
MEMORANDUM

DATE: April 15, 2005

SUBJECT: Petition 400-04-11 – North Salt Lake Disconnection

AFFECTED COUNCIL DISTRICTS: Council District 3

FROM: Janice Jardine, Land Use Policy Analyst

**ADMINISTRATIVE DEPT.
AND CONTACT PERSON:** Community Development Department, Planning Division
Ray McCandless, Principal Planner

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Lisa Romney, Ed Rutan, Lynn Pace, Louis Zunguze, Brent Wilde, Doug Wheelwright, Ray McCandless, Marge Harvey, Gwen Springmeyer

BUDGET RELATED FACTS:

The Administration has noted that there are potential budget impacts depending on the Council's final decision.

KEY ELEMENTS:

- A. North Salt Lake City owns 80 acres 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.
- B. The requested disconnection would allow North Salt Lake City to develop the property under North Salt Lake's ordinances rather than Salt Lake City's. The original North Salt Lake proposal was for a voluntary boundary adjustment and development of a 10-acre housing subdivision and a 23-acre cemetery. The remaining 47-acres would be maintained as natural open space.
- C. The property is within Salt Lake City's municipal boundary and is zoned Open Space OS.
- D. The City's Open Space zone allows cemeteries as a permitted use. Residential uses are not permitted in this zoning classification.
- E. On December 14, 2005, the Council held a public hearing and denied a request from North Salt Lake City for a voluntary boundary adjustment for the 80 acres.
- F. On February 4, 2005, Collin H. Wood, North Salt Lake City Manager, submitted a request (Resolution and plat map) to the Salt Lake City Council to disconnection the 80 acres of property owned by North Salt Lake City and located in Salt Lake City. (See attached documents.)
- G. On March 8, 2005, advertising of the disconnect request was published by North Salt Lake City as required by State Statute.
- H. State Statute regulates boundary line adjustments and disconnections between municipal jurisdictions. Both proceedings require action by the legislative body including a public hearing with published and written notice. (Please refer to the attached sections from the State Code for specific requirements.) The City Attorney's office has indicated that the basic difference between the two actions is:
 - 1. Boundary line adjustments are mutually agreed upon by the affected municipalities. The process includes:
 - a. Legislative body adopting a resolution, and
 - b. Holding a public hearing with public notice not less than 60 days after the adoption of the resolution.

2. Disconnections, if not approved, can be determined in district court. The process includes:
 - a. Legislative body public hearing with public notice within 30 days after the last notice published in a newspaper of general circulation, and
 - b. Within 45 days of the public hearing, the Legislative body may grant approval of the disconnection by adopting an ordinance.

MASTER PLAN AND POLICY CONSIDERATIONS:

A. Key elements from the **North Salt Lake City Eastside Neighborhood Master Plan**, September 16, 2003, are summarized below:

1. The purpose of the General Plan Amendment is to:
 - a. Plan for a boundary adjustment with Salt Lake City.
 - b. Provide the land use, transportation and zoning plan for the property.
2. Open Space Uses:
 - The southernmost 70 acres of the property 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.
3. Pedestrian and Bicycle Trails:
 - a. The Bonneville Shoreline Trail is identified to be relocated from the current (unofficial) position bisecting the bench property to the edge of the foothills.
 - b. Two alternative trail alignments for the Bonneville Shoreline Trail are identified through the residential neighborhood. North Salt Lake City will dedicate a trail easement across the 80-acre parcel for the Bonneville Shoreline Trail at the new location. Additional studies are required of private property development alternative north of the 80-acre parcel before a final alignment can be selected.
 - c. A new Lime Canyon Trail is identified for pedestrian use to connect with a potential trail traversing the high bench reclamation area of the Staker gravel operation to Beck Street. 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.
4. Residential Uses:
 - a. Approximately 10-acres of property are identified for low-density residential uses on the flat bench and gently sloping foothills immediately adjacent to the Davis County boundary.
 - b. Proposed densities will range from three lots per acre on the bench to one lot per acre on the foothills, generating between 21 and 23 residential lots.
5. Transportation Plan:
 - a. A residential collector street will provide vehicle access and terminate north of the Wetlands Preservation Area.
 - b. The street will provide access to the cemetery at a loop turn-a-bout.
 - c. A narrow road network will serve the cemetery, dedicated for exclusive use of cemetery patrons with the option to close access after visitation hours.
 - d. The high bench arterial provided with the development of Eagleridge Drive will take the higher volume of traffic from the upper bench to Highway 89 at Orchard Drive.
6. Zoning Plan:
 - a. The residential neighborhood should be zoned Residential R1-12 to be consistent with development regulations of the upper east bench zoning patterns.
 - b. Open space uses should be zoned OS-Natural Open Space. Some modifications to this zoning district will be necessary to include cemetery use.

B. The **1999 Capitol Hill Community Master Plan Future Land Use Map** identifies this property as Foothill Open Space. The Plan notes that the amount of open space in the foothills of the Capitol Hill

Community affords a great recreational opportunity for residents and visitors. In addition to existing improved trail in City Creek Canyon, the development of the Shoreline trail and trails above the extractive industries on the foothill's western slope will provide additional opportunities for recreation in the Community. Action items in the Plan include:

1. Implementation of the Open Space Plan as it relates to the Capitol Hill Community.
 2. Creation of a new zoning district for public lands in the foothills which prohibits the development of structures.
- C. The **1992 Open Space Master Plan** identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City. The Plan discusses the value of open space including recreational opportunities and preservation of wildlife habitat along the foothills and Bonneville bench areas. The Shoreline Trail Corridor shows a trail extending northward from 700 North. The Bonneville Shoreline Trail also connects north of Ensign Peak and with the communication tower road. The Plan also notes increased concerns of many residents and public officials regarding:
1. Conservation of the natural environment,
 2. Enhancement of open space amenities,
 3. Connecting various parts of the City to natural environments,
 4. Educating citizens on proper use of open space, and
 5. Continued urban encroachment would be very damaging to fragile ecosystems, wildlife habitat and scenic beauty.
- D. The **1999 Beck Street Reclamation Framework and Foothill Area Plan** recognizes the importance of preserving the Lake Bonneville bench area above Beck Street. The Plan identifies this property as open space with the Bonneville Shoreline Trail extending north and south through the eastern side of the property. In addition to recommending the retention of existing open space and the formal designation of the Bonneville Shoreline Trail, the Plan calls for east-west trail linkages from the four canyons connecting the Bonneville Shoreline Trail on the bench with the Warm Springs Fault Trail at the Beck Street level. The Planning staff report notes that the Plan does not provide details of how the North Salt Lake property should (or should not) be developed or what specific open space land uses (natural or developed) are appropriate for this property. An east-west trail connection with the Cliff Face Trail is shown in this Plan. This connection is identified in the North Salt Lake Plan as the Lime Canyon Trail.
- E. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.
- F. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

File Location: Community Development Dept., Planning Division, Disconnection, North Salt Lake City property (80 acres), approximately 405 West 2300 North

FEB 07 2005

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

February 4, 2005

Attn: Dale Lambert, Chairman
Salt Lake City Council
451 S. State Street, Room 304
Salt Lake City, Utah 84111

Dear Chairman Lambert,

Enclosed you will find Resolution No. 05-2R "Request for Disconnection" which states the reason for the disconnection with a copy of the plat of the territory proposed for disconnection. As you are aware, North Salt Lake City is the sole owner of this property, and is designating Mayor Kay W. Briggs and the entire North Salt Lake City Council as persons with authority to request this disconnection.

We look forward to your response.

Sincerely,

Collin H. Wood
City Manager

CHW/ld

RESOLUTION NO. 05-2R

To the Mayor and City Council of Salt Lake City, State of Utah:

"REQUEST FOR DISCONNECTION"

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE REQUESTING SALT LAKE CITY TO DISCONNECT THAT CERTAIN 79.27 ACRES OWNED BY THE CITY OF NORTH SALT LAKE AND LOCATED WITHIN THE MUNICIPAL LIMITS OF SALT LAKE CITY AND DESCRIBED AS SECTIONS 13 AND 24, TOWNSHIP 1 NORTH, R 1 WEST, TAX ID. No. 0813300004.

WHEREAS, the City of North Salt Lake is a Utah municipality empowered to adopt and declare resolutions for the general benefit and welfare of its citizens; and

WHEREAS, the City of North Salt Lake proposes to disconnect certain property owned by the City of North Salt Lake, but located within the municipal limits of Salt Lake City, more particularly described as that certain 79.27 acres in Sections 13 and 24, Township 1 North, R 1 West, Salt Lake Base & Meridian, a copy of the plat which is attached hereto as Exhibit "A"; and

WHEREAS, the City of North Salt Lake, by and through its governing body, the City Council, as evidenced by the signature of its Mayor below, represents that the City of North Salt Lake is the owner of the property proposed for disconnection; and

WHEREAS, the reasons for the proposed disconnection include, but are not limited to, (a) that the subject property is located within Salt Lake City and on the border of Salt Lake City and the City of North Salt Lake, (b) the subject property is located some distance from the inhabited portions of Salt Lake City as to receive minimal benefits from Salt Lake City and it is not necessary for City purposes, (c) the subject property does not receive any substantial benefit from Salt Lake City, (d) there is no municipal water system accessible to the property from Salt Lake City, (e) there is no sewer system accessible to the property from Salt Lake City, (f) the City of North Salt Lake has maintained a "Tunnel Springs" natural spring as a culinary water source for the City of North Salt Lake on the subject property, (g) there have been little or no municipal improvements by Salt Lake City in the area of the subject property, (h) it is more practical for the City of North Salt Lake to provide police and fire protection for the area of the subject property,

(i) disconnection of the proposed area will not prejudice Salt Lake City, (j) there is an absence of common social, economic, and geographic interests between the proposed disconnection area and Salt Lake City, (k) disconnection from Salt Lake City will not create islands or peninsulas; and

WHEREAS, the map or plat of the territory proposed for disconnection is attached hereto and incorporated by herein by this reference; and

WHEREAS, the City of North Salt Lake, by and through its governing body, the City Council, desires to designate its Mayor, Kay Briggs, to act on the City's behalf in these disconnection proceedings; and

WHEREAS, the City Council of the City of North Salt Lake has determined that it is in the best interests of the citizens of the City of North Salt Lake to adopt by resolution its request for disconnection of the subject property.

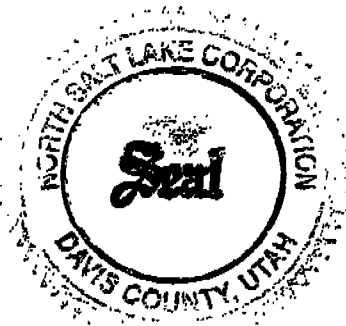
NOW THEREFORE, be it resolved by the Governing Body of the City of North Salt Lake as follows:

Section 1. Pursuant to Section 10-2-501 of the Utah Code Annotated, the City of North Salt Lake, by and through its City Council, proposes to disconnect certain property owned by the City of North Salt Lake, but located within the municipal limits of Salt Lake City, more particularly described as that certain 79.27 acres in Sections 13 and 24, Township 1 North, R 1 West, Salt Lake Base & Meridian, a copy of the plat which is attached hereto as Exhibit "A". The City of North Salt Lake, by and through its governing body, the City Council, as evidenced by the signature of its Mayor below, represents that the City of North Salt Lake is the owner of the property proposed for disconnection. The reasons for the proposed disconnection include, but are not limited to, (a) that the subject property is located within Salt Lake City and on the border of Salt Lake City and the City of North Salt Lake, (b) the subject property is located some distance from the inhabited portions of Salt Lake City as to receive minimal benefits from Salt Lake City and it is not necessary for City purposes, (c) the subject property does not receive any substantial benefit from Salt Lake City, (d) there is no municipal water system accessible to the property from Salt Lake City, (e) there is no sewer system accessible to the property from Salt Lake City, (f) the City of North Salt Lake has maintained a "Tunnel Springs" natural spring as a culinary water source for the City of North Salt Lake on the subject property, (g) there have been little or no municipal improvements by Salt Lake City in the area of the subject property, (h) it is more practical for the City of North Salt Lake to provide police and fire protection for the area of the subject property, (i) disconnection of the

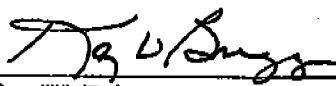
proposed area will not prejudice Salt Lake City, (j) there is an absence of common social, economic, and geographic interests between the proposed disconnection area and Salt Lake City, (k) disconnection from Salt Lake City will not create islands or peninsulas.

The map or plat of the territory proposed for disconnection is attached hereto and incorporated by herein by this reference. The City of North Salt Lake, by and through its governing body, the City Council, desires to designate its Mayor, Kay Briggs, to act on the City's behalf in these disconnection proceedings.

DATED this 1st day of February, 2005.




CITY OF NORTH SALT LAKE



Kay W. Briggs
Mayor

CERTIFIED AND ATTESTED TO:



LaRae H. Dillingham
City Recorder

EXHIBIT "A"

[illegible]

10-2-419. Boundary adjustment -- Notice and hearing -- Protest.

(1) The legislative bodies of two or more municipalities having common boundaries may adjust their common boundaries as provided in this section.

(2) (a) The legislative body of each municipality intending to adjust a boundary that is common with another municipality shall:

- ✓ (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a common boundary;
- ✓ (ii) hold a public hearing on the proposed adjustment no less than 60 days after the adoption of the resolution under Subsection (2)(a)(i); and
- ✓ (iii) (A) publish notice at least once a week for three successive weeks in a newspaper of general circulation within the municipality; or

(B) if there is no newspaper of general circulation within the municipality, post at least one notice per 1,000 population in places within the municipality that are most likely to give notice to residents of the municipality.

(b) The notice required under Subsection (2)(a)(iii) shall:

(i) state that the municipal legislative body has adopted a resolution indicating the municipal legislative body's intent to adjust a boundary that the municipality has in common with another municipality;

(ii) describe the area proposed to be adjusted;

(iii) state the date, time, and place of the public hearing required under Subsection (2)(a)(ii);

(iv) state in conspicuous and plain terms that the municipal legislative body will adjust the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written protests to the adjustment are filed by the owners of private real property that:

(A) is located within the area proposed for adjustment;

(B) covers at least 25% of the total private land area within the area proposed for adjustment; and

(C) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment; and

(v) state that the area that is the subject of the boundary adjustment will, because of the boundary adjustment, be automatically annexed to a local district providing fire protection, paramedic, and emergency services, as provided in Section 17B-2-515.5, if:

(A) the municipality to which the area is being added because of the boundary adjustment is entirely within the boundaries of a local district:

(I) that provides fire protection, paramedic, and emergency services; and

(II) in the creation of which an election was not required because of Subsection 17B-2-214(3)(c); and

(B) the municipality from which the area is being taken because of the boundary adjustment is not within the boundaries of the local district; and

(vi) state that the area proposed for annexation to the municipality will be automatically withdrawn from a local district providing fire protection, paramedic, and emergency services, as provided in Subsection 17B-2-601(2), if:

(A) the municipality to which the area is being added because of the boundary adjustment is not within the boundaries of a local district:

(I) that provides fire protection, paramedic, and emergency services; and

(II) in the creation of which an election was not required because of Subsection 17B-2-214(3)(c); and

(B) the municipality from which the area is being taken because of the boundary adjustment is entirely within the boundaries of the local district.

✓ (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be within 14 days of the municipal legislative body's adoption of a resolution under Subsection (2)(a)(i).

✓ (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal legislative body may adopt an ordinance adjusting the common boundary unless, at or before the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with the city recorder or town clerk, as the case may be, by the owners of private real property that:

(a) is located within the area proposed for adjustment;

(b) covers at least 25% of the total private land area within the area proposed for adjustment; and

(c) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment.

(4) An ordinance adopted under Subsection (3) becomes effective when each municipality involved in the boundary adjustment has adopted an ordinance under Subsection (3).

Amended by Chapter 257, 2003 General Session

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[Sections in this Chapter](#)[|](#)[Chapters in this Title](#)[|](#)[All Titles](#)[|](#)[Legislative Home Page](#)

Last revised: Wednesday, May 26, 2004

10-2-501. Municipal disconnection -- Definitions -- Request for disconnection -- Requirements upon filing request.

- 1) As used in this part "petitioners" means persons who:
 - (a) own title to real property within the area proposed for disconnection; and
 - (b) have signed a request for disconnection proposing to disconnect that area from the municipality.
- (2) (a) Petitioners proposing to disconnect an area within and lying on the borders of a municipality shall file with that municipality's legislative body a request for disconnection.
 - (b) Each request for disconnection shall:
 - (i) contain the names, addresses, and signatures of the owners of more than 50% of the real property in the area proposed for disconnection;
 - (ii) give the reasons for the proposed disconnection;
 - (iii) include a map or plat of the territory proposed for disconnection; and
 - (iv) designate between one and five persons with authority to act on the petitioners' behalf in the proceedings.
- (3) Upon filing the request for disconnection, petitioners shall:
 - (a) cause notice of the request to be published once a week for three consecutive weeks in a newspaper of general circulation within the municipality;
 - (b) cause notice of the request to be mailed to each owner of real property located within the area proposed to be disconnected; and
 - (c) deliver a copy of the request to the legislative body of the county in which the area proposed for disconnection is located.

Amended by Chapter 279, 2003 General Session

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[Sections in this Chapter](#) | [Chapters in this Title](#) | [All Titles](#) | [Legislative Home Page](#)

Last revised: Wednesday, May 26, 2004

10-2-502.5. Hearing on request for disconnection -- Determination by municipal legislative body -- Petition in district court.

(1) Within 30 calendar days after the last publication of notice required under Subsection 10-2-501(3)(a), the legislative body of the municipality in which the area proposed for disconnection is located shall hold a public hearing.

(2) At least seven calendar days before the hearing date, the municipal legislative body shall provide notice of the public hearing:

(a) in writing to the petitioners and to the legislative body of the county in which the area proposed for disconnection is located; and

(b) by publishing a notice in a newspaper of general circulation within the municipality or, if there is none, then by posting notice of the hearing in at least three public places within the municipality.

(3) In the public hearing, any person may speak and submit documents regarding the disconnection proposal.

(4) Within 45 calendar days of the hearing, the municipal legislative body shall:

(a) determine whether to grant the request for disconnection; and

(b) if the municipality determines to grant the request, adopt an ordinance approving disconnection of the area from the municipality.

(5) (a) A petition against the municipality challenging the municipal legislative body's determination under Subsection (4) may be filed in district court by:

(i) petitioners; or

(ii) the county in which the area proposed for disconnection is located.

(b) Each petition under Subsection (5)(a) shall include a copy of the request for disconnection.

Renumbered and Amended by Chapter 279, 2003 General Session

Download Code Section Zip WP 6/7/8 10_02059.ZIP 2,450 Bytes

[Sections in this Chapter](#)[|](#)[Chapters in this Title](#)[|](#)[All Titles](#)[|](#)[Legislative Home Page](#)

Last revised: Wednesday, May 26, 2004

10-2-502.7. Court action.

- (1) After the filing of a petition under Section 10-2-502.5 and a response to the petition, the court shall, upon request party or upon its own motion, conduct a court hearing.
- (2) At the hearing, the court shall hear evidence regarding the viability of the disconnection proposal.
- (3) The burden of proof is on petitioners who must prove, by a preponderance of the evidence:
 - (a) the viability of the disconnection;
 - (b) that justice and equity require that the territory be disconnected from the municipality;
 - (c) that the proposed disconnection will not:
 - (i) leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years;
 - (ii) make it economically or practically unfeasible for the municipality to continue to function as a municipality; or
 - (iii) leave or create one or more islands or peninsulas of unincorporated territory; and
 - (d) that the county in which the area proposed for disconnection is located is capable, in a cost-effective manner and without materially increasing the county's costs of providing municipal services, of providing to the area the services that the municipality will no longer provide to the area due to the disconnection.
- (4) In determining whether petitioners have met their burden of proof with respect to Subsections (3)(c)(i) and (ii), the court shall consider all relevant factors, including the effect of the proposed disconnection on:
 - (a) the municipality or community as a whole;
 - (b) adjoining property owners;
 - (c) existing or projected streets or public ways;
 - (d) water mains and water services;
 - (e) sewer mains and sewer services;
 - (f) law enforcement;
 - (g) zoning; and
 - (h) other municipal services.
- (5) The court's order either ordering or rejecting disconnection shall be in writing with findings and reasons.

Renumbered and Amended by Chapter 279, 2003 General Session
Download Code Section [Zipped](#) WP 6/7/8 10_02060.ZIP 2,795 Bytes

10-2-506. Taxes to meet municipal obligations.

- (1) If the court orders a disconnection of territory from a municipality, the court shall also order the county legislative body to levy taxes on the property within the disconnected territory that may be required to pay the territory's proportionate share of the municipal obligations accrued while the territory was part of the municipality.
- (2) Any tax levy ordered by the court under Subsection (1) shall be collected by the county treasurer in the same manner as though the disconnected territory were a municipality.
- (3) The county treasurer shall pay to those entities named by the court the revenue received from that tax levy.

Amended by Chapter 132, 1996 General Session
Download Code Section [Zipped](#) WP 6/7/8 10_02061.ZIP 1,906 Bytes

10-2-507. Decree – Filing of documents – Notice requirements.

- (1) Upon entering a disconnection order, the court shall file a certified copy of the order and a transparent reproducible copy of the map or plat in the county recorder's office.
- (2) The municipality shall file amended articles of incorporation in the lieutenant governor's office, as provided in Section 10-1-117, and the county recorder's office within 30 days after, as the case may be:
 - (a) adoption of an ordinance approving disconnection under Subsection 10-2-502.5(4)(b); or
 - (b) entry of a court order under Section 10-2-502.7 ordering disconnection.
- (3) The amended articles of incorporation shall:
 - (a) describe the postdisconnection geography of the municipality; and
 - (b) specify the postdisconnection population of the municipality.
- (4) The lieutenant governor shall comply with the requirements of Subsection 10-1-117(3).
- (5) Any cost incurred by the municipality in complying with this section may be charged against the disconnected territory.
- (6) The legislative body of each municipality that has had territory disconnected shall comply with the notice requirements of Section 10-1-116.

Amended by Chapter 279, 2003 General Session

Download Code Section Zipped WP 6/7/8 10_02062.ZIP 2,347 Bytes

Utah Code Section 10-2-508

Page 1 of 1

10-2-508. Disconnection completed.

Disconnection is complete when the lieutenant governor certifies the amended articles of incorporation as required by Section 10-1-117.

Amended by Chapter 279, 2003 General Session

Download Code Section Zipped WP 6/7/8 10_02063.ZIP 1,689 Bytes

Utah Code Section 10-2-509

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10-2-509. Costs.

Each party to the court action for disconnection shall pay its own witnesses and petitioners shall pay all other costs.

Enacted by Chapter 48, 1977 General Session

Download Code Section Zipped WP 6/7/8 10_02064.ZIP 1,583 Bytes

Utah Code Section 10-2-510

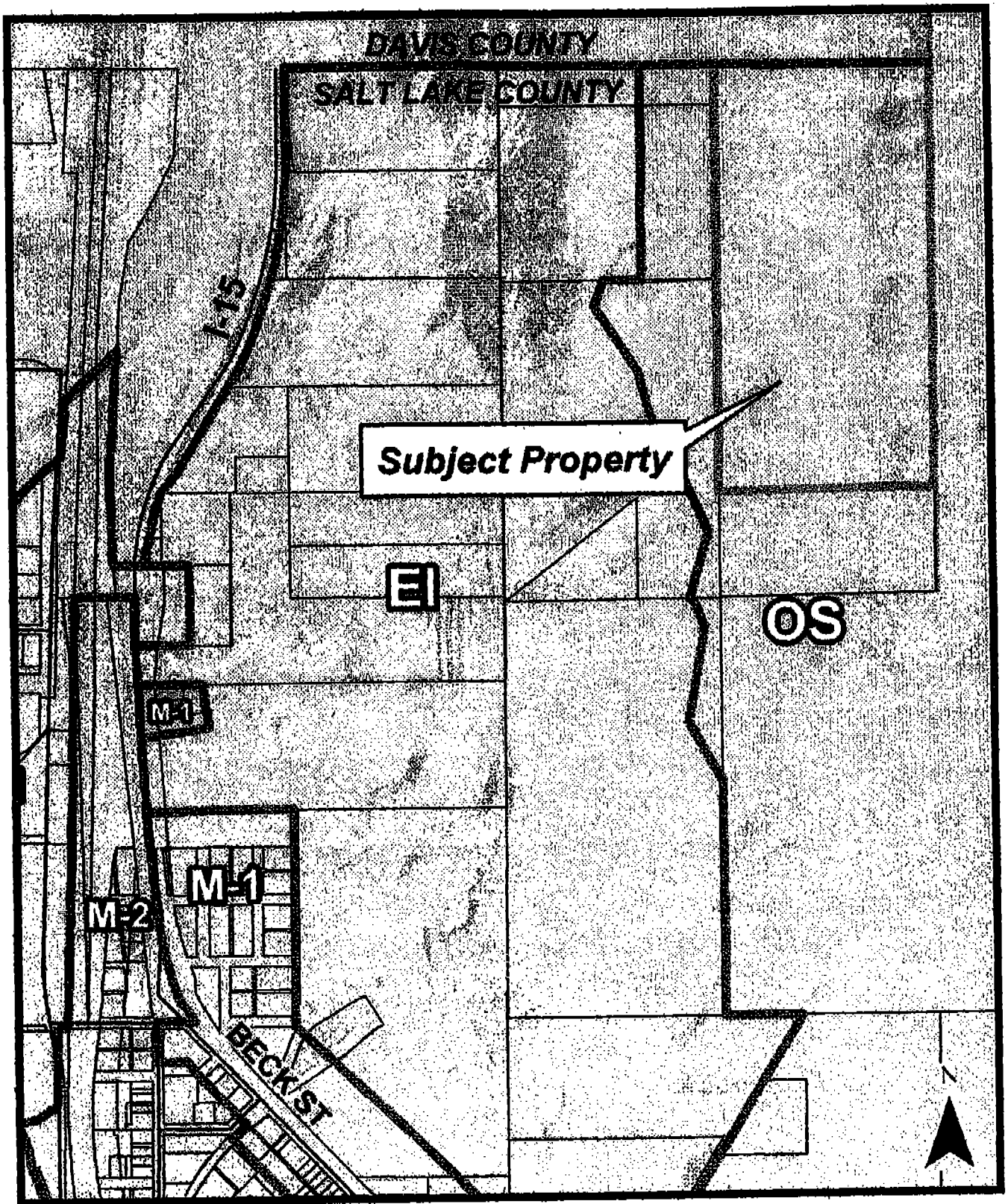
Page 1 of 1

10-2-510. Boundary adjustment procedure not affected.

This part shall not be construed to abrogate, modify, or replace the boundary adjustment procedure provided in Section 10-2-419.

Amended by Chapter 389, 1997 General Session

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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

April 15, 2005

Dale Lambert, Chair
Salt Lake City Council
451 South State Street
Salt Lake City, Utah 84111

Dear Council Chair Lambert and City Council members:

North Salt Lake City is continuing its efforts, as provided by State Statute, to disconnect 80 acres of property owned by North Salt Lake City located within Salt Lake City contiguous to our south city boundary. Utah Code Sections 10-2-501, 502.5 and 502.7 provide the process and criteria for determination of a disconnection. North Salt Lake City believes our disconnection petition to be viable as supported by evidence presented to Salt Lake City through our petition and by the public record of the December 14, 2004 City Council meeting, including written reports, public hearing testimony, and testimony of Doug Wheelwright, Salt Lake City Planning Programs Supervisor and Rocky Fluhart, City Administrator. I respectfully request Salt Lake City Council approve our petition for disconnection of this 80-acre parcel.

During the previous two and one-half years, our cities engaged in a process to analyze a voluntary boundary adjustment for this property. In December 2004, the Salt Lake City Council declined to approve that boundary adjustment. None of the evidence or testimony refuted the fact that A) Salt Lake City cannot physically provide municipal services to this 80-acre parcel regardless of the type of land use, and B) The only municipality that can is North Salt Lake City.

At the December 14, 2004 meeting, Mr. Wheelwright testified to the Salt Lake City Council that the professional planning staff analyzed the development characteristics of the 80 acres according to the Site Development Code requirements and concluded that between 50 and 60 acres of the 80 acres are developable. Mr. Fluhart testified that the only municipal service that Salt Lake City provides is zoning the property open space.

The Salt Lake City Planning Commission Staff Report dated October 22, 2004, prepared by a professional city planner under the direction of the City Planning Director Louis Zanguze, clearly states, "The City of North Salt Lake is the only jurisdiction that can provide street access, public water/sewer, and public safety for this property." All of the Departmental comments concluded that there are "no concerns" by the professional staff

of the City with the disconnection of the 80 acres. In fact, the Engineering comment illustrates that Salt Lake City is opposed to a connection of a road from this parcel into Salt Lake City, even if it were to be determined physically feasible to descend the steep terrain along the Beck Street corridor and connect with Victory Road.

This disconnection petition is viable because North Salt Lake City will provide the basic public services necessary for this 80 acre parcel. These services will be delivered to the boundary line of our two cities within a reasonable time frame. These public services include:

- Public water, garbage and sewer utilities
- Public safety including: police, fire protection, and paramedic services
- Public storm drainage utilities
- Public street access for vehicles and pedestrians

These public services are required for this 80 acre parcel regardless of its future land use.

Historically this 80- acre parcel is most closely associated with and oriented to North Salt Lake City as opposed to Salt Lake City. Access from Salt Lake City is only available to a pedestrian (hiker) or mountain biker via a dirt trail. The closest vehicle access is located miles to the south at Dorchester Drive. The Salt Lake City Planning Commission made an absolute determination not to extend Dorchester Drive further north by the approval of a subdivision at the north end of Dorchester Drive with a privately owned road and only allowing public pedestrian access.

This proposed disconnection will not leave Salt Lake City with an area for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years. Salt Lake City does not provide municipal services to these properties (other than zoning). Salt Lake City owns and is in negotiation to own the properties directly west of the 80 acre parcel that serves as a buffer to the extraction industry properties along Beck Street. The property to the east of the 80 acres is owned by the United States Forest Service and is managed as foothill terrain natural open space.

The proposed disconnection will not economically impact Salt Lake City as to make it unfeasible for Salt Lake City to continue to function as a municipality. The 80 acre parcel has been owned by North Salt Lake City since the mid-1940's and does not generate any property tax or sales tax revenue for Salt Lake City. Therefore, there will be no impact to their budget.

The proposed disconnection will not create an island or peninsula of unincorporated territory. Immediately upon the disconnection of the parcel from Salt Lake City, North Salt Lake City will annex the parcel. There will be no unincorporated territory.

North Salt Lake City has demonstrated that justice and equity require the property be disconnected from Salt Lake City. An adverse decision would constitute a "takings" of the 80 acres without just compensation by Salt Lake City. North Salt Lake City believes

that the focus of the discussion by the Salt Lake City Council should be which political entity can best provide efficient and cost effective municipal services to this 80-acre parcel. With a thoughtful deliberation of the facts concerning this 80 acre parcel, I respectfully request that the Salt Lake City Council approve this petition for disconnection.

Respectfully submitted,

A handwritten signature in black ink that reads "Kay W. Briggs". To the right of the signature, there are initials "KWB" written in a smaller, more compact script.

Kay W. Briggs
Mayor

Cc: Cindy Gust Jensen, Executive Director, Salt Lake City Council
North Salt Lake City Council