnation lawsuit (case 99-09 10566) against Salt Lake City which is still active. This property is not included as part of this petition.

The Salt Lake City Planning Commission held a public hearing on this item on March 10, 2004. At that hearing, the Planning Commission voted to table North Salt Lake City's request to allow time for the Planning Commission to visit the site and set up a Planning Commission Subcommittee Meeting to consider the issues discussed at that meeting (see attached Planning Commission meeting minutes).

The Planning Commission members visited the site at various times and on September 29, 2004, held a Subcommittee meeting. The Subcommittee meeting focused on North Salt Lake City's proposed residential development on the northern portion of the property, the proposed cemetery use, and acquisition of the property by an open space entity. The Planning Commissioners at the Subcommittee meeting were mainly concerned that approving the residential component of North Salt Lake City's plan would not be consistent with the Capital Hill Community Master Plan and would result in the further loss of existing natural open space on the ancient Lake Bonneville Bench.

The Planning Commissioners were also concerned about the cemetery proposed by North Salt Lake City. Although the Planning Commissioners recognize that a cemetery is a permitted use in Salt Lake City's Open Space (OS) zoning district, some Planning

Commission members stated that they were not convinced that a cemetery is the best use for the property.

ACCESS:

The property is vacant. Vehicular access is provided via a gated dirt road from the north, through the City of North Salt Lake.

PROJECT DESCRIPTION:

The issue at hand is whether the boundary between the cities should be adjusted by mutual agreement, as allowed by **Section 10-2-419 of the Utah State Code**.

The City of North Salt Lake owns an 80 acre piece of property located at approximately 405 West 2300 North on the high bench area north and east of the gravel pits, east of Beck Street. The property is currently in Salt Lake City's corporate city limits and is zoned **Open Space (OS)**. The property also lies within the boundaries of Salt Lake County. North Salt Lake also owns 20 acres abutting the 80 acres to the north, which is currently within North Salt Lake's municipal boundary and zoned for single family residential land uses.

The intent behind this boundary adjustment between the two cities is to bring the 80-acre parcel into the jurisdiction of the City of North Salt Lake for future development purposes. The **North Salt Lake Eastside General Plan**, which was recently adopted by North Salt Lake, and anticipates the extension of the municipal jurisdiction of North Salt Lake over the subject property, proposes using the southernmost 70-acres of this property as open space which includes a future 23 acre municipal cemetery. The **North Salt Lake Eastside General Plan** also shows residential development on the northernmost 10-acres. The City of North Salt Lake is the only jurisdiction that can provide street access, public water/sewer, and public safety for this property. For this reason, they have requested a voluntary boundary adjustment between the two municipalities. If an agreement can be reached between the two municipalities to adjust the boundaries, it is anticipated that an agreement would be signed that would limit the future land uses to the uses and acreages contained in the land use proposal being proposed. This would prevent a subsequent rezoning to other land uses, after the boundary adjustment transfers land use control to North Salt Lake.

In addition to the cemetery, open space and residential development, the **North Salt Lake City Eastside General Plan** also shows the Bonneville Shoreline Trail extending through the center of the property, and connecting to the existing Bonneville Shoreline Trail to the south on U.S. Forest Service and Salt Lake City owned foothill property.

COMENTS, ANALYSIS AND FINDINGS:

The main components of the **North Salt Lake Eastside General Plan** are the trail corridor, future 23 acre cemetery, natural open space (47 acres) and a 10-acre area for

future residential development (see attached map). The trail corridor, natural open space and future cemetery proposed in the **North Salt Lake Eastside General Plan**, comprise 70 acres or 87.5% of the property. The remaining 10 acres, or 12.5% of the property is proposed as future residential development.

North Salt Lake Proposed Land Uses:

Residential Development	10 acres
Cemetery	23 acres
Natural Open Space	<u>47 acres</u>
Total Parcel Area:	80 acres

1. COMMENTS

On February 25, 2004, a request for departmental comments was sent to the Salt Lake City Public Utilities, Fire, Engineering, Surveyor, Transportation, Police, Property Management and Public Services Departments. Requests for comments were also sent to the Salt Lake City Mayor's Open Space Advisory Committee, the Bonneville Shoreline Trail Committee and the United States Forest Service, Salt Lake Ranger District. The deadline for departmental responses was March 9, 2004. To date, the following responses have been received:

- 1) **Property Management:** The Property Management Division has no objections with the proposed boundary adjustment.
- 2) **Engineering Division:** The Engineering Division has no objection to the proposed boundary line adjustment. The comments indicate that in 1995, a "Bountiful Boulevard Feasibility Study" was performed by U.D.O.T. and the Wasatch Front Regional Council exploring the possibility of building an arterial roadway from the upper bench of North Salt Lake to connect with Salt Lake City somewhere in the vicinity of Victory Road. The preferred alignment bisects the North Salt Lake property. Although the connection was supported by Davis County cities, and the Wasatch Front Regional Council, it has always been strongly opposed by Salt Lake City due to the increased traffic volume expected through the Capitol Hill Community. For more details, see the attached comment sheet.
- 3) **Public Utilities:** The Public Utilities Department has no concerns with the proposal.
- 4) **Public Services:** The Public Services Department has no objections to the proposed boundary adjustment.
- 5) **Fire Department:** The Fire Department has no objections to the boundary adjustment.
- 6) **Transportation Division:** The Transportation Division does not object to the boundary adjustment but made recommendations concerning the trail design. The Engineering Division is recommending a 20 foot wide trail easement which will allow for a 10 foot wide shared access path with 5 foot wide shoulder on each side of the trail for signage and drainage. (See the attached Departmental Comment Letter for details).

- 7) **Mayor's Open Space Advisory Committee:** The Mayor's Open Space Advisory Committee discussed this item at their regularly scheduled Open Space Advisory Committee Meeting on Wednesday, March 17, 2004 (see attached meeting minutes).

2. ANALYSIS AND FINDINGS

Section 10-2-419. Boundary adjustment – Notice and hearing – Protest. The Utah State Code regulates boundary line adjustments between municipal jurisdictions. According to this section of State Code, the legislative body (City Council) is the approval body for boundary line adjustments. The Planning Commission's input will be forwarded to the City Council for their consideration and final decision. A public hearing before the City Council will be required following adoption of a resolution to adjust the boundary. If approved, the City will enter into an agreement with the City of North Salt Lake. If the agreement fails, then the City of North Salt Lake can pursue the issue within the court system.

Although there are no ordinance-specified findings required for a boundary adjustment between two municipalities, the Planning Commission will need to advise the City Council as to whether, in its judgment, the proposed boundary adjustment is in the best interests of the City.

Salt Lake City Master Plans:

Discussion: The proposed trail, natural open space, and future cemetery shown on the **North Salt Lake Eastside General Plan** which comprises 70 acres or 87.5% of the property is consistent with **Salt Lake City's Open Space Plan; Capitol Hill Community Master Plan; the Beck Street Reclamation Framework and Foothill Area Plan** as these plans identify this area as open space. Cemeteries are a permitted use in the City's Open Space (OS) zoning district. The remaining 10 acres or 12.5% of the property shown as residential development on North Salt Lake's Plan is not consistent with Salt Lake City's Master Plans.

OPTIONS:

The options which could be considered by the Planning Commission in its advisory capacity are as follows:

1. **Recommend approval the boundary adjustment as requested,** relying on the future land uses as specified in the North Salt Lake Eastside General Plan as being 87.5% in compliance with the Salt Lake City's future land use recommendations as stated in its applicable adopted master plans. Such a recommendation has the following advantages and disadvantages:

Advantages:

- No cost to Salt Lake City.
- The property is still 87.5% in compliance with Salt Lake City's plans.

- Fosters positive and cooperative working relations with North Salt Lake with respect to land use matters.
- The agreement between North Salt Lake and Salt Lake City will establish and set the development limitations on the property, rather than have them potentially set by court action.
- Potential for two cities to agree on a mutual win-win land use solution regarding development potential of the property and better guide future development requests.

Disadvantages:

- 10 acres or 12.5% of the subject property used for residential development which is not in compliance with the City's master plans.
- 23 acres or 28.8% of the subject property used for developed open space (cemetery) as opposed to natural open space.
- North Salt Lake gets to complete its suburban development of the neighborhood to the north (a positive for North Salt Lake).
- Reliance on North Salt Lake City to adhere to the agreement not to exceed the 12.5% residential development.

2. Recommend rejection of the boundary adjustment as an incompatible future land use of residential and cemetery development which will reduce the amount of natural open space and natural vegetation on this portion of the historic ancient Lake Bonneville bench topographic feature. Such a recommendation has the following advantages and disadvantages:

Advantages:

- Salt Lake City would retain development review oversight on the property consistent with adopted land use Master Plan documents (maintaining status quo).
- The property would remain predominantly natural vegetation, permitting only such uses as cemeteries and golf courses as permitted under the City's Open Space zoning district.

Disadvantages:

- North Salt Lake has indicated that it will pursue alternative actions, which may include selling the project to a third party or filing a motion for disconnection.
- Could foster additional animosity between the two municipalities with respect to land use decisions.
- Long-term threat of future development would not entirely be eliminated. North Salt Lake could for example, sell to private property owners who would come into Salt Lake City and want to develop their property and seek a disconnection to join North Salt Lake.

3. **Recommend rejection of the boundary adjustment proposal and attempt to organize the purchase of the 80 acres to preserve the existing topography and natural vegetation.** Such a recommendation has the following advantages and disadvantages:

Advantages:

- If purchased by an open space preservation entity, the property would be preserved as open space in perpetuity and available for open space benefit of residents of both municipalities.
- When added to the other abutting publicly held open space, a visually significant no-development buffer between the two cities would be enhanced, protecting the environmentally sensitive areas in the area and helping to preserve the geographical and environmental setting or context of the historic Lake Bonneville bench at this location.

Disadvantages:

- The current property owner may not be willing to sell.
- The long-term threat or pressure to develop the property may not be entirely eliminated particularly if publicly owned.
- Probable court challenge by North Salt Lake, which could potentially result in substantial acreage or all of the 80 acres being developed.
- Could foster further animosity between the two municipalities, with respect to land use decisions.

While a purchase of the entire 80 acres by Salt Lake City or some other non-profit Open Space Land Preservation entity would be the ultimate solution to both City's needs as noted in the attached letter from Mayor Rocky Anderson to Mayor Briggs dated September 28, 2004, the problems in raising sufficient funds for such a purpose within acceptable time limits, could prove to be challenging. It is clear to both communities that the proposal presented by North Salt Lake does not comply with Salt Lake City Master Plan Policies. Therefore, the decision for the Planning Commission is how to best address the needs of both communities within the new time constraints facing the City Council, as stated in the October 14, 2004 letter from North Salt Lake Mayor, Mayor Briggs.

In light of the recent correspondence and time constraints, a fourth option has been developed for consideration by the Planning Commission as follows:

4. **Recommend to the City Council that the North Salt Lake / Salt Lake City boundary be adjusted only around the proposed 10 acre residential development and 23 acre cemetery and that the proposed 47 acres of property remain in Salt Lake City and that an agreement between the two jurisdictions be implemented assuring that the 47 acres be preserved in perpetuity as natural open space.**

Advantages:

- Requires the least boundary adjustment necessary for North Salt Lake to accomplish their objectives.
- Keeps Salt Lake City's Land Use Plans intact to the greatest extent possible.
- When the 47 acres is added to the other abutting publicly held open space, a visually significant no-development buffer between the two cities would be enhanced, protecting the environmentally sensitive areas in the area and helping to preserve the geographical and environmental setting or context of the historic Lake Bonneville bench at this location.
- May preclude North Salt Lake from pursuing alternative actions.
- The long-term threat or pressure to develop the 47 acres will be reduced through an interlocal agreement.
- An advantage to North Salt Lake is that being in Salt Lake City's jurisdiction, Salt Lake City would likely help with fire suppression, water shed management etc. on the open space area.
- Affords both Salt Lake and North Salt Lake and adjoining property owners an opportunity to review comprehensive land use options in the area.

Disadvantages:

- Allows some development on the property which is contrary to the adopted Salt Lake City Master Plans.

In consideration of the advantages and disadvantages of each option discussed above, and in light of the apparent failure to raise the funds necessary to purchase all of the North Salt Lake owned 80 acres, within the time constraint now established, the fourth option is the most appropriate for this property as an open space preservation strategy if the property is not purchased.

RECOMMENDATION

If funds to purchase the property become available, and North Salt Lake agrees to the purchase, Option 3 is the best solution. However, should the acquisition of funds be problematic, the Planning Commission should recommend that the City Council enter into negotiations with North Salt Lake to fashion a boundary adjustment only around the proposed 10 acre residential development and 23 acre cemetery and that the 47 acres of the North Salt Lake owned property remain in Salt Lake City and that an agreement between the two jurisdictions be implemented assuring that the 33 acres be developed as proposed i.e., 10 acres of single family residential and 23 acres as a municipally owned cemetery as discussed in Option 4 above.

ATTACHMENTS

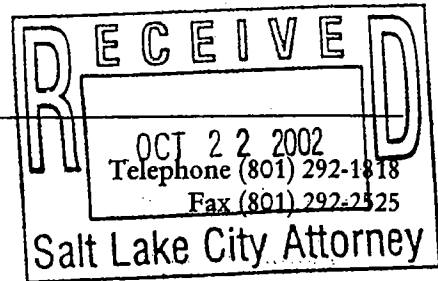
1. Letter from the North Salt Lake City Attorney's Office Dated October 22, 2002
2. Letter from the Salt Lake City Attorney's Office Dated March 14, 2003
3. Letter from the City of North Salt Lake Dated October 8, 2003

4. Letter from Mayor Rocky Anderson to the North Salt Lake City Council Dated September 28, 2004
5. Mayor Briggs letter to the Salt Lake City Council Dated October 14, 2004
6. Departmental Comment Letters Received to Date
7. Beck Street Reclamation Framework and Foothill Area Plan Map
8. Planning Commission Minutes of March 10, 2004
9. Letter from the Mayor's Open Space Advisory Committee & Follow-up Open Space Advisory Meeting Minutes.
10. Capitol Hill Community Council Resolution Dated April 21, 2004

Letters From Salt Lake City and North Salt Lake City

D. MICHAEL NIELSEN
North Salt Lake City Attorney

Sessions Place
505 South Main Street
Bountiful, Utah 84010



October 22, 2002

Steve Allred, Acting City Attorney
Salt Lake City
451 South State Street, #505
Salt Lake City, Utah 84111

Re: North Salt Lake City's interest in a voluntary boundary adjustment between the municipalities of North Salt Lake City and Salt Lake City.

Dear Steve:

I have recently been appointed as City Attorney for North Salt Lake City. One of the matters referred to me for review involves the City's interest in a boundary adjustment involving a parcel of property owned by our City. The parcel is approximately one hundred (100) acres, twenty (20) of which lie within our City boundaries. The other eighty (80) acres lie within the municipal limits of Salt Lake City.

You may recall that I discussed this matter with you by telephone last Tuesday, October 15, 2002. I appreciated your interest and comments.

Under the direction of the former City Attorney, a resolution was passed directing that a disconnection action be filed. In reviewing the matter, however, I have formed the opinion that rather than a formal disconnection action, a better course of action is to request a voluntary boundary adjustment.

I have enclosed the following for your consideration:

1. The disconnection resolution.
2. A plat map which should be helpful in familiarizing yourself with the location of the property.

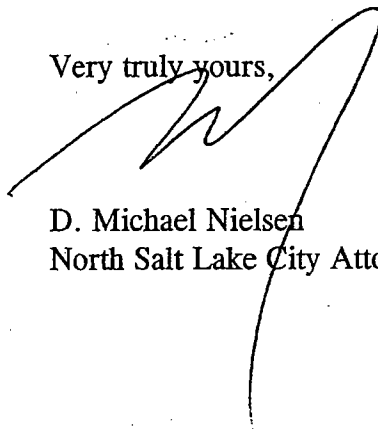
page 2, continued
October 22, 2002

You may recall that in last week's telephone conversation, you requested that I provide information to you so that you could attempt to assess the feelings of those who would be involved in making this decision. I would appreciate any helpful information you may be able to provide.

Incidentally, arrangements can easily be made to show you or any other appropriate personnel the property in question. Access can be obtained through a roadway which begins near Eaglewood Golf Course.

Thank you for your consideration. I would appreciate hearing from you at your earliest convenience.

Very truly yours,



D. Michael Nielsen
North Salt Lake City Attorney

DMN/ab
enclosures

cc: Mayor Kay Briggs
Colin Wood, City Manager

SALT LAKE CITY CORPORATION

LYNN H. PAGE
DEPUTY CITY ATTORNEY

LAW DEPARTMENT

ROSS C. "ROCKY" ANDERSON
MAYOR
EDWIN P. RUTAN, II
CITY ATTORNEY

March 14, 2003

D. Michael Nielsen
North Salt Lake City Attorney
505 South Main Street
Bountiful, Utah 84010

Re: Proposed Boundary Adjustment between North Salt Lake City and Salt Lake City

Dear Michael:

This letter is in response to your initial letter dated October 22, 2002 and our subsequent conversations regarding the proposed boundary adjustment between North Salt Lake City and Salt Lake City. As you are aware, North Salt Lake City is the owner of approximately 80 acres of undeveloped real property located just south of the Salt Lake/Davis County line within Salt Lake City's municipal limits. In your letter you inquired as to the possibility of either a disconnection from Salt Lake City or a voluntary boundary adjustment between Salt Lake City and North Salt Lake.

I have discussed this matter with the Salt Lake City Council and have been authorized to provide you with the following response.

1. As you may be aware, Salt Lake City and North Salt Lake jointly facilitated and funded the preparation of the Beck Street Reclamation Framework and Foothill Area Plan, dated September 1997 (the "Beck Street Master Plan"), which was subsequently adopted by the Salt Lake City Council in October 1999. That Beck Street Master Plan indicates that this property located along the Lake Bonneville Bench was to be preserved as open space. When we met to discuss this matter, you indicated that you were not certain as to what the City of North Salt Lake wished to do with that property, although several open space possibilities were being considered. Salt Lake City would be willing to support any proposed use of the property which is consistent with the adopted Beck Street Master Plan.

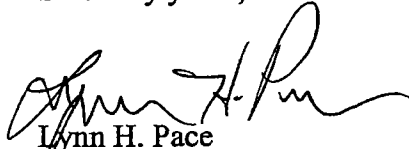
2. We do not believe that "disconnection" from Salt Lake City is appropriate or possible. It is my understanding that the municipal limits of Salt Lake City and North Salt Lake meet at the Salt Lake/Davis County line. The statute which governs disconnection (U.C.A. § 10-2-501, et seq.) indicates that when property is disconnected from a municipality, it becomes part of the unincorporated county in which it is located. However, the disconnection of this property from

Salt Lake City would leave an unincorporated island, which both the annexation and disconnection statutes specifically seek to avoid.

3. If the ultimate objective is to remove the property from within Salt Lake City and to include it within North Salt Lake City, we agree with your assessment that a boundary adjustment is the appropriate process to be used. Indeed, the disconnection statute specifically indicates that disconnection is not to be used as a substitute for boundary adjustment (U.C.A. § 10-2-510). The section governing boundary adjustment (U.C.A. § 10-2-419), contemplates a voluntary adjustment by both municipalities. Without further information as to North Salt Lake's intended use of the property, however, Salt Lake City is not interested in pursuing a boundary adjustment at this time.

If you wish to discuss this matter further, please let me know.

Sincerely yours,



Lynn H. Pace

LHP/ns

cc: Cindy Gust-Jensen
Louis Zunguze
Doug Wheelwright



CITY OF NORTH SALT LAKE

20 South Hwy 89 • PO Box 540208
North Salt Lake, Utah 84054-0208
(801) 936-3877

KAY W. BRIGGS
Mayor

COLLIN H. WOOD
City Manager

October 8, 2003

Carlton Christensen, Chair
Salt Lake City Council
451 South State Street
Salt Lake City, Utah 84111

Dear Councilman Christensen:

In October 2002, the City of North Salt Lake contacted the Salt Lake City Attorney to begin discussions of a potential boundary adjustment between our two cities of an 80-acre parcel of property owned by North Salt Lake City located on the high bench above the Beck Street gravel pits. In March 2003, Mr. Lynn Pace, Deputy City Attorney, responded in writing to our request agreeing that the boundary adjustment is the appropriate legal process; however, conveyed that Salt Lake City needed information concerning North Salt Lake City's intended uses of the 80-acre parcel.

In April 2003 North Salt Lake City commenced a planning process to define the long-range plan for this property by hiring a professional planning consultant, Mr. Bill Wright, to develop a General Plan Amendment. We followed the proscribed planning process in Utah Statute to analyze alternative land uses, study development issues and follow the legal plan adoption process. The General Plan Amendment for this 80-acre city owned property was adopted by the North Salt Lake City Planning Commission on August 26, 2003 and North Salt Lake City Council on September 16, 2003.

Mr. Wright is very familiar with the planning processes employed by both cities in the shared "*Beck Street Reclamation Framework and Foothill Area Plan*". The plan identified the extent of the Beck Street gravel pit excavations and set in place the methods of reclamation. In that plan, the 80-acre parcel owned by North Salt Lake City was identified for open space and in April 1995, Salt Lake City rezoned the property to "OS" Open Space to regulate land use development. A definitive study of land use alternatives for the 80-acre parcel was not conducted in that planning process. The assumption was that because the parcel was publicly owned, the open space designation was the only land use explored. Much of this 80-acre parcel has relatively flat property characteristics that comply with development standards in both Salt Lake City and North Salt Lake City.

The purpose of the attached General Plan Amendment is to propose and plan for a boundary adjustment with Salt Lake City to bring this 80-acre parcel into the jurisdiction of North Salt Lake City. This general plan amendment will provide the land use plan, transportation plan and a zoning plan for this property. North Salt Lake City is the only jurisdiction that can provide street access, public water and sewer utilities, public safety (police, fire protection, paramedic services, etc.) and private utilities to the site for the appropriate development of the property. North Salt Lake City also owns two culinary water wells on the property that supply water to its citizens.

Utah State Code allows municipal jurisdictions to cross county boundaries. With the approval of the proposed boundary adjustment, the 80-acre parcel will be within the municipal jurisdiction of North Salt Lake City; however, will remain within the county jurisdiction of Salt Lake County.

This General Plan Amendment addresses the question posed by Salt Lake City in March 2003. North Salt Lake City has identified approximately 10 acres to be devoted to low-density residential development and the remaining 70 acres in uses allowed as "open space" uses in the Salt Lake City zoning ordinances. This development plan will allow North Salt Lake City to preserve valued open space, formally designated the Bonneville Shoreline Trail and Lime Canyon Trail, develop a city cemetery and provide housing on land suitable for development. The proposed land uses respond to the "lay of the land" and natural features that balance the community desires for foothill open space, a city cemetery and residential development. This plan is an excellent example of the planning concept, "*saved by development*" which allows the revenue from developing appropriate land uses on certain properties to be available to ensure that other more sensitive lands remain in open space. I believe you will agree with the North Salt Lake City Council that this General Plan Amendment provides the most responsible means of regulating the land uses of this 80-acre parcel for our respective communities.

It is best that this 80-acre parcel be included in the jurisdiction of North Salt Lake City for several reasons.

First, the City of North Salt Lake is the only jurisdiction that can provide the basic public services, including street access, public water and sewer utilities, storm drainage utilities, public safety (police, fire protection, paramedic services, etc.), schools, churches and supportive retail/commercial services necessary for the development of the open space uses and residential uses. Salt Lake City cannot physically provide any of these required and typical municipal services to this property.

Second, the City of North Salt Lake has a desire to provide a city cemetery for its residents. A portion of this 80-acre parcel provides an excellent setting for a cemetery. Currently there are very few cities in Davis County that do not have a cemetery. The city desires to have jurisdictional regulation over the cemetery that it will own and provide for its residents.

Third, the City of North Salt Lake owns multiple culinary water wells on this 80-acre parcel that supply its residents with drinking water. The city desires to protect these water sources through both ownership and jurisdictional regulation of development.

Please review the attached General Plan Amendment for this proposed boundary adjustment. I look forward to an opportunity in the near future to have a work session with the Salt Lake City Council where our planning consultant, Bill Wright, can review the details of the plan and elaborate on the value and importance of this planning approach. We have considered many land use alternatives for this 80-acre parcel and have concluded that these proposed uses support our community planning goals, are economically feasible for our community and will provide for responsible stewardship of this foothill property.

I would encourage that we schedule a field trip to our property before the fall weather turns to winter. We can accommodate limited access to the property with vehicles for convenience of time.

In March 2003, the North Salt Lake City Council decided to take a "planning approach" to this discussion of the boundary adjustment rather than a legal challenge to the Open Space zoning and boundary disconnection. We believe this planning approach will prove beneficial to both cities and we look forward to a productive dialogue with the Salt Lake City Council.

Please ask your staff to contact Collin Wood, City Manager, at 936-3877 to schedule a meeting to discuss this proposal.

Respectfully submitted,



Kay W. Briggs
Mayor

wtw:KWB

cc: Cindy Gust-Jensen, Executive Director, Salt Lake City Council
Lynn Pace, Deputy City Attorney
Louis Zunguze, Planning Director
North Salt Lake City Council

General Plan Amendment

**North Salt Lake City
Eastside Neighborhood Master Plan
80-Acre Parcel
Adopted September 16, 2003**

**North Salt Lake City Planning Commission
Recommendation
to the
City Council**

Purpose:

The North Salt Lake City Eastside General Plan was adopted by North Salt Lake City Council to guide development along the east bench foothills of the city. That General Plan contained statements concerning an 80-acre parcel owned by North Salt Lake City but located in the jurisdiction of Salt Lake City, contiguous to North Salt Lake City. The plan recognized the importance of the parcel to the city and encouraged additional planning to determine appropriate land use opportunities. North Salt Lake City also participated in the Beck Street Reclamation and Foothill Area Plan with Salt Lake City to plan for the future of this corridor. That Plan identified the extent of the Beck Street gravel pit excavations and set in place the methods of reclamation. In this plan, the 80-acre parcel owned by North Salt Lake City was identified for open space and in April 1995, Salt Lake City rezoned the property to OS Open Space to regulate land use development.

The purpose of this General Plan Amendment is to propose and plan

for a boundary adjustment with Salt Lake City to bring this 80-acre parcel into the jurisdiction of North Salt Lake City. This general plan amendment will provide the land use plan, transportation plan and a zoning plan for this property. North Salt Lake City is the only jurisdiction that can provide street access, public water and sewer utilities, public safety (police, fire protection, paramedic services, etc.) and private utilities to the site for the appropriate development of the property. North Salt Lake City also owns two culinary water wells on the property that supply water to its citizens.

Utah statues allow municipal jurisdictions to cross county boundaries. With this boundary adjustment, the 80-acre parcel will be within the municipal jurisdiction of North Salt Lake City; however, will remain within the county jurisdiction of Salt Lake County.

Description of the Property:

The property is located immediately south of the Davis County boundary, east of the Beck Street gravel pit operations, north of the Hunter property and west of the National Forest Service property on the high bench foothills. The majority of the property is a relatively flat bench, a geologic antiquity of Lake Bonneville shoreline. The property contains two water wells along the east foothills that provide North Salt Lake City with culinary water. The property also contains identifiable wetlands fed by surface springs. The Bonneville Shoreline trail presently bisects the property with a pedestrian and bicycle trail, however, the trail is not officially designated or dedicated at that location. The property is presently undeveloped, used as natural open space.

Land Use Plan:

Open Space Uses: (See Land Use Plan)

The southernmost seventy (70) acres of the eighty (80) acre parcel is planned for open space uses that include a North Salt Lake City Cemetery, Wetlands Preservation Area, Wellhead Protection Area, Foothill Preservation Areas, Lime Canyon Trail, the Bonneville Shoreline Trail and Natural Open Space Areas.

The 80-acre property will retain its open space identity south of a planned ten (10) acre residential neighborhood. The Wetlands Preservation Area will provide the gateway to the open space and the North Salt Lake City Cemetery from the north. Approximately 23 acres are identified for future cemetery use. This spectacular high-bench property will provide the city an opportunity to develop a cemetery for its citizenry at a most peaceful, serene location. Initially, no more than 10 acres will be allocated to begin the cemetery on the flat bench and foothill portions of the property. This permitted open space use will provide a public use of the current natural open space that will benefit city residents and provide a responsible stewardship over the property. The remaining 47 acres is devoted to natural open space, wetlands, pedestrian and bicycle trails and foothill preservation.

The southern 22 acres of the 80-acre parcel is devoted to natural open space. No motorized vehicle access will be permitted into the area south of the cemetery.

Pedestrian and Bicycle Trails: (See Land Use Plan)

The Bonneville Shoreline Trail is identified to be relocated from its current (unofficial) position bisecting the bench property to the edge of the foothills. Relocating and designating an easement for the Bonneville Shoreline Trail will provide a better location for trail users to view the Great Salt Lake and valley and be located in a natural open space setting. North Salt Lake City will dedicate a trail easement across the 80-acre parcel for the Bonneville Shoreline Trail at the new location. Development of the relocated trail will be coordinated with the Bonneville Shoreline Trail Committee and the National Forest Service. The three groups should explore grants and volunteer efforts to construct the new trail.

This plan identifies two alternative trail alignments for the Bonneville Shoreline Trail through the residential neighborhood. Trail Alignment A is a higher elevation foothill alignment behind the residential uses on the east. This trail would remain higher on the foothills until it reaches a proposed canyon park located adjacent to the Eaglewood Golf Course. Trail Alternative B follows the alignment of the public street from the cemetery entrance through the residential neighborhood. Additional studies are required of private property development alternatives north of the 80-acre parcel before a final alignment can be selected.

A new Lime Canyon Trail is identified on the Land Use Plan for pedestrian use to connect with a potential trail traversing the high bench reclamation of the Staker gravel pits to Beck Street. The trail will follow the natural Lime Canyon through the 80-acre parcel and into the Forest Service property. An information kiosk should be located at the intersection of the Lime Canyon Trail and the Bonneville Shoreline Trail. North Salt Lake City will provide an easement for the Lime Canyon Trail for public use and access to Forest Service property and upper bench trails.

North Salt Lake City continues to explore the development of a trail head along the Bonneville Shoreline Trail. The trail head should provide parking, rest room facilities, information kiosks and drinking water. The preferred location for the trail head is at the proposed canyon park located adjacent to the Eaglewood Golf Course, which is not located on this 80-acre parcel.

Residential Uses: (See Land Use Plan)

The land use plan identifies approximately ten (10) acres for residential uses on the flat bench and gently sloping foothills immediately adjacent to the Davis County boundary. The characteristics of these properties are similar to the bench parcels currently located within North Salt Lake City and generally comply with the foothill development guidelines for slope and geotechnical analysis. Detailed analysis will be conducted during the plan development approval process. The proposed densities will range from three lots per acre on the bench to one lot per acre on the foothills. These lands will generate between 21 and 23 residential lots. Vehicular access can only be provided to these residential properties by connecting into the existing road system in North Salt Lake City. All the support services necessary for viable neighborhoods including: public safety (police, fire protection, paramedic services), commercial and retail uses, schools, churches, etc. are provided by or in North Salt Lake City only.

A buffer area is provided between the Open Space uses to the south and the gravel pit uses to the east. Salt Lake City has required the Hughes gravel pit reclamation plan to set back approximately 250 feet from their property line to their high bench gravel excavation. This provides an adequate visual, noise, access and dust buffer to this residential development. This setback area is to be restricted to open

space use through a conservation easement entrusted to Salt Lake City. Once the uppermost high-bench gravel excavations are completed, the interaction between the residential uses and the gravel pit excavations will be minimal. Along the southern border of the residential area a grove of native specie trees should be planted to buffer the developed area from the cemetery. The grove of trees will provide a visual buffer for the cemetery and a wind break for the residential neighborhood.

Transportation Plan: (See Land Use Plan Map)

A residential collector street will provide vehicle access into the 80-acre parcel from the north. The street will be terminated north of the Wetlands Preservation Area. The street will provide access to the North Salt Lake City Cemetery at a loop turn-a-bout.

The narrow road network serving the cemetery will be dedicated for the exclusive use of cemetery patrons with the option to close access after hours of visitation. The speed limit within the cemetery will be 15 miles per hour maximum with a narrow street design, no curbs and gutters and no designated parking. A storm water drainage system will be designed with landscaped swales.

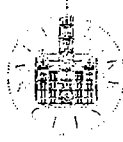
North Salt Lake City has provided an additional high bench arterial with the development of Eagleridge Drive, taking the higher volume of traffic from the upper bench to Highway 89 at Orchard Drive.

Zoning Plan

Utah Statue provides that when a boundary adjustment is accomplished, then the property needs to be zoned to regulate development by North Salt Lake City. The identified Residential

neighborhood should be zoned Residential R1-12 to be consistent with the development regulations of the upper east bench zoning patterns.

The open space uses should be zoned OS - Natural Open Space. North Salt Lake City has developed an open space zoning district for uses west of the alignment of the proposed Legacy Parkway. Some modifications to this zoning district will be necessary to include cemetery use.



ROSS C. "ROCKY" ANDERSON
MAYOR

SALT LAKE CITY CORPORATION
OFFICE OF THE MAYOR

September 28, 2004

VIA FACSIMILE (936-0874)

Mayor Kay Briggs
North Salt Lake City
20 South Highway 89
P.O. Box 208
North Salt Lake City, Utah 84054

Re: 80 acres of North Salt Lake property

Dear Mayor Briggs:

Pursuant to the discussion during our last meeting, enclosed please find a proposed joint letter outlining a process by which Salt Lake City and North Salt Lake can work together to attempt to establish a value for the North Salt Lake property located within Salt Lake City, and to raise the funds necessary to preserve that property as open space. As we discussed, the letter also describes our common goal. Please let me know if this letter is acceptable to you or if you have any proposed modifications.

Thank you for your continued patience and cooperation in connection with this important issue.

Best regards,

Ross C. Anderson
Mayor

Encl.

September 28, 2004

Members of the North Salt Lake City Council
20 South Highway 89
P.O. Box 208
North Salt Lake City, Utah 84054

Members of the Salt Lake City Council
Members of the Salt Lake City Planning Commission
451 South State Street
Salt Lake City, Utah 84111

Re: North Salt Lake Property located within Salt Lake City

Dear Ladies and Gentlemen:

As you are aware, the City of North Salt Lake owns 80 acres of property located along the ancient Lake Bonneville shoreline immediately east of the existing gravel pits within Salt Lake City. Officials from North Salt Lake City and Salt Lake City have been involved in ongoing discussions regarding the future use and preservation of this property. The purpose of this letter is to inform you as to the status of those discussions and to identify the joint goals and objectives of both cities with respect to that property.

Both North Salt Lake City and Salt Lake City share a joint goal of preserving those 80 acres of real property as natural open space, if practicable in light of other goals of North Salt Lake City, and the cities agree to work cooperatively toward that common goal. In order to do so, the administrations of both cities have agreed to take the following steps:

1. The parties will attempt to agree upon a value for the 80 acres of property. Negotiations as to that value will be completed no later than October 15, 2004.
2. Assuming the parties can agree upon a value, Salt Lake City will attempt to raise the funds necessary to compensate North Salt Lake City for the 80 acres of property. Salt Lake City will seek to raise the funds necessary to consummate the purchase of the property no later than October 15, 2005.

3. During the interim, the Salt Lake City Planning Commission will proceed with its analysis and recommendation regarding North Salt Lake City's proposed boundary adjustment, and will forward that recommendation to the Salt Lake City Council.

4. Both administrations request that the Salt Lake City Council and North Salt Lake City Council defer any further action with respect to this property until the parties have had an opportunity to explore the potential purchase and preservation of this property.

5. If at any time during these proceedings, the administration of North Salt Lake City determines that it is no longer willing to proceed with this proposal to preserve the property, North Salt Lake City agrees to give Salt Lake City written notice of that fact, and North Salt Lake City shall grant the Salt Lake City Council a period of at least 30 days to make a decision on North Salt Lake City's original proposal for a boundary adjustment.

Salt Lake City and North Salt Lake City have a long history of working together as neighbors with common interests and goals to achieve various objectives for the benefit of their respective citizens. Pursuant to that ongoing relationship, both administrations pledge their best efforts and good faith in pursuing this proposal.

NORTH SALT LAKE CITY

Mayor Kay Briggs

SALT LAKE CITY CORPORATION



Mayor Ross C. Anderson



OCT 18 2004

C7

CITY OF NORTH SALT LAKE

20 South Hwy 89 • PO Box 540208
North Salt Lake, Utah 84054-0208
(801) 936-3877

KAY W. BRIGGS
Mayor

COLLIN H. WOOD
City Manager

October 14, 2004

Mayor Ross C. Anderson
Salt Lake City Corporation
451 South State Street
Salt Lake City, UT 84111

Subject: North Salt Lake City 80 acre parcel

Dear Mayor Anderson:

Your proposed process for Salt Lake City to respond to our request for a boundary adjustment, is inadequate and unacceptable to North Salt Lake City. North Salt Lake City expected a response from Salt Lake City either approving or disapproving the boundary adjustment for the 80-acre parcel in a timely fashion. Your proposed outline of the process has no dates for a final response to our request for a boundary adjustment.

Today, I was informed that the Salt Lake City Planning Commission will finalize their recommendation to the City Council on October 27, 2004. North Salt Lake City will be represented at that meeting to respond to any questions they may still have. With that progress, I believe the Salt Lake City Council can then take control of this legislative decision and respond to the boundary adjustment request. I respectfully request that the City Council do so within the next sixty (60) days.

In our last meeting, it became clear to us that you have not communicated with your Deputy Mayor, Rocky Fluhart or your advisor, Lisa Romney, regarding conversations they have had with North Salt Lake City during the time period from March 11, 2004 up to our last meeting on September 15, 2004. During those six months, your administration informed North Salt Lake that they were exploring alternatives for funding sources to purchase the 80 acres from North Salt Lake. On June 25, 2004, we had a phone conversation and a site visit to the 80 acre parcel with Mr. Fluhart. In the phone conversation, we represented to Mr. Fluhart that North Salt Lake City needed a response from Salt Lake City on the boundary adjustment by the end of September 2004.

On July 26, 2004 the Salt Lake Tribune ran an article quoting your position against our plan and proposal to disconnect. In a conversation that day with Mr. Fluhart, he represented that the administration would formulate its position upon your return to the office the following week. In late August, we became aware that this item would be on the September 8, 2004 Planning Commission agenda and expected that the Salt Lake City Planning Commission would make their recommendation to the City Council in that meeting. On September 3, 2004 we were informed by your Planning Director that only a discussion would occur and no recommendation would be finalized. In our latest meeting on September 15, 2004, you seemed to not be aware of the efforts to identify sources of funding that Mr. Fluhart told us that he had made nor the September deadline.

You noted that Salt Lake City had recently received an appraisal of the 80 acre property and wanted to negotiate a price to purchase the property and set that price by October 15, 2004. You were also unaware that I had provided a value of the 80 acre property of \$3.665 million to your open space committee and to Salt Lake City staff back in April 2004.

Need I remind you, that North Salt Lake submitted our proposal to Salt Lake City on October 8, 2003, one year ago. My patience has now run out, particularly with your recent request for yet another year for Salt Lake City to make a decision.

Our proposal for the boundary adjustment clearly demonstrates that Salt Lake City cannot provide any municipal services to this developable property. Your own public notice of the March 10, 2004 Planning Commission public hearing has stated that fact. A boundary adjustment or a disconnection of this property will inevitably occur.


Our preference has been to implement a plan providing for reasonable uses of the property, preserving 70 acres in open space uses and developing 10 acres in compatible residential uses. Our detailed plan responded to the "lay of the land", physical features that better represent land use designations rather than an arbitrary political line surveyed nearly 150 years ago. Salt Lake City's review of the boundary adjustment seems to totally focus on the potential uses of the 80 acre parcel rather than on the real issue that Salt Lake City cannot provide any municipal services to this developable property. The focus of discussion should be which political entity can best provide efficient and cost effective municipal services to this small parcel.

The Salt Lake City administration's inability to approve or disapprove of the boundary adjustment, leads me to ask that Salt Lake City respond to our requested boundary adjustment within 60 days of the date of this letter. If Salt Lake City is unwilling to respond in that time frame, then North Salt Lake City will pursue other alternatives to have the 80 acres placed within our corporate boundaries as provided by the law.

In our last meeting, I informed you that there were a few developers who have expressed interest in developing homes on nearly the entire 80 acres. They would be willing to take on the expenses of the court proceedings necessary to disconnect the property from Salt Lake City as provided in Sections 10-2-501 and 502 of the Utah Code Annotated. They are confident that the facts of this case will lead to the court granting a disconnect. A recent court ruling by Judge Quinn in the Bluffdale City disconnection indicates favorable points in the law to this disconnect.

Please feel free to contact me with any questions. I look forward to the discussions with the Salt Lake City Council concerning this simple request to provide the most efficient municipal services to this 80 acre parcel of developable land. I look forward to a response from Salt Lake City regarding the boundary adjustment within sixty (60) days.

Sincerely,



Kay W. Briggs
Mayor of North Salt Lake City

cc: ☒ Salt Lake City Council members
North Salt Lake City Council members
Salt Lake City Planning Commission

Salt Lake City Departmental Comments

ROCKY J. FLUHART
CHIEF ADMINISTRATIVE OFFICER

SALT LAKE CITY CORPORATION
DEPARTMENT OF MANAGEMENT SERVICES
PURCHASING, CONTRACTS AND PROPERTY MANAGEMENT DIVISION

ROSS C. ANDERSON
MAYOR

INTEROFFICE MEMORANDUM
Property Management
Room 225

March 3, 2004

TO: Greg Mikolash
Planning

FROM : Linda Cordova *Lpc*
Property Manager

RE: Boundary Line Adjustment between the City of North Salt Lake and
Salt Lake City City.

Property Management has no objection to this petition request.

ENGINEERING

McCandless, Ray

From: Weiler, Scott
Sent: Thursday, March 04, 2004 4:26 PM
To: Mikolash, Gregory; McCandless, Ray
Subject: FW: North Salt Lake Boundary Adjustment
Categories: Program/Policy

Greg & Ray,

Engineering has no objection to the proposed boundary line adjustment.

In 1995, the "Bountiful Boulevard Feasibility Study" was performed for UDOT and WFRC. The purpose was to study the possibility of building an arterial roadway from the upper bench of North Salt Lake to connect with Salt Lake City, somewhere in the vicinity of Victory Road. The study developed a preferred alignment, which basically bisects the subject property. Although the Bountiful Blvd. connection was supported by Davis County cities as an alternative access from Davis County to Salt Lake City, it has always been strongly opposed by Salt Lake City. It appears with this proposal that the Bountiful Blvd. connection as developed in the 1995 study, is now being laid to rest. The city should require some language in the boundary adjustment process which guarantees this.

Scott

3/5/2004

McCandless, Ray

From: Garcia, Peggy
Sent: Friday, February 27, 2004 2:04 PM
To: Mikolash, Gregory; McCandless, Ray
Subject: Petition by City of North Salt Lake
Categories: Program/Policy

Salt Lake City has reviewed the above-mentioned petition and finds that we do not have an issue with this property being annexed into North Salt Lake, Davis County.

If you have any question please contact Jeff Niermeyer at 483-6785,

Thanks,

Peggy Garcia
Salt Lake City Public Utilities
Contracts Supervisor
(801)48306727

3/5/2004

RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES

ROSS C. "ROCKY" ANDERSON
MAYOR

MEMORANDUM

TO: Ray McCandless, Principal Planner

FROM: Rick Graham, Public Services Department *mg*

DATE: March 9, 2004

RE: North Salt Lake City Boundary Line Petition

I have reviewed the material you sent me dated March 1, 2004, relating to a petition submitted by North Salt Lake City requesting a boundary line adjustment. Absent any objections submitted by the City Administration, I support the proposal submitted by North Salt Lake City.

McCandless, Ray

From: Mikolash, Gregory
Sent: Thursday, March 04, 2004 11:24 AM
To: McCandless, Ray
Subject: FW: General Plan Amendment - North Salt Lake City Eastside Neighborhood Master Plan - 80 Acre Parcel

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

From: Larson, Bradley
Sent: Thursday, March 04, 2004 11:24 AM
To: Mikolash, Gregory
Subject: General Plan Amendment - North Salt Lake City Eastside Neighborhood Master Plan - 80 Acre Parcel

Greg,

The Fire Department has no objections to the above mentioned proposal.

Please feel free to contact me should you require further assistance.

Thank you.

Brad Larson
Deputy Fire Marshal

3/4/2004

TIMOTHY P. HARPST, P.E.
TRANSPORTATION DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF TRANSPORTATION

ROSS C. "ROCKY" ANDERSON
MAYOR

March 5, 2004

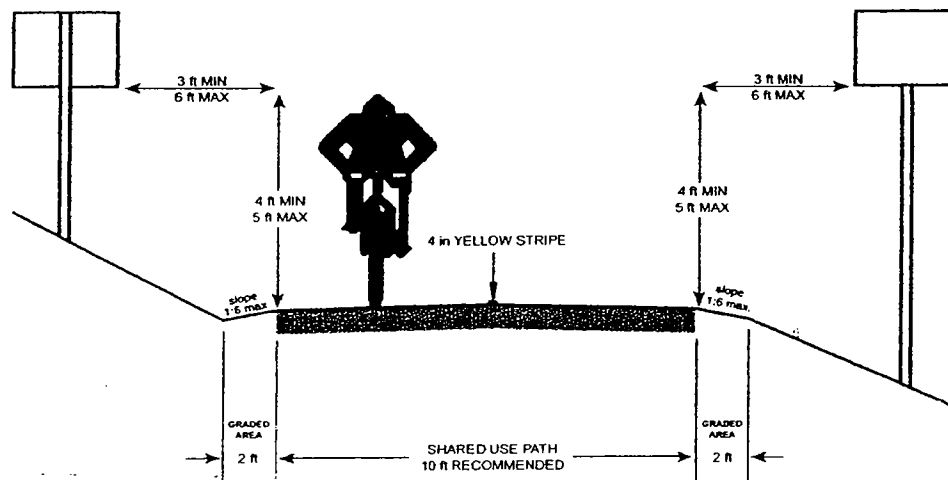
Greg Mikolash
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: City of North Salt Lake Petition – Boundary Line Adjustment

Dear Greg:

The Division of Transportation review comments and recommendations for the City of North Salt Lake petition to adjust the city boundary line on an 80-acre parcel located on the high bench directly east of Beck Street are as follows:

- A trail easement will be dedicated for perpetual public use through the property for the Bonneville Shoreline Trail and the proposed Lime Canyon Trail. We recommend the easement width be a minimum 20 feet wide. This will allow for the AASTHO recommended minimum shared use path width of 10 feet and 5 feet each side which includes a 2-foot clear/graded area and room to install signs while still maintaining 3 feet clearance between signs and the trail (see graphic below).



- If the existing Bonneville Shoreline Trail is to be relocated we recommend that either the City of North Salt Lake or future land developers, as a condition of their development, bear the cost and burden of constructing the trail on the new alignment through

coordination with the Bonneville Shoreline Trail Committee and the National Forest Service.

- We recommend the Bonneville Shoreline Trail be preserved off-street as opposed to it becoming an outside lane on a public roadway.

Please feel free to call me or Barry Walsh if you have any questions or concerns about these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Bergenthal".

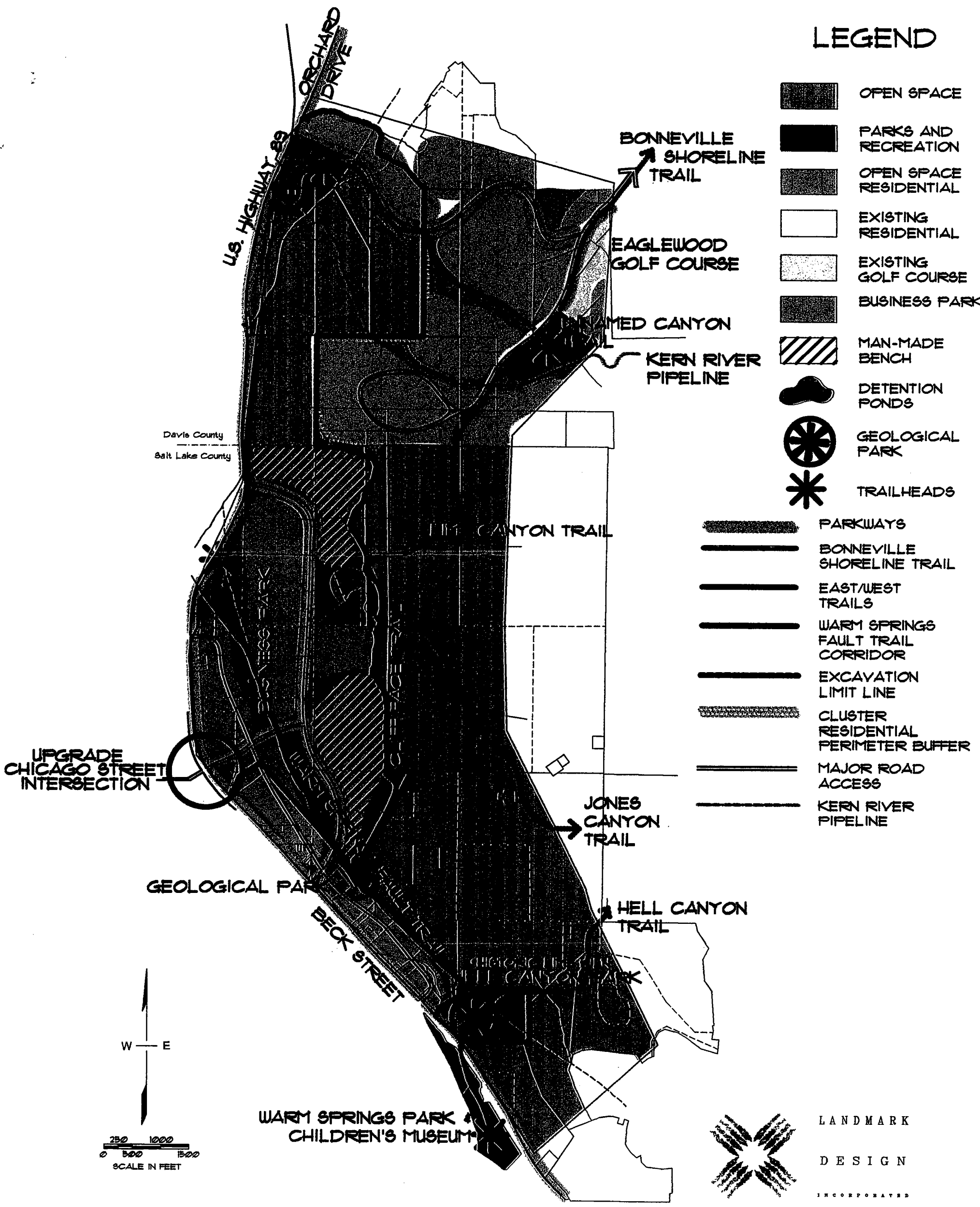
Dan Bergenthal, P.E.
Transportation Engineer

cc: Ray McCandless, Principal Planner
Kevin Young, P.E.
Barry Walsh
Scott Weiler, P.E.
File

Beck Street Reclamation Framework and Foothill Area Plan Map

BECK STREET RECLAMATION FRAMEWORK AND FOOTHILL AREA PLAN

FIGURE 2 PREFERRED LAND USE



Planning Commission Meeting Minutes

Request by the City of North Salt Lake for a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property owned by North Salt Lake City located east of the gravel pits along Beck Street.

This item was heard at 7:17 p.m.

North Salt Lake City Mayor Kay Briggs and Mr. Bill Wright Planning Consultant for North Salt Lake addressed the Planning Commission. Mr. Wright presented the proposed boundary adjustment. He referred to the current proposal and noted that the 80 acres in question is currently located in Salt Lake City; however, the property is owned by North Salt Lake City. He referred to a map of the subject property and oriented the Planning Commission to the property location. He reviewed the timeline of the proposal saying that in October of 2002 a letter from North Salt Lake City was submitted to the Salt Lake City Attorney's Office expressing a desire to discuss a boundary adjustment. He said that in March of 2003 North Salt Lake City contacted Mr. Wright requesting a presentation regarding the concept of a boundary adjustment and what was involved. He noted that North Salt Lake received a letter from Deputy City Attorney Lynn Pace around the same time, saying that he had discussed their request with the Salt Lake City Council and that they needed more information as to what type of uses North Salt Lake anticipated on the subject property. In April of 2003, North Salt Lake City began a process to determine alternative uses for this property. Mr. Wright stated that he advised North Salt Lake to determine the uses which would fit the needs of North Salt Lake City, as well as adopt a general amendment to the North Salt Lake City's Plan. He said that he suggested that the plan be officially adopted in an effort to give more certainty as to what was intended for those 80 acres of property. In the summer of 2003, that process began. A task force, comprised of members of the community, was formed to explore the idea of a City cemetery. He said that the proposal presented this evening is the alternative that was adopted by the Planning Commission and City Council which they believe is a responsible way to use the 80-acre parcel of property.

Mr. Wright stated that North Salt Lake City is the only jurisdiction that can provide the basic public services necessary for the permitted open space uses as they currently exist under the Salt Lake City zoning regulations, and the proposed residential uses. He noted that the proposed residential uses will require basic public services which include street access; public water; public sewer utilities; storm drainage utilities; public safety which includes police, fire protection, paramedic services; schools; churches and any type of supportive services necessary for the development of both the open space and residential uses proposed for this property. He stated that Salt Lake City can not physically provide the needed municipal services for this property.

Mr. Wright stated that this proposal balances both the need to preserve open space and the needs of North Salt Lake City. He reviewed the proposal and noted that 47 acres will remain natural open space. He described the area proposed for the cemetery and noted that a cemetery is a permitted use in the open space zoning district. He said that these plans have been shared with the forest service and they are very interested in designating the Bonneville Shoreline Trail through this property. North Salt Lake City supports the trail, but are requesting that it be relocated to a higher elevation and follow the edge of the proposed cemetery. He said that the trail will remain in a natural setting and that placement will enhance the view corridor to the west.

Mr. Wright stated that this plan is a response to the request by the Salt Lake City Council regarding North Salt Lake's intentions for the subject property. He said that the 70 of the 80 acres will continue to be used as open space, which has been designated by Salt Lake City and the remaining 10 acres will be used logically as a way to terminate further residential development of the bench as well as provide the opportunity to save more open space.

Mayor Kay Briggs stated that this process has been ongoing since October of 2002; however, North Salt Lake City has owned the property for 50 to 60 years. He thanked those that have gone to visit the site and noted that it can not be seen from any part of the Salt Lake Valley. He said that this property is North Salt Lake City's back yard which they use as their social club and fitness area. He added that they intend to protect the area and will continue to be advocates for open space. Mayor Briggs noted that there are several small water wells along the bench which are worth protecting. He said that North Salt Lake intends to finish the Bonneville Shoreline trail across the hill to the ranger station at City Creek Canyon. Mayor Briggs stated that North Salt Lake is the only jurisdiction capable of responding to emergency situations. He felt that they could maintain and police the area without much of a burden and Salt Lake City can not. He said that it is a dream of North Salt Lake to have a cemetery and they are trying to expand open space rather than eliminating it. He hoped that this proposal will be positive for both jurisdictions and he recommended that the Planning Commission approve the current proposal.

Chair Muir asked Mayor Briggs regarding the need to develop the property. He said that normally you do not hear that request from a community, especially to develop single family residential. He noted that it typically takes more services for single family developments than the tax revenue they generated. He thought that the need to develop grows out of North Salt Lake City's need to get a return out of the investment in the property. Mayor Briggs replied that the need for North Salt Lake to develop is the best way to protect the hill. He said that developing the property into a cemetery will stop further residential development which would infringe on the open space.

Chair Muir asked Mr. Wright what is the scale of the proposed cemetery in comparison to the surrounding jurisdictions. Mr. Wright gave several examples of surrounding jurisdiction cemetery sizes which verified that the scale of the proposed cemetery is appropriate.

Chair Muir referred to the current litigation in Draper against the Planning Commission and City Council regarding permitting houses on areas that should have been assumed to have geotechnical hazards. He wondered if this project is approved could those claims be made against Salt Lake City if there are problems with the proposed housing development. Mr. Wright stated that if approved, then that housing development would occur under the jurisdiction of North Salt Lake City.

Chair Muir clarified that the burden of judgment would fall on North Salt Lake City in that case.

Mr. Wright assured the Commission that the areas proposed for the residential development are required to have an extensive geotechnical analysis before a subdivision is approved.

Commissioner De Lay referred to the reclamation plans for the Hughes and Staker gravel pits and asked if those plans are in process. She said that if North Salt Lake instigated better management of that area it would have an impact on what the gravel pits will be doing in the

future. Mr. Wright replied that Planning Staff may want to respond, but his memory of that property is that there is an easement that will be purchased or provided to Salt Lake City by Hughes and he was not sure if that had been accomplished at this point.

Mr. Wheelwright indicated that it had not been accomplished yet; however, he and Mr. Pace have been working on it recently.

Mr. Wright noted that Salt Lake City has an easement on the Staker property.

Commissioner De Lay asked if North Salt Lake is the only major City in Utah without a cemetery. Mayor Briggs replied that that is the case within Davis County.

Commissioner De Lay referred to the furthest west proposed canyon trail and asked Mr. Wright if that is a new trail which will come out of the Staker excavation project. Mr. Wright answered that the long term plan is that there will be a trail that will come out of the Staker property and would eventually connect with the Bonneville Shoreline Trail.

Commissioner De Lay referred to the Hunters' property which is adjacent to the proposed site and asked if the Hunters are allowing public access to the Bonneville Shoreline Trail. Mr. Wright stated that at the public hearing when this plan was adopted, he made the comment that the Bonneville Shoreline Trail exists through the Hunter's property, although not as a dedicated easement. He said that the Hunters countered that comment and said that there is no legal right from their perspective for anyone to be on the trail as it is laid out across their property. Mr. Wright said that the Hunters claim that they close the trail in order to preserve their rights. Mr. Wright stated that he paraphrased what was said at the public meeting and he could not verify if the Hunters actually close the trail.

Commissioner De Lay reiterated that the Hunters are trying to protect their property from a public easement. Mr. Wright said that was the impression that was given at the public hearing.

Mr. Wright added that this plan was modified to show the trail placement off the Hunter's property because North Salt Lake does not have the authority to show the trail across the Hunter's property.

Commissioner Chambless referred to the trail access from the Staker property and asked if it will be accessible by motorcycles. Mr. Wright replied that that is intended to be a walking trail only.

Mr. Wheelwright referred to the roadway across the Hunter property and stated that the Hunter's have indicated to Staff that they have attempted to gate the Bonneville Shoreline Trail. Salt Lake City Staff's position is that there is a prescriptive use claim that Salt Lake City would intend to protect for pedestrian access along that roadway and if there was an effort made to block the trail, Staff would be prepared to do what is needed to protect that claim as well as enlist the forest service to assist in that.

Principal Planner Ray McCandless addressed the Planning Commission noting that Staff received additional comments which were not received in time to be included in the staff report, and were forwarded to the Commission this evening.

Chair Muir noted that Mr. Chris Billoft sent an email to Staff stating that he could not attend the public meeting. He asked general questions regarding that proposal. Mr. McCandless said that he will report to Mr. Billoft regarding that outcome of this meeting.

Chair Muir opened the public hearing.

Mr. Peter Von Severs Chair of the Capitol Hill Community Council addressed the Commission in opposition to North Salt Lake's proposal. He referred to the long range plan of Salt Lake City and said that the gravel pits were intended to be removed in order to expand open space. He said that it is distressing to hear that the proposal is to develop the area which is used to traverse the Bonneville Shoreline trail. He did not see a need to develop the area and said that the open space will be lost. He said that the feel of the area will change dramatically if it becomes a cemetery. Mr. Von Severs said that the concern of the Capitol Hill Community Council is that this crucial center piece of open space will be lost should the proposal be approved. He stated that the Capitol Hill Community Council did not have the opportunity to make a decision regarding this proposal before this meeting. The Capitol Hill Community Council will meet on March 17, 2004 and to discuss the issue.

Chair Muir encouraged the Capitol Hill Community Council to forward a formal position to the City Council.

Mr. Ralph Becker addressed the Commission in opposition of the North Salt Lake's proposal. He said that as a former Salt Lake City Planning Commissioner he and others spent a large amount of time and attention trying to protect the area under consideration this evening. He referred to a study at that time which concluded that this area should remain open space. He said that there is no other property like the parcel being considered up and down the Wasatch Front, and it would be an enormous mistake for Salt Lake City to give up this property. He felt that the City did not need to give this property up if they would explore other options which would preserve the needs for all of the parties involved.

Chair Muir referred to the potential consequence being that if the Planning Commission does not come to a mutually acceptable balance between the two municipalities and deny the request, this issue may be resolved by the courts. Given the Planning Commission's position, Chair Muir asked Mr. Becker as a former Planning Commissioner what he thought the reasonable compromise would be. Mr. Becker said that a reasonable compromise is something that would have to be worked out over time. It may require Salt Lake City to compensate North Salt Lake for its property. He referred to the statute for de-annexation and said that it is very clear with the court to use discretion in deciding to de-annex and the statute assumes the applicant to be a private entity rather than public. Mr. Becker said that Salt Lake City has an obligation to protect their right to this unique piece of property.

Commissioner Galli asked Mr. Becker if he would be willing to make his legal analysis part of the record because there are some Commissioners who have a different perspective of the risks. Mr. Becker said that he would never want to second guess the City Attorney's Office. He said that at the time of the development proposals for the gravel pit operations, the Salt Lake City Attorney said that there was an absolute right for those owners to develop one-third of the bench. He said that when those developments were finished none of the bench was developed and there were conservation efforts which are ongoing to preserve that area. He said that the City Council eventually consulted a private entity out of Denver that

gave a different opinion than the City Attorney which allowed the City Council the opportunity to go in a different direction.

Mr. Jim Byrne addressed the Commission as Co-Chair of the Bonneville Shore Line Trail Committee and the Chair of the Bonneville Shoreline Coalition. He urged the Planning Commission to either approve option three or delay action until there is more information. He thought that North Salt Lake is attempting to be sensitive and did not want to criticize their plan; however, he felt that this area should be kept in the most natural state possible. He hoped that the Commission would take the time to study this property further before a decision is made.

Chair Muir referred to the current zoning of the property saying that a cemetery is within the permitted use of the open space regulations. He asked Mr. Burn if he felt that that would be an appropriate use. Mr. Burn said that he did not think that a cemetery would be appropriate. His hope is that the area would be conserved as natural open space.

Ms. Kathleen Stoddard addressed the Commission in opposition to the proposal and asked that the Commission vote to keep this area within the Salt Lake City boundary as natural open space. She was concerned with development in this natural and beautiful area. She referred to the comment that North Salt Lake City is the only entity capable of providing services to this area, and said that if the area remains open space then there will not be a need for those services. She asked that the Planning Commission keep the property as is and help to preserve this serene piece of land.

Ms. Cindy Cromer addressed the Commission in opposition to the current proposal. She said that she participated with Ralph Becker and Tom Rogan in 1995 and 1996. The resulting document was that Beck Street Reclamation Plan. She suggested that the Planning Commission read that plan before they make a decision regarding this petition. She stated that the de-annexation proposal has not yet been considered by the Capitol Hill Community Council or the Mayor's Open Space Advisory Committee and she urged the Commission to allow time for those groups, being the most directly effected constituents, to review it before the Planning Commission makes a decision. Ms. Cromer felt that this proposal is a hostile take over and there are huge land-use conflicts. She said that if the proposal is approved Salt Lake City will be left with an increased burden of managing the boundary along the gravel pits. She urged the Commission to allow time for Salt Lake City to get a better deal, rather than losing this remarkable piece of Salt Lake City's geographical history.

Commissioner Daniels asked Ms. Cromer how much time would be sufficient. Ms. Cromer replied that the Mayor's Open Space Advisory Committee has this item on an agenda for March 17, 2004 and the Capitol Hill Community Council will be hearing the item the same evening. She said that that would be a good starting point.

Chair Muir asked why this item has been presented to the Planning Commission before it was reviewed by the two advisory boards mentioned. Mr. Wheelwright replied that there is no ordinance procedure in place that requires prior notification or consideration. He added that Staff was sensing urgency from the Administration to respond to North Salt Lake City's request.

Ms. Polly Hart, Vice-Chair of the Capitol Hill Community Council spoke to the Commission addressing the disadvantages of recommending rejection of the proposal as listed in the staff report. She felt that the disadvantages are not legitimate. She referred to the argument that North Salt Lake does not have their own cemetery nor do they have a place to put a cemetery, she stated that North Salt Lake City has 20 acres at the top of the proposed site which is just 3 acres shy of the proposed land area needed for a cemetery.

Mr. John Bowman, a Geology Professor at the University of Utah addressed the Planning Commission to discuss the importance of the Bonneville Bench as open space and a geological feature for Salt Lake City. He said that the bench is the preserved shoreline of the highest level of the lake Bonneville. He said that this area is one of the finest examples of this type of geological feature in the world. He said that the property in question is one of the last well preserved sections along the entire Wasatch Front. He said that the City is in need of open space and this area is worth preserving. He urged the Commission to approve option three.

Commissioner Galli asked Mr. Bowman approximately how many geological field trips he is aware of that either he or other members of the University Faculty have taken. Mr. Bowman stated that he and others on the faculty have taken many fieldtrips.

Mr. Russell Larsen addressed the Commission as a representative of the Hughes and Hughes Investments. He said that they have been involved with the City in trying to reach a compromise regarding the gravel pit operations and the reclamation plan. He said that they are in support of the proposal and obviously they would like to leave the area in its natural pristine condition but sometimes that is not a possibility.

Ms. Katherine Gardener, a trustee of the Capitol Hill Community Council addressed the Commission. She wondered if there was another possibly for the proposed cemetery and suggested reducing the size of the golf course located near the site. She wondered why North Salt Lake did not include the Salt Lake citizens in the process. She hoped that there could be a compromise reached that would honor the preservation of the Capitol Hill area.

Mr. Stan Porter, Planning Commission Chair for North Salt Lake City addressed the Commission stating that he has always been an advocate for the protection of the proposed site. He felt that the proposal is a good compromise. He said that the compromise of the 10 acres proposed for residential development is minor in comparison to other areas within the Salt Lake Valley which are in need of preservation.

Commissioner Galli asked Mr. Porter if there is a mechanism in place in North Salt Lake which would insure the preservation of higher quality open space. Mr. Porter stated that his hope is that part of the proceeds from this agreement would go toward purchasing more open space. He said that in addition to the acreage proposed this evening there is up to 180 acres in North Salt Lake that could be considered for open space.

Mr. Fred Oswald addressed the Commission regarding proposal three in the staff report. He asked that the Commission allow the time for the Mayor's Open Space Advisory Committee to discuss the proposal and submit comments to the Planning Commission. He thought that that may give the Planning Commission insight as to the best decision regarding the proposal.

Mr. Rick Reese addressed the Commission saying that he supported option three. He hoped that either Salt Lake City or the Forest Service would be able to acquire this property. He said that collectively we should pursue every possible avenue to preserve this property. He felt that it is the Planning Commission's responsibility to protect this land.

Mr. Michael Budig, President of the Wasatch Mountain Club addressed the Commission in support of the preservation of green space. He said that he supports option three in the staff report.

Commissioner Galli asked Mr. Budig if he is aware if any groups have looked at the wildlife corridor of this area. Mr. Budig said that he is not aware of any that have.

Ms. Susan Dulemeyer, representative of the Hunter Family which owns the 20 acres directly south of the proposed site. She said that their property had been rezoned to open space zoning without the property owners being notified. She said that they would not be adverse to a land swap or to sell the property at fair market value to preserve the open space. She said that while reviewing this proposal, the Planning Commission and the City Council need to take into account that there are also private owners involved in addition to the different municipalities. She stated that the Hunters are in favor of the boundary adjustment.

Chair Muir read to following public comments for the record:

Mr. Bret Smith asked that the Planning Commission approve option three as a compromise that will still preserve open space.

Mr. Marv Stoddard stated that he supported delaying the issue until the Mayor's Open Space Advisory Committee has an opportunity to study the area and possibly purchase the property.

Mayor Briggs stated that it would be best to review this proposal thoroughly and he did not see an issue with waiting for a decision until the Salt Lake City Mayor's Open Space Advisory Committee has had the opportunity to review the proposal. He hoped the both municipalities will have a mutual positive feeling about the decision.

Chair Muir stated that it seems that both municipalities have basically the same goals of preserving open space. He said that the municipalities need to weigh the most important needs of each City and compare those two agendas to find the best solution. He noted that Salt Lake City has a new pool of money which may help prioritize land acquisitions for open space.

Commissioner Galli asked Mayor Briggs if the North Salt Lake City Administration would still be open to selling the property or a land trade if it seemed economically workable. Mayor Briggs thought that the general citizenry and Administration would be in favor of the best scenario. He thought that the majority of the people would be willing to listen to any proposal.

Commissioner De Lay asked if it would be appropriate to table this issue.

Chair Muir stated that he felt that it is unconscionable to entertain the notion of rezoning this property to exclude a cemetery when it is entitled now. He stated that the community needs to realize that a cemetery is part of the equation.

Commissioner Scott asked Mayor Briggs which is more valuable the land for trade further up the canyon in North Salt Lake or the money from the sale of the proposed site. Mayor Briggs replied that his perspective is, that the land in North Salt Lake that they are currently trying to stop development from going into is more valuable; however, he stated that the area further up the hill needs to be protected from development.

Commissioner Chambless inquired about Mayor Briggs' comments regarding previous emergency responses by North Salt Lake. Mayor Briggs replied that he perceived the emergency response as a first response issue, regardless of what city they happen to be in.

Chair Muir closed the public hearing.

Commissioner Seelig referred to the letter from the Mayor's Open Space Advisory Committee in the staff report. She stated that although there is no ordinance in place which requires committees or community councils to review a boundary adjustment, she felt that if there are City processes that relate to open space and they do not meaningfully intersect with the Planning Commission it seems counterintuitive to have an open space committee. She asked that in the future that the Mayor's Open Space Advisory Committee be more involved.

Chair Muir wondered if the Commission decides to table this item what is the next step. He asked who would be responsible for working through the issues with North Salt Lake City. Mr. Wheelwright replied that Staff will have meetings and discussions with North Salt Lake. He said that undoubtedly all of the effected entities will voice opinions which will eventually be forwarded to the City Council, who ultimately makes the final decision. He added that the Planning Commission may want to set up a subcommittee.

Commissioner De Lay supported the idea of a subcommittee and wondered what the reasonable time frame would be to table this issue.

Commissioner Chambless stated that it is important for all of the Commissioners to go visit the property to see it first hand.

Commissioner Scott added that the Commission needs to take the Community Council recommendation into consideration. She also agreed with the recommendation that the Commissioners read the Beck Street Reclamation Plan before a decision is made.

Commissioner Galli asked if there is a way that the Planning Commission can send a recommendation to City Council, that rather than reject the boundary adjustment, which he felt was unfair, that a member of the Community Council as well as a City Council member be a part of the subcommittee to expedite the process.

Chair Muir agreed with Commissioner Galli and said that the Planning Commission has an obligation to make a land use recommendation. He agreed with the idea of a committee that would bridge various entities.

Commissioner Galli asked if the Planning Commission has enough information now to make a recommendation saying that it is the sense of the Commission that none of the options presented are in the best interest of either jurisdiction. He asked if the Commission would be willing to strongly recommend that another option be explored in an attempt to preserve the natural open space and compensate North Salt Lake to accomplish their open space agenda in an expeditious fashion.

Mr. Wheelwright stated that Staff is willing to start field trips with the Commissioners on foot to see the property now, or they could make the trip in a few weeks in automobiles when it is less muddy.

Mr. Pace commented regarding the discussion of tabling the proposal to receive input from the Mayor's Open Space Advisory Committee and the Capitol Hill Community Council. He made the Commission aware that there has been discussion of forming another open space committee which would be advisory to the City Council regarding how to spend the open space bond funds. He stated that the Commission needs to be clear if they choose to table the issue as to who they need to receive input from. He said that it is inappropriate to make a land use decision based upon what you might regard as self interest in acquisition. He referred to a similar issue as an example saying that a few months ago the City Council heard an issue regarding property along Emigration Creek, he suggested that the City Council separate those interests and state the land use decision. If the City can acquire the land, there may be another option; however, assuming that there is no acquisition what would the recommendation be. He said that tabling the item to receive more information may be valuable although it should not be open-ended.

Chair Muir stated the normally the Commission would separate land use issues from economic issues, but the Commission realizes that the type of land use assigned to the property has an inherent value and if the Mayor of North Salt Lake is using that value as leverage to acquire open space, those issues are difficult to separate. Chair Muir stated that the Commission may have to create a land use knowing that that is part of the economic reality. Mr. Pace agreed and said that it would be appropriate for the Commission to say based on the totality of the circumstances, as those facts will become known, the Planning Commission thinks this is the best decision.

Commissioner Galli noted that the petitioner is willing to work with the Commission in exploring the options suggested this evening. He stated that the Commission has the luxury of looking to the issues holistically. Mr. Pace agreed and said that the Commission needs to be clear as to how long they want to table this issue. He said that to wait for the two committees mentioned to meet on March 17, 2004 is a rather short delay. If the Commission wants to table the issue to see if bond money becomes available to purchase the land then that will be substantially longer. He said that he wanted to avoid unintended frustration between the two cities.

Chair Muir hoped that the issues could be worked through within eight weeks.

Commissioner Noda agreed that eight weeks is an appropriate timeframe and said that she would like to move as quickly as possible. She said that North Salt Lake has made a concerted effort to try to preserve as much open space as possible and she felt that their presentation was fair as to what their interests are. She appreciated the Hunter family and their cooperation in this process and asked if they could be involved in the committee

meetings. She thanked those that commented this evening and stated that there is an obvious need to preserve open space.

Motion

Commissioner Noda made a motion to table the request by the City of North Salt Lake for a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property owned by North Salt Lake City located east of the gravel pits along Beck Street, and that a subcommittee be created per the discretion of the Planning Director.

Commissioner Chambless asked to include in the motion a field trip for those among the Commission that would like to visit the site. Commissioner Noda accepted that suggestion.

Commissioner De Lay seconded the motion.

Commissioner Diamond hoped that as this petition moves forward that the impacts on Salt Lake City will be kept in mind first and foremost.

Commissioner Chambless, Commissioner Daniels, Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner Noda, Commissioner Scott and Commissioner Seelig voted "Aye". Prescott Muir as Chair did not vote. All voted in favor, and therefore the motion passed.

UNFINISHED BUSINESS

There being no other unfinished business to discuss, the Planning Commission meeting adjourned at 9:24 p.m.

Other

MAYOR'S OPEN SPACE ADVISORY COMMITTEE

Helen M. Peters, Chair
2803 Beverly Street
Salt Lake City, Utah 84106
801-466-7170
hmpeters@uofu.net

March 1, 2004

Via E-mail
mayor@slcgov.com

Mayor Ross C. "Rocky" Anderson
Mayor, Salt Lake City
451 South State Street, Room 306
Salt Lake City, Utah 84111

Re: Proposed Boundary Adjustment between North Salt Lake City and Salt Lake City
Petition #400-04-11

Dear Mayor Anderson:

A public hearing in the above-referenced matter is set for Wednesday, March 10, 2004, before the Salt Lake City Planning Commission. The current master plan and the existing zoning for this property are Open Space. It should be noted that this parcel is located along the Bonneville Shoreline Trail alignment. Unfortunately, the Mayor's Open Space Advisory Committee [MOSAC] was notified of this hearing on February 25th making it impossible to schedule a discussion prior to our meeting on March 17th.

Members of MOSAC feel that it is very important to have input on this matter because we have discussed prime parcels for acquisition as part of the bond distribution associated with Proposition 4 that was passed in November 2003. This parcel of 80 acres has already been identified as one of the properties that the new Open Space and Parks Trust Fund Board should evaluate for purchase as soon as it is organized. Additionally, the parcel is significant because it is one of the last remaining pieces of the historic Lake Bonneville bench that remains undeveloped; as such it is along the proposed alignment of the Bonneville Shoreline Trail. Its proximity to its extractive industries along Beck Street makes it unlikely that housing could develop without land use conflicts.

Letter to Mayor Ross C. "Rocky" Anderson
March 1, 2004
Page Two

We would like to discuss with you the role of the Mayor's Open Space Committee. This is the second time in recent months that an open space issue is before the Planning Commission without input from the MOSAC. We have also attached our letter to you dated August 14, 2003 related to the Gilmor exchange. We appreciate that Lisa Romney attends the MOSAC meetings consistently and provides information, but there is no organized method in the administration as to which proposals come to MOSAC's attention for review and recommendation to you.

On behalf of MOSAC, I look forward to discussing these issues with you. In the meantime, we have scheduled the proposed boundary adjustment for our MOSAC meeting on March 17th. We will forward our recommendations to your office after the meeting on the 17th.

Regards,
Helen M. Peters

cc:
Louis Zunguze
Lynn Pace
Lisa Romney
Doug Wheelwright
Prescott Muir

MAYOR'S OPEN SPACE ADVISORY COMM.

MINUTES

Date: Wednesday, March 17th, 2004

Time: 5:30 PM

Place: Salt Lake City and County Building
451 South State Street, Room 335 Cannon Room

Attending: Helen Peters, Lynne Olsen, Cindy Cromer, Elaine Emmi, Janice Jardine, Susan Crook, Cathey Dunn, Rita Lund, Richard "Dick" Hunter, Susan and Doug Duehlmeier, Nancy Saxton, Ray McCandless, Doug Wheelwright

1 - Helen Peters welcomed everyone and reviewed handouts attached to the Agenda.

2 - Boundary Line Adjustment between City of North Salt Lake and Salt Lake City –

Helen Peters, Doug Wheelwright and Ray McCandless reported on the March 16th Planning Commission meeting relating to the request by the City of North Salt Lake for a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property (currently zoned open space) owned by North Salt Lake City located east of the gravel pits along Beck Street, which is located within the City limits of Salt Lake City. The Planning Commission passed a motion to table the said request for a period of eight weeks until the Mayors Open Space Advisory Committee and the Capitol Hill Community Council have the opportunity to review the request and submit comments. It is the intent of North Salt Lake to enter into an inter-local agreement to gain control over the 80 acres of property they own. The proposal would relocate the Bonneville Shoreline Trail to the east and would include 10 acres of development, 23 acres as a cemetery and the remainder as natural open space. The Planning Commission will set up a sub committee that will include all interested parties to explore this issue.

Cindy Cromer introduced members of the Hunter family and thanked them for attending. Mr. Dick Hunter stated that the family had requested that the owners be represented and was pleased to be invited. The family has owned the property for 120 years and has been anxiously awaiting the time when a road would be completed and the property could be developed. They claim the family was never notified of the zoning change and that the plan would leave their property with no access. There are questions on water and mineral rights which would have to be resolved. The family would like the assistance of Salt Lake City in suggesting that North Salt Lake treat the family fairly. Cindy Cromer pointed out that MOSAC and the community councils in the area did not receive notice of this plan beyond the mandatory two weeks and pointed out that this amount of time does not give enough time for groups to discuss the issue adequately.

ACTION ITEM – Helen Peters to prepare a letter to Mayor Anderson asking that procedural issues be outlined that will allow for adequate notice until the Open Space Board is finalized.

ACTION ITEM – Helen Peters will check with the Planning Department in two weeks and report where things stand on the sub-committee.

ACTION ITEM – MOSAC has submitted a letter (attached) to Mayor Anderson regarding this issue and Helen Peters will follow up on any response.

Council member Nancy Saxton joined the meeting and asked the Hunter family what kind of property they would like to trade their land for. Mr. Hunter explained that they would be interested in land with a similar appraised value and similar developability.

3 - Update on NPS Pharmaceutical building in University of Utah's Research Park

The NPS Pharmaceutical building was discussed at the February 25, 2004 meeting of the University's Community Forum meeting according to Cindy Cromer. Thirty-two acres of natural land located on the eastern edge of Research Park will become the new NPS Pharmaceutical building's turf. The new building will cover 90,000 square feet, be three stories tall, and will allow room for 270 employees and construction is expected to be completed in January 2005. Director of Research Park Charles Evans said the new building will co-exist with the natural landscape and very little sod will be put in. The road will be grounded along with the native plants and the irrigation planted will be blended with the natural vegetation. Cindy Cromer will keep MOSAC updated on this project.

4 - Update on Open Space and Parks Trust Fund and Open Space and Parks Trust Fund Board.

Janice Jardine reported on the work done by the consultant, Marty Zeller, and passed out to the committee an outline of Issues to be Discussed Regarding Open Space Ordinance (copy attached). She briefly reviewed the issues with the committee. Mr. Zeller has sent a memo to the Council with his suggestions and they will be made available to MOSAC in the near future. The Nature Conservancy and other groups have been in contact about becoming part of the external staffing mentioned in the outline.

Rita Lund has spoken with County Councilman Joe Hatch regarding the progress of the Salt Lake County open space board. He indicated that the County is interested in the progress being made by the City.

5 - Tour of City Creek Daylighting Proposal

A tour hosting by Ron Love has been set up for March 24th and any interested party is invited to attend.

Capitol Hill Resolution Against Relinquishing Salt Lake City's Open Space Jurisdiction over 70 Acres at Northern City Limits

At its meeting on April 21, 2004, the Capitol Hill Community Council unanimously passed the following resolution:

The Council debated the request of the city of North Salt Lake to acquire jurisdiction over 70 acres of open space on the Bonneville bench at the northern border of Salt Lake City. North Salt Lake owns this property which, however, is currently situated within Salt Lake City's jurisdictional limits. In light of North Lake's plan to develop a portion of the land for housing and landscape the rest for a cemetery, the citizens of the Council voted unanimously to ask the city to retain jurisdiction over this property and preserve it as open space, in conformance with the Council's Master Plan of 2001. The Master Plan strongly endorses the preservation of remaining open space areas within the Council's boundaries.

5. PLANNING COMMISSION MINUTES

MARCH 10, 2004

Request by the City of North Salt Lake for a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property owned by North Salt Lake City located east of the gravel pits along Beck Street.

MARCH 10 2004 This item was heard at 7:17 p.m.

North Salt Lake City Mayor Kay Briggs and Mr. Bill Wright Planning Consultant for North Salt Lake addressed the Planning Commission. Mr. Wright presented the proposed boundary adjustment. He referred to the current proposal and noted that the 80 acres in question is currently located in Salt Lake City; however, the property is owned by North Salt Lake City. He referred to a map of the subject property and oriented the Planning Commission to the property location. He reviewed the timeline of the proposal saying that in October of 2002 a letter from North Salt Lake City was submitted to the Salt Lake City Attorney's Office expressing a desire to discuss a boundary adjustment. He said that in March of 2003 North Salt Lake City contacted Mr. Wright requesting a presentation regarding the concept of a boundary adjustment and what was involved. He noted that North Salt Lake received a letter from Deputy City Attorney Lynn Pace around the same time, saying that he had discussed their request with the Salt Lake City Council and that they needed more information as to what type of uses North Salt Lake anticipated on the subject property. In April of 2003, North Salt Lake City began a process to determine alternative uses for this property. Mr. Wright stated that he advised North Salt Lake to determine the uses which would fit the needs of North Salt Lake City, as well as adopt a general amendment to the North Salt Lake City's Plan. He said that he suggested that the plan be officially adopted in an effort to give more certainty as to what was intended for those 80 acres of property. In the summer of 2003, that process began. A task force, comprised of members of the community, was formed to explore the idea of a City cemetery. He said that the proposal presented this evening is the alternative that was adopted by the Planning Commission and City Council which they believe is a responsible way to use the 80-acre parcel of property.

Mr. Wright stated that North Salt Lake City is the only jurisdiction that can provide the basic public services necessary for the permitted open space uses as they currently exist under the Salt Lake City zoning regulations, and the proposed residential uses. He noted that the proposed residential uses will require basic public services which include street access; public water; public sewer utilities; storm drainage utilities; public safety which includes police, fire protection, paramedic services; schools; churches and any type of supportive services necessary for the development of both the open space and residential uses proposed for this property. He stated that Salt Lake City can not physically provide the needed municipal services for this property.

Mr. Wright stated that this proposal balances both the need to preserve open space and the needs of North Salt Lake City. He reviewed the proposal and noted that 47 acres will remain natural open space. He described the area proposed for the cemetery and noted that a cemetery is a permitted use in the open space zoning district. He said that these plans have been shared with the forest service and they are very interested in designating the Bonneville Shoreline Trail through this property. North Salt Lake City supports the trail, but are requesting that it be relocated to a higher elevation and follow the edge of the proposed cemetery. He said that the trail will remain in a natural setting and that placement will enhance the view corridor to the west.

Mr. Wright stated that this plan is a response to the request by the Salt Lake City Council regarding North Salt Lake's intentions for the subject property. He said that the 70 of the 80 acres will continue to be used as open space, which has been designated by Salt Lake City

and the remaining 10 acres will be used logically as a way to terminate further residential development of the bench as well as provide the opportunity to save more open space.

Mayor Kay Briggs stated that this process has been ongoing since October of 2002; however, North Salt Lake City has owned the property for 50 to 60 years. He thanked those that have gone to visit the site and noted that it can not be seen from any part of the Salt Lake Valley. He said that this property is North Salt Lake City's back yard which they use as their social club and fitness area. He added that they intend to protect the area and will continue to be advocates for open space. Mayor Briggs noted that there are several small water wells along the bench which are worth protecting. He said that North Salt Lake intends to finish the Bonneville Shoreline trail across the hill to the ranger station at City Creek Canyon. Mayor Briggs stated that North Salt Lake is the only jurisdiction capable of responding to emergency situations. He felt that they could maintain and police the area without much of a burden and Salt Lake City can not. He said that it is a dream of North Salt Lake to have a cemetery and they are trying to expand open space rather than eliminating it. He hoped that this proposal will be positive for both jurisdictions and he recommended that the Planning Commission approve the current proposal.

Chair Muir asked Mayor Briggs regarding the need to develop the property. He said that normally you do not hear that request from a community, especially to develop single family residential. He noted that it typically takes more services for single family developments than the tax revenue they generated. He thought that the need to develop grows out of North Salt Lake City's need to get a return out of the investment in the property. Mayor Briggs replied that the need for North Salt Lake to develop is the best way to protect the hill. He said that developing the property into a cemetery will stop further residential development which would infringe on the open space.

Chair Muir asked Mr. Wright what is the scale of the proposed cemetery in comparison to the surrounding jurisdictions. Mr. Wright gave several examples of surrounding jurisdiction cemetery sizes which verified that the scale of the proposed cemetery is appropriate.

Chair Muir referred to the current litigation in Draper against the Planning Commission and City Council regarding permitting houses on areas that should have been assumed to have geotechnical hazards. He wondered if this project is approved could those claims be made against Salt Lake City if there are problems with the proposed housing development. Mr. Wright stated that if approved, then that housing development would occur under the jurisdiction of North Salt Lake City.

Chair Muir clarified that the burden of judgment would fall on North Salt Lake City in that case.

Mr. Wright assured the Commission that the areas proposed for the residential development are required to have an extensive geotechnical analysis before a subdivision is approved.

Commissioner De Lay referred to the reclamation plans for the Hughes and Staker gravel pits and asked if those plans are in process. She said that if North Salt Lake instigated better management of that area it would have an impact on what the gravel pits will be doing in the future. Mr. Wright replied that Planning Staff may want to respond, but his memory of that property is that there is an easement that will be purchased or provided to Salt Lake City by Hughes and he was not sure if that had been accomplished at this point.

Mr. Wheelwright indicated that it had not been accomplished yet; however, he and Mr. Pace have been working on it recently.

Mr. Wright noted that Salt Lake City has an easement on the Staker property.

Commissioner De Lay asked if North Salt Lake is the only major City in Utah without a cemetery. Mayor Briggs replied that that is the case within Davis County.

Commissioner De Lay referred to the furthest west proposed canyon trail and asked Mr. Wright if that is a new trail which will come out of the Staker excavation project. Mr. Wright answered that the long term plan is that there will be a trail that will come out of the Staker property and would eventually connect with the Bonneville Shoreline Trail.

Commissioner De Lay referred to the Hunters' property which is adjacent to the proposed site and asked if the Hunters are allowing public access to the Bonneville Shoreline Trail. Mr. Wright stated that at the public hearing when this plan was adopted, he made the comment that the Bonneville Shoreline Trail exists through the Hunter's property, although not as a dedicated easement. He said that the Hunters countered that comment and said that there is no legal right from their perspective for anyone to be on the trail as it is laid out across their property. Mr. Wright said that the Hunters claim that they close the trail in order to preserve their rights. Mr. Wright stated that he paraphrased what was said at the public meeting and he could not verify if the Hunters actually close the trail.

Commissioner De Lay reiterated that the Hunters are trying to protect their property from a public easement. Mr. Wright said that was the impression that was given at the public hearing.

Mr. Wright added that this plan was modified to show the trail placement off the Hunter's property because North Salt Lake does not have the authority to show the trail across the Hunter's property.

Commissioner Chambless referred to the trail access from the Staker property and asked if it will be accessible by motorcycles. Mr. Wright replied that that is intended to be a walking trail only.

Mr. Wheelwright referred to the roadway across the Hunter property and stated that the Hunter's have indicated to Staff that they have attempted to gate the Bonneville Shoreline Trail. Salt Lake City Staff's position is that there is a prescriptive use claim that Salt Lake City would intend to protect for pedestrian access along that roadway and if there was an effort made to block the trail, Staff would be prepared to do what is needed to protect that claim as well as enlist the forest service to assist in that.

Principal Planner Ray McCandless addressed the Planning Commission noting that Staff received additional comments which were not received in time to be included in the staff report, and were forwarded to the Commission this evening.

Chair Muir noted that Mr. Chris Biltoft sent an email to Staff stating that he could not attend the public meeting. He asked general questions regarding that proposal. Mr. McCandless said that he will report to Mr. Biltoft regarding that outcome of this meeting.

Chair Muir opened the public hearing.

Mr. Peter Von Severs Chair of the Capitol Hill Community Council addressed the Commission in opposition to North Salt Lake's proposal. He referred to the long range plan of Salt Lake City and said that the gravel pits were intended to be removed in order to

expand open space. He said that it is distressing to hear that the proposal is to develop the area which is used to traverse the Bonneville Shoreline trail. He did not see a need to develop the area and said that the open space will be lost. He said that the feel of the area will change dramatically if it becomes a cemetery. Mr. Von Severs said that the concern of the Capitol Hill Community Council is that this crucial center piece of open space will be lost should the proposal be approved. He stated that the Capitol Hill Community Council did not have the opportunity to make a decision regarding this proposal before this meeting. The Capitol Hill Community Council will meet on March 17, 2004 and to discuss the issue.

Chair Muir encouraged the Capitol Hill Community Council to forward a formal position to the City Council.

Mr. Ralph Becker addressed the Commission in opposition of the North Salt Lake's proposal. He said that as a former Salt Lake City Planning Commissioner he and others spent a large amount of time and attention trying to protect the area under consideration this evening. He referred to a study at that time which concluded that this area should remain open space. He said that there is no other property like the parcel being considered up and down the Wasatch Front, and it would be an enormous mistake for Salt Lake City to give up this property. He felt that the City did not need to give this property up if they would explore other options which would preserve the needs for all of the parties involved.

Chair Muir referred to the potential consequence being that if the Planning Commission does not come to a mutually acceptable balance between the two municipalities and deny the request, this issue may be resolved by the courts. Given the Planning Commission's position, Chair Muir asked Mr. Becker as a former Planning Commissioner what he thought the reasonable compromise would be. Mr. Becker said that a reasonable compromise is something that would have to be worked out over time. It may require Salt Lake City to compensate North Salt Lake for its property. He referred to the statute for de-annexation and said that it is very clear with the court to use discretion in deciding to de-annex and the statute assumes the applicant to be a private entity rather than public. Mr. Becker said that Salt Lake City has an obligation to protect their right to this unique piece of property.

Commissioner Galli asked Mr. Becker if he would be willing to make his legal analysis part of the record because there are some Commissioners who have a different perspective of the risks. Mr. Becker said that he would never want to second guess the City Attorney's Office. He said that at the time of the development proposals for the gravel pit operations, the Salt Lake City Attorney said that there was an absolute right for those owners to develop one-third of the bench. He said that when those developments were finished none of the bench was developed and there were conservation efforts which are ongoing to preserve that area. He said that the City Council eventually consulted a private entity out of Denver that gave a different opinion than the City Attorney which allowed the City Council the opportunity to go in a different direction.

Mr. Jim Byrne addressed the Commission as Co-Chair of the Bonneville Shore Line Trail Committee and the Chair of the Bonneville Shoreline Coalition. He urged the Planning Commission to either approve option three or delay action until there is more information. He thought that North Salt Lake is attempting to be sensitive and did not want to criticize their plan; however, he felt that this area should be kept in the most natural state possible. He hoped that the Commission would take the time to study this property further before a decision is made.

Chair Muir referred to the current zoning of the property saying that a cemetery is within the permitted use of the open space regulations. He asked Mr. Burn if he felt that that would be

an appropriate use. Mr. Burn said that he did not think that a cemetery would be appropriate. His hope is that the area would be conserved as natural open space.

Ms. Kathleen Stoddard addressed the Commission in opposition to the proposal and asked that the Commission vote to keep this area within the Salt Lake City boundary as natural open space. She was concerned with development in this natural and beautiful area. She referred to the comment that North Salt Lake City is the only entity capable of providing services to this area, and said that if the area remains open space then there will not be a need for those services. She asked that the Planning Commission keep the property as is and help to preserve this serene piece of land.

Ms. Cindy Cromer addressed the Commission in opposition to the current proposal. She said that she participated with Ralph Becker and Tom Rogan in 1995 and 1996. The resulting document was that Beck Street Reclamation Plan. She suggested that the Planning Commission read that plan before they make a decision regarding this petition. She stated that the de-annexation proposal has not yet been considered by the Capitol Hill Community Council or the Mayor's Open Space Advisory Committee and she urged the Commission to allow time for those groups, being the most directly effected constituents, to review it before the Planning Commission makes a decision. Ms. Cromer felt that this proposal is a hostile take over and there are huge land-use conflicts. She said that if the proposal is approved Salt Lake City will be left with an increased burden of managing the boundary along the gravel pits. She urged the Commission to allow time for Salt Lake City to get a better deal, rather than losing this remarkable piece of Salt Lake City's geographical history.

Commissioner Daniels asked Ms. Cromer how much time would be sufficient. Ms. Cromer replied that the Mayor's Open Space Advisory Committee has this item on an agenda for March 17, 2004 and the Capitol Hill Community Council will be hearing the item the same evening. She said that that would be a good starting point.

Chair Muir asked why this item has been presented to the Planning Commission before it was reviewed by the two advisory boards mentioned. Mr. Wheelwright replied that there is no ordinance procedure in place that requires prior notification or consideration. He added that Staff was sensing urgency from the Administration to respond to North Salt Lake City's request.

Ms. Polly Hart, Vice-Chair of the Capitol Hill Community Council spoke to the Commission addressing the disadvantages of recommending rejection of the proposal as listed in the staff report. She felt that the disadvantages are not legitimate. She referred to the argument that North Salt Lake does not have their own cemetery nor do they have a place to put a cemetery, she stated that North Salt Lake City has 20 acres at the top of the proposed site which is just 3 acres shy of the proposed land area needed for a cemetery.

Mr. John Bowman, a Geology Professor at the University of Utah addressed the Planning Commission to discuss the importance of the Bonneville Bench as open space and a geological feature for Salt Lake City. He said that the bench is the preserved shoreline of the highest level of the lake Bonneville. He said that this area is one of the finest examples of this type of geological feature in the world. He said that the property in question is one of the last well preserved sections along the entire Wasatch Front. He said that the City is in need of open space and this area is worth preserving. He urged the Commission to approve option three.

Commissioner Galli asked Mr. Bowman approximately how many geological field trips he is aware of that either he or other members of the University Faculty have taken. Mr. Bowman stated that he and others on the faculty have taken many fieldtrips.

Mr. Russell Larsen addressed the Commission as a representative of the Hughes and Hughes Investments. He said that they have been involved with the City in trying to reach a compromise regarding the gravel pit operations and the reclamation plan. He said that they are in support of the proposal and obviously they would like to leave the area in its natural pristine condition but sometimes that is not a possibility.

Ms. Katherine Gardener, a trustee of the Capitol Hill Community Council addressed the Commission. She wondered if there was another possibility for the proposed cemetery and suggested reducing the size of the golf course located near the site. She wondered why North Salt Lake did not include the Salt Lake citizens in the process. She hoped that there could be a compromise reached that would honor the preservation of the Capitol Hill area.

Mr. Stan Porter, Planning Commission Chair for North Salt Lake City addressed the Commission stating that he has always been an advocate for the protection of the proposed site. He felt that the proposal is a good compromise. He said that the compromise of the 10 acres proposed for residential development is minor in comparison to other areas within the Salt Lake Valley which are in need of preservation.

Commissioner Galli asked Mr. Porter if there is a mechanism in place in North Salt Lake which would insure the preservation of higher quality open space. Mr. Porter stated that his hope is that part of the proceeds from this agreement would go toward purchasing more open space. He said that in addition to the acreage proposed this evening there is up to 180 acres in North Salt Lake that could be considered for open space.

Mr. Fred Oswald addressed the Commission regarding proposal three in the staff report. He asked that the Commission allow the time for the Mayor's Open Space Advisory Committee to discuss the proposal and submit comments to the Planning Commission. He thought that that may give the Planning Commission insight as to the best decision regarding the proposal.

Mr. Rick Reese addressed the Commission saying that he supported option three. He hoped that either Salt Lake City or the Forest Service would be able to acquire this property. He said that collectively we should pursue every possible avenue to preserve this property. He felt that it is the Planning Commission's responsibility to protect this land.

Mr. Michael Budig, President of the Wasatch Mountain Club addressed the Commission in support of the preservation of green space. He said that he supports option three in the staff report.

Commissioner Galli asked Mr. Budig if he is aware if any groups have looked at the wildlife corridor of this area. Mr. Budig said that he is not aware of any that have.

Ms. Susan Dulemeyer, representative of the Hunter Family which owns the 20 acres directly south of the proposed site. She said that their property had been rezoned to open space zoning without the property owners being notified. She said that they would not be adverse to a land swap or to sell the property at fair market value to preserve the open space. She said that while reviewing this proposal, the Planning Commission and the City Council need to take into account that there are also private owners involved in addition to the different municipalities. She stated that the Hunters are in favor of the boundary adjustment.

Chair Muir read to following public comments for the record:

Mr. Bret Smith asked that the Planning Commission approve option three as a compromise that will still preserve open space.

Mr. Marv Stoddard stated that he supported delaying the issue until the Mayor's Open Space Advisory Committee has an opportunity to study the area and possibly purchase the property.

Mayor Briggs stated that it would be best to review this proposal thoroughly and he did not see an issue with waiting for a decision until the Salt Lake City Mayor's Open Space Advisory Committee has had the opportunity to review the proposal. He hoped the both municipalities will have a mutual positive feeling about the decision.

Chair Muir stated that it seems that both municipalities have basically the same goals of preserving open space. He said that the municipalities need to weigh the most important needs of each City and compare those two agendas to find the best solution. He noted that Salt Lake City has a new pool of money which may help prioritize land acquisitions for open space.

Commissioner Galli asked Mayor Briggs if the North Salt Lake City Administration would still be open to selling the property or a land trade if it seemed economically workable. Mayor Briggs thought that the general citizenry and Administration would be in favor of the best scenario. He thought that the majority of the people would be willing to listen to any proposal.

Commissioner De Lay asked if it would be appropriate to table this issue.

Chair Muir stated that he felt that it is unconscionable to entertain the notion of rezoning this property to exclude a cemetery when it is entitled now. He stated that the community needs to realize that a cemetery is part of the equation.

Commissioner Scott asked Mayor Briggs which is more valuable the land for trade further up the canyon in North Salt Lake or the money from the sale of the proposed site. Mayor Briggs replied that his perspective is, that the land in North Salt Lake that they are currently trying to stop development from going into is more valuable; however, he stated that the area further up the hill needs to be protected from development.

Commissioner Chambless inquired about Mayor Briggs' comments regarding previous emergency responses by North Salt Lake. Mayor Briggs replied that he perceived the emergency response as a first response issue, regardless of what city they happen to be in.

Chair Muir closed the public hearing.

Commissioner Seelig referred to the letter from the Mayor's Open Space Advisory Committee in the staff report. She stated that although there is no ordinance in place which requires committees or community councils to review a boundary adjustment, she felt that if there are City processes that relate to open space and they do not meaningfully intersect with the Planning Commission it seems counterintuitive to have an open space committee. She asked that in the future that the Mayor's Open Space Advisory Committee be more involved.

Chair Muir wondered if the Commission decides to table this item what is the next step. He asked who would be responsible for working through the issues with North Salt Lake City. Mr. Wheelwright replied that Staff will have meetings and discussions with North Salt Lake. He said that undoubtedly all of the effected entities will voice opinions which will eventually be forwarded to the City Council, who ultimately makes the final decision. He added that the Planning Commission may want to set up a subcommittee.

Commissioner De Lay supported the idea of a subcommittee and wondered what the reasonable time frame would be to table this issue.

Commissioner Chambless stated that it is important for all of the Commissioners to go visit the property to see it first hand.

Commissioner Scott added that the Commission needs to take the Community Council recommendation into consideration. She also agreed with the recommendation that the Commissioners read the Beck Street Reclamation Plan before a decision is made.

Commissioner Galli asked if there is a way that the Planning Commission can send a recommendation to City Council, that rather than reject the boundary adjustment, which he felt was unfair, that a member of the Community Council as well as a City Council member be a part of the subcommittee to expedite the process.

Chair Muir agreed with Commissioner Galli and said that the Planning Commission has an obligation to make a land use recommendation. He agreed with the idea of a committee that would bridge various entities.

Commissioner Galli asked if the Planning Commission has enough information now to make a recommendation saying that it is the sense of the Commission that none of the options presented are in the best interest of either jurisdiction. He asked if the Commission would be willing to strongly recommend that another option be explored in an attempt to preserve the natural open space and compensate North Salt Lake to accomplish their open space agenda in an expeditious fashion.

Mr. Wheelwright stated that Staff is willing to start field trips with the Commissioners on foot to see the property now, or they could make the trip in a few weeks in automobiles when it is less muddy.

Mr. Pace commented regarding the discussion of tabling the proposal to receive input from the Mayor's Open Space Advisory Committee and the Capitol Hill Community Council. He made the Commission aware that there has been discussion of forming another open space committee which would be advisory to the City Council regarding how to spend the open space bond funds. He stated that the Commission needs to be clear if they choose to table the issue as to who they need to receive input from. He said that it is inappropriate to make a land use decision based upon what you might regard as self interest in acquisition. He referred to a similar issue as an example saying that a few months ago the City Council heard an issue regarding property along Emigration Creek, he suggested that the City Council separate those interests and state the land use decision. If the City can acquire the land, there may be another option; however, assuming that there is no acquisition what would the recommendation be. He said that tabling the item to receive more information may be valuable although it should not be open-ended.

Chair Muir stated the normally the Commission would separate land use issues from economic issues, but the Commission realizes that the type of land use assigned to the

property has an inherent value and if the Mayor of North Salt Lake is using that value as leverage to acquire open space, those issues are difficult to separate. Chair Muir stated that the Commission may have to create a land use knowing that that is part of the economic reality. Mr. Pace agreed and said that it would be appropriate for the Commission to say based on the totality of the circumstances, as those facts will become known, the Planning Commission thinks this is the best decision.

Commissioner Galli noted that the petitioner is willing to work with the Commission in exploring the options suggested this evening. He stated that the Commission has the luxury of looking to the issues holistically. Mr. Pace agreed and said that the Commission needs to be clear as to how long they want to table this issue. He said that to wait for the two committees mentioned to meet on March 17, 2004 is a rather short delay. If the Commission wants to table the issue to see if bond money becomes available to purchase the land then that will be substantially longer. He said that he wanted to avoid unintended frustration between the two cities.

Chair Muir hoped that the issues could be worked through within eight weeks.

Commissioner Noda agreed that eight weeks is an appropriate timeframe and said that she would like to move as quickly as possible. She said that North Salt Lake has made a concerted effort to try to preserve as much open space as possible and she felt that their presentation was fair as to what their interests are. She appreciated the Hunter family and their cooperation in this process and asked if they could be involved in the committee meetings. She thanked those that commented this evening and stated that there is an obvious need to preserve open space.

Motion

Commissioner Noda made a motion to table the request by the City of North Salt Lake for a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property owned by North Salt Lake City located east of the gravel pits along Beck Street, and that a subcommittee be created per the discretion of the Planning Director.

Commissioner Chambless asked to include in the motion a field trip for those among the Commission that would like to visit the site. Commissioner Noda accepted that suggestion.

Commissioner De Lay seconded the motion.

Commissioner Diamond hoped that as this petition moves forward that the impacts on Salt Lake City will be kept in mind first and foremost.

Commissioner Chambless, Commissioner Daniels, Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner Noda, Commissioner Scott and Commissioner Seelig voted "Aye". Prescott Muir as Chair did not vote. All voted in favor, and therefore the motion passed.

Chair Chambless stated that the City Attorneys have directed the Planning Commission to convene to an Executive Session in order to consult with them regarding issues in accordance with the Utah Code 78.24.8.

Commissioner Noda made a motion that the Planning Commission convene to an Executive Session.

Commissioner Scott seconded the motion.

Commissioner De Lay, Commissioner Galli, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". Tim Chambless as Chair did not vote. All voted in favor, and therefore the motion passed.

The Planning Commission convened to an Executive Session at 5:55 p.m.

The Planning Commission reconvened at 6:21 p.m.



Petition No. 400-04-11 (tabled on March 10, 2004), by the City of North Salt Lake, requesting a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property owned by North Salt Lake City located east of the gravel pits along Beck Street (Continued from the March 10, 2004 Planning Commission meeting).

This item was heard at 6:21 p.m.

Principal Planner Ray McCandless presented the petition as written in the staff report. He stated that North Salt Lake City is requesting a voluntary boundary adjustment between the municipalities of North Salt Lake and Salt Lake City. The requested action seeks to remove 80 acres from Salt Lake City's municipal boundary and extend the municipal boundary of North Salt Lake to include the 80 acres. The property is currently located in Salt Lake City's jurisdiction. However, it is owned by North Salt Lake City.

Mr. McCandless stated that the current zoning on the property is Open Space, and North Salt Lake City is proposing natural open space for 47 acres; a future City cemetery for 23 acres; and a single-family residential development of 10 acres.

Mr. McCandless noted that the Salt Lake City Planning Commission held a public hearing on this item on March 10, 2004. At that hearing, the Planning Commission voted to table North Salt Lake City's request to allow time for the Planning Commission to visit the site and set up a Planning Commission Subcommittee Meeting to consider the issues discussed at that meeting. He stated that the Commission visited the site at various times and on September 29, 2004, held a Subcommittee meeting. The Subcommittee meeting focused on North Salt Lake City's proposed residential development on the northern portion of the property, the proposed cemetery use, and acquisition of the property by an open space preservation entity. The Planning Commissioners at the Subcommittee meeting were mainly concerned that approving the residential component of North Salt Lake City's plan would not be consistent with the Capital Hill Community Master Plan and would result in the further loss of existing natural open space on the ancient Lake Bonneville Bench.

Mr. McCandless stated that Staff is recommending that if funds to purchase the property become available, and North Salt Lake agrees to the purchase (Option 3 noted in the staff

DRAFT

report), it would be the best solution. However, should the acquisition of funds be problematic, the Planning Commission should recommend that the City Council enter into negotiations with North Salt Lake to fashion a boundary adjustment only around the proposed 10 acre residential development and 23 acre cemetery and that the 47 acres of the North Salt Lake owned property remain in Salt Lake City and that an agreement between the two jurisdictions be implemented assuring that the 33 acres be developed as proposed i.e., 10 acres of single family residential and 23 acres as a municipally owned cemetery as discussed in Option 4 noted in the staff report.

Mr. Bill Wright, Planning Consultant, addressed the Commission saying that the facts concerning the proposed site have not changed from North Salt Lake City's perspective. He said that they still believe that there are valid reasons that have been expressed in the request and the staff report as to why the proposed site is best included in North Salt Lake City's jurisdiction. Mr. Wright stated that that is why North Salt Lake City is seeking a boundary adjustment. He stated that there are other options of achieving their goal such as a disconnection which is provided under State law. However, the desire is to work with Salt Lake City to achieve the adjustment. Mr. Wright noted that North Salt Lake City is the only jurisdiction that can provide basic public and municipal services. He said that the site is extensively developable, and they have laid out a plan that is very responsible in the way it would be used. Mr. Wright stated that their plan recognizes the importance of open space. He noted that it was zoned by Salt Lake City in 1995 as open space. Mr. Wright noted that although North Salt Lake City does not agree with all of the aspects of the appraisal, and they feel that there were oversights, it does note the magnitude and severity of land values between natural open space and developed open space. Mr. Wright stated that the appraisal indicates that natural open space is about 4,000 dollars an acre, and it is believed that residential property is about 74,000 dollars an acre. He indicated that North Salt Lake City has received proposals for 110 – 160 thousand dollars an acre. Mr. Wright stated that a significant amount would be needed to purchase the site from North Salt Lake City. He stated that during the past six months they have not seen a significant indication that there is an effort to raise that amount of funds.

Mayor Kay Briggs, of North Salt Lake City addressed the Commission saying that he appreciates the staff report. He stated that North Salt Lake City's intention is to increase and encourage more use of the proposed area. Mayor Briggs asked the Commission why the City is willing to allow development of the Salt Lake City portion of the hill that divides the two jurisdictions, and not allow North Salt Lake City to develop ten acres of their back yard. He asked the Commission to approve the proposal, and reiterated that their intention is to preserve the area.

Commissioner Muir apologized to Mayor Briggs for the delays, saying that it certainly was not the intent of the Commission to delay the issue. The Commission tabled the request in March with the hope for the evaluation of the two jurisdiction's prospective open space agendas. Commissioner Muir noted that the Planning Commission does not have the tools to make that judgment. He referred to the Beck Street Reclamation Plan saying that the staff report indicates that North Salt Lake City participated in developing that plan. He asked if the proposed area had development potential then why was it not included in the plan as such.

Mayor Briggs said that he believed that the Hunter Family, adjacent property owner to the south of the proposed site, as well as others did protest that plan. He added that he did not believe that it was ever the intent of North Salt Lake City to indicate that the area was undevelopable. Mayor Briggs said that he believed over time the site has become a more attractive property for development. He added that he has received numerous offers from individuals requesting that North Salt Lake City sell the site and those private entities would

come to the Commission to get approval to develop it. He said in an effort to protect as much open space as possible he has declined the offers up to this point.

Mr. Wright added that they have staged this proposal as a refinement of the Beck Street plan which covered thousands of acres. He compared this proposal to that of the Salt Lake City plan to preserve Ensign Peak, which allowed for more development on the flat areas as well as the preservation of the open space area. He stated that they view this proposal as a "save by development" proposal which will develop a small portion of the 80 acres while allowing for the preservation rest of the property.

Commissioner Galli referred to Mayor Briggs' comments that they were working to acquire some or all of the 180 acres of more valuable open space. He asked what efforts have been made to ensure that there will be more open space in this community.

Mayor Briggs stated that he has made application with parks and recreation to purchase a portion of property which sits below the proposed 80 acres, with the intent that the 80 acres will never have housing on it.

Commissioner Galli asked if North Salt Lake City is willing at this point to negotiate the sale of the property if a fair price can be agreed upon.

Mayor Briggs replied that they would be willing to negotiate at this point. He reiterated that there are several developers who are quoting prices for the entire 80 acres at over 100,000 dollars an acre. Mayor Briggs said that it is not their intent to develop. However, if North Salt Lake City is forced to put the property on the market, it may happen. Mayor Briggs noted that the relevant groups who reviewed the staff report either supported or did not oppose the request, with the exception of the Mayor's Open Space Advisory Committee.

Chair Chambless opened the public hearing.

Mr. Peter von Sivers, Chair of the Capitol Hill Community Council, addressed the Commission in opposition of developing the proposed site. He noted that there was a resolution passed by the Capitol Hill Community Council to preserve the open space. He said that the Capitol Hill Community is in support of Salt Lake City purchasing the proposed site and preserving it as open space. He said that Salt Lake City has reached the point where urban sprawl needs to stop.

Mr. Ralph Becker, past Planning Commissioner, addressed the Commission in opposition of the request. He said that he finds it regrettable that so much time has lapsed since the first public hearing. He felt that North Salt Lake City has been patient up to this point, and they need a decision from Salt Lake City that shows the commitment that Salt Lake City has, to preserve the open space. He noted the uniqueness of the site and asked the Commission to evaluate the impact that the proposed uses may have on the future generations. He asked that the Commission make a decision tonight, which would allow the City Council to take action soon, then perhaps the negotiations can take place.

Ms. Helen Peters, Chair of the Mayor's Open Space Advisory Committee (MOSAC), addressed the Commission. She noted the letter to the Planning Commission submitted by the MOSAC. She said that this issue has been discussed by MOSAC numerous times and they have come to the conclusion that the property should be preserved under its current naturalized open space zoning. Through their discussions MOSAC has come to understand that this issue has a large number of legal sensitivities and complexities that could be handled at the City Council level. Ms. Peters asked that the Commission take the position

that would facilitate negotiations to preserve the area. She suggested that the Planning Commission forward the proposal to the City Council without taking a position. She said that MOSAC hopes that this decision would allow for a climate where the two jurisdictions can arrive at an agreement for Salt Lake City to acquire the proposed site. She said that they are actively raising funds to proceed with the purchase.

Commissioner Scott asked Ms. Peters why she is suggesting that the Commission forward the petition to the City Council without a recommendation for or against.

Ms. Peters replied that their intent is not to create a positioning this evening, but rather leave it as open as possible to allow the negotiations and legal issues to be discussed at the City Council level.

Ms. Cindy Cromer, addressed the Commission a citizen, she thanked the Commission for their manners in considering this petition. She noted three important planning issues that the Commission should address; one is that the City must have a manageable boundary which considers land use conflicts that are the responsibility of the local municipality. She felt that the proposed boundary adjustment does not accomplish that. Ms. Cromer said that the second issue is the importance of maintaining the Bonneville Shoreline Trail at the Bonneville elevation. The proposed realignment of the trail with variations in elevation will cost both municipalities users. The third issue is that there is a 15 year master planning history with regard to open space. She referred to two aspects of the Capitol Hill Master Plan, noting that there is a separate open space zone that does not allow structures; the other calls for historic areas to be designated. Ms. Cromer said that the proposed site is certainly a historic site.

Mr. Stan Porter, Chair of the North Salt Lake City Planning Commission addressed the Commission saying that they are committed to not allowing any development until the 80 acres are preserved as open space. He referred to the comment that the Bonneville Shoreline Trail must remain at the current grade. He stated that it will run along the same contour of the mountain and will remain at the same grade. Mr. Porter said that he had to make a personal compromise in deciding that the proposed plan is the best because he believes that the 10 acres of development will help to preserve the open space. He referred to the negotiation regarding the monetary value of the proposed site, saying that there are those on both sides of the issue claiming significant difference in the value of the site. He said that he believed that the crux of the problem is the dispute relating to the value of the site.

Mr. Jim Burn, Co-Chair of the Bonneville Shoreline Trail Committee and Chair of the Bonneville Shoreline Trail Coalition, addressed the Commission. He indicated concern regarding the proposed site, saying that it is a rare piece of land along the trail. He asked that Salt Lake City scrutinize every possibility to preserve the site.

Mr. Jim Webster, Chair of the Yalecrest Community Council addressed the Commission saying that his concerns relate to the question of how perpetual is the open space zoning, and what does it really mean to zone property open space. He noted the importance of preserving the site. He said that he understands North Salt Lake City's perspective; however, he did not agree that the development of the 10 acres will help to preserve the open space. He asked if the forest service has been involved in the negotiations.

Chair Chambless asked Staff if they have been in contact with the U.S. Forest Service regarding this matter.

Mr. Wheelwright replied that they were sent notices but have not responded to the Planning Staff.

Mr. Wright replied that in the development of the North Salt Lake City's General Plan amendment, approximately two years ago, they met with Mr. Steve Sheid of the U.S. Forrest Service regarding trail heads, location of the trail heads, and other various issues relating to the area. Mr. Wright indicated that Mr. Sheid came to the same conclusion that there will not be a severe grade change with regard to the proposed trail alignment.

Mr. Richard Hunter, property owner adjacent to the proposed area addressed the Commission saying that his biggest objection is that he, as an adjacent property owner, has never been included in the various committee's discussions nor has he been invited to give input in discussions of the proposed site which will potentially affect his property. He said that he would like to be included in the negotiations and discussions regarding the proposed site.

Chair Chambless closed the public hearing.

Commissioner Seelig asked for clarification regarding the departmental comments section of the staff report. She asked why the staff reports are routed to various City Departments, and what is Staff seeking in the process.

Mr. Wheelwright stated that it is routine for Staff to contact City Departments relative to development requests. He added that Staff also seeks departmental input regarding changes to City regulations.

Commissioner Galli suggested that the Commission focus on the optimization of land use. He said that he is persuaded to advance the request with a strong recommendation that the site be protected as open space while indicating the urgency for the issues to move forward. Commissioner Galli said that he personally regrets the time delay without any progress as to negotiations between the two municipalities.

Commissioner Noda agreed with Commissioner Galli saying that the Commission tabled the request in March to allow for negotiations. She added that the Commission should look at the land use and preservation issues. She said that she believes that the site has a geographical and historical uniqueness which should be preserved. She thanked North Salt Lake City for their patience in the matter. Commissioner Noda said that she hopes that the two municipalities can agree on a price for Salt Lake City to acquire the property, and that would obviously require both jurisdictions to do their own appraisals.

Commissioner Muir stated that he agreed with the comments expressed; however, he did not believe that the Commission is empowered to evaluate nor negotiate purchase or a resolution other than make a recommendation regarding land use. He said that he felt that the will of the City is that the proposed area is to remain as open space based on the governing Master Plan.

Motion for Petition No. 400-04-11

Commissioner Muir made a motion to that the Planning Commission reject the proposed boundary adjustment.

Commissioner Seelig seconded the motion.

Commissioner Galli suggested that the Planning Commission amend the motion to reject the boundary adjustment with the strong recommendation to work expeditiously to search for an amicable solution. If Salt Lake City is not able to purchase the property outright because a purchase price can not be agreed upon; then the two parties negotiate a modification of the boundary adjustment or fashion a new boundary adjustment which carves out the proposed 10 acres.

Commissioner Scott said that she agreed with the amendment with the exception of carving out the ten acres. She felt that the recommendation should not be that specific but rather add the request that every attempt be made to organize the purchase of the 80 acres. She felt that that would send a clear message that the preservation of the land as open space is a priority of the Planning Commission.

Commissioner Galli said that his concern is that there may be such disparity relating to the dollar figures, which may not allow for negotiation. He said that his intention is that the Planning Commission recommendation be very broad and every possibility be explored. Commissioner Galli referred to the Staff recommendation noting that if Salt Lake City can not purchase the property, the Staff recommendation is that the City Council look to fashion a new boundary adjustment around the 10 acres. He felt that that may be the most realistic option if the first priority can not be reached, which is the preservation of the entire 80 acres.

Commissioner Scott noted that Mayor Briggs has indicated that there are developers who are interested in developing the entire 80 acres and are waiting for a final decision, and are willing to underwrite that cost. She reiterated that the open space is the main concern of the Planning Commission and it is their responsibility to maintain the open space.

Commissioner Noda agreed with Commissioner Galli that perhaps the most realistic solution, if Salt Lake City can not purchase the property, is that the City Council look to fashion a new boundary adjustment around the 10 acres.

Commissioner Galli reiterated that he agrees with the motion to deny the proposed boundary adjustment in favor of Salt Lake City purchasing the property in a speedy fashion, if that is not feasible then the Planning Commission recommend that the City Council look at a boundary adjustment that might suit the needs of both jurisdictions while preserving the maximum amount of open space.

Commissioner Muir accepted the amendment. He said that he felt that the option for negotiations goes without saying and those that preside in the Offices of the Mayor's Office and the City Council Office should be encouraged to exhaust the opportunities; however, he did not want to prescribe what those opportunities are. One option certainly would be the purchase of the property or an adjustment to the current plan that has been presented, or a combination of both.

Commissioner Seelig agreed with the motion and asked that the word "strongly" be added because the Commission encouraged negotiations when the petition was last reviewed by the Commission.

Amended Motion for Petition No. 400-04-11

Commissioner Muir made a motion that the Planning Commission reject the proposed boundary adjustment, with a strong recommendation that those who preside in the Offices of the Salt Lake City Mayor and the Salt Lake City Council should be encouraged to exhaust

the opportunities for negotiations that might suit the needs of both jurisdictions while preserving the maximum amount of open space.

Commissioner Seelig seconded the motion.

Commissioner De Lay, Commissioner Galli, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". Tim Chambless as Chair did not vote. All voted in favor, and therefore the motion passed.

DRAFT

**6. PLANNING COMMISSION PUBLIC HEARING
NOTICES**

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

NOTICE OF PUBLIC HEARING

Petition # 400-04-11

The City of North Salt Lake is requesting a boundary line adjustment between the City of North Salt Lake and Salt Lake City. The property at hand is an 80-acre parcel located on the high bench directly east and above the Beck Street gravel pits. This parcel is currently located in the jurisdiction of Salt Lake City, but is owned by North Salt Lake City. The property also lies within the boundaries of Salt Lake County.

The intent behind this boundary adjustment between the two (2) cities is to bring the 80-acre parcel into the jurisdiction of North Salt Lake City for future development purposes. This site has been adopted as a potential development area within the North Salt Lake City Eastside General Plan. The North Salt Lake Eastside General Plan proposes using the southern most 70-acres of this property as open space (which includes a future 23 acre cemetery), and allowing residential development on the remaining 10-acres. The plan also specifies that a trail easement will be dedicated for perpetual public use through the property. North Salt Lake City is the only jurisdiction capable of accommodating street access, public water/sewer, and public safety for this property.

The Salt Lake City Planning Commission will be holding a public hearing to consider this item and accept public comment on:

Date: Wednesday, March 10, 2004
Time: 7:00 p.m.
Place: Room 326, City and County Building
451 South State Street

If you have any questions, comments or wish to view the proposal, you may do so at that time. Please contact Doug Wheelwright at 535-6178, Greg Mikolash at 535 7932 or Ray McCandless at 535-7282 if you have additional questions.

We comply with all ADA Guidelines. Assistive listening devices and interpretive services provided upon 24 hour advance notice.

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 27, 2004, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. APPROVAL OF MINUTES from Wednesday, October 13, 2004

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

4. UNFINISHED BUSINESS

- a. PUBLIC HEARING** – Petition No. 400-04-11 (tabled on March 10, 2004), by the City of North Salt Lake, requesting a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property owned by North Salt Lake City located east of the gravel pits along Beck Street (Continued from the March 10, 2004 Planning Commission meeting).
(Staff – Ray McCandless at 535-7282)

5. PUBLIC HEARINGS

- a. PUBLIC HEARING** – Petition No. 410 – 678, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, and 696 by Qwest Corporation to install electrical utility cabinets measuring approximately 40 inches long by 48 inches high by 14 inches deep for Digital Subscriber Line (DSL) services at the following approximate locations:

<u>Petition No</u>	<u>Location</u>	<u>Zoning District</u>
410-678	1403 S. Roxbury Road	Single Family Residential – “R-1-12,000”
410-683	402 N. Virginia Street	Open Space – “OS”
410-684	395 E. 12 th Avenue	Foothills Residential – “FR-3”
410-685	704 N. East Capitol Boulevard.	Single Family Residential – “R-1-7000”
410-686	1304 Federal Heights Drive	Single Family Residential – “R-1-12,000”
410-687	22 East Zane Avenue	Single and Two-Family Residential – “R-2”
410-688	1357 East 100 South	Single Family Residential – “R-1-5,000”
410-689	699 East 13 th Avenue	Foothills Residential – “FR-3”
410-690	1744 N. Cavallo Drive	Single Family Residential – “R-1-7,000”
410-691	763 North 900 West	Single Family Residential – “R-1-7,000”
410-692	760 North 900 West	Moderate Density Multi-Family Residential – “RMF-35”
410-693	395 North 1300 West	Single Family Residential – “R-1-7,000”
410-694	589 North 1200 West	Single Family Residential – “R-1-7,000”
410-695	577 North Colorado Street (1350 West)	Single Family Residential – “R-1-7,000”
410-696	954 West 1000 North	Neighborhood Commercial – “CN”

(Staff – Ray McCandless at 535-7282)

- b. PUBLIC HEARING** – Petition No. 410-700, by Greg Larson, requesting approval of a 6-unit residential planned development called the “Bungalows of Sugar House” located at approximately 1850 East 1700 South in an “R-1-7000” zoning district.
(Staff – Ray McCandless at 535-7282)
- c. PUBLIC HEARING** – Petition No. 410-706, by Dru Damico, representing HOWA Properties, Inc. requesting a conditional use to allow for the construction of a new building and associated parking lot at 279 West South Temple in the “D-1”, Central Business District. The conditional use is required because a portion of the building exceeds the maximum front and corner side yard setback (5 feet) and the building does not meet the minimum height requirement (100 feet) for corner buildings located in the “D-1” zone. The proposal also does not meet the zoning code relating to parking lots that must be located behind a principal building or setback at least seventy five feet from the front and corner side lot lines. The use is considered an interim commercial service use to support the Downtown Community, which is specifically allowed as a conditional use in the “D-1” zoning district. (Staff – Wayne Mills at 535-6173 or wayne.mills@slcgov.com))
- d. PUBLIC HEARING** – Petition No. 400-03-34, by the Salt Lake City Council, requesting review of the Nonconforming Uses and Noncomplying Structures section of the Zoning Ordinance related to the limitations for reconstruction, improvement or expansion of nonconforming uses and noncomplying structures; to establish refined standards, public notification, and review processes. The proposed text amendment will require amendment to the Avenues Community Master Plan policy regarding nonconforming uses.
(Staff – Everett Joyce at 535-7930)

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.

**7. MATERIALS DISTRIBUTED TO THE PLANNING
COMMISSION AND PLANNING STAFF**

MAYOR'S OPEN SPACE ADVISORY COMMITTEE

Helen M. Peters, Chair
2803 Beverly Street
Salt Lake City, Utah 84106
801-466-7170
hmpeters@uofu.net

via Hand Delivery

October 27, 2004

Tim Chambless, Chair
Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City, Utah 84111

Re: NSL Voluntary Boundary Adjustment
Case No.: 400-04-11

Dear Mr. Chambless and members of the Planning Commission:

On March 10, 2004 the Planning Commission tabled a decision on the application by North Salt Lake and asked that the Mayor's Open Space Advisory Committee (MOSAC) provide input regarding the voluntary boundary adjustment request. Subsequent to that request, MOSAC discussed this matter at several of its monthly meetings and continues to seek ways for this property to be permanently preserved as naturalized open space. After discussion and deliberation, MOSAC provides the following input and recommendation to the Planning Commission:

1. The property should be preserved under its current zoning as open space. Specifically, the property should be preserved as naturalized open space.
2. Throughout our discussions, MOSAC has come to understand that this matter has legal sensitivities that can be best handled at the City Council level. We recommend that the Planning Commission take a position that facilitates the ability of Salt Lake City and North Salt Lake to negotiate a preservation option. This could be best accomplished by the Planning Commission opting not to take a position, but rather forwarding the matter to the Salt Lake City Council without further delay.
3. Our desire is for an optimal negotiating climate to be achieved, whereby North Salt Lake and Salt Lake City can agree upon a preservation strategy. Should events prevail that support negotiation or a negotiated agreement, members of MOSAC commit to developing a funding package which will assist in acquiring

Letter to Tim Chambless
October 27, 2004
Page Two

and permanently preserving this geo-antiquity. For your reference, I have attached a letter from Professor John Bowman from the Department of Geology and Geophysics at the University of Utah stating his opinion on the importance of this property to understanding the rare geologic features of ancient Lake Bonneville.

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

Regards,



Helen M. Peters

Mayor Ross C. Anderson
Rocky Fluhart, Deputy Mayor
A. Louis Zunguze, Planning Director
Ray McCandless, Planning Staff
Doug Wheelwright, Deputy Planning Director
Lisa Romney, Mayor's Environmental Advisor
Jill Remington-Love, Salt Lake City Council Chair
Eric Jergensen, District 3 City Council Representative
Robin A. Carbaugh, Consultant

Sept. 1, 2004

Mr. Louis Zunguze, Planning Director
Salt Lake City Planning Commission
451 S. State St., Rm 406
Salt Lake City, UT 84111

Dear Sir:

My name is John Bowman and I live in Salt Lake City. I have a Ph.D. in geology and I have taught earth science at the University of Utah for the past 27 years. I have been a Professor of geology and geophysics at the University since 1987. I have also been associated with the Bonneville Shoreline Trail Committee since 1997. I am writing with regard to the North Salt Lake zoning and boundary adjustment issue because I will not be able to attend the Sept. 8 meeting of the Planning Commission. I am writing as a private citizen, not as a representative of the University of Utah, and as a private citizen with an understanding of some of the scientific aspects of this issue. I urge you to retain zoning authority over the property in question, keep it as true open-space, and to begin immediately and urgently to find the necessary monies to purchase the property from North Salt Lake so that this property can be preserved with some kind of conservation easement.

The property in question contains one of the last remaining undeveloped segments of the Bonneville Bench, the preserved shoreline of the Pleistocene (Ice Age) Lake Bonneville, in Salt Lake Valley. This shoreline formed about 15,000 years ago, and marks the highest level (approx. 5100 ft. elevation) attained by Lake Bonneville. The Bonneville Bench is one of the most striking topographic and scenic features of the Wasatch Front in general, and of Salt Lake City in particular. Nowhere in the world that I am aware of is there a major city or metropolitan area such as Salt Lake that is adjacent to one of the finest examples of Pleistocene lake terraces developed on our planet.

The geologic study of the Bonneville Bench is an important part of the early scientific and cultural heritage of Salt Lake City and of Utah. The first scientific studies of the Lake Bonneville Benches were begun in this valley in the 1870's by Grove Karl Gilbert and represent some of the first studies of Ice Age lake terraces anywhere in the world. G.K. Gilbert was a protégé of John Wesley Powell, and a pioneer in the first geological and geographical surveys of Utah and the Colorado Plateau. He is not only one of the great geologic pioneers of late 19th century United States, he is one of the great American scientists of the late 19th and early 20th centuries. Gilbert produced a truly classic study of Lake Bonneville and its lake terraces in 1890 as **Monograph 1**, one of the very first publications of the newly established U.S. Geological Survey.

The Bonneville Bench is a world-class geologic feature—worthy of being called a “geoantiquity”—that is uniquely and closely associated with Salt Lake City and its history. Geoantiquities are high quality examples of unusual or rare geologic features. A geoantiquity is analogous to a site or item of historical or human cultural significance; an antique that is worth

preserving. The analogy to human cultural and historical antiques is appropriate. On the "Antiques Road Show", owners bring items in that at first glance don't look like much and do not appear to have much value. However once the owner learns the history of the item and discovers that it is quite valuable, he/she commits to taking care of—preserving—the item. The same goes with geoantiques. We have a valuable one right here in Salt Lake City--the Bonneville Bench--that is a rare feature and deserves protection.

Unfortunately, very little of the Bonneville Bench remains undeveloped anywhere in Salt Lake County or Salt Lake City. Two of the last remaining segments of any meaningful length are east of the University of Utah and within this parcel in question in North Salt Lake. Of the two, the section of bench in this North Salt Lake property is significantly wider, and in my opinion is of higher quality than the University segment.

In other areas, particularly in Europe, there are progressive and rapidly developing movements committed to preserving geoantiquities as heritage sites or "geoparks" in the same manner as communities preserve historical sites. Communities are discovering that these geoantiquities can serve as focal points in communities and even as tourist attractions. I invite the Commission to visit websites for some of these sites, and to look at some of the references listed below, to learn more about "geoantiquities" and their value to a community. In our community, the Bonneville Shoreline Trail (BST) is aligned on or near the Bonneville Bench, and this trail is heavily used. This use will increase significantly if the North Salt Lake segment of the BST to the Davis Co. line is secured on this section of the Bonneville Bench as a true urban interface trail.

The Bonneville Bench adds great scenic, cultural, and recreational value to our city, and deserves to be preserved as undeveloped open space. Our community has the opportunity to be pro-active and innovative by preserving this last remaining segment of the Bench. We need to regain the balance between development and preservation of the Bonneville Bench, which is disappearing rapidly in the Salt Lake Valley. I hope I have given you some scientific and historical reasons for saving this segment. Beyond these reasons, all of you have visited the area and have seen for yourself that it is an area of beauty and serenity that is right next to the downtown area. If this segment of the Bonneville Bench is not preserved, there are simply no other good, significant sections of it left to be preserved in Salt Lake City. I have heard all of you on the commission testify to your commitment to preservation and open space. This last, significant segment of the Bonneville Bench is definitely worth preserving.

Respectfully submitted,

John R. Bowman

References

Chan, M.A., and Godsey, H., 2004 (in press), Geoantiquities: Concepts and applications for education in the urban landscape: *Journal of Geological Education*

Atwood, G., Felton, A., and Chan, M.A., 2004 (in press), Teacher workshop using geoantiquities: Case history of modern Great Salt Lake and Pleistocene Lake Bonneville shorelines, Utah: *Journal of Geological Education*.

Chan, M.A., Currey, D.R., Dion, A.N., and Godsey, H.S., 2003, Geoantiquities and geoconservation: *Geotimes* v. 48 n. 6, p. 14-17.

Chan, M.A., Currey, D.R., Dion, A. and Godsey, H., 2003, Geoantiquities - in the urban landscape (Chapter 2); in G. Heiken, R. Fakundiny, and J. Sutter, eds., *Earth Science in the City: A Reader*: American Geophysical Union monograph. ISBN 0-87590-299-5, p. 21-42

Chan, M. A., and Currey, D. R., 2001 , Geoantiquities: Earth History in the Urban Landscape: *Utah Geological Survey Notes*, v. 33, n. 1, p. 8.

Websites (I typed in "geoparks" on Google and go over 9000 hits! Here are few of the first ones.)

International Network of Geoparks

<http://www.unesco.org/science/earthsciences/geoparks/geoparks.htm>

European Geoparks Network

<http://europeangeoparks.maestrazgo.org/geoparks.htm>

Geopark Harz

<http://www.geopark-harz.de/>

PETITION NO. 400-04-11

PETITION CHECKLIST

Date Initials Action Required

2/25/04 RA Petition delivered to Planning

2/25/04 RA Petition assigned to: Ray McCordless

3/10/04 & 10/27/04 RA Planning Staff or Planning Commission Action Date

11/3/04 RA Return Original Letter and Yellow Petition Cover

11/3/04 RA Chronology

11/3/04 RA Property Description (marked with a post it note)

11/3/04 RA Affected Sidwell Numbers Included
08-13-300-004

11/3/04 RA Mailing List for Petition, include appropriate
Community Councils

11/3/04 RA Mailing Postmark Date Verification 2 autys

_____ _____ Planning Commission Minutes

11/3/04 RA Planning Staff Report 2

11/3/04 RA Cover letter outlining what the request is and a brief
description of what action the Planning Commission or
Staff is recommending.

NA RA Ordinance Prepared by the Attorney's Office

NA RA Ordinance property description is checked, dated and
initialed by the Planner. Ordinance is stamped by
Attorney.

Ray McCordless _____ Planner responsible for taking calls on the Petition

_____ _____ Date Set for City Council Action _____

_____ _____ Petition filed with City Recorder's Office



CITY OF NORTH SALT LAKE

20 South Hwy 89 • PO Box 540208
North Salt Lake, Utah 84054-0208
(801) 936-3877

KAY W. BRIGGS
Mayor

COLLIN H. WOOD
City Manager

October 8, 2003

Carlton Christensen, Chair
Salt Lake City Council
451 South State Street
Salt Lake City, Utah 84111

Dear Councilman Christensen:

In October 2002, the City of North Salt Lake contacted the Salt Lake City Attorney to begin discussions of a potential boundary adjustment between our two cities of an 80-acre parcel of property owned by North Salt Lake City located on the high bench above the Beck Street gravel pits. In March 2003, Mr. Lynn Pace, Deputy City Attorney, responded in writing to our request agreeing that the boundary adjustment is the appropriate legal process; however, conveyed that Salt Lake City needed information concerning North Salt Lake City's intended uses of the 80-acre parcel.

In April 2003 North Salt Lake City commenced a planning process to define the long-range plan for this property by hiring a professional planning consultant, Mr. Bill Wright, to develop a General Plan Amendment. We followed the proscribed planning process in Utah Statute to analyze alternative land uses, study development issues and follow the legal plan adoption process. The General Plan Amendment for this 80-acre city owned property was adopted by the North Salt Lake City Planning Commission on August 26, 2003 and North Salt Lake City Council on September 16, 2003.

Mr. Wright is very familiar with the planning processes employed by both cities in the shared "*Beck Street Reclamation Framework and Foothill Area Plan*". The plan identified the extent of the Beck Street gravel pit excavations and set in place the methods of reclamation. In that plan, the 80-acre parcel owned by North Salt Lake City was identified for open space and in April 1995, Salt Lake City rezoned the property to "OS" Open Space to regulate land use development. A definitive study of land use alternatives for the 80-acre parcel was not conducted in that planning process. The assumption was that because the parcel was publicly owned, the open space designation was the only land use explored. Much of this 80-acre parcel has relatively flat property characteristics that comply with development standards in both Salt Lake City and North Salt Lake City.

The purpose of the attached General Plan Amendment is to propose and plan for a boundary adjustment with Salt Lake City to bring this 80-acre parcel into the jurisdiction of North Salt Lake City. This general plan amendment will provide the land use plan, transportation plan and a zoning plan for this property. North Salt Lake City is the only jurisdiction that can provide street access, public water and sewer utilities, public safety (police, fire protection, paramedic services, etc.) and private utilities to the site for the appropriate development of the property. North Salt Lake City also owns two culinary water wells on the property that supply water to its citizens.

Utah State Code allows municipal jurisdictions to cross county boundaries. With the approval of the proposed boundary adjustment, the 80-acre parcel will be within the municipal jurisdiction of North Salt Lake City; however, will remain within the county jurisdiction of Salt Lake County.

This General Plan Amendment addresses the question posed by Salt Lake City in March 2003. North Salt Lake City has identified approximately 10 acres to be devoted to low-density residential development and the remaining 70 acres in uses allowed as "open space" uses in the Salt Lake City zoning ordinances. This development plan will allow North Salt Lake City to preserve valued open space, formally designated the Bonneville Shoreline Trail and Lime Canyon Trail, develop a city cemetery and provide housing on land suitable for development. The proposed land uses respond to the "lay of the land" and natural features that balance the community desires for foothill open space, a city cemetery and residential development. This plan is an excellent example of the planning concept, "*saved by development*" which allows the revenue from developing appropriate land uses on certain properties to be available to ensure that other more sensitive lands remain in open space. I believe you will agree with the North Salt Lake City Council that this General Plan Amendment provides the most responsible means of regulating the land uses of this 80-acre parcel for our respective communities.

It is best that this 80-acre parcel be included in the jurisdiction of North Salt Lake City for several reasons.

First, the City of North Salt Lake is the only jurisdiction that can provide the basic public services, including street access, public water and sewer utilities, storm drainage utilities, public safety (police, fire protection, paramedic services, etc.), schools, churches and supportive retail/commercial services necessary for the development of the open space uses and residential uses. Salt Lake City cannot physically provide any of these required and typical municipal services to this property.

Second, the City of North Salt Lake has a desire to provide a city cemetery for its residents. A portion of this 80-acre parcel provides an excellent setting for a cemetery. Currently there are very few cities in Davis County that do not have a cemetery. The city desires to have jurisdictional regulation over the cemetery that it will own and provide for its residents.

Third, the City of North Salt Lake owns multiple culinary water wells on this 80-acre parcel that supply its residents with drinking water. The city desires to protect these water sources through both ownership and jurisdictional regulation of development.

Please review the attached General Plan Amendment for this proposed boundary adjustment. I look forward to an opportunity in the near future to have a work session with the Salt Lake City Council where our planning consultant, Bill Wright, can review the details of the plan and elaborate on the value and importance of this planning approach. We have considered many land use alternatives for this 80-acre parcel and have concluded that these proposed uses support our community planning goals, are economically feasible for our community and will provide for responsible stewardship of this foothill property.

I would encourage that we schedule a field trip to our property before the fall weather turns to winter. We can accommodate limited access to the property with vehicles for convenience of time.

In March 2003, the North Salt Lake City Council decided to take a "planning approach" to this discussion of the boundary adjustment rather than a legal challenge to the Open Space zoning and boundary disconnection. We believe this planning approach will prove beneficial to both cities and we look forward to a productive dialogue with the Salt Lake City Council.

Please ask your staff to contact Collin Wood, City Manager, at 936-3877 to schedule a meeting to discuss this proposal.

Respectfully submitted,

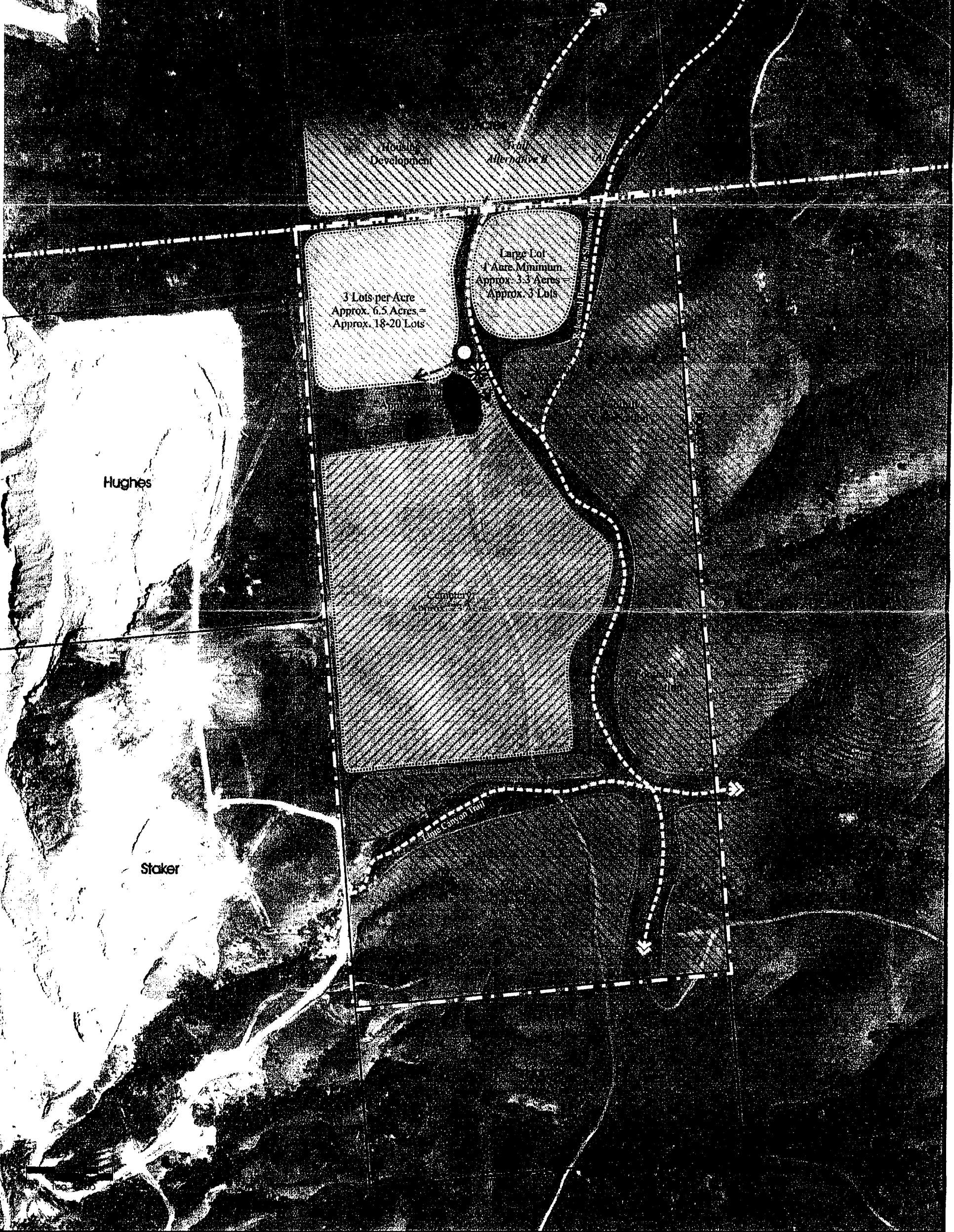


Kay W. Briggs
Mayor

wtw:KWB

cc: Cindy Gust-Jensen, Executive Director, Salt Lake City Council
Lynn Pace, Deputy City Attorney
Louis Zunguze, Planning Director
North Salt Lake City Council

North Salt Lake City



Housing
Development

Small
Alternative 1

3 Lots per Acre
Approx. 6.5 Acres =
Approx. 18-20 Lots

Large Lot
4 Acre Minimum
Approx. 3.3 Acres =
Approx. 3 Lots

Shoreline Trail

Hughes

Campitory

Staker

Long Canyon Trail

0 100 200

General Plan Amendment

North Salt Lake City Eastside Neighborhood Master Plan 80-Acre Parcel Adopted September 16, 2003

North Salt Lake City Planning Commission Recommendation to the City Council

Purpose:

The North Salt Lake City Eastside General Plan was adopted by North Salt Lake City Council to guide development along the east bench foothills of the city. That General Plan contained statements concerning an 80-acre parcel owned by North Salt Lake City but located in the jurisdiction of Salt Lake City, contiguous to North Salt Lake City. The plan recognized the importance of the parcel to the city and encouraged additional planning to determine appropriate land use opportunities. North Salt Lake City also participated in the Beck Street Reclamation and Foothill Area Plan with Salt Lake City to plan for the future of this corridor. That Plan identified the extent of the Beck Street gravel pit excavations and set in place the methods of reclamation. In this plan, the 80-acre parcel owned by North Salt Lake City was identified for open space and in April 1995, Salt Lake City rezoned the property to OS Open Space to regulate land use development.

The purpose of this General Plan Amendment is to propose and plan

for a boundary adjustment with Salt Lake City to bring this 80-acre parcel into the jurisdiction of North Salt Lake City. This general plan amendment will provide the land use plan, transportation plan and a zoning plan for this property. North Salt Lake City is the only jurisdiction that can provide street access, public water and sewer utilities, public safety (police, fire protection, paramedic services, etc.) and private utilities to the site for the appropriate development of the property. North Salt Lake City also owns two culinary water wells on the property that supply water to its citizens.

Utah statutes allow municipal jurisdictions to cross county boundaries. With this boundary adjustment, the 80-acre parcel will be within the municipal jurisdiction of North Salt Lake City; however, will remain within the county jurisdiction of Salt Lake County.

Description of the Property:

The property is located immediately south of the Davis County boundary, east of the Beck Street gravel pit operations, north of the Hunter property and west of the National Forest Service property on the high bench foothills. The majority of the property is a relatively flat bench, a geologic antiquity of Lake Bonneville shoreline. The property contains two water wells along the east foothills that provide North Salt Lake City with culinary water. The property also contains identifiable wetlands fed by surface springs. The Bonneville Shoreline trail presently bisects the property with a pedestrian and bicycle trail, however, the trail is not officially designated or dedicated at that location. The property is presently undeveloped, used as natural open space.

Land Use Plan:

Open Space Uses: (See Land Use Plan)

The southernmost seventy (70) acres of the eighty (80) acre parcel is planned for open space uses that include a North Salt Lake City Cemetery, Wetlands Preservation Area, Wellhead Protection Area, Foothill Preservation Areas, Lime Canyon Trail, the Bonneville Shoreline Trail and Natural Open Space Areas.

The 80-acre property will retain its open space identity south of a planned ten (10) acre residential neighborhood. The Wetlands Preservation Area will provide the gateway to the open space and the North Salt Lake City Cemetery from the north. Approximately 23 acres are identified for future cemetery use. This spectacular high-bench property will provide the city an opportunity to develop a cemetery for its citizenry at a most peaceful, serene location. Initially, no more than 10 acres will be allocated to begin the cemetery on the flat bench and foothill portions of the property. This permitted open space use will provide a public use of the current natural open space that will benefit city residents and provide a responsible stewardship over the property. The remaining 47 acres is devoted to natural open space, wetlands, pedestrian and bicycle trails and foothill preservation.

The southern 22 acres of the 80-acre parcel is devoted to natural open space. No motorized vehicle access will be permitted into the area south of the cemetery.

Pedestrian and Bicycle Trails: (See Land Use Plan)

The Bonneville Shoreline Trail is identified to be relocated from its current (unofficial) position bisecting the bench property to the edge of the foothills. Relocating and designating an easement for the Bonneville Shoreline Trail will provide a better location for trail users to view the Great Salt Lake and valley and be located in a natural open space setting. North Salt Lake City will dedicate a trail easement across the 80-acre parcel for the Bonneville Shoreline Trail at the new location. Development of the relocated trail will be coordinated with the Bonneville Shoreline Trail Committee and the National Forest Service. The three groups should explore grants and volunteer efforts to construct the new trail.

This plan identifies two alternative trail alignments for the Bonneville Shoreline Trail through the residential neighborhood. Trail Alignment A is a higher elevation foothill alignment behind the residential uses on the east. This trail would remain higher on the foothills until it reaches a proposed canyon park located adjacent to the Eaglewood Golf Course. Trail Alternative B follows the alignment of the public street from the cemetery entrance through the residential neighborhood. Additional studies are required of private property development alternatives north of the 80-acre parcel before a final alignment can be selected.

A new Lime Canyon Trail is identified on the Land Use Plan for pedestrian use to connect with a potential trail traversing the high bench reclamation of the Staker gravel pits to Beck Street. The trail will follow the natural Lime Canyon through the 80-acre parcel and into the Forest Service property. An information kiosk should be located at the intersection of the Lime Canyon Trail and the Bonneville Shoreline Trail. North Salt Lake City will provide an easement for the Lime Canyon Trail for public use and access to Forest Service property and upper bench trails.

North Salt Lake City continues to explore the development of a trail head along the Bonneville Shoreline Trail. The trail head should provide parking, rest room facilities, information kiosks and drinking water. The preferred location for the trail head is at the proposed canyon park located adjacent to the Eaglewood Golf Course, which is not located on this 80-acre parcel.

Residential Uses: (See Land Use Plan)

The land use plan identifies approximately ten (10) acres for residential uses on the flat bench and gently sloping foothills immediately adjacent to the Davis County boundary. The characteristics of these properties are similar to the bench parcels currently located within North Salt Lake City and generally comply with the foothill development guidelines for slope and geotechnical analysis. Detailed analysis will be conducted during the plan development approval process. The proposed densities will range from three lots per acre on the bench to one lot per acre on the foothills. These lands will generate between 21 and 23 residential lots. Vehicular access can only be provided to these residential properties by connecting into the existing road system in North Salt Lake City. All the support services necessary for viable neighborhoods including: public safety (police, fire protection, paramedic services), commercial and retail uses, schools, churches, etc. are provided by or in North Salt Lake City only.

A buffer area is provided between the Open Space uses to the south and the gravel pit uses to the east. Salt Lake City has required the Hughes gravel pit reclamation plan to set back approximately 250 feet from their property line to their high bench gravel excavation. This provides an adequate visual, noise, access and dust buffer to this residential development. This setback area is to be restricted to open

space use through a conservation easement entrusted to Salt Lake City. Once the uppermost high-bench gravel excavations are completed, the interaction between the residential uses and the gravel pit excavations will be minimal. Along the southern border of the residential area a grove of native specie trees should be planted to buffer the developed area from the cemetery. The grove of trees will provide a visual buffer for the cemetery and a wind break for the residential neighborhood.

Transportation Plan: (See Land Use Plan Map)

A residential collector street will provide vehicle access into the 80-acre parcel from the north. The street will be terminated north of the Wetlands Preservation Area. The street will provide access to the North Salt Lake City Cemetery at a loop turn-a-bout.

The narrow road network serving the cemetery will be dedicated for the exclusive use of cemetery patrons with the option to close access after hours of visitation. The speed limit within the cemetery will be 15 miles per hour maximum with a narrow street design, no curbs and gutters and no designated parking. A storm water drainage system will be designed with landscaped swales.

North Salt Lake City has provided an additional high bench arterial with the development of Eagleridge Drive, taking the higher volume of traffic from the upper bench to Highway 89 at Orchard Drive.

Zoning Plan

Utah Statue provides that when a boundary adjustment is accomplished, then the property needs to be zoned to regulate development by North Salt Lake City. The identified Residential

neighborhood should be zoned Residential R1-12 to be consistent with the development regulations of the upper east bench zoning patterns.

The open space uses should be zoned OS - Natural Open Space. North Salt Lake City has developed an open space zoning district for uses west of the alignment of the proposed Legacy Parkway. Some modifications to this zoning district will be necessary to include cemetery use.

VTDI 08-13-300-004-0000	DIST 13C	TOTAL ACRES	79.27	
NORTH SALT LAKE CORP.	TAX CLASS	UPDATE	REAL ESTATE	158500
	OE	LEGAL	BUILDINGS	0
		PRINT V	TOTAL VALUE	0

PO BOX 540208

NORTH SALT LAKE	UT	84054	EDIT 1	FACTOR BYPASS
LOC: 438 W 2351 N #APROX	EDIT 0	BOOK 0000	PAGE 0000	DATE 00/00/0000
SUB:			TYPE UNKN	PLAT

11/03/2004 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY
COM 40 RDS N FR S 1/4 COR SEC 13 T 1N R 1W SL MER N 158.54
RDS W 80 RDS S 158.54 RDS E 80 RDS TO BEG 79.27 AC

PFKEYS: 1=VTNH 2=VTOP 4=VTAU 6=NEXT 7=RTRN VTAS 8=RXMU 10=RXBK 11=RXPN 12=PREV

REMARKS

Petition No. 400-04-11

By City of North Salt Lake

Is requesting a voluntary boundary adjustment between the municipalities of North Salt Lake and Salt Lake City. The requested action seeks to remove 80 acres from Salt Lake City's municipal boundary and extend the municipal boundary of North Salt Lake to include the 80 acres.

Date Filed _____

Address _____