
MEMORANDUM

DATE: April 29, 2005

SUBJECT: Property Exchange between Salt Lake City Department of Airports and the Gillmor family.

STAFF REPORT BY: Lehua Weaver and Janice Jardine

AFFECTED COUNCIL DISTRICTS: District 1

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Doug Wheelwright, Ray McCandless - Planning Division
Russ Pack - Airport
Linda Cordova - Property Management

POTENTIAL OPTIONS:

Past practice with property conveyances has been to place the issue on the Council's formal agenda for a vote of whether to request that the Administration hold a hearing or not. If the Council is ready to move ahead with this property conveyance, it can be placed on the May 10, 2005 Consent agenda. This item has been scheduled for a briefing because there was initially a lot of citizen interest in the issue due to the related trail easement.

KEY ELEMENTS / FISCAL IMPACTS

Land Exchange description (Please see map marked Attachment "A" for details.):

Acquisition Property:

- 116 acres of vacant land (owned by the Gillmor family)
- Value \$2.1 million
- Located at approximately 2200 North 3200 West (in unincorporated County)

Conveyed Property:

- 620 acres – surplus property adjacent to the Airport's Wetlands Mitigation site
- Value \$1,423,000 without a conservation easement / \$498,000 with a conservation easement (Please note, the Airport has indicated that a conservation easement over the entire 620 acre parcel is part of this property exchange.)
- Located between 6300 and 7400 West and between 1650 and 2550 North

Purpose of Exchange:

The property to be acquired by the Airport is privately owned developable property in a noise-impacted over-flight area. The property exchange will enable the Airport to ensure land use compatibility, protect radar coverage and the runway approach, and help mitigate wildlife hazards.

The property to be conveyed from the Airport to the Gillmor family is a portion of the Airport's wetlands mitigation site, which will not be developed for wetland purposes, is not impacted by the Airport's operations.

Salt Lake City will retain a 30-foot wide non-exclusive easement on the land being conveyed to the Gillmor family to protect a planned future open space trail system. An adjoining 30-foot wide public access easement will also be provided on land adjacent to the property conveyed to the Gillmor family (owned by the City) to protect a planned future open space trail system. (Please see map marked Attachment “B” for details.)

Fiscal Impact – Airport:

The value of the property being conveyed is \$1,423,000. However, the conservation easement retained by the Airport reduces the conveyed land value from \$1,423,000 to \$498,000. The value of the land being acquired is \$2.1 million. Therefore, the difference in the value of the land being conveyed with the conservation easement, \$498,000, and the land being acquired, \$2.1 million, is \$1,602,000. This difference will be paid by the Airport from money they received for the sale of the Buena Vista Subdivision property.

Fiscal Impact – General Fund:

Federal regulations require the Airport Enterprise Fund to be compensated for the value of the trail corridor easements being provided as part of the land exchange. This General Fund request was approved with Budget Amendment No. 5 on March 8, 2005.

- a. The value of the 30-foot wide trail corridor easement across the land being conveyed to the Gillmor family is \$2,461. (See Segment 1 on the map marked Attachment “B”.)
- b. The value of the 30-foot wide trail corridor easement on the Airport’s remaining wetlands mitigation site adjacent to the property being conveyed to the Gillmor family and parallel to the North Point Canal is \$9,883. (See Segment 2 on the map marked Attachment “B”.)
- c. The total amount requested from the General Fund to purchase the trail easements is \$12,344.

Agency Reviews:

- The FAA has given conceptual approval for land acquisition and for the expenditure of funds from the Airport subject to City review process.
- The Airport Board reviewed and agreed with the proposed exchange and cash payment to the Gillmor family.
- The Mayor’s Open Space Advisory Committee has reviewed the proposed exchange and is supportive of the transaction with the conservation and trail easements retained on the conveyed property.
- The Planning Commission, Community Development and Planning staff have reviewed the proposal with Airport staff. They recommend approval subject to conditions identified by the Planning Commission. The Administration’s paperwork indicates that Community Development, Planning and Airport staff have completed arrangements that satisfy the conditions specified by the Planning Commission.

MATTERS AT ISSUE / POLICY CONSIDERATIONS:

Open Space and Future Trail Corridor Preservation

There are two types of easements to be retained against the land being conveyed to the Gillmor family. One is a trail easement to protect future plans for open space and trail development. A concern was raised during discussions

between Community Development and Airport staff regarding protection of a future trail corridor. As a result, a Memorandum of Understanding was drafted and signed by the Directors of both Departments and the Mayor to maintain a trail easement across the subject property.

If the trail easements are not retained, the Open Space Master Plan would need to be amended to reflect the inability for the City to use the property in the future as part of the open space trail corridor. It may be worthwhile to note that the property being conveyed was originally purchased with Federal Aviation Administration funds, and the Airport's ownership would have prohibited the City's future intended use of the land for trails.

The second is a conservation easement over 580 of the 620 acres of land to be conveyed. This easement significantly reduces the value of the land being conveyed, but limits the permitted uses for the land, and satisfies the requests of local, state and federal environmental representatives to preserve the character of the land.

Under the current proposal, the arrangements in the Memorandum of Understanding could be changed by a future Administration. The Council may wish to inquire about additional measures to solidify the easement, such as allowing a conservation organization to hold the easement.

Wetlands Mitigation

The land being conveyed to the Gillmor family (620 acres) is adjacent to the Airport's wetland mitigation site, which is used as a buffer for the actual wetlands. According to the Administration's paperwork, the Gillmor family intends to maintain the property for agricultural and grazing uses.

Representatives of the Airport met with state and federal environmental agencies, whose response to the proposed exchange indicates no major objections as long as the land is maintained as a mitigation site. The Administration's paperwork indicates that the Airport staff has negotiated a permanent conservation easement on the 620-acre parcel that will protect the open space nature of the property in perpetuity and will only allow farming, grazing, agricultural, wildlife and limited tourism uses. Additional limited uses will be allowed on a 40-acre portion of the parcel, including a ranch house, corrals, and associated agricultural support buildings. This 40-acre parcel is not part of the wetlands mitigation site.

Annexation / City-County Boundaries

The property to be acquired by the Department of Airports from the Gillmor family in this exchange agreement is in unincorporated Salt Lake County. The Airport has identified no interest in annexing the property into the City, and owns other property outside of City boundaries.

Residential/Commercial Development

The property to be acquired by the Airport in the exchange is developable property. However, because it is in a noise-impacted over-flight area, the exchange will enable the Airport to control development on the property for compatibility with Airport Operations.

Master Plan Policies

The Gillmor family property is within the boundaries of the Northpoint Small Area Plan that was adopted in April 2000. The Plan recommends this property

be zoned for business park land uses when or if it is annexed into the City. The Plan reaffirms the City's existing annexation policy and the recommendations in the Northwest Community, Jordan River/Airport Area Master Plan.

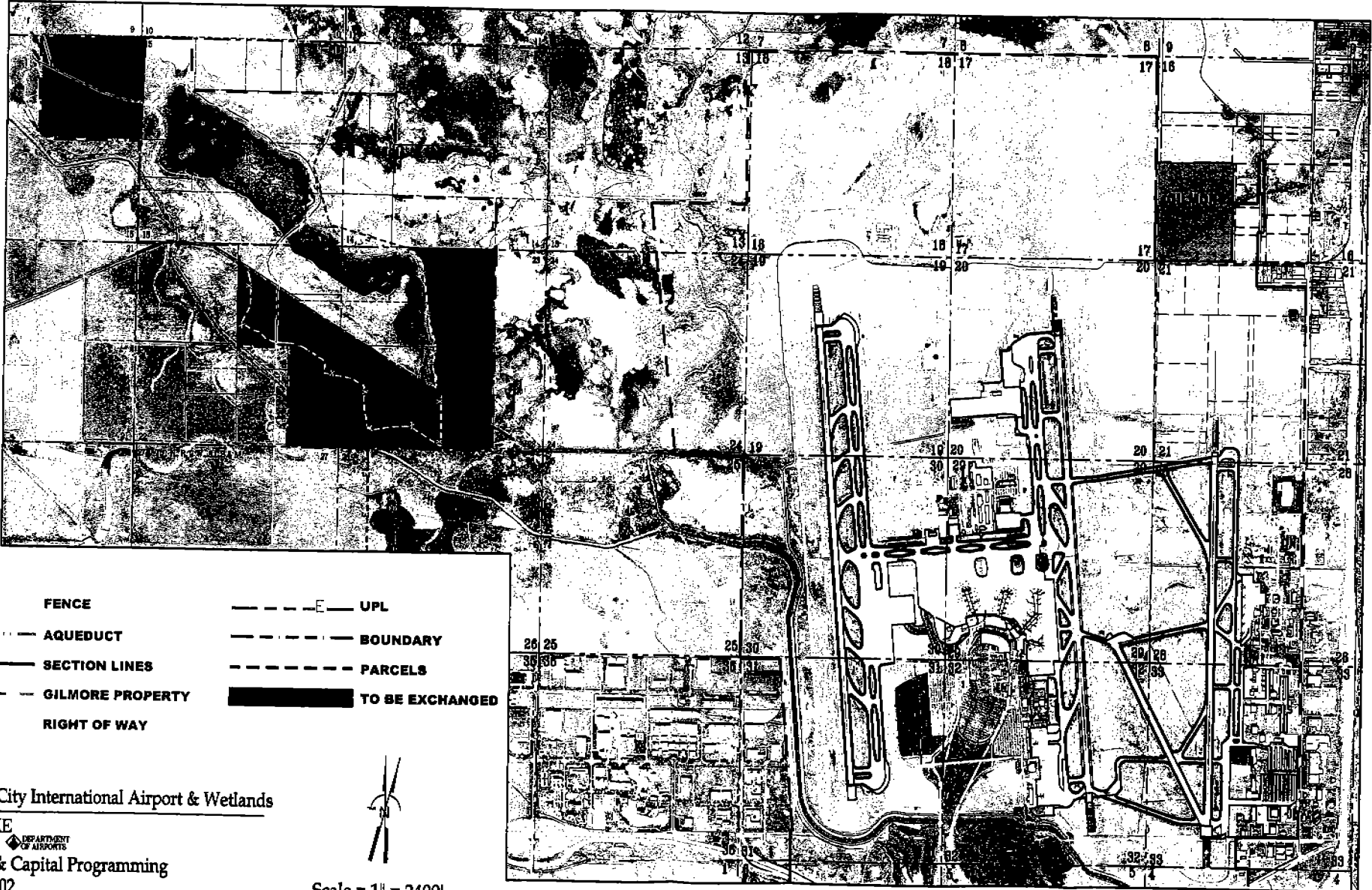
The adopted Northwest Community, Jordan River/Airport Area Master Plan reaffirms the City's existing annexation policy, which identifies annexing land in the unincorporated County and expanding the City boundary northwest to the Great Salt Lake and the Davis County boundary. The Plan also notes the Airport's concern that increased residential or agricultural development in the area may impact airport growth and activity. The Plan recommends future annexation, when appropriate, and reevaluation of City and County zoning regulations to address potential land use conflicts with Airport Operations.

The 1992 Open Space Master Plan identifies several open space and trail corridors in the area of the land being conveyed to the Gillmor family. The Plan identifies a pedestrian trail corridor through this property. As previously noted two trail corridor easements will be provided as part of the land exchange.

POTENTIAL QUESTIONS FOR ADMINISTRATION:

1. The Administration notes that further land acquisition and alignment may be needed to connect the two segments of property and complete the trail system. The Council may wish to discuss with the Administrative what opportunities have been identified for acquiring property and developing a trail system.
2. The Council may wish to discuss with the Administration how this land exchange may affect future development of a Northwest Quadrant Master Plan in terms of residential development sites, community amenities, transportation, open space and trails preservation and development, etc. The Open Space Master also recommends development of a "small area master plan" to address future land uses for this general area.
3. The Airport notes, "Although not a condition of the Planning Division, the Airport Department has additionally negotiated a permanent Deed of Conservation Easement across the 620 acre parcel, which will protect the parcel's open-space nature in perpetuity." In the past, open space advocates have expressed concern regarding conservation easements held by the City and the continued preservation of City-owned open space. The Council may wish to discuss with the Administration if it may be appropriate to have the conservation easement held by a non-profit open space conservation organization.
4. In the review by the Department of Public Utilities, staff requested that the "Goggin Drain property be retained under Salt Lake City's fee title ownership under the jurisdiction of the Public Utilities Department." The Council may wish to ask whether the current exchange agreement reflects this request.

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Tim Campbell, Russ Pack, Tim Gwynette, Steve Domino, Allen McCandless, Louis Zunguze, Brent Wilde, Doug Wheelwright, Ray McCandless, Linda Cordova,



- FENCE - - - - - UPL
- AQUEDUCT - - - - - BOUNDARY
- SECTION LINES - - - - - PARCELS
- GILMORE PROPERTY [Black Box] TO BE EXCHANGED
- RIGHT OF WAY

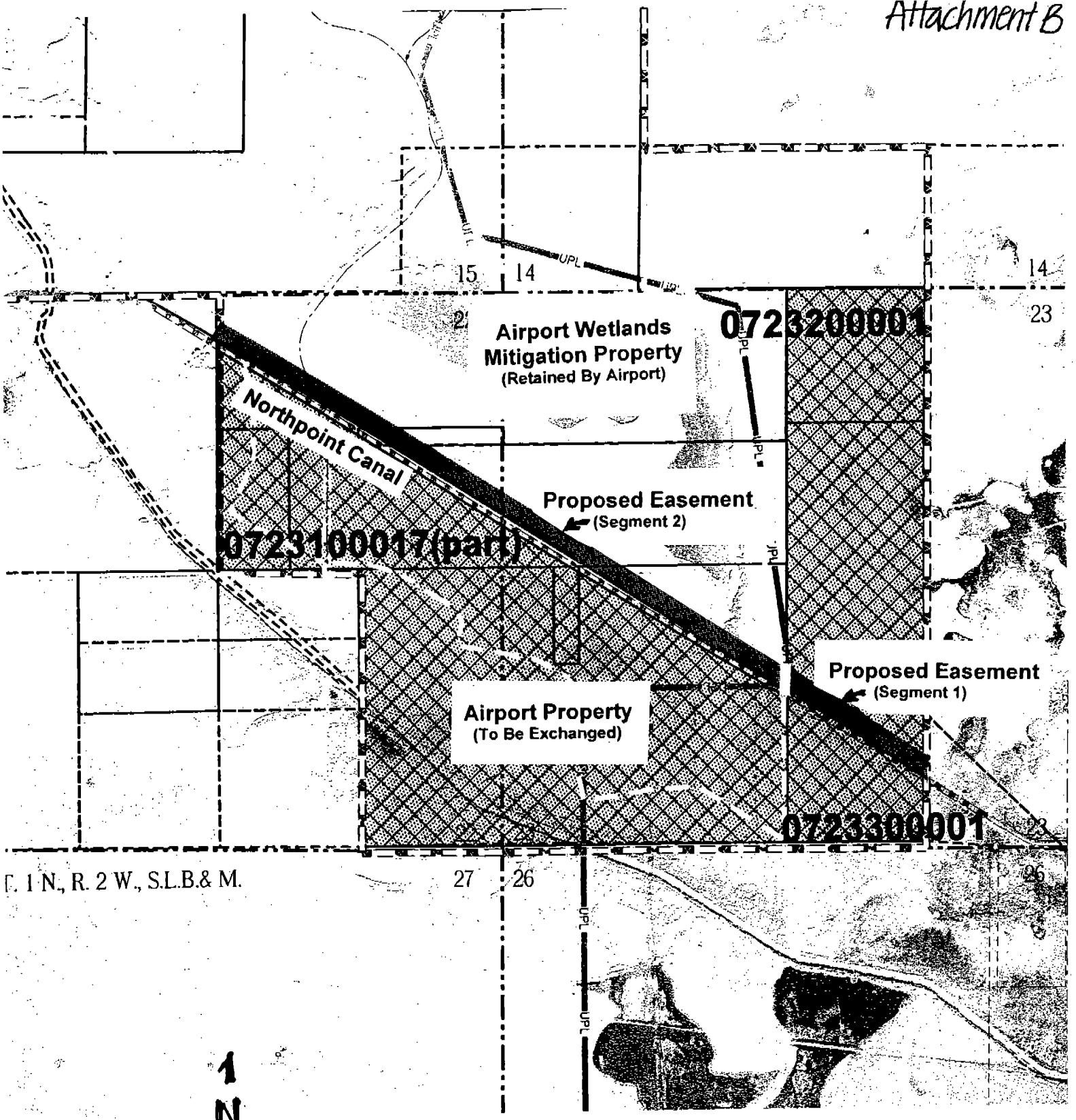
Salt Lake City International Airport & Wetlands

SALT LAKE CITY DEPARTMENT OF AIRPORTS

Planning & Capital Programming
August 2002



Scale = 1" = 2400'



T. 1 N., R. 2 W., S.L.B. & M.



A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR


SALT LAKE CITY CORPORATION

COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

MEMORANDUM

To: Rocky Fluhart, Chief Administrative Officer

From: Louis Zunguze, Community Development Director 

Re: **Petition # 400-03-05, Salt Lake Department of Airports Property Exchange**

Date: March 1, 2005

Rocky,

The Salt Lake Department of Airports submitted Petition No. 400-03-05 requesting that the Planning Commission declare as surplus property, approximately 620 acres of land located between 6300 and 7400 West, between 1300 and 2700 North and exchange it for a 116 acre parcel of land owned by the Gilmor family at approximately 2252 North, 3200 West. The Airport owned property is in Salt Lake City and is zoned Open Space (OS) / Lowland Conservancy (LC). The Gilmor owned property, is in unincorporated Salt Lake County.

On June 11, 2003, the Salt Lake City Planning Commission reviewed the Airport's request and made a recommendation to the Mayor that the declaration of surplus property be approved subject to the following four conditions: (See Attached June 11, 2003 Planning Commission Minutes)

1. The property north of 2200 North Street be annexed if the property is proposed for development or if city utility services are required in the future. The property also should be annexed if it can logically be included in some future larger area annexation effort (whichever comes first).
2. A conservation easement as described in the attached United States Department of the Interior letter dated March 3, 2003 be implemented on the Airport surplus property.
3. **The City retain the easement and work cooperatively with the owner to determine the location of pedestrian or trail easements through the property in the future to implement the goals and policies of the City's Open Space Plan or the City's Open Space Plan be amended to revise or eliminate the pedestrian corridors as shown on Map 15 Bailey's Lake.**
4. All City departmental requirements be met and applicable or necessary easements be retained and recorded.

In an effort to satisfy the Planning Commission's approval condition number 3 noted above, a specific alignment for the trail easement was negotiated between the Salt Lake Department of Airports, the Salt Lake City Community Development Department and the Salt Lake City Mayor's Office. The proposed trail easement is 30 feet wide and extends northwesterly along the Northpointe Canal.

The proposed easement has two segments. The first segment extends through and bisects a portion of the Airport's 620 acres that is proposed to be exchanged with the Gilmor family. This segment of the proposed easement is on the north side of the Northpointe Canal, consists of 1.07 acres and is valued at \$2,461.00, according to the Salt Lake City Property Management Division.

The second segment of the easement extends approximately 5,286 feet along the north side of the Northpointe Canal on property that will be retained by the Airport. This property is part of the Airport's wetland mitigation site. On November 9, 2004, a Memorandum of Understanding was executed and signed by the Salt Lake City Department of Airports, the Salt Lake City Community Development Department and the Salt Lake City Mayor's Office to establish the trail alignment through this property. This segment is 4.29 acres in size and is valued at \$9,883.00. A copy of the Memorandum of Understanding is attached.

While the Memorandum of Understanding discusses executing the easement at a future date, subsequent discussions have led to a Staff determination that given the reasonable land costs noted by the Salt Lake City Property Management Division, it is in the City's best interest to acquire both easements at this time.

According to the Salt Lake City Property Management Division, the total property affected by both easements is 5.36 acres with a total value of \$12,344.00.

Recommended Course of Action:

The Planning Division recommends that the easements be purchased now either using general fund money or open space funds, preferably open space funds. The total cost to acquire the easements is \$12,344.00. If City Open Space Funds are used to acquire the easements, City Council authorization is necessary.

The Airport's request along with the Planning Commission's recommendation needs to be forwarded to the Mayor for review and action pursuant to Utah Code Annotated, Section 10-9-305 Effect of the plan on public uses and Salt Lake City Code, Section 2.58, City owned real property.

Please let me know if you need additional information.

Thank You.

C. Doug Wheelwright, Deputy Planning Director
Lynn Pace, Salt Lake City Attorney's Office
Cindy Gust-Jenson, Salt Lake City Council Office

**SALT LAKE CITY CORPORATION
NOTIFICATION OF PROPOSED REAL PROPERTY CONVEYANCE**

The following real property or legal interest therein, is hereby proposed to be sold, traded, leased or otherwise conveyed or encumbered by Salt Lake City Corporation.

1. DESCRIPTION OF REQUEST:

The Airport is acquiring approximately 116 acres of real property located immediately north of Runway 17/35 at approximately 2200 North and 3200 West to reduce the possibility of future non-compatible land uses. This property is subject to aircraft over flights all hours of day and night and is in the Airport Flight Path Protection Overlay Zone (zone A) a very high noise impact area. Additionally, the owners are planning to raise crops on the property, which will attract wildlife and increase bird/aircraft strike potential.

The Airport will be acquiring the property by means of a property exchange on a value-for-value basis with surplus property at the Airport's wetlands mitigation site and some cash differential payment. The difference will be funded with proceeds from the sale of property in the Buena Vista subdivision. Several years ago the Airport acquired a non-compatible residential subdivision under a Federal-funded relocation program; the property was subsequently rezoned and sold for commercial purposes. Under Federal guidelines, the proceeds from this type of sales can only be used for other eligible noise mitigation projects.

Petition 400-03-05 to declare approximately 620 acres of Airport's wetlands mitigation land was submitted to the Planning Commission for its consideration; the Planning Commission indicated its support for the proposal based on certain conditions, which are outlined in the attached letter to Rocky Fluhart. The City's Airport and Planning staff have met and agreed on those conditions.

The City reserved a 30-foot easement for a future trail from the 620-acre exchange parcel. This easement will not be used or improved until such time as the City acquires the additional property rights necessary to connect this segment with the future open-space trail corridor. Based on Federal regulation, the City's General Fund must compensate the Department of Airports (Enterprise Fund), \$2,461 which is the appraised value of the reserved easement consisting of 1.07 acres.

The City will execute and record a "Notice of Preservation of Public Access Easement Interest" reserving a 30-foot wide public access easement running immediately northeast of and parallel to the existing North Point Canal right-of-way located on the Airport's remaining wetlands mitigation site. The easement totals 4.29 acres and is valued at \$9,883. The City's General Fund will compensate the Department of Airports (Enterprise Fund) for the preservation of this easement, which is contiguous to the easement on the 620 acres.

The combined amount to be transferred to the Airport Enterprise Fund from the General Fund is \$12,344. The combined acreage for the public access easements will consist of 5.36 acres. The Planning Division and the Department of Airports have executed a Memorandum of Understanding to memorialize the City's agreement to preserve the Corridor for the planned open-space trail system. (See copy attached documents.)

A conservation easement will be executed at the time of closing on the property exchange. The conservation easement will help protect this parcel, and serve as buffer for the surrounding properties, as wetlands for wild life preservation and wetlands mitigation.

2. LOCATION OF REQUEST:

The proposed property acquisition is located at 2200 North and 3200 West and contains approximately 116 acres of vacant land. The proposed property exchange/conveyance is located between 6300 and 7400 West and between 1650 and 2550 North and contains approximately 620 acres. (See attached map.)

3. COMPANY OR INDIVIDUAL MAKING REQUEST:

Salt Lake City Airport Department on its own behalf and Siv Gillmor, et al.

4. COMPENSATION TENDERED:

The appraisal reports concluded a value for the 620 acres of wetlands property owned by the Airport at \$1,423,000 and a value for the proposed 116 acre exchange parcel at \$2,100,000. Airport staff has negotiated a permanent Deed of Conservation Easement across the 620 acre parcel, which will protect the parcel's open-space nature in perpetuity, subject only to farming, grazing, agricultural, wildlife and limited tourism uses. Due to the encumbrance on the parcel, the appraised value is reduced from \$1,423,000 to \$498,000. Consequently, the Airport will pay a difference of \$1,602,000 in cash at the time of closing, and will be paid with proceeds from the Airport's sale of property in the Buena Vista subdivision.

5. BASIS OF VALUE OR CONSIDERATION:

Competitive Bid _____ Fee Appraisal xx Other _____

6. DESCRIPTION OF POTENTIAL IMPACT:

The exchange property to be acquired by the Airport is located within qualifying noise contours and is eligible for funding from the proceeds of the previous Buena Vista sale. The 618 acres to be conveyed is a portion of Airport's wetlands surplus property located adjacent to property currently owned by the Gilmors.

7. LONG TERM IMPACT OF CONVEYANCE (is compensation adequate?):

Values were based on independent appraisal reports. The 116 acres owned by the Gilmors has a higher value because of its proximity for development potential, while

wetlands have a lower land value because of its limited use. Further encumbering the 620 acre parcel with a Deed of Conservation Easement reduced the appraised value. Wetlands hold environmental value for the ecological system and health of the Great Salt Lake; therefore the Deed of Conservation Easement has an intangible value to the City.

8. PROS AND CONS OF CONVEYANCE:

The primary argument in favor of the exchange is the Airport's ability to ensure compatible land use in a noise-impacted over-flight area. Federal guidelines and funding provide for projects of this nature. The parties have reached an amicable solution with the exchange and cash payment. Public hearings have been conducted in accordance with the Federal requirements. Conditions have been met as requested to maintain future open space corridors.

9. TERM OF AGREEMENT:

Fee title by Warranty Deed to the parcels of property will be conveyed and closing will occur through a title company.

10. CONVEYANCE SUBJECT TO ANY OTHER CITY ORDINANCES:

City Ordinance 2.58

11. POTENTIAL OPPOSITION:

None – Concerns have been met.

12. WORK STARTED IN RELATION TO THIS REQUEST:

The Federal Aviation Administration has conceptually agreed with and approved this project subject to City review processes. The exchange has been published in the Federal Register for public comment. The parcels have been appraised. The Airport Board reviewed and agreed with the exchange at the Board's November 20, 2002 public meeting. The Planning Commission has reviewed the proposed exchange and is in agreement with the transaction with the conditions met.

13. CITY DEPARTMENT/PERSON REQUESTING CONVEYANCE:

Airport Department, Timothy L. Campbell, Executive Director
Property Management, Linda Cordova, Property Manager

Any interested person or persons may appear and comment upon the above proposals if a call for hearing by a council member is made within fifteen (15) days from the date this notice is posted. If a call for hearing is made, such a hearing shall take place at **5:00 P.M.** on **a date to be determined at Council briefing**, at 451 South State, Room 315, City and County Building, Salt Lake City, Utah.

Date:

24 March 2005

Linda Cordova
Linda Cordova
Property Manager

Date delivered to
Recorder's Office: 3-24-05

City Recorder
451 South State, Fourth Floor
535-7671

Received by: Bow Jones

Date delivered to
City Council: 3-24-05

Salt Lake City Council
451 South State, Third Floor
535-7600

Received by: Ellie Hardman

Date Delivered to
Mayor's Office: 3/24/05

Mayor's Office
451 South State, Third Floor
535-7704

Received by: Jarautraj

Delivered by: Linda Cordova

**CITY COUNCIL REPLY TO NOTIFICATION
OF PROPOSED REAL PROPERTY CONVEYANCE**

TO: Linda Cordova
Property Manager

SUBJECT: NOTIFICATION OF REAL PROPERTY CONVEYANCE

The City Council has reviewed the proposed conveyance of real property;

LOCATION: Acquisition: 116 Acres of Vacant Land - 2200 North 3200 West
Disposition: 620 acres of Vacant Land - 6300 West 1650 North

Property Exchange with Siv Gillmor, et al

And has decided to take the following action:

 Not to issue a call for hearing

 Has issued a call for a hearing to be held at the time and place so specified in the notification.

City Council Chairperson

Date



July 16, 2004

Jill Remington-Love
Salt Lake City Council Chair
Salt Lake City Council
452 South State Street, Third Floor
Salt Lake City, Utah 84111

Subject: Proposed Property Exchange between Salt Lake City and the
Gillmor Family

Dear Council Chair Love:

The Salt Lake City Department of Airports initiated Petition No. 40-03-05 in connection with an exchange of property necessary for future airport development and runway approach protection. This petition is to declare surplus approximately 620 acres of land, which is currently under control of the Department of Airports, in exchange for a more valuable 116 acre parcel of land owned by the Siv Gillmor family. The petition was submitted to the Planning Commission for its consideration, and the Planning Commission indicated its support for the proposal based on certain conditions. Additional detail is included in the attached October 15 memorandum from Louis Zunguze as well as the attached Notification of Proposed Real Property Conveyance. The City's Planning Division and Airport Department subsequently met and further agreed on those conditions, which are as follows:


- That the City reserve from the 620 acre parcel a non-exclusive, 30 foot wide public easement for use by pedestrians and non-motorized vehicles. This easement will not be used or improved until such time as the City acquires the additional property rights necessary to connect this segment of the future open-space trail corridor to the existing City public right of way.
- That the City's General Fund compensate the Department of Airports a total of \$2,461, which is the appraised value of this reserved easement, based on Federal regulations.

- That the Airport Department agrees to a reservation of a 30 foot wide public easement running immediately northeast of and parallel to the existing North Point Canal right-of-way on the Department's wetlands mitigation site.
- That the Planning Division and the Department of Airports draft and execute a Memorandum of Understanding to memorialize the City's intention to preserve the corridor for the planned open-space trail system.

At the time that the initial Petition was submitted to the City Council, the anticipated compensation associated with the proposed exchange was based on appraisal reports. These appraisal reports concluded a value of \$1,423,000 for the 620 acre parcel, and a value of \$2,100,000 for the 116 acre parcel. As part of the property exchange, the Airport Department would pay the difference in value to the Gillmor family, with payment to be made from Airport enterprise funds. That difference in value as initially submitted to the City Council has now been modified based on further negotiations between the Airport Department and the Gillmor family. Although not a condition of the Planning Division, the Airport Department has additionally negotiated a permanent Deed of Conservation Easement across the 620 acre parcel, which will protect the parcel's open-space nature in perpetuity. However, it reduces the appraised value of the property from \$1,423,000 to \$498,000. Consequently, the Airport will pay the Gillmor family a total of \$1,602,000, which is the difference in value between the parcels resulting from the diminution in value based on the conservation easement.

Because the Airport Department has now met the Planning Commission's conditions, we respectfully request that the City Council proceed in consideration of the Petition as outlined.

Sincerely,



Timothy L. Campbell
Executive Director

Attachment

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

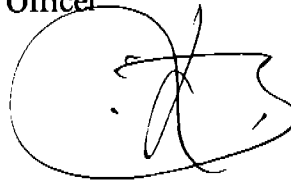
MEMORANDUM

TO: Mayor Ross C. Anderson
City Council Members
Rocky Fluhart, Chief Administrative Officer
Linda Cordova, Property Manager

FROM: Louis Zunguze, Planning Director

DATE: October 15, 2003

SUBJECT: PROPOSED PROPERTY EXCHANGE BETWEEN SALT LAKE CITY AND GILLMORE FAMILY



SUMMARY OF PROPOSAL

The Salt Lake City Department of Airports initiated Petition No. 40-03-05, proposing that the City declare as surplus property approximately 620 acres of land located between 6300 and 7400 West and between 1300 and 2700 North, which the Airport proposed to exchange for a 116 acre parcel of land owned by the Gillmore family.

Consistent with the disposition of real property, the petition was submitted to the Planning Commission for its consideration at a public hearing held on June 11, 2003. At that hearing, the Planning Commission recommended in favor of the proposed property exchange with certain conditions. In particular, the Planning Commission requested that the transaction take into consideration the City's 1992 Open Space Master Plan.

The Planning and Airport staffs subsequently met, and have agreed on an approach to effect the proposed transaction consistent with the Planning Commission's recommendations. At its August 13, 2003 meeting, the Planning Commission indicated its support for the agreement, as negotiated by the Planning Staff, so long as it was consistent with the intentions expressed at the June 11, 2003 meeting, which were as follows:

- That the easements be retained, or;
- If not, that the Open Space Master Plan be amended.

BACKGROUND AND PUBLIC ROCESS

The Salt Lake City Department of Airports initiated Petition No. 400-03-05, proposing that the City declare as surplus property approximately 620 acres of land located between 6300 and 7400 West and between 1300 and 2700 North, which the Airport proposed to exchange for a 116 acre parcel of land owned by the Gillmore family.

However, the City's adopted 1992 Open-Space Master Plan provides for certain pedestrian trails to be created through this property. (See **attached Map from the Department of Airport showing the open space corridors as depicted on the City's Open-Space Master Plan, entitled "Bailey's Lake,"**)

On June 11, 2003, the Planning Commission held a public hearing on this proposal. At the conclusion of that hearing, the Planning Commission recommended as follows:

The City retain the easement[s] and work cooperatively with the owner to determine the location of pedestrian or trail easements through the property in the future to implement the goals and policies of the City's Open Space Plan[;] or the City's Open Space Plan be amended to revise or eliminate the pedestrian corridors as shown on Map 15 Bailey's Lake.

Based upon that recommendation, the Planning and Airport staff met to discuss implementation details and parameters. The two scenarios discussed are noted below as (A) and (B), with (B) being the preferred option. Following this meeting, Planning staff consulted with the Planning Commission regarding these implementation options during the August 13, 2003 meeting. The Planning Commission was supportive of the preferred option and noted that it was consistent with their original recommendation. In light of this, the City may proceed with this transaction by either:

(A) Selling the property subject to the retention of the easements necessary to implement the Open Space Master Plan; or

(B) Selling the property without reserving all of the easements in question, and amending the Open Space Master Plan to reflect this change in policy.

IMPLEMENTATION OPTIONS

(A) **Sale of the property subject to the retention of the easements necessary to implement the existing Open Space Master Plan.**

If the City elects to retain the easements necessary to implement the current Open Space Master Plan, the City would need to take the following action:

1. Prepare and execute a deed conveying the City owned property to the Gillmore Family, subject to the following conditions:

a. The City's reservation of a non-exclusive public easement, for use by pedestrians and non-motorized vehicles only, 30 feet wide running immediately northeast of and parallel to the existing North Point Canal right-of-way as it traverses Section 23, T1M, R2W, SLB& M, for future use as part of the City's open-space trail system. (The "Canal Easement.")

b. A non-exclusive public easement, for use by pedestrians and non-motorized vehicles only, 30 feet wide, at a location to be determined between the City and the Gillmore family, along the northeast shore of Bailey's Lake for future use as part of the City's open-space trail system. (The "Bailey's Lake Easement.")

c. The two easements reserved by the City shall not be used or improved until such time as the City acquires the additional property rights necessary to connect these two segments of the open-space trail corridor to the existing City owned public way. Any actual trail or connecting corridor location, designation, facilities, construction or right-of-way implementation effort will be determined as part of a specific plan approval process conducted by Salt Lake City Corporation.

(B) Sale of the Property and Amendment of the Open Space Master Plan.

If the City elects to sell the property without reserving all of the easements necessary to implement the current Open Space Master Plan, the City would need to take the following actions.

1. Execute a deed conveying the property in question from the City to the Gilmore Family. The Airport Department has indicated that it has no objection to the reservation of the Canal Easement. Accordingly, the deed from the City to the Gillmore Family would still be subject to the following conditions:

a. The City's reservation of a non-exclusive public easement, for use by pedestrians and non-motorized vehicles only, 30 feet wide running immediately northeast of and parallel to the existing North Point Canal right-of-way as it traverses Section 23, T1M, R2W, SLB& M, for future use as part of the City's open-space trail system. (The "Canal Easement.")

b. The easement reserved by the City shall not be used or improved until such time as the City acquires the additional property rights necessary to connect this segment of the open-space trail corridor to

the existing City owned public way. Any actual trail or connecting corridor location, designation, facilities, construction or right-of-way implementation effort will be determined as part of a specific plan approval process conducted by Salt Lake City Corporation.

2. The City (the Mayor, City Council or Planning Commission) would need to initiate a petition to amend the City's Open Space Master Plan to eliminate the reference to Bailey's Lake Easement. That proposed amendment to the Master Plan would need to be processed as required to State Law, including public hearings before the Planning Commission and the City Council.

ADDITIONAL IMPLEMENTATION REQUIREMENTS

Regardless of whether the City elects to implement or amend the Open Space Master Plan, there are also several other requirements that will need to be followed in processing this transaction.

1. Section 2.58 of the Salt Lake City Code requires that the City Council be given 15 days notice of the proposed transaction for the purpose of allowing the Council to schedule and hold a public hearing, if it chooses to do so.

2. Based upon information provided by the Airport Department, the property in question was purchased with Federal funds which are subject to Federal regulations. Pursuant to the requirements of those Federal regulations, to the extent that public easements are retained by the City for the benefit of the general fund, rather than for Airport purposes, the City's general fund would need to compensate the Airport enterprise fund for the value of the easement retained. Accordingly, if the City intends to retain either or both of these easements, as recommended by the Planning Commission, the Administration would need to determine the value of the retained easements and request that the City Council appropriate the funds necessary to compensate the Airport enterprise fund for the fair market value of those easements.

3. The Planning Division and the Airport Department have agreed to draft and execute a Memorandum of Understanding which would memorialize the intention of the City to preserve a corridor for an additional segment of the City's open-space trail system on property which is currently owned and which will be retained by the City (Airport Mitigation Site). That Memorandum of Understanding would identify the area to be reserved for a future trail corridor as 30 feet wide running immediately northeast of and parallel to the existing North Point Canal right-of-way as it crosses Sections 22 and 23, T1M, R2W, SLB&M, for future use as part of the City's open-space trail system. The Planning Division and the Airport Department will be working with the Attorney's Office to draft the proposed Memorandum of Understanding.

The final decision as to which of these two alternatives to pursue (implementing or amending the existing Open Space Master Plan) rests with the Mayor. If you have any questions concerning this matter, please let me know.

C: Tim Campbell, Director of Airports
Alison Weyher, CED Director
Cindy Gust-Jenson, Executive Director, City Council
Brent Wilde, Deputy Planning Director
Douglas Wheelwright, Deputy Planning Director
Planning Commission File

Attachment

Mayor's Open Space Advisory Committee

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

April 29, 2005

Via E-mail to dale.lambert@slcgov.com
And Janice.jardine@slcgov.com

Dale Lambert, Chair
Salt Lake City Council
451 South State Street, Room 304
Salt Lake City, Utah 84111

Re: Petition #400-03-05, Salt Lake Department of Airports Property Exchange

Dear Chair Lambert and Councilmembers:

The Mayor's Open Space Advisory Committee has received two briefings from Steve Domino and Russell Pack from the Salt Lake City Department of Airports on the above-referenced matter. We are in support of the property exchange and the Memorandum of Understanding between Salt Lake City Department of Airports and Salt Lake City Community Development Department that provides a 30-foot easement for future trail use from the 620 acre exchange parcel.

If you have any questions, please do not hesitate to call.

Best,

Helen M. Peters

Accounting Detail		Grant # and CEDA # If Applicable:	Credit
Revenue:			
Cost Center Number	Object Code Number	Amount	
54-03600	1784	\$ 12,344	
Expenditure:			
Cost Center Number	Object Code Number	Amount	
83-95046	2710	\$ 12,344	
Additional Description:			
<p>The Airport is acquiring approximately 116 acres of real property located immediately north of Runway 17/35 at approximately 2200 North & 3200 West to reduce the possibility of future non-compatible land uses. The property will be acquired by means of a property exchange on a value-for-value basis with surplus property at the Airport's wetlands mitigation site and some cash differential payment. The difference will be funded with proceeds from the sale of property in the Buena Vista subdivision.</p>			
<p>The City is reserving a 30-foot easement for a future trail from the 620-acre exchange parcel. This easement will not be used or improved until such time as the City acquires the additional property rights necessary to connect this segment with the future open-space trail corridor. Based on Federal regulation, the City's General Fund must compensate the Department of Airports (Enterprise Fund), \$2,461 which is the appraised value of the reserved easement consisting of 1.07 acres.</p>			
<p>The City will also execute and record a "Notice of Preservation of Public Access Easement Interest" reserving a 30-foot wide public access easement running immediately northeast of and parallel to the existing North Point Canal right-of-way located on the Airport's remaining wetlands mitigation site. The easement totals 4.29 acres and is valued at \$9,883. The City's General Fund will compensate the Department of Airports (Enterprise Fund) for the preservation of this easement, which is contiguous to the easement on the 620 acres. The combined amount to be transferred to the Airport Enterprise Fund from the General Fund is \$12,344. The combined acreage for the public access easements will consist of 5.36 acres.</p>			
Grant Information:		Not Applicable	
Grant funds employee positions?			(Yes or No)
Is there a potential for grant to continue?			(Yes or No)
If grant is funding a position is it expected the position will be eliminated at the end of the grant?			(Yes or No)
Will grant program be complete in grant funding time frame?			(Yes or No)
Will grant impact the community once the grant funds are eliminated?			(Yes or No)
Does grant duplicate services provided by private or Non-profit sector?			(Yes or No)

Title of Initiative			
Initiative Name			
(Blank) Initiative Number (City Department) Management Services (Employee Name) Prepared By Linda Cordova	Purchase Preservation of Easement to connect this segment with the future open space trail corridor.	2004-05 Fiscal Year (Type of Initiative) Transfer of funds (Contact Number) 535-6308	
General Fund (Fund Balance) Impact			
Revenue Impact By Fund:		1st Year	2nd Year
		FY 2004-05	FY 2005-06
General Fund	\$	12,344	
Total		\$12,344	\$0
Internal Service Fund			
Total		\$0	\$0
Enterprise Fund			
Total		\$0	\$0
Other Fund			
Total		0	\$0
Staffing Impact:			
New	Number of FTE's	0	0
Existing	Number of FTE's	0	0
Total		0	0
Description			

Title of Initiative			
Initiative Name			
(Blank) Initiative Number (City Department) Management Services (Employee Name) Linda Cordova	Purchase Preservation of Easement to connect this segment with the future open space trail corridor.	2004-05 Fiscal Year (Type of Initiative) Transfer of funds (Contact Number) 535-6308	
General Fund (Fund Balance) Impact			
Revenue Impact By Fund:			
	<u>1st Year</u> FY 2004-05	<u>2nd Year</u> FY 2005-06	
General Fund			
Total	\$0	\$0	
Internal Service Fund			
Total	\$0	\$0	
Enterprise Fund			
Airport (54-03600-1784)	12,344		
Total	\$12,344		\$0
Other Fund			
Funds to pay the Airport \$12,344 will be from CIP Openspace Land Trust Account.			
Total	0		\$0
Staffing Impact:			
New Number of FTE's	0	0	0
Existing Number of FTE's	0	0	0
Total	0	0	0
Description			

Accounting Detail			Grant # and CEDA # If Applicable:		Credit
Revenue:					
Cost Center Number	Object Code Number			Amount	
54-03600	1784		\$	12,344	
Expenditure:					
Cost Center Number	Object Code Number			Amount	
83-95046	2710		\$	12,344	
Openspace Land Trust Account					
Additional Description:					
<p>The Airport is acquiring approximately 116 acres of real property located immediately north of Runway 17/35 at approximately 2200 North & 3200 West to reduce the possibility of future non-compatible land uses. The property will be acquired by means of a property exchange on a value-for-value basis with 620 acres of surplus land at the Airport's wetlands mitigation site and a cash differential payment. The cash difference will be funded with proceeds from the sale of property in the Buena Vista subdivision.</p>					
<p>The appraisal reports concluded a value for the 620 of wetlands property owned by the Airport at \$1,423,000 and value for the proposed 116 acres at \$2,100,000. Airport staff negotiated a permanent Deed of Conservation Easement across the 620 acres which reduced its value from \$1,423,000 to \$498,000.</p>					
<p>The City has reserved the right to use the 30-foot easement for a future trail preserved by the Deed of Conservation Easement on the 620 acres. This easement will not be used or improved until such time as the City acquires the additional property rights necessary to connect this segment with the future open-space trail corridor. Based on Federal regulation and government accounting principles, the City's General Fund must compensate the Department of Airports Enterprise Fund \$2,461, which is the appraised value of the reserved easement consisting of 1.07 acres.</p>					
<p>Additionally, the City will also execute and record a "Notice of Preservation of Public Access Easement Interest" reserving a 30-foot wide public access easement located on the Airport's remaining wetlands mitigation site. This easement will consist 4.29 acres and is valued at \$9,883. The City's General Fund will compensate the Department of Airports Enterprise Fund for the preservation of this easement, which is contiguous to the easement on the 620 acres. The combined amount for these two easements to be transferred to the Airport Enterprise Fund from the General Fund is \$12,344. The combined acreage for the public access easements will consist of 5.36 acres.</p>					
Grant Information:			Not Applicable		
Grant funds employee positions?			(Yes or No)		
Is there a potential for grant to continue?			(Yes or No)		
If grant is funding a position is it expected the position will be eliminated at the end of the grant?			(Yes or No)		
Will grant program be complete in grant funding time frame?			(Yes or No)		
Will grant impact the community once the grant funds are eliminated?			(Yes or No)		
Does grant duplicate services provided by private or Non-profit sector?			(Yes or No)		



January 7, 2005

Linda Cordova
Property Manager
Salt Lake City Corporation
451 South State Street, Room 225
Salt Lake City, UT 84111

RE: Gillmor Land Exchange

Dear Linda:

Thank you for all you have done to assist and coordinate our department's proposed land exchange with the Gillmor family. As follow-up to our phone conversation today, I am enclosing a copy of the proposed conservation easement as well as the various documents between the Airport and Planning. The trail reservation on the 1.07 acre Gillmor parcel is valued at \$2,461. The same reservation on the 4.29 acre parcel is valued at \$9,867.

I appreciate as well your taking this to Steve Fawcett for necessary appropriations. If he has any questions, please do not hesitate to refer him to us as well.

Sincerely,

Russell B. Pack
Director of Administration and Commercial Services

cc: Jay Bingham
Jodi Howick
Patrick McCue

Cordova, Linda

From: Pack, Russ
Sent: Tuesday, November 23, 2004 11:06 AM
To: Cordova, Linda
Subject: FW: Wetlands Trail



Trail.pdf (4 MB)

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

From: Silva, Rick
Sent: Tuesday, November 23, 2004 11:04 AM
To: Pack, Russ
Subject: FW: Wetlands Trail

Phil Cook the property at \$2300 per acre; with the value diminution concluded at %100 of value. Using these calculations the following value estimated for the additional trail easement.

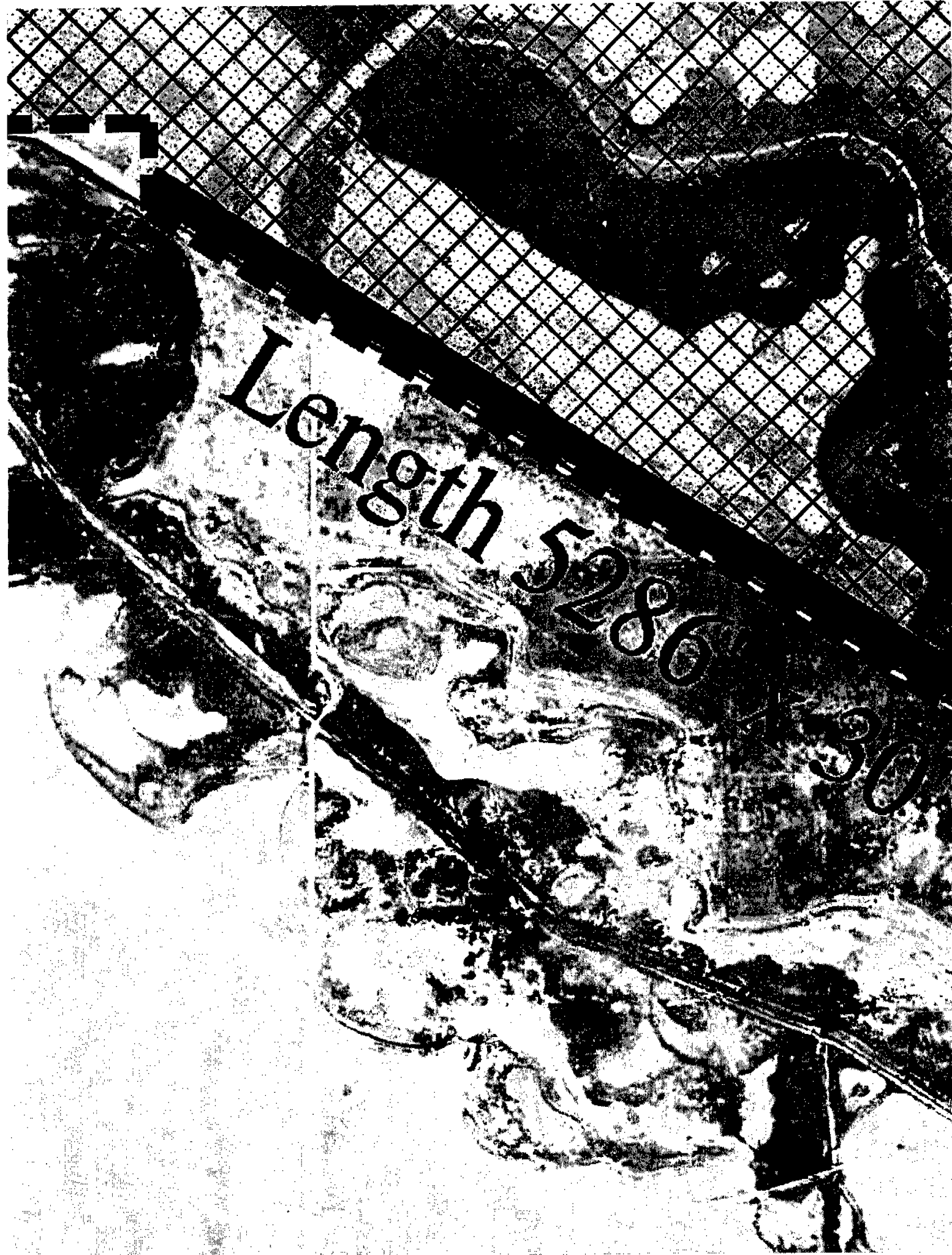
Easement $5286 \times 30 = 158580$ SF
Acreage $158580/43560 = 3.64$ Acres
Value per acre \$2300
Value of easement $\$2300 \times 3.64 = \8372.00

Thanks,
Rick

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

From: Miller, David
Sent: Tuesday, November 23, 2004 10:49 AM
To: Silva, Rick
Subject: Wetlands Trail

Rick,
Here is the drawing of the trail at the wetlands with the distance indicated that you requested Dave



Length 5286 30

MEMORANDUM OF UNDERSTANDING

RECORDED

BETWEEN

NOV 09 2004

SALT LAKE CITY DEPARTMENT OF AIRPORTS

CITY RECORDER

AND

SALT LAKE CITY COMMUNITY DEVELOPMENT DEPARTMENT

This Memorandum of Understanding, effective August 1, 2004, involves and sets forth certain agreements and understandings between the Salt Lake City Department of Airports ("Airport") and the Salt Lake City Community Development Department ("Planning Division").

WHEREAS, it is acknowledged that the Planning Division is a department of, and the Airport is a department and enterprise fund of, Salt Lake City Corporation ("City"); and

WHEREAS, the Airport holds as an asset of its enterprise fund certain real property west of the Salt Lake City International Airport which is used as a wetlands mitigation site in connection with the construction of an Airport runway (the "Wetlands Site"), as such property is further described on Attachment A attached hereto and incorporated herein; and

WHEREAS, the Planning Division has requested that a segment of such property be preserved in order to permit use as a future nature trail if the City should pursue the establishment of such a trail pursuant to the City's Open Space Master Plan adopted in 1992, (the "Future Trail Site"); and

WHEREAS, the Planning Division and the Planning Commission, acting

pursuant to Utah Code Ann. § 10-9-305, has conditioned the approval of a proposed sale of property in the area in part on such preservation; and

WHEREAS, the Airport and the Planning Division have reached an agreement regarding the preservation of the Future Trail Site, and desire to preserve such site in a manner that meets the intent of the Planning Commission and complies with Federal requirements imposed on the Airport;

NOW THEREFORE, in view of the foregoing, the Mayor directs, and the Executive Director of Airports and Director of the Community Development Department agree, as follows:

1. The Future Trail Site consists of a 30-foot wide non-exclusive easement area across the Wetlands Site in the manner further shown on Attachment A.

2. The Airport agrees to preserve the Future Trail Site for use as a public nature trail at a time in the future when the City establishes such a trail by connecting the Future Trail Site to a publicly accessible trail system subject to the terms of this MOU.

3. The City will do the following at the time when the Future Trail Site becomes connected to a publicly accessible trail system:

a. The City may make use of the Future Trail Site for community purposes on a non-exclusive basis only until such time as the Airport may require use of the Future Trail Site for an Airport use.

b. The City's general fund shall pay to the Airport enterprise fund the fair market value of the 30-foot wide non-exclusive easement area across the Future Trail Site to comply with Federal requirements imposed on the Airport.

c. The City's general fund shall pay all expenses to properly build and maintain the future nature trail. The Airport enterprise fund shall not be required to incur any expenses in connection with the Future Trail Site, including without limitation for its preservation, construction or maintenance.

d. The City shall not take or permit any action that would interfere with the proper operation of the Wetlands Site, or with any state or federal requirements imposed on the Airport or the City in connection with the Wetlands Site.


e. The Airport shall retain full access to the Future Trail Site before and after any such trail is implemented, and prior to the time when any such trail is implemented, the Airport shall not be restricted by this Memorandum of Understanding in using the Future Trail Site for Airport purposes.

4. If the Airport should ever arrange for the sale of any portion of the real property subject to the Future Trail Site, the Airport shall make such sale subject to the reservation of an easement to the City for the Future Trail Site in accordance with the terms set forth in this Memorandum of Understanding as a part of such sale.

5. The Planning Division and the Airport acknowledge and agree that the Airport shall remain in compliance with Federal requirements imposed on the Airport at all times notwithstanding any matter set forth in this Memorandum of Understanding to the contrary, and shall otherwise agree to cooperate in good faith to preserve the objectives of the parties as set forth herein to the extent possible in light of Federal requirements. As of the date hereof, the Airport believes that this Memorandum of Understanding does not conflict with any current Federal law, regulation or obligation imposed upon the Airport.

RECORDED

NOV 09 2004

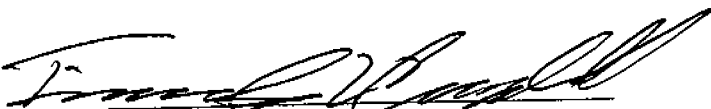

ROSS C. ANDERSON, MAYOR


CITY RECORDER



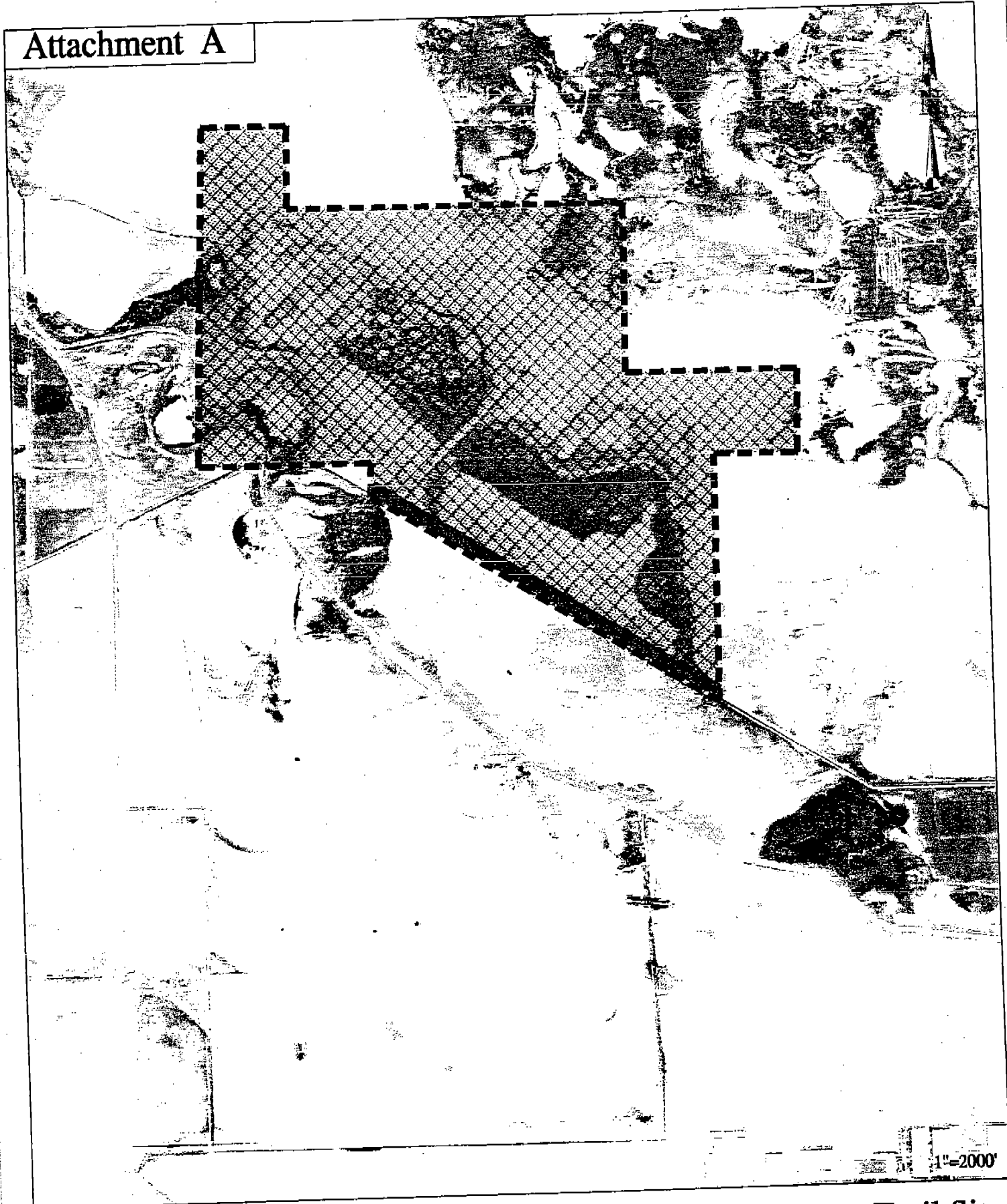
ATTEST:


CHRISTINA NECKER
CHIEF DEPUTY CITY RECORDER


TIMOTHY L. CAMPBELL, AAE
EXECUTIVE DIRECTOR OF AIRPORTS


DAVID DOBBINS, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

Attachment A



1"=200'

7282

Ray

DATE: May 29, 2003

TO: Salt Lake City Planning Commission

FROM: Ray McCandless, Principal Planner

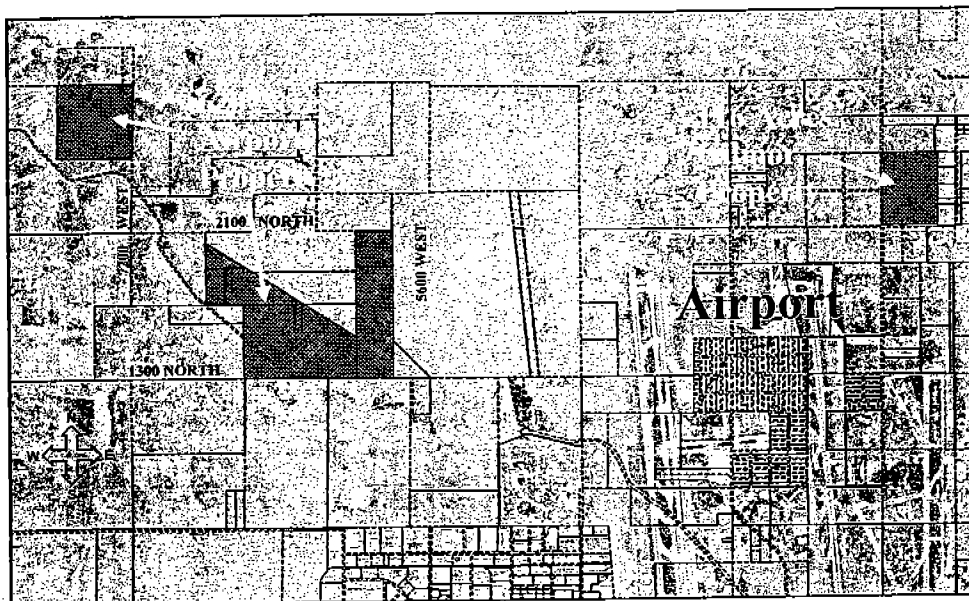
RE: STAFF REPORT FOR THE JUNE 11, 2003

CASE#: 400-03-05

APPLICANT: Salt Lake City Department of Airports

STATUS OF APPLICANT: Salt Lake City Department of Airports and
Siv Gilmor, Property Owners

PROJECT LOCATION: Gilmor Property - 2252 North, 3200 West
Airport Properties - Between 6300 and
7400 West, Between 1300 and 2700 North
(approximate, see attached maps)



PROJECT/PROPERTY SIZE:

Airport Properties - 620 acres
Gilmor property - 116 acres

COUNCIL DISTRICT:

District 1

REQUESTED ACTION:

Petition 400-03-05 by the Salt Lake City Department of Airports requesting that the Planning Commission declare as surplus property, approximately 620 acres of land located between 6300 and 7400 West, between 1300 and 2700 North and exchange it for a 116 acre parcel of land at approximately 2252 North, 3200 West. The Airport property is in Salt Lake City and is zoned Open Space (OS) / Lowland Conservancy (LC). The property located at 2252 North 3200 West is in unincorporated Salt Lake County.

PROPOSED USE(S):

Airport Property - Vacant / Approach Protection (when exchanged)
Gilmor Property - Agricultural / Grazing (when exchanged)

APPLICABLE LAND USE REGULATIONS:

Utah State Code, Section 10-9-305(2)
Salt Lake City Code, Section 2.58
S.L.C. Code, Section 21A.32.100 Open Space District (OS)
S.L.C. Code, Section 21A.34.050 - Lowland Conservancy Overlay District (LC)
S.L.C. Open Space Plan

SURROUNDING ZONING DISTRICTS:

Airport Property - Surrounding Zoning on Both Airport Parcels is Open Space (OS), Agriculture (AG) and Lowland Conservancy (LC) Overlay District (see zone map)

Gilmor Property -
North - Salt Lake County
South - Airport (A)
East - Business Park (BP)
West - Airport (A)

SURROUNDING LAND USES:

Airport Property and Gilmor Property - Surrounding Property on both Airport Parcels and the Gilmor Property is Vacant or Agricultural.

MASTER PLAN SPECIFICATIONS:

Draft Northwest Quadrant Master Plan - In the mid 1980's, a Draft Northwest Quadrant Master Plan was developed but was never adopted. The current zoning was established as part of the City's Zoning Rewrite Project of 1995.

Open Space Plan - The City's Open Space Plan, adopted in 1992, includes a series of 15 maps showing open space and pedestrian trail opportunities throughout the City. The Airport property, (620 acres) lies within Map 15, Bailey's Lake. Map 15 shows several pedestrian trail opportunities near and around Bailey's Lake. The Airport property lies within this area. A copy of the map is included with this Report.

Northpoint Small Area Plan - The 116 acre Siv Gilmor property at 2252 North, 3200 West is in unincorporated Salt Lake County but is located within the boundaries of the Northpoint Small Area Plan, which was adopted on April 11, 2000. The plan anticipates this property will be zoned Business Park "BP" when or if it is annexed into the City in the future. The Airport has no immediate plans to develop or annex the property. The Airport owns other property that is not in the City's jurisdiction. Therefore, staff is not recommending that the property be annexed at this time.

SUBJECT PROPERTY HISTORY:

The property owned by the Airport is located in the Lakeside Planning area, part of the City's Northwest Quadrant. Prior to 1995 when the City conducted its zoning rewrite project, much of the northwest portion of the City was zoned Agricultural. In 1995, portions of this area were zoned Open Space (OS) and Agriculture (AG). In addition, the Lowland Conservancy District was established and applied to various locations throughout the area. Both the Airport and Gilmor properties have historically been vacant or used for agricultural purposes.

ACCESS:

Access to the Airport property is provided via unimproved private dirt roads extending northward from the Salt Lake International Center. The Gilmor property fronts directly onto 2100 North Street.

PROJECT DESCRIPTION:

The Salt Lake City Department of Airports is proposing to declare as surplus property approximately 620 acres of Airport-owned property located generally between 6300 and 7400 West, between 1300 and 2700 North and exchange it for 116 acres of property located at 2252 North 3200 West. This property is owned by Mr. Siv Gilmor. The Gilmor property is located just north of the Airport which is in the flight path of the easternmost runway. The Airport is exchanging the property to protect its airspace.

City-owned real property is governed by Utah State Code, Section 10-9-305(2) and Chapter 2.58 of the Salt Lake City Code. In Chapter 2.58 of the Salt Lake City Code, a process is described whereby property is identified as potential surplus, evaluated for the

highest economic return to the City and then sold. The City Code refers to the Municipal Land Use Development and Management Act section of the Utah Code requiring the review and recommendation for consistency with adopted general plans. The method of disposition is stated in Chapter 2.58 of the Salt Lake City Code, noting that real property may be disposed of by one or more of the following means.

- A. Trade. The chief procurement officer, under the direction of the director of finance, may authorize surplus property to be traded for other property;
- B. Sale, Lease or Irrevocable Transfer. The chief procurement officer shall adopt specific written guidelines establishing requirements for notice, bidding or other conditions of sale, lease or other transfer of real property. The sale, lease or transfer of real property by the city shall be preceded by planning commission review under the provisions of Section 10-9-21, Utah Code Annotated, 1953, or its successor; [Current Section is 10-9-305 (2)] however, such review shall not be required for property transfers which are by their nature revocable by the city;
- C. Revocable Transfers. Permits, licenses, easements, franchises and other transfers of real property which are, by the terms of conveyance, revocable by the city, shall be permitted under the provisions of this chapter; and,
- D. Salvage, Discard or Destruction. Inventoried city property shall be salvaged, discarded or destroyed only upon authorization of the city procurement officer or a designated representative.

This request is being reviewed under section B. above.

According to the attached letter from the City's Property Management Division, "The (Gilmore) property will be acquired by means of a property exchange on a value for value basis with surplus property at the Airport's wetlands mitigation site, and some cash differential payment. The valuation difference will be funded from proceeds from the sale of property in the Buena Vista Subdivision. Under Federal guidelines, the proceeds from these type of sales can only be used for other eligible noise mitigation projects."

A conservation easement will be recorded on the property currently owned by the Airport to protect its mitigation site and limiting the use of the property for agricultural uses (see attached letters from the Airport dated March 10, 2003 and United States Department of the Interior dated March 3, 2003).

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

Comments from City departments are as follows:

- a) **Transportation:** The Transportation Division sees no impact to the public transportation system proposed by this land trade. The only transportation issue is

that the existing Gilmor property at 2200 North has public way frontage access and the city's property has no public access frontage.

- b) **Public Services:** Requested that the City reserve the right for trail or pedestrian easements on the property if needed in the future.
- c) **Public Utilities:** The Public Utilities Department is requesting that the Goggin Drain property be retained under Salt Lake City fee title ownership under the jurisdiction of the Public Utilities Department for the continued operation and maintenance of the drain.
- d) **Engineering:** The Salt Lake City Engineering Division has no comment or objection to the proposed land exchange.
- e) **Property Management:** The Salt Lake City Property Management Division is recommending approval of the property exchange to meet the City's ability to control land use consistent with Airport land use and noise mitigation.
- f) **Fire Department:** The Fire Department has no objections to the proposal.

Community Council Comments:

Although not required by City Ordinances or State Code, the Westpointe Community Council and adjoining property owners within 300 feet of the subject properties were notified of the Planning Commission meeting. No comments from the community council were received.

2. ANALYSIS AND FINDINGS

To assist the Planning Commission in its decision making process, Staff has analyzed and made findings with respect to the following pertinent master plans, ordinances and issues:

- A. Northpoint Small Area Plan: According to the Northpoint Small Area Plan, the purpose of the plan "is to eliminate potential land use conflicts with the Salt Lake International Airport while preserving and enhancing the existing agricultural lifestyle." The proposed property exchange is consistent with that goal as the purpose of the exchange is to protect airspace.

Finding: The proposed property exchange is consistent with the goals and purposes of the Northpoint Small Area Plan.

- B. Open Space Plan: The Salt Lake City Open Space Plan, adopted in 1992, identifies open space and open space corridor opportunities throughout the City. The four main goals of the plan are to:
 - 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.

Map 15, Bailey's Lake shows several corridor segments traversing Airport property near and around Bailey's Lake. The corridors follow existing canals, roadways and the Bailey's Lake shoreline (see map).

During earlier discussions with the Airport, a question was raised about retaining corridor easements now as the City is the current property owner to avoid having to turn around and re-negotiate or purchase easements or property in the future. The Airport's response is contained in the attached letter from the Airport Director dated May 7, 2003. The Airport's reasons for not retaining any easements at this time include the following:

- The proposed exchange ... will not negatively affect the City's ability to implement the recommendations for the Bailey's Lake Corridor in the future.
- The transaction will not preclude the City from negotiating with this and other property owners for the access and other property rights it needs to implement its plan.
- The City's Planning Division is unable to accurately define the access and property rights that are needed for the corridor or establish a legal description at this time.
- Transferring the property to private ownership would remove the federal restrictions on its uses and would further facilitate implementation of the City's open space plan in the future.
- A specific plan for location of the trails or easement has not been adopted.
- An open-ended easement is not acceptable to the prospective buyer.

According to the Master Plan, Map 15 - Bailey's Lake Corridor **"is located in the lakeshore uplands environment which is mostly undeveloped. The corridor map shows carefully located paths to provide pedestrian access to the lakeshore upland transition area and the lake basin land form which contains the existing wetlands ecosystem and habitat."** The map also states that **"Bailey's Lake is located in prime wetlands environment which is mostly undeveloped on the north side and agricultural uses on the south and west sides. The corridor map shows paths to provide pedestrian experience of this fragile ecosystem with minimum intrusion."** Although the specific trail alignments have not been formally identified, the plan makes a point of maintaining pedestrian access through the area.

According to Map 15, **"The open space connection corridor or trail route depicted on this map is intended to be conceptual and illustrative of the general corridor opportunity existing in this area of the City. Any actual trail or connecting corridor location, designation, facilities construction or right of way implementation effort will be determined as a part of a specific plan approval process conducted by Salt Lake City Corporation."** A 'blanket' easement was suggested to reserve the right to secure future accessibility but it is not an acceptable option to either the Airport or prospective buyer as the exact location, alignment or width of the trail easement is not known.

In reviewing this request, the Planning Commission will need to make a decision with respect to whether the property exchange is consistent with the Open Space Plan. The Airport claims that the corridor acquisition can happen when the trail

corridors are established, however, waiting until such time would require that the City purchase the easements or condemn property in the future. Given that the City already owns the property, declaring it surplus without retaining pedestrian easements appears to be contrary to the Plan. The solution would be to either retain pedestrian easements or consider amending the Open Space Plan to eliminate the identified pedestrian corridors which is a policy decision to be made by the Planning Commission, Council and the Mayor.

Finding: Declaring the property surplus without amending the adopted Open Space Plan or securing pedestrian easements is contrary to the Open Space Plan.

- C. Annexation: The Airport does not intend to annex the property given there are no plans to improve the property at this time. Staff does not have any concerns with this. However, at such time as the property is developed or Salt Lake City utilities are required, this property should be annexed into the City.

Finding: Annexation is not necessary at this time, however, as a part of a larger area annexation effort, or at such time as the property is to be developed or Salt Lake City utilities are required, the property should be annexed into the City and zoned according to applicable master plan policies.

- D. State & Local Codes: The proposed declaration of surplus property is consistent with Utah State Code, Section 10-9-305(2), Salt Lake City Code, Section 2.58, S.L.C. Code, S.L.C. Code Section 21A.32.100 Open Space District (OS), and Section 21A.34.050 - Lowland Conservancy Overlay District (LC).

Finding: The proposed declaration of surplus property and conveyance are consistent with applicable State and Local Codes.

RECOMMENDATION:

In light of the noted analysis and findings, Staff recommends approval of the proposed declaration of surplus property and property exchange with the following conditions:

1. The property north of 2200 North Street be annexed if the property is proposed for development or if city utility services are required in the future. The property also should be annexed if it can logically be included in some future larger area annexation effort (whichever comes first).
2. A conservation easement as described in the attached United States Department of the Interior letter dated March 3, 2003 be implemented.
3. The City retain the right to impose pedestrian or trail easements through the property if needed in the future to implement the goals and policies of the City's Open Space Plan or the City's Open Space Plan be amended to revise or eliminate the pedestrian corridors as shown on Map 15 Bailey's Lake.
4. All City departmental requirements be met and applicable or necessary easements be retained and recorded.

DEPARTMENTAL COMMENTS:

McCandless, Ray

From: Walsh, Barry
Sent: Thursday, March 27, 2003 10:34 AM
To: McCandless, Ray
Subject: Airport property exchange

Categories: Program/Policy

3/27/2003

Re: Salt Lake Department of Airports Property Exchange.

Ray,

We see no impact to the public transportation system proposed by this land trade. The only transportation issue is that the existing Gilmore property at 2200 North has public way frontage access and the city's property has No public access frontage.

Sincerely,

Barry Walsh

Barry D. Walsh
Engineering Technician VI
Salt Lake City Transportation Division
349 South 200 East, Suite 450
Salt Lake City, UT 84111
(801) 535-7102
(801) 535-6019 FAX
barry.walsh@ci.sl.c.ut.us



McCandless, Ray

From: Greenleaf, Karryn
Sent: Friday, May 30, 2003 10:48 AM
To: McCandless, Ray; Pack, Russ
Subject: Petition 400-03-05
Categories: Program/Policy

Public Utilities has reviewed this proposed land exchange and is requesting that the goggin drain property be retained under Salt Lake City fee title ownership under the jurisdiction of the Public Utilities Department for the continued operation and maintenance of the drain.

If you have any question please contact me at 483-6769.

ROCKY J. FLUHART
CHIEF ADMINISTRATIVE OFFICER

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

ROSS C. ANDERSON
MAYOR

MEMORANDUM

TO: BRENT WILDE
DOUG WHEELWRIGHT
PLANNING

FROM: LINDA CORDOVA *Lec*
PROPERTY MANAGEMENT

DATE: 6 JANUARY 2003

RE: PROPERTY EXCHANGE

LOCATION: Acquisition: 116 Acres of Vacant Land - 2200 North 3200 West
Disposition: 618 acres of Vacant Land - 6300 West 1650 North

PURPOSE: This transaction involves the exchange of real property and is subject to Section 10-9-305(2) of the Utah Code, which requires such action to go before the Planning Commission.

The Airport is proposing to acquire approximately 116 acres of real property located immediately north of Runway 17/35 at approximately 2200 North and 3200 West in order to reduce the possibility of future non-compatible land uses. The property will be acquired by means of a property exchange on a value for value basis with surplus property at the Airport's wetlands mitigation site, and some cash differential payment. The valuation difference will be funded from proceeds from the sale of property in the Buena Vista subdivision. Under Federal guidelines, the proceeds from these type of sales can only be used for other eligible noise mitigation projects.

The Federal Aviation Administration has conceptually agreed with and approved this project, subject to City review processes. The exchange has been published in the Federal Register for public comment. The parcels have been appraised. The Airport Department's Board have reviewed and agreed with the exchange at the Board's November 20, 2002, public meeting.

RECOMMENDATION: Approve the property exchange to meet the City's ability to control land use consistent with Airport land use and noise mitigation.

Attachment: Map

McCandless, Ray

From: Larson, Bradley
Sent: Tuesday, April 08, 2003 10:57 AM
To: McCandless, Ray
Subject: Salt Lake Department of Airports Property Exchange (618 acres of City property exchanged for 116 acres of property owned by Siv Gilmore)

Ray,

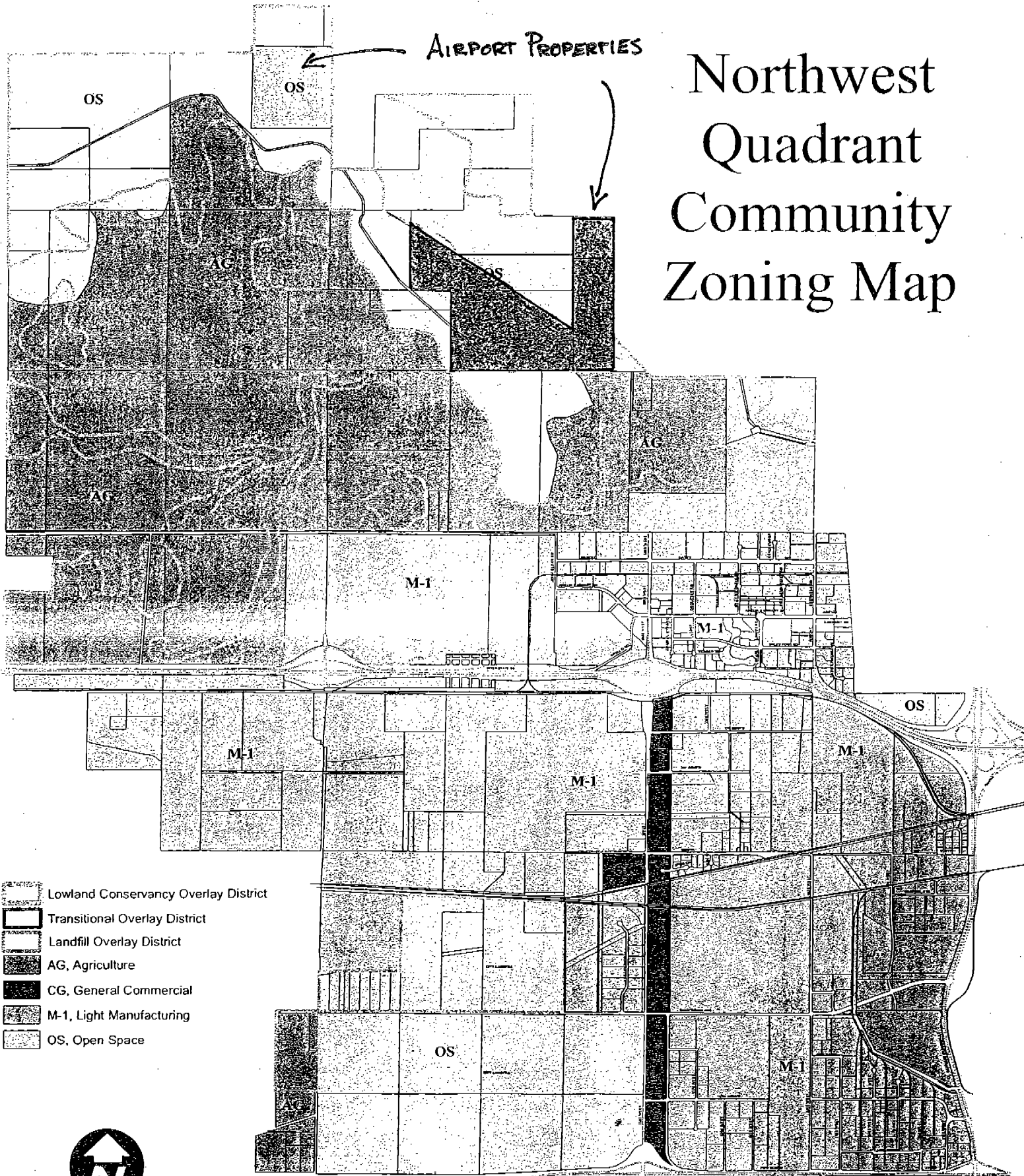
The Fire Department has no objections to the above mentioned proposal.

Thank you,

Brad Larson
Deputy Fire Marshal

MAPS:

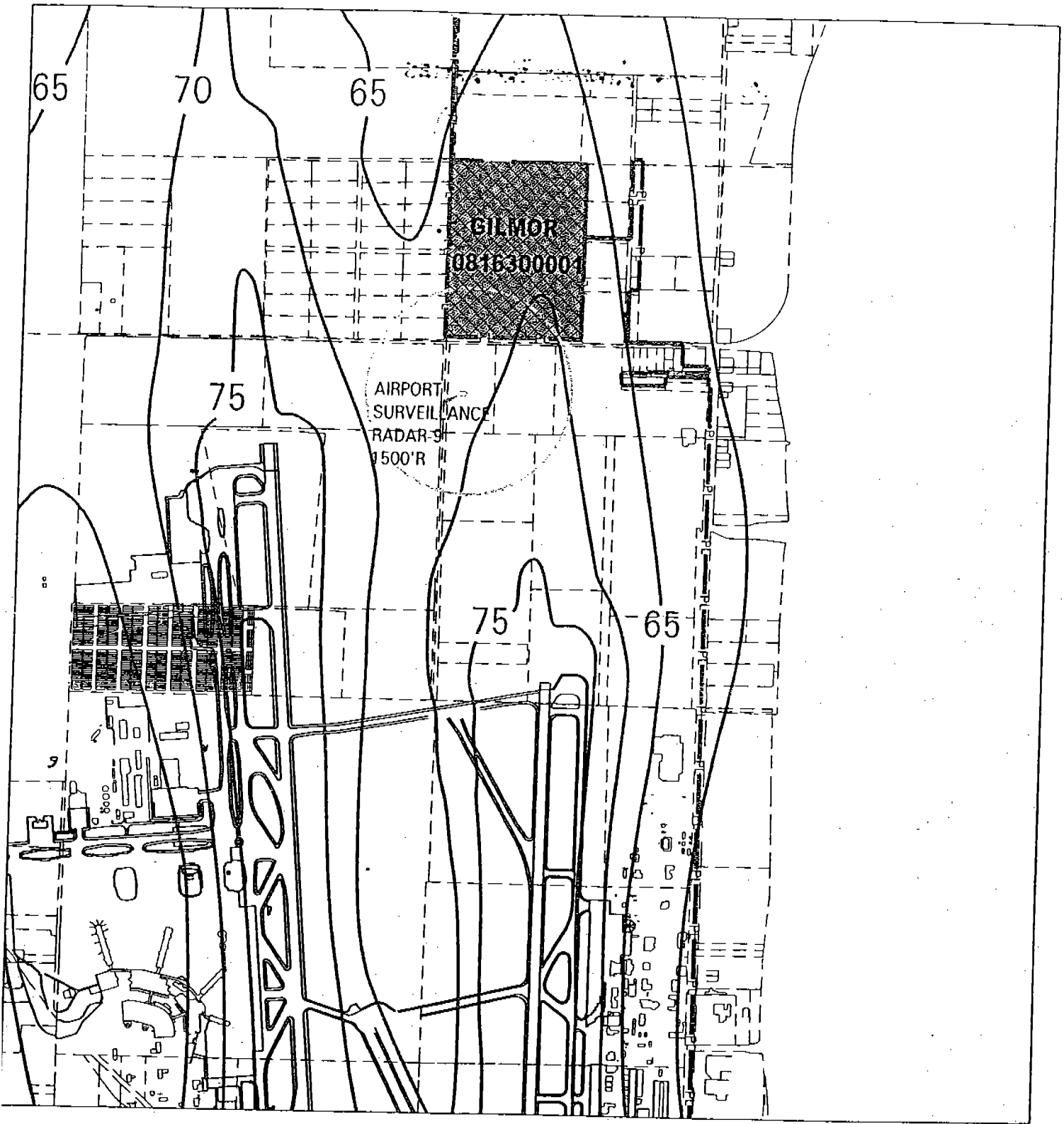
Northwest Quadrant Community Zoning Map



-  Lowland Conservancy Overlay District
-  Transitional Overlay District
-  Landfill Overlay District
-  AG, Agriculture
-  CG, General Commercial
-  M-1, Light Manufacturing
-  OS, Open Space



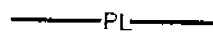
NOT TO SCALE



FENCE



GILMOR PROPERTY



BOUNDARY

AQUEDUCT

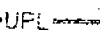
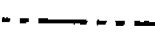


RIGHT OF WAY



PARCELS

SECTION LINES



UPL



TO BE EXCHANGED

**LAND EXCHANGE
WETLANDS PROPERTY
SALT LAKE CITY
INTERNATIONAL AIRPORT**

Project Number:	Properties
Drawn By:	DEM
Date:	Dec 2002

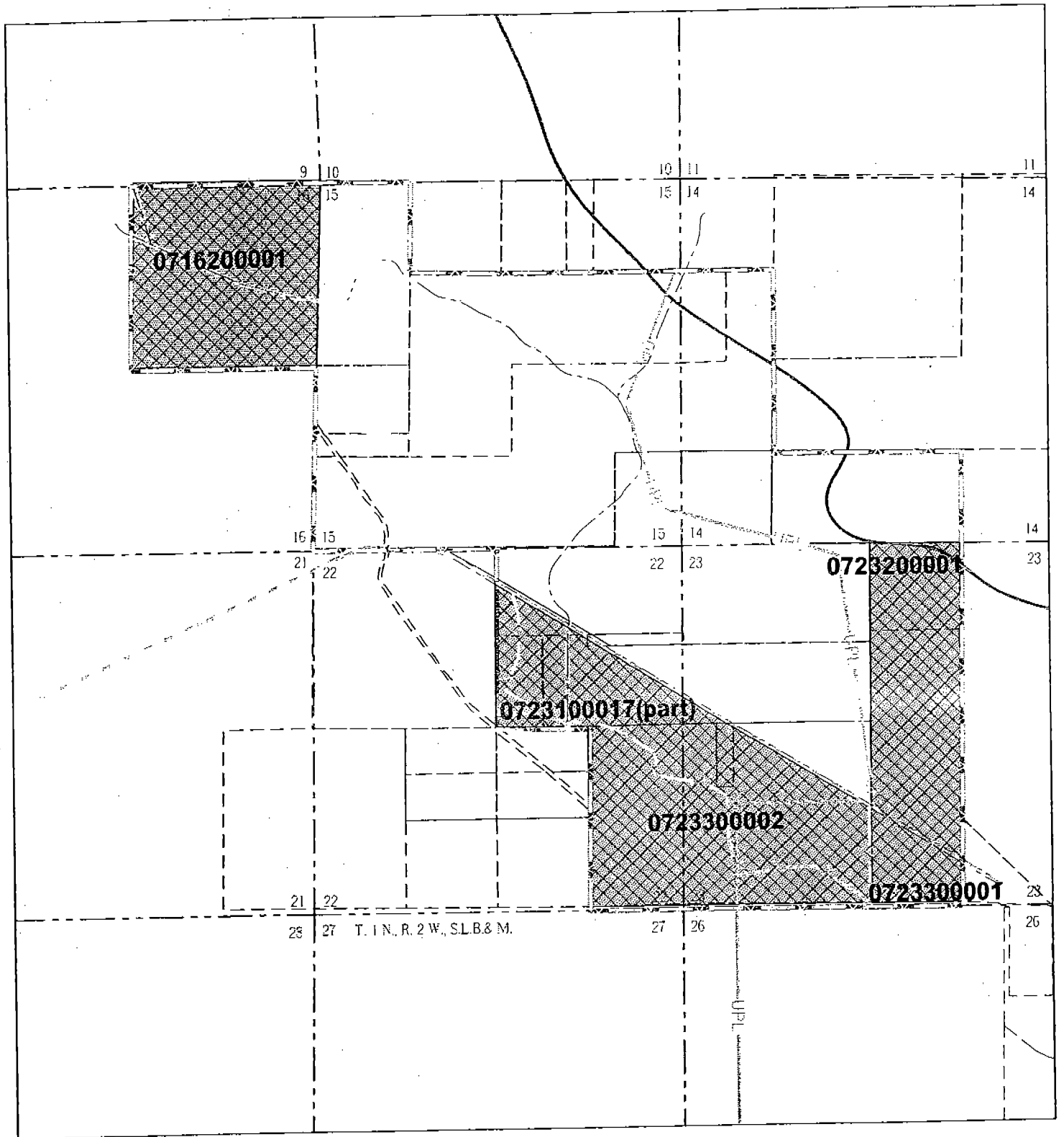
SALT LAKE CITY



DEPARTMENT OF AIRPORTS



Scale: 1"=2000'



FENCE

AQUEDUCT

SECTION LINES

GILMOR PROPERTY

RIGHT OF WAY

UPL

PL BOUNDARY

PARCELS


TO BE EXCHANGED

1

**LAND EXCHANGE
WETLANDS PROPERTY**
SALT LAKE CITY
INTERNATIONAL AIRPORT

Project Number:	Properties
Drawn By:	DEM
Date:	Dec 2002

SALT LAKE CITY  DEPARTMENT OF AIRPORTS


Scale: 1"=2000'

OTHER:

Salt Lake City
Department of Airports

AMF Box 22084

Salt Lake City, UT 84122

Tel 801.575.2400

Fax 801.575.2679

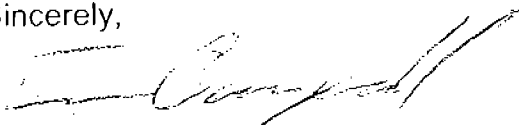
May 7, 2003

Louis Zunguze, Planning Director
Planning and Zoning Division
City & Council Building, Room 406
451 South State Street
Salt Lake City, Utah 84111

Dear Louis,

Thank you for meeting to discuss the remaining issues regarding the Airport's proposed property exchange. As you requested, we expanded our submittal to include all of the information we have available pertaining to the transaction. I would appreciate your scheduling this item on the Planning Commission agenda at the earliest opportunity. If possible, we would like to address this item at the first meeting in June. If you need any additional information, please let me know.

Sincerely,



Timothy L. Campbell, A.A.E.
Executive Director

Cc: Russ Pack
Steve Domino
Brent Wilde
Doug Wheelwright

Real Property Exchange Salt Lake City International Airport

Overview

The City's Department of Airports is proposing to acquire real property located immediately north of Runway 17/35 in order to reduce the possibility of future non-compatible land uses. As opposed to a direct purchase of the property, the owners have requested that the land be exchanged with surplus property adjacent to the Airport's wetlands mitigation site on a fair market, value-for-value basis.

Parcel Descriptions

The owner of record for the property that the Airport is proposing to acquire is Siv L. Gillmor. The parcel is located at approximately 2200 North and 3200 West, and has a current zoning of A-2 (agriculture), with a highest-and-best use of industrial/commercial development as warranted by demand. It contains 116.54 acres of vacant land, and is currently used by the Gillmor family for agricultural/grazing purposes. The land north of Runway 17/35 is subject to aircraft over flights all hours of day and night and is in the Airport Flight Path Protection Overlay Zone, zone A – very high noise impact area.

The Airport property that the Gillmors are proposing for exchange includes several parcels totaling approximately 620 acres located between 6300 and 7400 West and between 1650 and 2550 North. The City, through its Airport Department, acquired these parcels several years ago in order to create a wetlands mitigation site. When the mitigation site parcels were purchased, the Airport and the Federal Aviation Administration determined to purchase entire parcels of property rather than severing any individual parcels. Consequently, the wetlands site is larger than is necessary for its mitigation purposes, and so the adjoining property is surplus to the City's requirements and to the wetlands permit.

Mutual Benefit

The Gillmors own and lease property that directly abuts the wetlands mitigation site, and as a result will benefit from parcel assemblage. Similarly, the Airport Department will benefit by owning and controlling the parcel in Section 16. The acquisition would allow the Airport to own and control the property that is located along the runway approach surface, which is highly impacted by aircraft over flights. One urgent factor is that the Gillmors otherwise intend to raise crops on the property, which will attract wildlife and increase the bird/aircraft strike potential. Airport ownership of the property will ensure that these types of incompatible land uses do not occur.

Compatibility with City Plans

Staff from the Department of Airports and the Planning and Zoning Department met on several occasions to discuss the potential impact of the land exchange on various City plans. The only issue pertinent to the property exchange relates to the City's open space plan.

In 1992, the City Council adopted the Salt Lake City Open Space Plan. The open space plan identifies vulnerable foothill and wetland areas within the City that will face increasing pressures from encroachment as community growth continues. The plan acknowledges that these sensitive environments have the potential of providing natural amenities for the public and should be preserved where possible. The plan identifies four main goals: conserve the natural environment, enhance open space amenities for all citizens, connect the various parts of the City to natural environments, and educate the citizens on proper use of open space.

The property being released by the Department of Airports is located within the Bailey's Lake Corridor as defined in the Salt Lake City Open Space Plan. The Bailey's Lake Corridor is located in the lakeshore uplands environment, which is mostly undeveloped. The open space plan shows conceptual paths within the Bailey's Lake Corridor to provide pedestrian access to the lakeshore upland transition area and the lake basin landform, which contains the existing wetlands ecosystem and habitat. These linear paths could ultimately connect to other parts of the City and natural environments.

The proposed property exchange is consistent with the goals of the Salt Lake City Open Space Plan and will not negatively affect the City's ability to implement the recommendations for the Bailey's Lake Corridor in the future. The transaction will not preclude the City from negotiating with this and other property owners for the access and other property rights it needs to implement its plan.

In order to provide assurance to the City, the prospective owner has agreed to grant a conservation easement over the entire property being released by the City's Department of Airports. The conservation easement will restrict future development and use of the property to open space activities that are consistent with the agricultural and grazing purposes for which the property is being acquired. The conservation easement will ensure that the existing nature of the property will not change in the future.

The prospective buyer was contacted by the Department of Airports and advised of the Salt Lake City Open Space Plan. Since the open space plan identifies the pedestrian corridor only in broad conceptual terms, the City's Planning Department is unable to accurately define the access and property rights that are needed for the corridor or establish a legal description at this time. Also, the timing at which with the public access will be needed is uncertain. Due to the uncertain implementation of the open space plan and the possibility that it could change in the future, neither the Department of Airports

nor the prospective buyer are able to negotiate open-ended language for an easement at this time.

There are numerous privately owned parcels and easements that the City will need to acquire when it begins to implement its open space plan. In addition, the City will need to acquire public access rights to the general area. The buyer has expressed a willingness to negotiate with the City in the future when the open space plan is ready for implementation.

Coordination with Environmental Resource Agencies

The property being released serves as an important buffer for the wetland mitigation site that is owned and managed by the City's Department of Airports. The property consists primarily of upland habitat that creates a buffer for the wetlands from neighboring lands where future land uses may conflict with the wetland management. The property also provides additional nesting and food resources for wildlife species that uses the wetland site.

Because of the importance to the wetland mitigation site, the City's Department of Airports met with state and federal environmental resource agencies on Tuesday, February 25, 2003, to brief them regarding the proposed property transaction and to obtain their comments. The resource agencies did not express any opposition to the proposed transaction. Written comments were requested from each agency and are attached for reference.

The resource agencies expressed their appreciation for being informed about the pending property exchange and offered several comments about provisions they would like included in a conservation easement. The conservation easement is being drafted by the City Attorney's Office and will be executed at the time of the property exchange.

Property Restrictions

The property adjacent to the wetlands that is being released by the Department of Airports was acquired in 1991 using funds provided by the Federal Aviation Administration under the Airport Improvement Program (AIP). There are numerous requirements under the AIP program that restricts the use of airport grants and revenues for aviation purposes only. As such, the property acquired using AIP funds, and the uses of that property are also restricted to aviation related purposes. Consequently, as long as the property is held by the Department of Airports, it cannot be used for public amenities that are not airport related functions. Transferring the property to private ownership would remove the federal restrictions on its use and would further facilitate implementation of the City's open space plan in the future. The property transfer is therefore necessary to implement the City's programs.

Valuation Process

To ensure that a fair market value is used for the exchange, independent appraisers having an M.A.I. or equivalent designation will provide a full-scope appraisal. Preliminary estimates indicate that the Gillmor property has a value in the \$2,000,000 range, and the wetlands property in the \$550,000 range. Because of the value-for-value approach, the Gillmors will receive the difference in cash.

Funding Source

The primary funding source for the acquisition is an approximate \$1,800,000 from proceeds that the Airport has from land sales in the Buena Vista subdivision. The Airport acquired and subsequently sold that Buena Vista property several years ago as part of a Federally-funded noise mitigation program. Under Federal guidelines, the proceeds can be used only for other eligible noise-mitigation projects, or they must be returned to the Federal government. Because the Gillmor property is located within noise impacted areas (65 DNL), it is an eligible project under those guidelines.

Domino, Steve

From: Gwynette, Tim
Sent: Friday, May 02, 2003 11:20
To: Domino, Steve
Subject: FW: Wetlands
Categories: Program/Policy

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

From: Langdon, Anna M SPK [mailto:Anna.M.Langdon@usace.army.mil]
Sent: Monday, March 03, 2003 1:48 PM
To: 'Gwynette, Tim'
Cc: Lucy Jordan (E-mail); Pam Kramer (E-mail)
Subject: RE: Wetlands

Dear Mr. Gwynette,

This email concerns your proposed land trade at the Salt Lake Airport.

Based on the information you provided at our Interagency Meeting on February 25, 2003, we have determined that the proposed land swap does not involve filling waters of the United States. A Department of the Army Permit is not required for this work. However, we recommend the following to decrease impacts to wetlands: 1) ensure tail waters from excess irrigation be collected or removed in a manner that diverts the water from adjacent wetlands (this will prevent wetland type-conversion), and 2) restrict agricultural practices such as deep-ripping, land-leveling, and ditch construction within wetlands. Only agricultural activities that are part of an established operation can qualify as exempt from our program. If there is no change in land use, then the practice is considered consistent with the established operation.

We have issued identification number 200350034 to this action. If you have any further questions, please contact me at the number below.

Anna Sutton
Project Manager
U.S. Army Corps of Engineers, Utah Regulatory Office
Ph. (801) 295-8380 ext. 15
Fax (801) 295-8842
533 West 2600 South, Suite 150
Bountiful, Utah 84010
anna.m.langdon@usace.army.mil

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

From: Gwynette, Tim [mailto:Tim.Gwynette@ci.slc.ut.us]
Sent: Friday, February 28, 2003 8:18 AM
To: Anna Langdon (E-mail); Lucy Jordan (E-mail); Pam Kramer (E-mail)
Subject: Wetlands

I want to thank all of you for listening to our presentation on Tuesday.
Since I have not heard from you I am assuming that all of your questions and
concerns were answered.

5/7/2003



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply, Refer to
FWS/R6
ES/UT

March 3, 2003

Tim Gwynette, CEP
Manager Environmental Programs
Salt Lake City Department of Airports
AFM Box 22084
Salt Lake City, Utah 84122

Re: Proposed land trade and conservation easement at the Salt Lake Airport mitigation site.

Dear Mr. Gwynette:

Thank you for your presentation and request for comments at our Fish and Wildlife Service - sponsored February 25, 2003 interagency coordination meeting. You are proposing to trade a parcel of land adjacent to the Salt Lake Airport mitigation site to a private landowner. In order to avoid compromising the resource values of the mitigation site, the parcel will have a conservation easement placed on it to limit use to agricultural purposes only. We are providing the following comments for your consideration.

Based on the information you provided, it appears that the proposed land trade will not directly affect the airport mitigation site or compromise the mitigation goals. However, we recommend that you contact Mr. Brooks Carter of the U.S. Army Corps of Engineers (COE) and request review of the original 404 permit to ensure that this is not the case.

We recommend that stipulations on land use in the conservation easement address the following potential concerns:

(1) activities that would result in unacceptable changes in the mitigation site itself. These would include such things as animal waste, pesticides, fertilizers, or fuels entering the mitigation site and affecting water quality, weed or invasive plant species encroachment, excessive dust, and trespassing livestock.

(2) activities that would reduce or compromise the wildlife habitat function of the mitigation site. These could include activities such as the use of heavy, noisy machinery during the breeding season and target shooting.

We understand that the property is intended to be used solely for agricultural activities. We recommend that you work with the potential easement holder and others who have participated in

We want to take this proposal to the City for their approval. We will need to include a letter from each of your agencies stating that you have no objection to the property transfer. Will you please send me a hard copy of your letter in addition to the comments you are planning to send regarding the conservation easement?

I look forward to hearing from you soon. Again, let me know if there is anything I can to aid you in preparing the letter.

Thanks

Tim Gwynette
575-2995



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Kevin Conway
Division Director

Northern Region
515 East 5300 South
Ogden, Utah 84405-4502
(801) 476-2740 (telephone)
(801) 476-4010 (fax)
www.nr.utah.gov

March 18, 2003

Mr. Tim Gwynette, CEP
Manager Environmental Programs
Salt Lake City Department of Airports
AFM Box 22084
Salt Lake City, Utah 84122

Subject: Proposed land trade and conservation easement at the Salt Lake City Airport mitigation site

Dear Mr. Gwynette:

The Utah Division of Wildlife Resources (UDWR) appreciated the opportunity to meet with you at the recent agency coordination meeting. It is our understanding that the Salt Lake City Dept. of Airports would like to trade land adjacent to the airport wetland mitigation site for a parcel of land located north-west of the airport that is located within potential air craft flight paths and noise contours. The land near the wetland mitigation site was acquired with the mitigation property, but was not designated nor needed as part of the mitigation package. The airport desires to place a conservation easement on this parcel to keep resources on this property compatible with the wetland and wildlife resources on the adjacent wetland mitigation property. This property would then be traded for undeveloped lands desired to protect airport functions. As per your request, we provide the following conservation easement comments for your consideration:

In addition to the suggestions provided by The Nature Conservancy and the U.S. Fish and Wildlife Service, we suggest that Allowed/Consistent Uses on the property also include

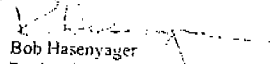
- Wildlife habitat improvement
- Wetland creation or enhancement
- Recreational activities that do not conflict with the resource values of the site

We suggest that Inconsistent Uses also include

- No concentrated animal feeding operations
- No "nutrient storage" activities
- No powerlines
- No dumping of any kind
- No contaminant flows (nitrogen, phosphorus, pesticides, etc) from the property onto or into the wetland mitigation site property.

We appreciate the opportunity to provide comments on this proposed land exchange. Placing a conservation easement on this property will help secure a larger contiguous area for wildlife populations in the future. Please contact Pam Kramer (801-476-2775) of my staff if we can be of further assistance.

Sincerely,


Bob Hasenyager
Regional Supervisor

Utah!
Where nature matters

crafting similar conservation easements to define as precisely as is reasonable what is meant, and not meant, by agricultural activities. For example, enterprises that should be discussed include animal feeding operations, pheasant farming, crops that would require aerial pesticide application; and nutrient/waste management/soil amendment stockpiling or preparation.

We recommend that the stipulations include prohibition on leveling or cropping existing wetlands on the site. We understand that there are sufficient uplands to accommodate potential plowing for alfalfa production.

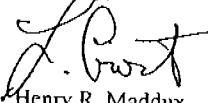
We recommend that storage of pesticides, fertilizers, or fuels and refueling of machinery not be allowed on the site.

The conservation easement should assign management responsibility for activities such as fence upkeep, weed and invasive species management, livestock or human trespass, illegal firearm use, and other activities that may affect the wildlife and wetland habitat value of the adjacent mitigation site. The conservation easement should also specify whether predator control or control of other problem wildlife species (such as racoons, starlings, grasshoppers, and Mormon crickets) will be allowed and under what circumstances. This latter topic should be discussed with the Utah Division of Wildlife Resources and Wildlife Services to determine what activities are compatible with management of adjacent areas for wildlife.

We understand that you will provide the resource agencies the opportunity to review the draft conservation easement document when it is prepared.

We appreciate the opportunity to provide these comments. If you need further information or discussion on any of the topics above, please contact Lucy Jordan, Fish and Wildlife Biologist, at the letterhead address or (801) 975-3330 ext. 143, or email: lucy_jordan@utah.gov.

Sincerely,


Henry R. Maddux
Utah Field Supervisor

cc: UDWR - SLC (Attn: Bill Bradwisch)
UDWR - Ogden (Attn: Pam Kramer)
COE - Bountiful



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To

FWS/R6
ES/UT

March 3, 2003

Tim Gwynette, CEP
Manager Environmental Programs
Salt Lake City Department of Airports
AFM Box 22084
Salt Lake City, Utah 84122

Re: Proposed land trade and conservation easement at the Salt Lake Airport mitigation site.

Dear Mr. Gwynette:

Thank you for your presentation and request for comments at our Fish and Wildlife Service - sponsored February 25, 2003 interagency coordination meeting. You are proposing to trade a parcel of land adjacent to the Salt Lake Airport mitigation site to a private landowner. In order to avoid compromising the resource values of the mitigation site, the parcel will have a conservation easement placed on it to limit use to agricultural purposes only. We are providing the following comments for your consideration.

Based on the information you provided, it appears that the proposed land trade will not directly affect the airport mitigation site or compromise the mitigation goals. However, we recommend that you contact Mr. Brooks Carter of the U.S. Army Corps of Engineers (COE) and request review of the original 404 permit to ensure that this is not the case.

We recommend that stipulations on land use in the conservation easement address the following potential concerns:

- (1) activities that would result in unacceptable changes in the mitigation site itself. These would include such things as animal waste, pesticides, fertilizers, or fuels entering the mitigation site and affecting water quality, weed or invasive plant species encroachment, excessive dust, and trespassing livestock.
- (2) activities that would reduce or compromise the wildlife habitat function of the mitigation site. These could include activities such as the use of heavy, noisy machinery during the breeding season and target shooting.

We understand that the property is intended to be used solely for agricultural activities. We recommend that you work with the potential easement holder and others who have participated in

crafting similar conservation easements to define as precisely as is reasonable what is meant, and not meant, by agricultural activities. For example, enterprises that should be discussed include animal feeding operations, pheasant farming, crops that would require aerial pesticide application, and nutrient/waste management/soil amendment stockpiling or preparation.

We recommend that the stipulations include prohibition on leveling or cropping existing wetlands on the site. We understand that there are sufficient uplands to accommodate potential plowing for alfalfa production.

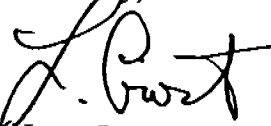
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The conservation easement should assign management responsibility for activities such as fence upkeep, weed and invasive species management, livestock or human trespass, illegal firearm use, and other activities that may affect the wildlife and wetland habitat value of the adjacent mitigation site. The conservation easement should also specify whether predator control or control of other problem wildlife species (such as racoons, starlings, grasshoppers, and Mormon crickets) will be allowed and under what circumstances. This latter topic should be discussed with the Utah Division of Wildlife Resources and Wildlife Services to determine what activities are compatible with management of adjacent areas for wildlife.

We understand that you will provide the resource agencies the opportunity to review the draft conservation easement document when it is prepared.

We appreciate the opportunity to provide these comments. If you need further information or discussion on any of the topics above, please contact Lucy Jordan, Fish and Wildlife Biologist, at the letterhead address or (801) 975-3330 ext. 143, or email: lucy_jordan@fws.gov.

Sincerely,


Henry R. Maddux
Utah Field Supervisor

cc: UDWR - SLC (Attn: Bill Bradwisch)
UDWR - Ogden (Attn: Pam Kramer)
COE - Bountiful

lay 9:30 mtg.

Salt Lake City
Department of Airports
AMF Box 22084
Salt Lake City, UT 84122
Tel 801.575.2400
Fax 801.575.2679

March 10, 2003

Louis Zunguze, Planning Director
Planning Division
City & Council Building, Room 304
451 South State Street
Salt Lake City, Utah 84111

Dear Mr. Zunguze,

The Salt Lake City Department of Airports is requesting Planning Commission review and approval to exchange approximately 648 acres of Salt Lake City/airport owned property with 116 acres owned by Siv L. Gillmor. Salt Lake City Planning Commission review is required prior to sale of City property.

Property to be acquired:

The proposal is to acquire land north of Runway 17/35 to avoid land uses that may not be compatible with airport operations. The land north of the runway is subject to aircraft over flights all hours of day and night and is in the Airport Flight Path Protection Overlay Zone, zone A – very high noise impact area. In addition, the property owner has informed the airport of their immediate plans to cultivate the property, which will attract wildlife and increase bird/aircraft strike potential. In exchange for land north of the runway, the airport is proposing to sell surplus property located adjacent to the airport's wetland mitigation site on a fair market basis. The 116-acre Gillmor parcel to be acquired is located north of 2200 North Street and north of runway 17/35. This parcel is within the jurisdiction of Salt Lake County. Salt Lake County designates this parcel as A-2 agriculture zone.

Property to be released:

Approximately 648 acres of airport property adjacent to the airport's wetland mitigation site will be released. This site is within the corporate limits of Salt Lake City and has a zoning classification of Open Space (OS). The site location is between 6300 and 7400 west and between 1650 and 2550 north. Land acquired for the mitigation site was originally purchased as entire parcels to avoid severing property and leaving uneconomic remnants. Consequently, after the wetland mitigation site was completed,

much of the adjacent property was surplus to the mitigation site requirements.

The property exchange will benefit the City by allowing the airport to own and control land that is located along the runway approach surface and ensuring that incompatible land uses do not occur. A conservation easement will be recorded with the wetland properties, which will prohibit development, except for that needed to support open space and agricultural uses.

Full market appraisal reports have been prepared to determine estimated values. Value differences will be funded by the airport. The Gillmor property is located within a high noise impact area and is eligible for federal grant assistance to purchase.

Airport staff reviewed the property sale with state and federal environmental resource agencies on Tuesday, February 25, 2003. The agencies expressed no objections to the proposal and provided input on the conservation easement to be attached to the property transfer. Copies of their comments are attached for reference.

I respectfully request the Salt Lake City Planning Commission approve the proposed property exchange, so that the land transaction can move forward. Please notify me of the date this item is scheduled with the Planning Commission.

Sincerely,



Allen McCandless, Planning Manager

c.c. Tim Campbell
Steve Domino
Russ Pack

JUNE 11, 2003
PLANNING COMMISSION

Petition No. 400-03-05 by the Salt Lake City Department of Airports, requesting the Planning Commission declare as surplus property, approximately 620 acres of land located between 6300 and 7400 West, between 1300 and 2700 North and exchange it for a 116 acre parcel of land at approximately 2252 North, 3200 West. The Airport property is in Salt Lake City and is zoned Open Space (OS) / Lowland Conservancy (LC). The property located at 2252 North 3200 West is in unincorporated Salt Lake County.

The hearing began at 7:26 p.m. Planner Ray McCandless presented the petition as written in the staff report. The Salt Lake Department of Airports is proposing to acquire a 116 acre parcel north of the airport to protect their airspace. This property will be exchanged for 620 acres of land located northwest of the airport. Mr. McCandless showed the Commission the areas of land in question on an enlarged aerial photograph. The 620 acres were purchased when the airport added a new runway and was required to purchase full parcels.

Section 10-9-305(2) and Section 2.58 of the Salt Lake City Code require that the sale of City owned property be reviewed by the Planning Commission. The Commission recommendation will be forwarded to the City Council. Mr. McCandless referred the Commissioners to map 15 of the City's Open Space Plan, Bailey's Lake, contained in the staff report which shows Open Space corridors extending through the Airport property. Declaring the property surplus without retaining pedestrian easements appears to be contrary to the intent of the Open Space Plan. There are essentially two corridors of open space through the Airport property, one along the Northpoint canal, and the other through the Bailey's Lake area.

Staff had suggested to the Airport that as part of the transaction, the Airport retain an easement to accommodate the future trail corridors through the area. Both the Airport and Buyer are opposed to that idea for a number of reasons. The first concern is that the exact location of the trail corridors is not known. The second concern is that the Airport has indicated that since the property was purchased with Federal dollars, the proceeds from the sale can be used for airport purposes only.

The Airport is looking at implementing a conservation easement on the property to make sure that the property is used for agricultural purposes. Staff is recommending getting an easement now, rather than some time in the future. If the Planning Commission determines that a trail through the area is not needed, they will need to amend the open space plan.

Mr. Jonas asked if Bailey's Lake actually existed. Mr. Wheelwright said it did exist. It is generally a low area that does not always have water in it. An elevated drainage canal runs through the middle of it. Occasionally the drainage canal floods and flows over the banks to fill the basin.

Ms. Funk asked if Mr. Pace had a suggestion on how to retain easements for future trails when they did not know specifically where the trails would be located. Mr. Pace said that subject to an agreement with the Buyer, it is not uncommon to reserve an easement for this purpose without defining where its specific location is. That often times will occur when there is an adjacent property and you want access. The easement may be defined to a certain location or may be moved from time to time. Ms. Funk asked if the owner could then determine where the corridor would be located. Mr. Pace said that would ultimately be negotiated at the time of sale. In theory the City would say they recommend a sale, but subject to the retention of a corridor for a trail, at a location to be agreed upon. The Buyer and Seller would put that language into a deed. Ms. Funk asked what would happen if the Buyer and Seller could not agree on the location of the corridor. Mr. Pace said it would not be left that vague to begin with. If the location was not designated at time of sale, there would be a default mechanism that said if the Buyer does not designate it, the Seller will. Mr. Pace said the Commission's decision tonight would be a recommendation to the Mayor as to whether or not this property transaction should go forward. If the Commission wants to keep a trail corridor, they need to say that, and that the Mayor needs to decide where the trail should be at the time of sale.

Ms. Seelig asked when there would be a Northwest Quadrant master plan. Mr. Wheelwright said that was not funded as yet. Ms. Seelig said it was exceedingly hard to make decisions concerning these things when there is no master plan. Mr. Wheelwright said they lacked a land use master plan. The open space plan is an adopted plan that is specific to this issue. Mr. Zunguze added that he hoped when long range land use issues were discussed, the Commission will speak very unanimously to send a message to the City Council that the Commission wants a master plan prepared. The Planning Division cannot make the City Council make funding available. The Planning Commission can do that as an advisory body to the City Council.

Ms. Funk asked if the land lay within the Salt Lake County Shorelines plan that was presented tonight. Mr. Wheelwright said it does.

Mr. Jonas asked the petitioner to come forward and speak. Mr. Steve Domino, Planning Director for Salt Lake City Department of Airports, spoke next. He spoke to the issue of providing an easement. He had asked the City Attorney to provide a legal opinion on their ability to reserve property for an easement. A copy of the City Attorney's opinion was given to the Planning Director at this meeting. Mr. Domino said that basically, because of diversion of revenue issues, there is a problem. The land was purchased from Federal grants, and assets owned and controlled by the Airport have to be used specifically for airport purposes. As such, the Airport could not accommodate an easement for a public use through the land that is not specifically associated with an Airport purpose.

Ms. Funk said the Airport will no longer own the property. Mr. Domino said that was fine. Once the property was sold, whatever arrangements the City chooses to impose

on the property can certainly be done. The problem is that the Airport cannot impose any constraints on the property while the Airport owns it.

Mr. Jonas said the Commission was just making a recommendation tonight. How someone figures the easement issue out later will not be the Commission's concern. The Commission has the open space plan to deal with, so they would try to do what they think on a land use basis is best. He expressed his appreciation to Mr. Domino for making them aware of the regulations.

Mr. Russell Pack, Director of Administration for the Airport, spoke next. He said there were two issues that needed to be clarified. The first issue of the property owners and proposed buyers is the undefined easement. Currently, the corridor that is described bifurcates the property in several ways. The buyers are concerned that the ultimate plan the City would impose will lessen the value of the property. The second issue about an undefined easement is that somewhere compensation has to be given for the value of that easement when the exchange does occur. Unfortunately, without some definition, the Airport does not know what the dollar value would be for the easement. The proposed buyers have indicated their willingness to work with the City in the future for a trail. If the trail is defined now, they do not know where it would tie in or end up. If a corridor is even loosely described at some point in this process, the Airport would have to have another appraisal that will then reflect the diminished value of the land and some means of compensation. Mr. Pack thanked the Commission for their understanding of the Airport's position on the issue.

Mr. Jonas opened the hearing up to the public and invited anyone from the community council to speak. None were forthcoming. Mr. Jonas then asked if anyone from the general public would like to speak.

Ms. Jennifer Gilmore, potential buyer of the Airport's property, spoke next. She and her family are ranchers in the Northwest Quadrant. They wish to purchase the property to supplement their winter range. Their animals are rotated through pastures. She was concerned about an easement, wondering how the area would be regulated and policed. There is a problem already in the area with trespassing and littering. An easement would allow anyone to go in and do the same. From time to time the animals will be worked in an area where people using the easement might bring their dogs. Dogs can wreak havoc on their work with the cattle. Acquiring the land would be a tremendous asset for their operation, and would help to solidify their future. Whether or not fencing will be needed and who will maintain it will have to be worked out. The family is willing to do what they need to for the transaction to occur.

Mr. Daniels asked if Ms. Gilmore had consulted with Planning Staff or the applicants about her family's concerns. Ms. Gilmore said she had attended some of the meetings held about the Shorelands Plan. She has expressed her concerns at those meetings. The Northwest Quadrant is very sensitive area from the wildlife perspective. That should be considered very carefully when considering where to place easements. They should be where there is the least impact on migrating and nesting birds.

Mr. Joe Erickson, part of the Gilmore family, spoke next. He said their business had been around for about 106 years. The City is growing out towards the lake and their business, along with the duck clubs, are the only ones stopping that growth. It is an extremely sensitive area with wildlife habitat. Their family is sensitive to that, and would try to keep it that way if the land purchase goes through. They have no interest in development; they just want to run their livestock. The area is unusual and unique. Most of the property in that area is private. As far as a trail, to access the area in the first place would require going through several different property owners before you would even get to their property.

Mr. Wheelwright said it was not uncommon for the City to acquire increments of corridors, easements, or trails over time according to a plan. It has been done for over 20 years in the Foothills. Saying that because you do not have easements in place to tie a trail into other pieces of private land is not a reason to dismiss what the master plan recommends. Also, until there is a comprehensive trail easement in place that connects the public land, there will not be any actual use of the trail. If the Commission follows the Staff recommendation, the City would be preserving a future right that would not be exercised until it was a part of a specific trail development proposal. Logically, that would occur if and when the other surrounding property in the Northwest Quadrant develops in an urban manner.

Ms. Funk asked if that could be 20 years down the road. Mr. Wheelwright said yes. Ms. Funk said the use of the property could change in 20 years. The owners could change.

Ms. Funk asked if the property was part of the uplands. Mr. Wheelwright said Bailey's Lake would remain as habitat forever. The City is interested in trails that go along the edge of the habitat to provide circulation through the larger area. Ms. Funk asked if this is part of the area that might be developable later. Mr. Wheelwright said if it was south of Bailey's Lake, yes. Ms. Funk asked if that would be part of the proposed property. Mr. Wheelwright said it would be abutting the property.

Mr. Chambless asked if 20 years from now, eminent domain was envisioned as a possibility to acquire some of the land. Mr. Wheelwright said that was a possibility. It would have to be authorized and funded. The City has used eminent domain to obtain part of the Bonneville Shoreline trail above the Capitol.

Mr. Jonas invited the applicant to come forward and rebut any comments from the public. Mr. Domino said he had not heard much discussion on the conservation easement. The Buyer has agreed to grant a conservation easement over the entire parcel, which would prohibit any future development on the property perpetually. At any time that the City chose to acquire an easement or trail, they can approach the Buyer. Mr. Domino also clarified that most of the property in the area is upland. Some of the Bailey's Lake area is occasionally wet. Typically it is wet during the spring time. It is generally a saline meadow area, not a deep water area. Mr. Domino understood that

the Buyers were very reluctant to continue with the transaction if there was a requirement of an easement at this time because of the many issues and uncertainties.

Mr. Pack said the Buyers had indicated their willingness to cooperate with the City in the future if and when a trail is prescribed. The Airport supports the master plan and the trail system at some point as it makes sense. If the recommendation goes forth to the City Council that a corridor be described for preserve without being able to define it, the Airport will not be able show its location for the Buyer's satisfaction nor be able to determine compensation or the property's decreased value.

Mr. Jonas closed the public hearing and brought it back to the Commission for discussion. Mr. Zunguze addressed the issue of condemnation. Cities do not often get into the condemnation process because it is messy and unadvisable. That is why it is important to engage in long range planning. What is important is whether the Commission wants to give up what has been indicated in the master plan. If they wish to retain the right to the easement, any future property owner would be put on notice that at some point when conditions merit, that right would apply.

Mr. Chambless asked if there was a long range master plan in place, could the City probably avoid any possibilities of eminent domain being invoked. Mr. Zunguze said there was an open space master plan at this point. What they did not have was the land use component.

Mr. Diamond asked if Item 3 in the staff recommendation could be changed to be not so one-sided. The word "imposed" concerned him. He wondered if there was a way to say it was a joint agreement between the City and the future land owner. Mr. Zunguze said yes.

Mr. Pace indicated that if the Commission was interested in reserving a corridor either now or for future use, the language could be adjusted. Mr. Pace then offered another option. If what the Commission wants is a corridor that will not be used for 20 or 30 years, they can structure an agreement with an option. The City could retain an option to purchase a corridor at some future date. Condemnation would be unnecessary then. Mr. Pace said again that this was ultimately a recommendation and the Mayor will make the final call.

Mr. Muir said it was good public policy for the Commission to go on record to recommend adopting the easement. He said he thought the Commission already knows where the easement needs to be. It should be along the edge of Bailey's Lake and therefore it could be defined as such to make it part of the deal.

Referring to map 15 of the staff report, Mr. Jonas asked what the portion of the easement was coming from the south of Bailey's Lake. Mr. Wheelwright said the map recognized there is a railroad underpass under I-80 at about 6200 West, and it shows an opportunity to get under the freeway with a trail. The trail is projected to go north to the vicinity of Bailey's Lake.

Mr. Jonas said that would be the most difficult portion for defining a trail because coming from the south the trail would bifurcate the property. Ms. Funk said she did not wish to define the trail very clearly because things could be so different 20 years from now. She believed the Commission should make the recommendation to retain the right for an easement in the future. She was very reluctant to give up trail possibilities.

Mr. Pace said there is some substance to the legal issue that if Airport funds have been used for an asset and that asset is now going to be converted to general public use, that is a shift in the use of the asset. All that means is that there needs to be some cost accounting justification internally within the City. The real question is whether the City wants to sell the property or not. The City could sell some of it, all of it, or none of it. If the concept of an easement is uncomfortable, the City could just retain the property. Mr. Pace advised the Commission not to be too concerned about the accounting or legal issues. Their concern was about long term land use.

Mr. Jonas was interested in the conservation easement so that the land will remain open and that is a real plus.

Ms. Funk favored the trade because she could see the need for the Airport to have control of the Gilmore property.

Ms. Scott was reluctant to put in any verbiage that discusses having to buy an easement at a future date. She thought the easement could be retained now with no discussion of having to exchange monies in the future.

Mr. Daniels agreed. He felt there should be something in the agreement giving the City the right to retain the easement. He suggested that staff recommendation number 3 be changed to read, "The City retain the right to cooperatively institute pedestrian or trail easements through the property if needed in the future to implement the goals", etc. He took out the word "impose".

Mr. Pace asked if Mr. Daniels was talking about the location of the easement. Mr. Daniels said yes. Mr. Pace said the City is simply not going to sell the property unless it gets to keep an easement. What he understood Mr. Daniels to mean was that the City would work cooperatively with the Buyer to identify the location of the easement. Mr. Daniels said that was accurate.

Mr. Diamond hoped the City will deal cooperatively with any private property owner as it creates a trail system in the future. It needs to be a positive thing for the community. Mr. Pace said generally that was the case.

Mr. Jonas said once a plan like the open space plan is in place, any development plan would have to be looked at by the Commission.

Motion

Ms. Funk moved to recommend to the Mayor in the case of Petition 400-03-05 a declaration of surplus property and the transfer of the Airport property for the Gilmore property based on the findings of facts in the staff report, including the recommendations in the staff report with Item Number 3 being altered to read, "The City retain the right to cooperatively determine the location of pedestrian or trail easements through the property in the future", etc. Mr. Diamond seconded the motion.

Mr. Pace asked if Ms. Funk was suggesting that the easement is retained now. Ms. Funk said yes. Ms. Funk amended the language in Item 3 to say an easement is retained. Mr. Diamond accepted the modification to the language of Item 3.

Amended Motion

Ms. Funk moved to recommend to the Mayor in the case of Petition 400-03-05 a declaration of surplus property and the transfer of the Airport property for the Gilmore property based on the findings of facts in the report, including the recommendations in the staff report with Item Number 3 being altered to read, "The City retain the easement and work cooperatively to determine the location of pedestrian or trail easements through the property in the future", etc. Mr. Diamond seconded the motion.

Mr. Muir said he hoped Staff could define now where the easement should be and make that part of the deal, with the caveat that the City does not have to sell it. He believed the Commission should go on record about what they think is important for the community. A cooperative agreement from the Buyer's perspective would be along the property line 20 years from now.

Mr. Wheelwright reminded the Planning Commission that there is a note in the open space master plan that says any specific trail corridor needs to be approved by the Planning Commission through a planning process. That was what was done with the Bonneville Shoreline trail. Staff could work on it and bring it back to the Planning Commission for endorsement. Ms. Funk asked if Staff could do that well at this time. Mr. Wheelwright said it could not be done in a few days; it would be more like a multi-month planning exercise to collect data and look at the property on the ground, bring that back to the Planning Commission and hold a public hearing to make a decision.

Ms. Scott said rather than rush the job, it would be more expedient to drop the language about working cooperatively and go back to the word "impose". It goes without saying that there would be every attempt to be cooperative. Ultimately, the easement would be imposed wherever it was needed. Future conditions are too uncertain to decide where to place the easement at this time.

Mr. Jonas said the economics of the situation was that Airport wanted the Gilmore's piece of land. The City was, therefore, not in such a good bargaining position and the deal needed to work for both sides. Pinning down the easement would be unadvisable.

Ms. Noda agreed with Mr. Jonas. She did not feel that the Commission could dictate where the easement should be at this point in time.

Ms. Seelig said she was more inclined to agree with Mr. Muir. She was not sure about even surplussing the property at all. There is an incomplete vision in the area. The trails are not planned out, which speaks to another process that has to occur. There is not a land use plan for the area.

Ms. Funk said she assumed that the City wants to make this trade. Therefore, the only thing the Planning Commission can do is make it the best trade possible. The Mayor will make the decision and she suspects the decision has already been somewhat made.

Mr. Wheelwright said the Commission had received a memo from the airport saying this 620 acres represents about \$500,000 worth of value. The other \$1.5 million is going to be paid by the Airport from proceeds from the sale of land in the Buena Vista area. The Commission could possibly consider not surplussing the land, which would not prohibit the Airport from proceeding to acquire the 116 acres totally with funds from the Buena Vista area. The Commission could also break it up and look at a rather isolated parcel to the northwest to be declared surplus, and the Airport could pay the difference with the other funds.

Ms. Seelig asked if that meant there were other ways to acquire the property the Airport needs other than by surplussing it. Mr. Wheelwright said yes. Mr. Jonas said that was not definite. Acquiring other property was important to the Gilmores before they would give up the property they are currently using.

Mr. Diamond asked if he could ask the Gilmores more questions. Mr. Jonas reopened the public hearing. Mr. Diamond asked them to show the Commission on the aerial photograph the other property that they own surrounding the land in question. Mr. Erickson showed the Commission the land they owned. The property exchange would allow their range to be contiguous. Mr. Diamond asked the Gilmores what their feeling was about where the trail should be located.

Ms. Gilmore said they do not have a lot of input. There are so many property owners, and the easement has no ending and no beginning. Mr. Rob Erickson spoke next. He said in the future a trail right down one of the canals would be the best. Their biggest concern was that as a land owner, they would like the same rights as any of the land owners in the area. If they take the property, they do not want to negotiate with the City at that time. They want rights already established. That diminishes their right to say where the trail would go. The property will change over the years, and the trail will have to be located where it makes sense at the time. Mr. Diamond asked if the Gilmores would be using all the property together. They said yes. They own property on both sides of the land and lease a lot of land in the area as well.

Ms. Gilmore asked the Commission to consider that the property they wish to acquire will have multiple restrictions on it that dictate the future value of the property. The 116 acres that the City will acquire has a radar restriction on part of it, but the rest is unencumbered. The development potential is impossible to calculate at this point. The family is giving up a piece of property that has extraordinary potential value for something that will have a perpetual restriction on it that will limit the value forever.

Ms. Arnold said the fact that his property is unbuildable forever helps her to understand the family's concern of running an easement dead center down the middle of it. She agreed with Ms. Funk's earlier comments about not putting in stone something that could happen 30 years from now. She felt that would be improper.

Mr. Jonas agreed, noting the changes in the Shorelands over the course of the years. There are too many unknowns, however the Commission had an obligation to preserve some kind of trail which should be cooperatively agreed upon.

Mr. Jonas closed the public hearing. Ms. Scott asked if the motion could be amended in recommendation Item 3 to "The City retain the easement right to impose pedestrian or trail easements", etc. Ms. Funk and Mr. Diamond were not in agreement with that.

Ms. Funk asked if the Commission really wanted to sell this piece of property. She suggested surplussing some of the property.

Ms. Arnold said again that the City and the Airport wants that piece of land. She did not feel the Commission should try to rewrite it.

Mr. Daniels said the motion on the table as stated by Ms. Funk is fair and something most of them could live with. He felt the Mayor could live with it also.

Ms. Funk then restated the motion. Ms. Arnold asked if the words "cooperatively **with the owner**", needed to be added. Ms. Funk and Mr. Diamond agreed.

Second Amended Motion

Ms. Funk moved to recommend to the Mayor in the case of Petition 400-03-05 a declaration of surplus property and the transfer of the Airport property for the Gilmore property based on the findings of facts in the report, including the recommendations in the staff report with Item Number 3 being altered to read, "The City retain the easement and work cooperatively with the owner to determine the location of pedestrian or trail easements through the property in the future", etc. Mr. Diamond seconded the motion.

Mr. Jonas called for the vote:

Mr. Chambless, Ms. Noda, Ms. Arnold, Ms. Scott, Ms. Funk, Mr. Daniels, Mr. Diamond and Ms. Noda voted "Aye." Mr. Prescott, Ms. Seelig, and Ms. McDonough voted "Nay". Mr. Jonas, as Chair, did not vote. The motion carried.

Recommendations:

1. The property north of 2200 North Street be annexed if the property is proposed for development or if city utility services are required in the future. The property also should be annexed if it can logically be included in some future larger area annexation effort (whichever comes first).
2. A conservation easement as described in the attached United States Department of the Interior letter dated March 3, 2003 be implemented.
3. **The City retain the easement and work cooperatively with the owner to determine the location of pedestrian or trail easements through the property in the future to implement the goals and policies of the City's Open Space Plan or the City's Open Space Plan be amended to revise or eliminate the pedestrian corridors as shown on Map 15 Bailey's Lake.**
4. All City departmental requirements be met and applicable or necessary easements be retained and recorded.

Findings of Fact:

- A. Northpoint Small Area Plan: According to the Northpoint Small Area Plan, the purpose of the plan "is to eliminate potential land use conflicts with the Salt Lake International Airport while preserving and enhancing the existing agricultural lifestyle." The proposed property exchange is consistent with that goal as the purpose of the exchange is to protect airspace.

Finding: The proposed property exchange is consistent with the goals and purposes of the Northpoint Small Area Plan.

- B. Open Space Plan: The Salt Lake City Open Space Plan, adopted in 1992, identifies open space and open space corridor opportunities throughout the City. The four main goals of the plan are to:
- 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.

Finding: Declaring the property surplus without amending the adopted Open Space Plan or securing pedestrian easements is contrary to the Open Space Plan.

- C. Annexation: The Airport does not intend to annex the property given there are no plans to improve the property at this time. Staff does not have any concerns with this. However, at such time as the property is developed or Salt Lake City utilities are required, this property should be annexed into the City.

Finding: Annexation is not necessary at this time, however, as a part of a larger area annexation effort, or at such time as the property is to be developed or Salt

Lake City utilities are required, the property should be annexed into the City and zoned according to applicable master plan policies.

D. State & Local Codes. The proposed declaration of surplus property is consistent with Utah State Code, Section 10-9-305(2), Salt Lake City Code, Section 2.58, S.L.C. Code, S.L.C. Code Section 21A.32.100 Open Space District (OS), and Section 21A.34.050 - Lowland Conservancy Overlay District (LC).

Finding: The proposed declaration of surplus property and conveyance are consistent with applicable State and Local Codes.

The hearing ended at 8:31 p.m.

MAYOR'S OPEN SPACE ADVISORY COMMITTEE

MINUTES

Date: Tuesday, August 20, 2003

Time: 5:30 PM

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

Attending: Helen Peters, Lynne Olson, Lisa Romney (SLC Mayor's Office), Robin Carbaugh, Rita Lund, Jeff Salt, Don Anderson (Wasatch Community Gardens), Elaine Emmi, Janice Jardine (SLC Council Office), Rick Graham (SLC Public Services) and Steve Domino (Dept of Airports)

- 1 - Welcome and Introductions – Helen welcomed everyone present and people introduced themselves.
- 2 - Approval of Minutes – as the Minutes of the July meeting had not been circulated, approval was postponed until the September meeting.
- 3 - Updates –

Gilmor/Salt Lake City Department of Airports Exchange

As Mr. Steve Domino from the Department of Airports was in attendance and due to time constraints, the Agenda was modified. Mr. Domino gave a presentation regarding the case before the Planning Commission in which the SL Airport Authority was the applicant requesting the exchange of 620 acres of Airport Authority surplus property located at between 6300 & 7400 West and 1300 & 2700 North for 116 acres of property owned by the Gilmor family at 2252 North and 5230 West. Mr. Domino gave the committee background information on the exchange. Approximately two years ago, the Gilmor family notified the Airport that they intended to cultivate their land. This became a concern to the Airport due to the fact that the property is directly in line with the extended center line of the main airport runway and land under cultivation attracts all types of birds. The Airport Authority contacted the Gilmors with the proposal that they exchange their property for surplus airport property further west. The Gilmors expressed an interest in the exchange and the Airport Authority then had the two parcels valued. Due to the fact that the current Gilmor property is within a commercial zone, the value is higher and therefore the Gilmors would receive more acreage than included in their present parcel. Further, the Gilmors are very interested in placing a conservation easement on the land they would acquire.

The Open Space Master Plan includes trails in the area that the Gilmors would acquire. Mr. Domino pointed out that due to restrictions applied when this property was purchased with federal funds, trails could not be developed without compensation being made to the Airport. Furthermore, the Master Plan indicates that these trails would extend through the Airport itself, which is impossible because of security measures. He indicated that the change of ownership does not preclude trails; however, it is important to determine trail alignments, values and compensation amounts. He stated that there has been discussion with the

Planning Commission regarding placing the trail alignment further north along Baileys Lake and they seem agreeable.

The timetable for further action on the property exchange is still vague. The plan still has to go to the City Council.

Jordan River State Park Sports Complex

Mr. Rick Graham, Director of Public Services, presented the concept plan for the Sports Complex which would include approximately thirty multi-purpose fields, two four-complex baseball diamonds, playground areas, concession stands, an indoor facility for training and parking. The complex would have a park-like feeling, with passive activity areas and would also include the development of the Jordan River Parkway along that section.

Mr. Graham pointed out that the property is currently owned by the State and that the proposed complex fits within the State criteria for use of the land. To the north of the area is a state-run OHV training center that they intend to continue to use. The City would be required to install a large barrier of some sort between the sports complex and the OHV area in order to avoid any future conflicts. The remainder of the land is currently in its natural form with the exception of a small model airport containing an asphalt runway, a shed and restroom. The model airplane association has a significant investment in the property but would be willing to relocate if an appropriate area is found.

The approximate cost of the complex would be \$20 to \$25 million and would be included in the City's bonding proposal which would require public vote and City ownership. The City feels that the complex would be of great value to the area as an economic engine that would generate revenue toward the approximate maintenance costs of around \$1 million/year.

Jeff Salt pointed out that there have been years of discussion and proceedings including public hearings regarding this property. The land has considerable significance in its natural state as wildlife habitat. He indicated that Audubon has been in discussion with the City about the possibility of adding a Nature Center to the complex, and that there may be a creative way to balance the needs of the City for more athletic centers against the value of the area as green space and wildlife habitat. He also pointed out that the entire area is a flood plain and has been flooded in the recent past. He also raised a concern regarding the use of the herbicide and pesticides required in the maintenance of these types of athletic fields and their effect on the riparian area along the river.

Mr. Salt suggested that the City should consider finding other areas for establishment of fields, rather than placing them all together. He also suggested convening a task force including all of the stakeholders as well as looking at the information from the public processes that have already been completed. Mr. Graham agreed that this would be possible but that the time frame was short to meet the bonding schedule.

Pioneer Park

Mr. Graham then gave the members an update of the use plans for Pioneer Park. The City is in the final stages of preparation of the Plan. There has been input from all stakeholders including social services and heritage groups. The purpose of the plan is to activate the park as an energy center for the downtown area. The schematic proposal will be presented to the Mayor and City Council in about one month and funding for the construction will be included in the bonding package.

Proposed Open Space Trust Fund Board

Ms. Janice Jardine, from the City Council offices, distributed a Memorandum from Council Members Jill Love and Dale Lambert regarding an Open Space and Parks Initiative. The purpose of the initiative would be to prepare an ordinance to formally establish an Open Space and Parks Trust Fund and an Open Space and Parks Trust Board. The Memorandum outlines the background and the great public interest in this issue in recent years, as well as seven actions to be taken to initiate implementation of the Open Space Initiative.

After discussion of the initiative and the relationship between it and MOSAC, motion was made by Jeff Salt and seconded by Robin Carbaugh to prepare a letter addressed to Mayor Anderson stating our support for the initiative and our willingness to work with the Council. Motion passed unanimously. MOSAC will invite Ms. Love and Mr. Lambert to attend the September meeting to discuss the initiative.

RDA – Request for Proposal: Open Space/Green Space Study and Implementation Strategy for West Capitol Hill area

Ms. Lisa Romney, from the Mayor's Office, announced that the RDA has been asked to issue an RFP for the West Capitol Hill study. They are currently in the process of forming the selection committee and possibly a MOSAC member would be interested in serving. It was pointed out that one and possibly two MOSAC members are members of groups that are responding to the RFP. Helen Peters requested that anyone interested in joining the stakeholder group as a MOSAC representative should contact her.

Mt. Olivet Resolution

Copies of the Mt. Olivet draft resolution were distributed and all members were asked to review it and make their comments to Helen Peters.

Legislative Update

Ms. Lynne Olson reported that attempts are being made to get information on the status of alternate transportation funds through Congressman Matheson's office. It is hoped that Congress will reconsider the cutting of these funds after their recess. Letters and emails are very important.

Next Meeting:

Date: Wednesday, September 17, 2003

Time: 5:30 PM

Place: City and County Building, 451 South State St., Rm. 335 Cannon Room

Salt Lake City
Department of Airports

AMF Box 22084
Salt Lake City, UT 84122
Tel 801.575.2400
Fax 801.575.2679

April 17, 2003

Louis Zunguze, Planning Director
Planning and Zoning Division
City & Council Building, Room 406
451 South State Street
Salt Lake City, Utah 84111

Dear Louis,

Thank you for meeting with airport staff to discuss the pending exchange of airport property near our wetland mitigation site. The meeting was informative and has helped us to better understand the framework of the Salt Lake City Open Space Plan that was adopted by the City Council in 1992. We understand your need to address the policies within that plan in your recommendations about the property transaction.

Following your meeting, Russ Pack met with the prospective buyer to discuss the possibility of establishing a pedestrian path through the property as described on Map 15 of the plan. The buyer soundly rejected the proposal as being "ludicrous" and "absolutely unacceptable." The buyer is concerned about broad language that would establish rights for a path that is uncertain as to its timing, is not adequately defined, whose alignment could change in the future, and one which would meander through the entire parcel precluding its use for the agricultural and grazing purposes for which the property is now being acquired. In addition, the potential liabilities that arise from mixing pedestrian and ranching uses cannot be adequately mitigated. Although the buyer is unwilling to agree to open ended terms at this time, he is willing to negotiate provisions for public access onto the overall property in the future when the City is ready to implement the plan, provided he is properly compensated.

Giving consideration to the buyer's comments, I hope still that we can formulate a strategy to complete the property transaction while addressing your concerns of the open space plan. There are however, a number of other issues that complicate the ability to provide an easement for a pedestrian corridor at this time.

Although the property near the wetland site is owned by Salt Lake City Corporation, it was acquired using federal grants issued under the Airport Improvement Program and funds generated by the Department of Airports. Federal law prohibits airport operators from using airport revenues to fund community amenities that do not directly serve the airport. In general, the law restricts disposing anything of value, including property rights, without being adequately compensated based on fair market value. Any action that uses airport revenue for other than airport purposes is considered to be a diversion of revenue and in violation of federal law.

In this case, the easement that is needed for the pedestrian path is not needed for airport purposes; yet, it has an undetermined value that diminishes the value of the entire property. Since the value of the property would be reduced because of the easement, the airport must be compensated for the value of the easement from the City's general fund. The City would need to compensate the airport for the value of the easement at the time of the property transaction.

There are numerous other privately owned parcels that the City needs to acquire when it decides to implement the open space plan. In addition, the City needs to acquire access rights to the general area. We are aware that nearby landowners have consistently opposed allowing public access to their property. Furthermore there are no public facilities, parks, attractions, or other links in this area that require public access. Since the property at the wetland site is land-locked, the City will need to acquire rights for public access in addition to the rights for the pedestrian path itself. This is a major obstacle that the City must address in the future before the open space plan can be implemented.

Since the City is not ready yet to implement the open space plan along with the pedestrian trail, neither the buyer nor the Department of Airports sees a compelling reason to require language for a conceptual trail at this time. In fact, the buyer is not willing to agree to language that would commit undefined property rights without compensation for all of the possible impacts.

Consequently, we believe the time to negotiate the terms of an easement for a pedestrian trail is in the future when the City begins to acquire all other property and access rights it needs for the plan. As the City develops its trail systems and there is a specific need, public access easements should be purchased from canal companies, and from property owners along the established routes. In support of this option, the buyer has expressed a willingness to negotiate with the City in the future when the open space plan is ready for implementation.

We are certain that changing ownership of the property at this time will not impact the City's ability to implement its open space plan in the future. Since the buyer is agreeable to grant a conservation easement, the existing nature of the property will not change in the future. The conservation easement will prohibit any development that is not compatible with future open space uses.

We believe that a favorable recommendation to the Planning Commission could be made based on the fact that the land sale does not preclude implementing the open space plan in the future. Furthermore, the conservation easement is consistent with the intent of the plan and will protect the land for future open space uses.

It is important that the airport purchase the property north of our runway to prevent the creation of wildlife habitat that is being proposed by the current property owner. The property owner's intention to cultivate and irrigate crops so close to our runway will attract large numbers of birds and place aircraft at risk. It is therefore necessary that the Department of Airports be able to complete this property transaction.

I would like to meet with you to discuss these issues further and hopefully find a common solution that addresses the needs of both departments. I have asked Paula Blum to contact you shortly to schedule a time that we can meet. Thank you very much for your consideration of this matter.

Sincerely,



Timothy L. Campbell, A.A.E.
Executive Director

Cc: Russ Pack
Steve Domino
Brent Wilde