
MEMORANDUM

DATE: May 20, 2005

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

AFFECTED COUNCIL DISTRICTS: Council District 3

FROM: Janice Jardine, Land Use Policy Analyst

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

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

Disconnect request

- Disconnection of the total 80 acres of property owned by North Salt Lake City. This action would allow North Salt Lake City to develop the property under North Salt Lake’s ordinances rather than Salt Lake City’s.

Original Voluntary Boundary Adjustment request

- Voluntary boundary adjustment between North Salt Lake City and Salt Lake City. This action would include incorporating the total 80 acres of property within the North Salt Lake City boundaries and development of:
 - 10-acres - housing subdivision
 - 23-acres - cemetery
 - 47-acres - natural open space

POTENTIAL OPTIONS:

- A. Approve the disconnection as requested.
- B. Deny the disconnection.
- C. Deny the disconnection and consider purchasing the entire 80 acres.
- D. Approve a disconnection for the proposed housing property only (10 acres) and leave the remaining 70 acres of property in Salt Lake City’s municipal boundaries zoned Open Space.
- E. Approve a disconnection for the proposed housing (10 acres) and cemetery (23 acres) property and leave the remaining 47 acres in Salt Lake City and enter into an agreement that assures the remaining 47 acres will be preserved in perpetuity as natural open space.
- F. Consider expressing the intent to agree to a disconnection with North Salt Lake City with the exception of the southern most 25 / 35 / 45 acres (approximately) subject to:
 1. A conservation easement to be provided between North Salt Lake City and Salt Lake City.

2. Said conservation easement would be applied to the 47-acres (approximately) of open space/trails/wetlands and the 23-acres for cemetery use identified in the North Salt Lake City proposed development plan, more specifically described below:
 - a. The 23-acres identified for cemetery use including any buildings or support facilities,
 - b. All Foothill Preservation areas,
 - c. All trail alignments including the Bonneville Shoreline Trail, and
 - d. All other areas not specifically identified for housing development
 3. In addition, the conservation easement would include, at a minimum, requirements for :
 - a. Pedestrian access on the trail,
 - b. Properties in the foothill protection areas to be maintained in a natural state, and
 - c. Any future changes to the terms of the easement to be agreed upon by both cities.
- G. Consider expressing the intent to agree to a disconnection with North Salt Lake City of approximately 10 / 15 acres for the proposed housing and leave the remaining 75/ 65 acres in Salt Lake City subject to:
1. North Salt Lake placing a conservation easement, to be held by a non-profit conservation organization, on the remainder of the property,
 2. Designating a perpetual easement for the trail, and
 3. Any future changes to the terms of the easement to be agreed upon by both cities.

The following information was provided previously for the Council Public Hearing on April 19, 2005. It is provided again for your reference.

BUDGET RELATED FACTS:

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

KEY ELEMENTS:

- A. North Salt Lake City owns 80 acres of property located in Salt Lake City on the Lake Bonneville Bench east of Beck Street above the gravel extraction businesses at approximately 405 West 2300 North.
- B. The requested disconnection would allow North Salt Lake City to develop the property under North Salt Lake's ordinances rather than Salt Lake City's. The original North Salt Lake proposal was for a voluntary boundary adjustment and development of a 10-acre housing subdivision and a 23-acre cemetery. The remaining 47-acres would be maintained as natural open space.
- C. The property is within Salt Lake City's municipal boundary and is zoned Open Space OS.
- D. The City's Open Space zone allows cemeteries as a permitted use. Residential uses are not permitted in this zoning classification.
- E. On December 14, 2005, the Council held a public hearing and denied a request from North Salt Lake City for a voluntary boundary adjustment for the 80 acres.
- F. On February 4, 2005, Collin H. Wood, North Salt Lake City Manager, submitted a request (Resolution and plat map) to the Salt Lake City Council to disconnection the 80 acres of property owned by North Salt Lake City and located in Salt Lake City. (See attached documents.)
- G. On March 8, 2005, advertising of the disconnect request was published by North Salt Lake City as required by State Statute.
- H. State Statute regulates boundary line adjustments and disconnections between municipal jurisdictions. Both proceedings require action by the legislative body including a public hearing with published and

written notice. (Please refer to the attached sections from the State Code for specific requirements.) The City Attorney's office has indicated that the basic difference between the two actions is:

1. Boundary line adjustments are mutually agreed upon by the affected municipalities. The process includes:
 - a. Legislative body adopting a resolution, and
 - b. Holding a public hearing with public notice not less than 60 days after the adoption of the resolution.
2. Disconnections, if not approved, can be determined in district court. The process includes:
 - a. Legislative body public hearing with public notice within 30 days after the last notice published in a newspaper of general circulation, and
 - b. Within 45 days of the public hearing, the Legislative body may grant approval of the disconnection by adopting an ordinance.

MASTER PLAN AND POLICY CONSIDERATIONS:

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

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

6. Zoning Plan:
 - a. The residential neighborhood should be zoned Residential R1-12 to be consistent with development regulations of the upper east bench zoning patterns.
 - b. Open space uses should be zoned OS-Natural Open Space. Some modifications to this zoning district will be necessary to include cemetery use.

- B. The **1999 Capitol Hill Community Master Plan** Future Land Use Map identifies this property as Foothill Open Space. The Plan notes that the amount of open space in the foothills of the Capitol Hill Community affords a great recreational opportunity for residents and visitors. In addition to existing improved trail in City Creek Canyon, the development of the Shoreline trail and trails above the extractive industries on the foothill's western slope will provide additional opportunities for recreation in the Community. Action items in the Plan include:
 1. Implementation of the Open Space Plan as it relates to the Capitol Hill Community.
 2. Creation of a new zoning district for public lands in the foothills which prohibits the development of structures.

- C. The **1992 Open Space Master Plan** identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City. The Plan discusses the value of open space including recreational opportunities and preservation of wildlife habitat along the foothills and Bonneville bench areas. The Shoreline Trail Corridor shows a trail extending northward from 700 North. The Bonneville Shoreline Trail also connects north of Ensign Peak and with the communication tower road. The Plan also notes increased concerns of many residents and public officials regarding:
 1. Conservation of the natural environment,
 2. Enhancement of open space amenities,
 3. Connecting various parts of the City to natural environments,
 4. Educating citizens on proper use of open space, and
 5. Continued urban encroachment would be very damaging to fragile ecosystems, wildlife habitat and scenic beauty.

- D. The **1999 Beck Street Reclamation Framework and Foothill Area Plan** recognizes the importance of preserving the Lake Bonneville bench area above Beck Street. The Plan identifies this property as open space with the Bonneville Shoreline Trail extending north and south through the eastern side of the property. In addition to recommending the retention of existing open space and the formal designation of the Bonneville Shoreline Trail, the Plan calls for east-west trail linkages from the four canyons connecting the Bonneville Shoreline Trail on the bench with the Warm Springs Fault Trail at the Beck Street level. The Planning staff report notes that the Plan does not provide details of how the North Salt Lake property should (or should not) be developed or what specific open space land uses (natural or developed) are appropriate for this property. An east-west trail connection with the Cliff Face Trail is shown in this Plan. This connection is identified in the North Salt Lake Plan as the Lime Canyon Trail.

- E. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
 1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.

- F. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and

developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

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

FEB 07 2005

C7



CITY OF NORTH SALT LAKE

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

KAY W. BRIGGS
Mayor

COLLIN H. WOOD
City Manager

February 4, 2005

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

Dear Chairman Lambert,

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

We look forward to your response.

Sincerely,

Collin H. Wood
City Manager

CHW/ld

RESOLUTION NO. 05-2R

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

"REQUEST FOR DISCONNECTION"

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

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

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

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

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

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

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

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

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

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

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

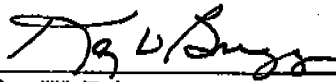
proposed area will not prejudice Salt Lake City, (j) there is an absence of common social, economic, and geographic interests between the proposed disconnection area and Salt Lake City, (k) disconnection from Salt Lake City will not create islands or peninsulas.

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

DATED this 1st day of February, 2005.




CITY OF NORTH SALT LAKE



Kay W. Briggs
Mayor

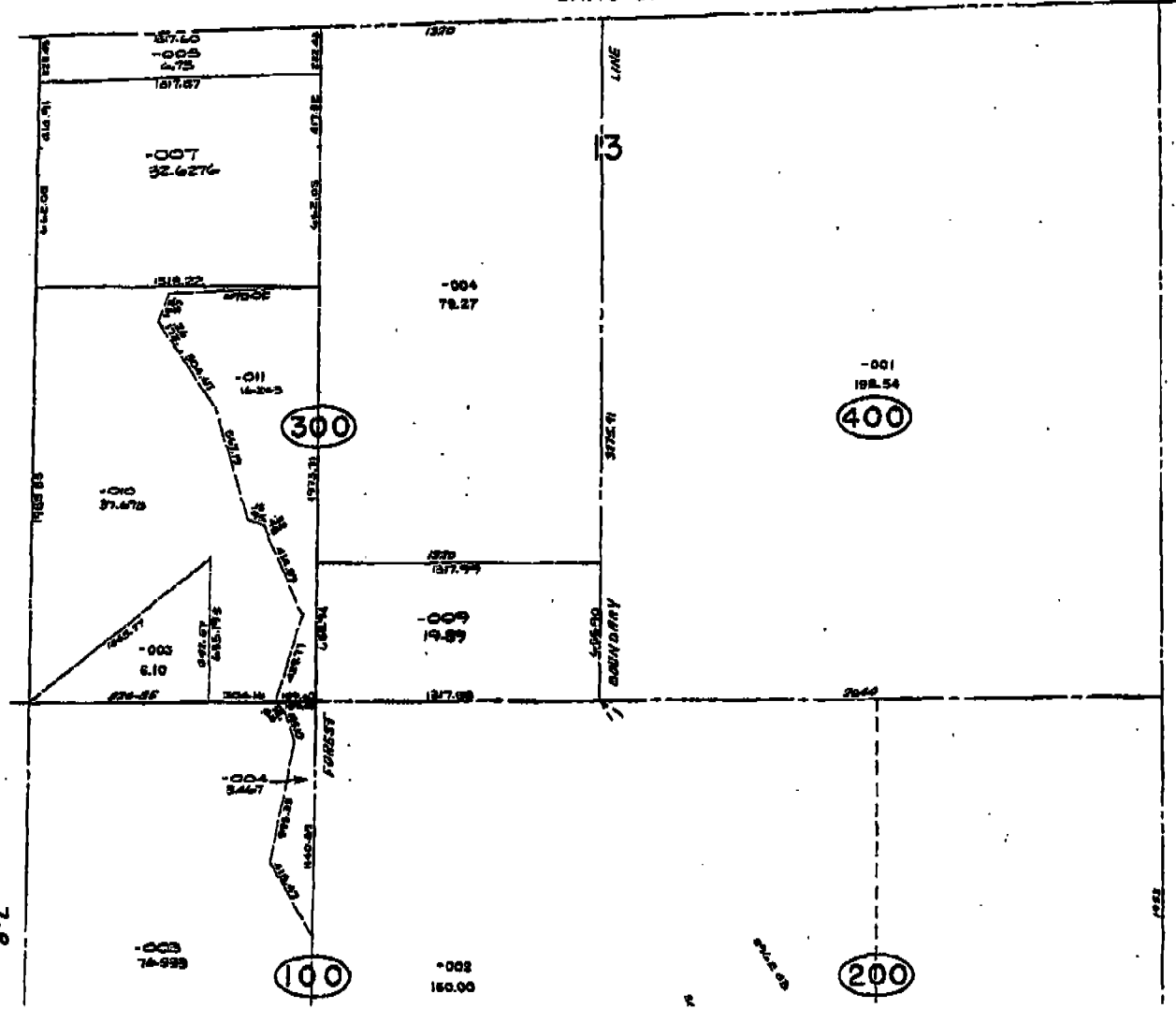
CERTIFIED AND ATTESTED TO:



LaRae H. Dillingham
City Recorder

EXHIBIT "A"

DAVIS CO.



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

- (1) The legislative bodies of two or more municipalities having common boundaries may adjust their common boundaries as provided in this section.
- (2) (a) The legislative body of each municipality intending to adjust a boundary that is common with another municipality shall:
- (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a common boundary;
 - (ii) hold a public hearing on the proposed adjustment no less than 60 days after the adoption of the resolution under Subsection (2)(a)(i); and
 - (iii) (A) publish notice at least once a week for three successive weeks in a newspaper of general circulation within the municipality; or
 - (B) if there is no newspaper of general circulation within the municipality, post at least one notice per 1,000 population in places within the municipality that are most likely to give notice to residents of the municipality.
- (b) The notice required under Subsection (2)(a)(iii) shall:
- (i) state that the municipal legislative body has adopted a resolution indicating the municipal legislative body's intent to adjust a boundary that the municipality has in common with another municipality;
 - (ii) describe the area proposed to be adjusted;
 - (iii) state the date, time, and place of the public hearing required under Subsection (2)(a)(ii);
 - (iv) state in conspicuous and plain terms that the municipal legislative body will adjust the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written protests to the adjustment are filed by the owners of private real property that:
 - (A) is located within the area proposed for adjustment;
 - (B) covers at least 25% of the total private land area within the area proposed for adjustment; and
 - (C) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment; and
 - (v) state that the area that is the subject of the boundary adjustment will, because of the boundary adjustment, be automatically annexed to a local district providing fire protection, paramedic, and emergency services, as provided in Section 17B-2-515.5, if:
 - (A) the municipality to which the area is being added because of the boundary adjustment is entirely within the boundaries of a local district:
 - (I) that provides fire protection, paramedic, and emergency services; and
 - (II) in the creation of which an election was not required because of Subsection 17B-2-214(3)(c); and
 - (B) the municipality from which the area is being taken because of the boundary adjustment is not within the boundaries of the local district; and
 - (vi) state that the area proposed for annexation to the municipality will be automatically withdrawn from a local district providing fire protection, paramedic, and emergency services, as provided in Subsection 17B-2-601(2), if:
 - (A) the municipality to which the area is being added because of the boundary adjustment is not within the boundaries of a local district:
 - (I) that provides fire protection, paramedic, and emergency services; and
 - (II) in the creation of which an election was not required because of Subsection 17B-2-214(3)(c); and
 - (B) the municipality from which the area is being taken because of the boundary adjustment is entirely within the boundaries of the local district.
 - (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be within 14 days of the municipal legislative body's adoption of a resolution under Subsection (2)(a)(i).
- (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal legislative body may adopt an ordinance adjusting the common boundary unless, at or before the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with the city recorder or town clerk, as the case may be, by the owners of private real property that:
- (a) is located within the area proposed for adjustment;
 - (b) covers at least 25% of the total private land area within the area proposed for adjustment; and

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

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

Amended by Chapter 257, 2003 General Session

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

Last revised: Wednesday, May 26, 2004

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

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

Amended by Chapter 279, 2003 General Session

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Last revised: Wednesday, May 26, 2004

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

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

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

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

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

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

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

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

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

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

(i) petitioners; or

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

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

Renumbered and Amended by Chapter 279, 2003 General Session
Download Code Section [Zipped WP 6/7/8 10_02059.ZIP](#) 2,450 Bytes

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

Last revised: Wednesday, May 26, 2004

10-2-502.7. Court action.

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

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

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

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

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

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

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

Amended by Chapter 279, 2003 General Session

Download Code Section [Zipped WP 6/7/8 10_02062.ZIP](#) 2,347 Bytes

Utah Code Section 10-2-508

Page 1 of 1

10-2-508. Disconnection completed.

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

Amended by Chapter 279, 2003 General Session

Download Code Section [Zipped WP 6/7/8 10_02063.ZIP](#) 1,689 Bytes

Utah Code Section 10-2-509

Page 1 of 1

10-2-509. Costs.

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

Enacted by Chapter 48, 1977 General Session

Download Code Section [Zipped WP 6/7/8 10_02064.ZIP](#) 1,583 Bytes

Utah Code Section 10-2-510

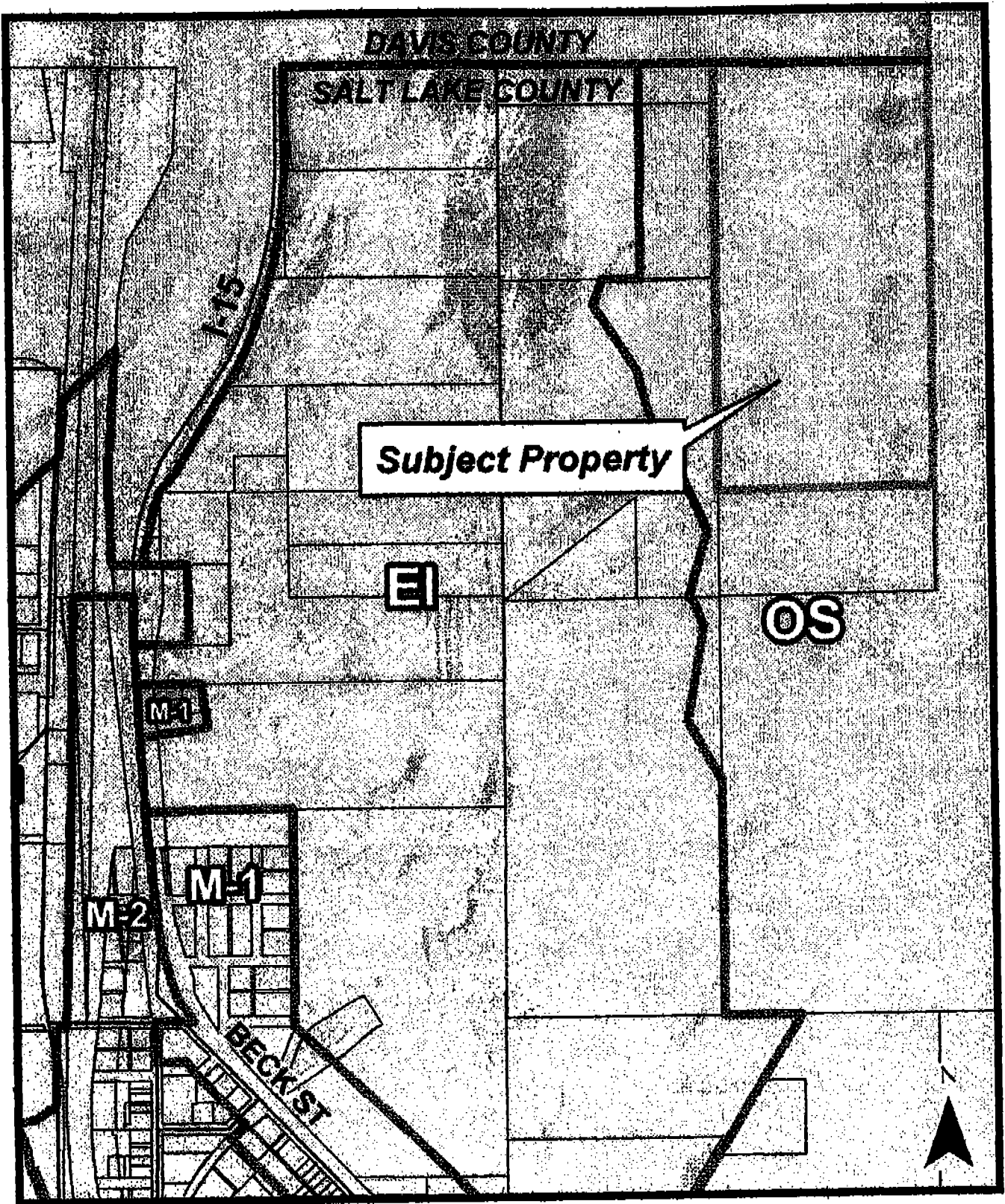
Page 1 of 1

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

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

Amended by Chapter 389, 1997 General Session

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Subject Property

E1

OS

M-1

M-1

M-2

BECK ST

K-15





CITY OF NORTH SALT LAKE

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

KAY W. BRIGGS
Mayor

COLLIN H. WOOD
City Manager

April 15, 2005

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

Dear Council Chair Lambert and City Council members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Handwritten signature of Kay W. Briggs in black ink. The signature is written in a cursive style and includes the initials 'KWB' at the end.

Kay W. Briggs
Mayor

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



MEMORANDUM

To: Rocky Fluhart, Chief Administrative Officer

From: Louis Zunguze, Community Development Director

Re: **North Salt Lake City - Proposed Disconnection for Property Located at
Approximately 405 West 2300 North**

Date: May 13, 2005

Rocky,

On December 14, 2004, the Salt Lake City Council voted to deny a request by the City of North Salt Lake for a mutual boundary adjustment for an 80 acre piece of property located at approximately 405 West 2300 North. The City of North Salt Lake subsequently filed a formal petition for disconnection, the public hearing for which was held on April 19, 2005. The accompanying information was assembled by the Planning Division to assist the City Council in making its decision concerning this matter.

Please let me know if you need additional information.

Thank You.

C. Brent Wilde, Deputy Community Development Director
Doug Wheelwright, Deputy Planning Director
Ed Rutan, City Attorney
Lynn Pace, Deputy City Attorney
Ray McCandless, Principal Planner

MEMORANDUM

Date: May 12, 2005
TO: Salt Lake City Council
FROM: Salt Lake City Planning Office
(Staff Contacts: Doug Wheelwright and Ray McCandless)



NORTH SALT LAKE PETITION FOR DISCONNECTION

Dear Council Members:

On December 14, 2004, the Salt Lake City Council voted to deny a request by the City of North Salt Lake for a mutual boundary adjustment for an 80 acre piece of property on the high bench area east of Beck Street at approximately 405 West 2300 North. Subsequently, per Utah State Code, Section 10-2-502.5. Hearing on request for disconnection - Determination by municipal legislative body -- Petition in district court, the City of North Salt Lake filed a formal petition for disconnection, the public hearing for which was held on April 19, 2005. The following information was assembled by the Salt Lake City Planning Staff in order to assist the City Council in making a decision on this matter.

The North Salt Lake Eastside General Plan, which was recently adopted by the City of North Salt Lake, anticipates the extension of the municipal jurisdiction of North Salt Lake over the subject property and proposes using the southernmost 70-acres of this property as open space which includes a future 23 acre municipal cemetery. The North Salt Lake Eastside General Plan also shows residential development on the northernmost 10-acres as detailed in previous Staff Reports to the City Council.

Recommendation

It is the recommendation of the Salt Lake City Planning Staff that the North Salt Lake Property be retained within Salt Lake City for zoning and remain publicly owned by a governmental entity or other acceptable open space preservation entity to prevent conversion of the property for urban development. Accordingly, North Salt Lake City's petition for disconnection should be denied. This recommendation is based upon the following factors:

I. Subject Property Description

Salt Lake City's open spaces lie within three landforms that are identified in the 1992 Salt Lake City Open Space Plan. The three main landforms include the Mountains / Foothills landform, the Valley landform, which is the urbanized areas of the City, and the areas abutting the Great Salt Lake or Lake Basin/Shore Uplands landform. Each landform has its own set of characteristics that sets it apart from the other two.

The North Salt Lake property is part of the Mountain / Foothills landform. The property is situated on the ancient Lake Bonneville shoreline which was created approximately 15,000 years ago during the late Pleistocene period (Ice Age) when the lake was at its highest level at about 5,200 feet above sea level. The lake covered 20,000 square miles in area and was nearly 1,000 feet deep in the area of the present Great Salt Lake, covering most of western Utah. Approximately 14,500 years ago, the lake breached an area at Red Rock Pass in Southern Idaho that caused the lake to drop catastrophically approximately 360 feet to what is now referred to as the Provo level shoreline. Over time, the lake gradually receded from the Provo level shoreline elevation to its current "normal" level at between approximately 4200 and 4212 feet above sea level. According to Lehi F. Hintze, in Geologic History of Utah, "The shorelines are one of the most conspicuous geologic features in western Utah". The Lake Bonneville shoreline is a typical and prominent geologic feature that is visible all along the foothills of the Wasatch Mountains and the mountains of the west desert, at its consistent elevation, but its width of the shoreline terrace varies due to location aspect and the composition of the materials which were eroded by the shoreline wave action.

This segment of the Lake Bonneville Bench is unique for three reasons. First, it is one of the last remaining undeveloped segments of the Lake Bonneville Bench in close proximity to the urbanized areas of the Wasatch Front. It has extensive width and near native vegetative cover. This great width forms a "grand expression" of the

shoreline beach terrace formation. This great width is due to the location of the subject property and its resultant exposure aspect which took the brunt of the great storm driven wave action for five centuries, while the ancient Lake Bonneville existed at its high point at the end of the Ice Age.

Second, the North Salt Lake General Plan Amendment of 2003 refers to the North Salt Lake property as "a geologic antiquity of Lake Bonneville shoreline". A "geoantiquity" is a high quality example of an unusual or rare geologic feature. A locally residing university Geology professor, Dr. John Bowman, stated as part of the public testimony on the boundary adjustment hearing, that the North Salt Lake property is unique and that "nowhere in the world that I am aware of is there a major city or metropolitan area such as Salt Lake that is adjacent to one of the finest examples of Pleistocene lake terraces developed on our planet" (see attached letter).

Third, the Lake Bonneville shoreline at this location is atypically wide, nearly 1000 feet, and is relatively undisturbed with near native vegetation. Appreciation of the uniqueness of this segment of the shoreline is best observed by experiencing the views while being physically up on the bench on the existing location of the Bonneville Shoreline Trail where the views of the Salt Lake Valley and Great Salt Lake are outstanding. This area is a critical element of the Bonneville Shoreline trail and provides recreational opportunities for residents of both North Salt Lake City and Salt Lake City, as well as, for the urbanized region. By protecting the

property as natural open space, the existing natural beauty and geologic significance of the area is preserved in perpetuity for the enjoyment of both communities.

II. Zoning History of the Parcel

The subject property has been a part of Salt Lake City ever since the City was incorporated in 1860. The City of North Salt Lake did not acquire the subject property until 1949. Zoning maps archived in the Salt Lake City Planning Office show that from 1927, when Salt Lake City originally adopted zoning, the property was zoned for single-family dwellings (Residential 'R-1' Single Family Dwelling). Between 1941 and 1958, the property was zoned for single-family and two-family dwellings (Residential "A" District 1&2 Family Dwelling and Residential 'R-2' Two Family Dwellings). From 1963 to 1974, the property was zoned for single-family dwellings (Residential 'R-1' Single Family Dwelling). In 1977, the property was zoned " P-1 Foothill Preservation District " and in 1995, the property was zoned "Open Space District (OS)" as part of the City's 1995 Zoning Rewrite Project. The zoning history of this property according to the zoning maps is as follows:

Zoning Date	Zoning District	Minimum Lot Area for Residential Dwellings
1927 - May	Residential 'R-1' Single Family Dwelling	6,000 sq. ft. (1927 ordinance.)
1927 (Month ?)	Residential 'R-1' Single Family Dwelling	"
1941 - June	Residential "A" District 1&2 Family Dwelling	"
1941 (Month?)	Residential "A" District 1&2 Family Dwelling	"
1943 - January	Residential "A" District 1&2 Family Dwelling	"
1955 - May	Residential "A" District 1&2 Family Dwelling	7,000 sq. ft. (1955 ordinance.)
1958 - November	Residential 'R-2' Two Family Dwellings	5,000 sq. ft. (1955 ordinance.)

1963 - February	Residential 'R-1' Single Family Dwelling	7,000 sq. ft. (1964 ordinance.)
1973 - April	Residential 'R-1' Single Family Dwelling	"
1974 - July	Residential 'R-1' Single Family Dwelling	7,000 sq. ft. (1974 ordinance.)
1977 - April	P-1 Foothill Preservation District	16 acres
1995 - April to Present	OS Open Space District	Not permitted

While the focus from 1927 to 1977 had been on facilitating development of land in an organized way, since 1977, Salt Lake City's zoning districts and minimum lot area standards have become increasingly more restrictive, reflecting a growing awareness of the importance of preserving open space as a planning goal. From the mid 1970s to 1995, the property was zoned Foothill Preservation District (P-1) which limited land use development to extremely low density single-family residential, with the minimum lot size set at 16 acres. At 80 acres, under the P-1 zoning, the maximum number of single family lots allowed on the property was only five lots. With slope restrictions, that number would likely have been fewer. There is no record that anyone representing North Salt Lake City objected to either the 1977 rezoning to Foothill Preservation (P-1), or to the 1995 rezoning to Open Space (OS) for this 80 acre parcel.

III. North Salt Lake City's acquisition of the property.

The subject 80 acres of property is a part of a total of 100 acres that North Salt Lake owns that is located in Northwest and Southwest Quarters of Section 13, Township 1 North, Range 1 West, S.L.B. & M. Survey. Of the 100 Acres, the South 80 Acres and located within the boundaries of Salt Lake County and Salt Lake City. The

chain of title for these 100 acres begins on December 13, 1889, with the recording of a Quit Claim Deed from John Mac Neil to Annie Mac Neil. (Please note that the Salt Lake County Recorder does not have any ownership records prior to the late 1880's, and the Recorder's Office staff speculates that prior ownership records were either destroyed or are in the possession of the L.D.S. Church). On May 17, 1906 Annie Mc Neil Henkel, et al, sold the property by Warrantee Deed to C. E. Pace. On September 13, 1910, Charles E. Pace and Harriet E. Pace sold the property to the St. Joseph (sic) Water Irrigation Company. North Salt Lake was incorporated in 1946, within Davis County for municipal purposes, including providing culinary water service to residents. The City of North Salt Lake, a Utah Municipal Corporation, initiated a condemnation action on October 11, 1949, against St. Joseph Water and Irrigation Company, which was finalized by the District Court in a final Judgment of Condemnation Order, dated December 29, 1953. The condemnation order included the water rights, all land and all physical property and improvements of the St. Joseph Water and Irrigation Company, and included an order for North Salt Lake to continue to provide "culinary water" service to six residential homes, located outside the city limits of North Salt Lake, which the St. Joseph system was connected to. North Salt Lake has continued to hold fee title ownership of the subject property up to the present date.

IV. Nature of Water Use by North Salt Lake

North Salt Lake City owns and operates a water source named "Tunnel Spring" (No. 57-71) which has a 0.10 cubic feet per second flow right dating back to 1925

(presumably first developed by the St. Joseph Water and Irrigation Company). Original water diversion records initially called the water source “developed spring and tunnel” and noted a 150 foot long horizontal tunnel, which collected water and conveyed it to the location of the natural spring. The water was then piped approximately one mile to the northwest to join the North Salt Lake City municipal system. Water use records indicate that North Salt Lake City has been continuously using water from this source, with 566.5 acre feet being reported as used for the calendar year 2003 (the last year reported on web site for Utah State Division of Water Rights.) A telephone call to the State Division of Water Rights verified that the “Tunnel Springs” water source is an active water source used by the City of North Salt Lake. (Note: Please see attached map of water sources located in the vicinity of the subject property.)

North Salt Lake City also owns, and prior to 1994, used the water from two other springs located on property now owned by Staker/Parsons, located immediately west of the subject property. Current records show no water use by the City from those two locations since 1993, with a note stating for 2001, “not in use” and for 2002, “not in service”.

V. Salt Lake City's Policies on Open Space

Both the Capitol Hill Community Master Plan and The Beck Street Reclamation Framework and Foothill Area Plan identify the North Salt Lake property as open

space. Master Plan and policy considerations specific to North Salt Lake City's request for disconnection include the following:

Capitol Hill Community Master Plan

The Future Land Use Map of the adopted 1999 Capitol Hill Community Master Plan, identifies the North Salt Lake City property as Foothill Open Space (Ordinance No. 92, 2001).

An action item of the Open Space and Recreation section of the Capitol Hill Community Master Plan, is to "Implement recommendations and policies of the Open Space plan as it relates to the Capitol Hill Community" (Related Master Plans, page 6).

In an effort to protect open space, a policy of the Environmental section of the Capitol Hill Community Maser Plan recommends to "Maintain public ownership of existing publicly owned property in the foothills". (Foothill Protection and Development, page 20).

The Beck Street Reclamation Framework and Foothill Area Plan

The Beck Street Reclamation Framework and Foothill Area Plan, which was completed on September 15, 1998 and adopted by Salt Lake City on September 21, 1999, identifies this property as Open Space (The Beck Street Reclamation Framework and Foothill Area Plan was developed jointly by Salt Lake City

and North Salt Lake City). This Master Plan recognizes the importance of preserving the Lake Bonneville bench area above Beck Street as it is largely intact and as a popular site for recreational activities such as hiking and mountain biking. It is the site of the Bonneville Shoreline Trail. The Beck Street Reclamation Framework and Foothill Area Plan states that "The Bonneville Bench should be maintained as open space, and the Bonneville Shoreline Trail formalized within a designated corridor". The Plan also states that "Most of the upper bench is zoned Open Space (OS) and includes both public and private lands that are currently undeveloped and are intended to remain so."

The Beck Street Reclamation Framework and Foothill Area Plan, discusses the value of open space as:

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

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

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

The bench area is described as the natural uphill link between North Salt Lake City and Salt Lake City. The benefits of preserving the Bonneville Bench area for wildlife habitat, open space, aquifer recharge and overall quality of life is discussed in detail in the Master Plan. The Open Space Plan states that "The foothills provide important wildlife habitat and water resources for the City which should be maintained." The Plan also states that "The foothills provide a visual transition between the built urban environment and the mountains, and provide a scenic backdrop to the City which should be protected." The Plan also states that "The foothills provide recreational opportunities for hiking, biking and wildlife observations which are desired by residents."

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

The Preferred Land Use map of the Beck Street Plan shows the Bonneville Shoreline Trail extending north and south through the property but does not go into

detail about what specific open space land uses (natural or developed) are appropriate for this property.

Salt Lake City Open Space Plan

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

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

The potential open space corridors are detailed on a series of 15 maps. The maps do not detail the bench area north of Ensign Peak but the Shoreline Trail Corridor (Map 1 of the series) shows a trail extending northward from 700 North Street called the Bonneville Boulevard Historic Road. The Bonneville Shoreline Trail also connects north of Ensign Peak and connects with the communication tower road.

The Open Space Plan discusses in detail the value of open space, including recreational opportunities and preservation of wildlife habitat along the foothills and Bonneville bench areas.

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

VI. Open space preservation as public policy and a shared responsibility of surrounding governmental entities.

In pioneer times, during the governance of the territory by Brigham Young, only the land in the valley floor was allocated for private ownership, with the land “unsuitable for farming” located in the mountains north and east of the City, being considered as common public property. With increasing civil governance control being exercised by the Federal Government, between 1859 and 1896, ownership (and use) of the mountains and foothills became more and more of an issue. Unlimited access for logging of the timber and overgrazing by livestock began to deplete resources and deteriorate the water quality and production capability of the watersheds. The steep foothill lands, denuded of the original vegetative cover, began causing soil erosion as well as producing “flash flooding” from summer thunderstorm events.

By the turn of the century, most of the land in the mountains north and east of the City was owned by the Federal Government or the Union Pacific Railroad, mainly in a alternating checker board pattern of every other survey section (each section containing one square mile, 640 acres of land), due to the land grants to the railroad from the Federal Government as inducements to build the Trans-continental Railroad. With the development of the United States Forest Service in the early part of the twentieth century, some federal government ownership was selectively transferred to the Forest Service, where the physical characteristics of the land met Forest Service requirements. The Salt Lake City Public Utilities Department also acquired much of the railroad owned land in the mountains and canyons for its water production capabilities and to control land use to protect the water resources, during this same time period. Thus, prior to the second depression and the outbreak of World War II, public ownership of the majority of the land in the “Salt Lake Salient” (see map) area containing City Creek Canyon, in northern Salt Lake and Southern Davis Counties, had been accomplished without reliance upon the comprehensive land use planning and zoning powers of local governments to ensure resource protection and to limit development, which became more of the public policy norm in post World War II Western America.

Mining and livestock grazing claims also created some private property ownerships in the mountainous and canyon areas located north and east of Salt Lake City. Some of these ownerships were sold to subsequent private property owners, some of whom had real estate speculation and development ambitions. Zoning began in

Salt Lake City in 1927, and by the post World War II era, economic prosperity and baby-boomer growth pressures began producing rapid development and conversion of open space and agricultural lands to residential subdivisions. Public response to this growth began to create political demands for comprehensive land use master planning efforts to protect the open spaces in the foothills, and Salt Lake City began to frame a public policy which sought to limit the expansion of urban development from extending to the tops of the ridges above the City. This was done for esthetic and urban design reasons as well as for public safety, cost effective delivery of urban and utility services and protection of the water resources that this topography generates. (Prior sections expound upon the zoning and land use planning histories.) By the late 1970s and throughout the 1980s Salt Lake City began adopting community based land use Master Plans calling for zoning limits to be established which would protect the foothills and the water generating canyons from further development.

Salt Lake City policymakers began realizing that to implement all of the evolving public policy goals for the protection of the watersheds and limits on urban development, land use planning and zoning protections would ultimately need to be combined with public property ownership and conservation policies and integrated into a “shared public policy vision” to provide comprehensive protection from development of the publicly and privately held open space properties. The land that was in the ownership of governmental entities was viewed by City policymakers as "safe" from development conversion. The current ownership of the foothill open

space and watershed areas consist of a “Mosaic” of mostly public ownership entities. In the subject area of the Salt Lake Salient, the Salt Lake City Public Utilities Department owns most of the land, followed by the Forest Service. Other “public” owners of the land include Salt Lake County, The City of North Salt Lake, UDOT and the University of Utah. (Please see the attached map of ownership and delineation of the extractive industries zoning.)

Salt Lake City’s comprehensive land use planning documents which most clearly put forth this shared vision and responsibility philosophy are the 1992 Open Space Master Plan and the Beck Street Small Area Plan, with the latter, being funded jointly by Salt Lake City and the City of North Salt Lake. The Beck Street plan also attempted to define the final eastern limits to the extractive industries operations and looked ahead to their eventual cessation of mining activities and the reclamation of the mines and reuse of the property. Salt Lake City also sought to finalize, through its planning documents, development codes and subdivision approvals, the elimination of stubbed streets and stubbed utilities in foothill subdivisions. The City’s practice in foothill subdivision approvals was and is today, to negotiate on a subdivision by subdivision basis with the developer, to reduce the total number of residential lots, limit development expansion areas and produce a negotiated final public and private property ownership boundary and zoning boundary line, while still allowing limited public pedestrian access to the foothills. The Salt Lake City Council also allocated approximately a quarter of a million dollars (\$250,000) to be placed in an Open Space Acquisition Fund in the

early 1990s, for the purpose of acquiring privately held open space from private property owners as they became available.

The fact that the City of North Salt Lake City did not immediately follow Salt Lake City's lead in adopting the Beck Street Plan, after participating and helping to fund its cost, was not immediately noticed by Salt Lake City policymakers nor seen as a sign that North Salt Lake was perhaps interested in separating itself from the prior governmental cooperation and shared vision of development control and public ownership of the entire remaining undeveloped Salt Lake Salient area.

The first indications that Salt Lake City public policy makers had, that North Salt Lake City intended to separate itself from the prior cooperative land use planning efforts of the Beck Street joint planning effort, and intended to remove its 80 acres of foothill and Bonneville Bench property from the zoning jurisdiction and control of Salt Lake City was in October 2002. At that time, North Salt Lake City had its City Attorney begin contacts with the Salt Lake City Attorney inquiring about beginning discussions about the potential boundary adjustment, and in April 2003, North Salt Lake City commenced an alternative land use master planning analysis resulting in its adoption of the Eastside General Plan Amendment, adopted by the North Salt Lake City Council on September 16, 2003.

Consistent with prior cooperative planning efforts, if North Salt Lake City elected officials objected to the cooperatively developed land use recommendation of the

Beck Street Plan, (that the 80 acres located within Salt Lake City be zoned open space and to continue to be governmentally owned and protected from development), North Salt Lake City officials should have sought an amendment to the Land Use Plan of the Beck Street Plan, which could have been considered by all affected and previously participating governmental entities in a context of the larger geographical and political area, which was the area of study for the Beck Street Plan. Thus, this was the point (Fall 2002 to Fall 2003) where North Salt Lake policy makers sought to withdraw from the shared public policy vision and shared responsibility which characterized the Beck Street planning effort. Therefore, if Salt Lake City wishes to consider the disconnection from Salt Lake City's planning and zoning jurisdiction, the disconnection should not occur without adequate provisions for protection of the land as natural open space by another acceptable open space preservation entity. Upon failure to arrive at such an understanding, then North Salt Lake City's petition for disconnection should be denied.

Notes:

The Lake Bonneville Shoreline discussion and aerial photograph showing the Salt Lake Salient was derived from a Geotechnical Engineering Study conducted by Simon Bymaster Inc. May 18, 2000 Report - SBI Project No. 2-00-150 and from Geologic History of Utah by Lehi F. Hintze - July 1988. Reference map showing the Salt Lake Salient is from U.S. Geological Survey Professional Paper 1500-A-J, published 1992.

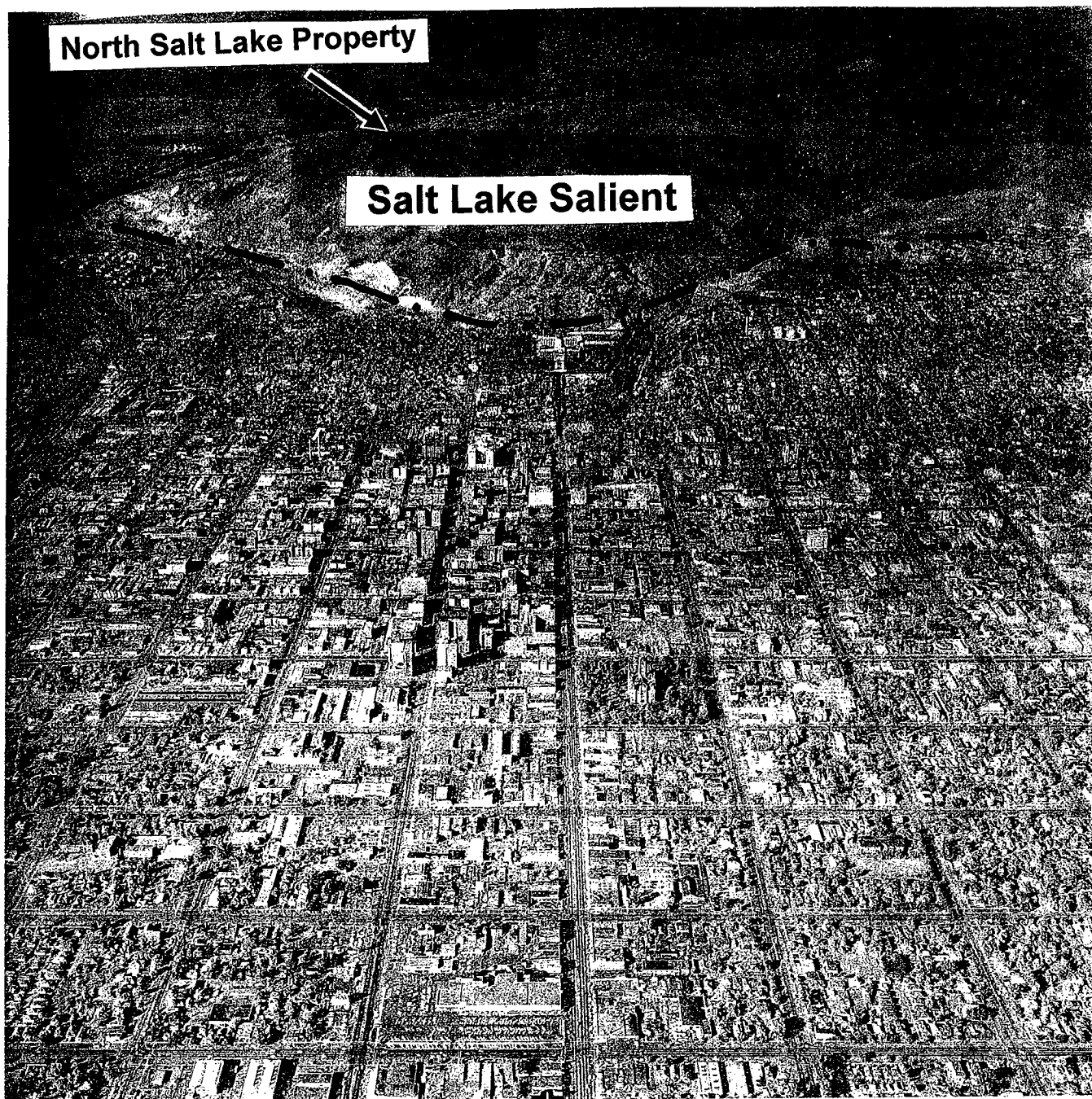
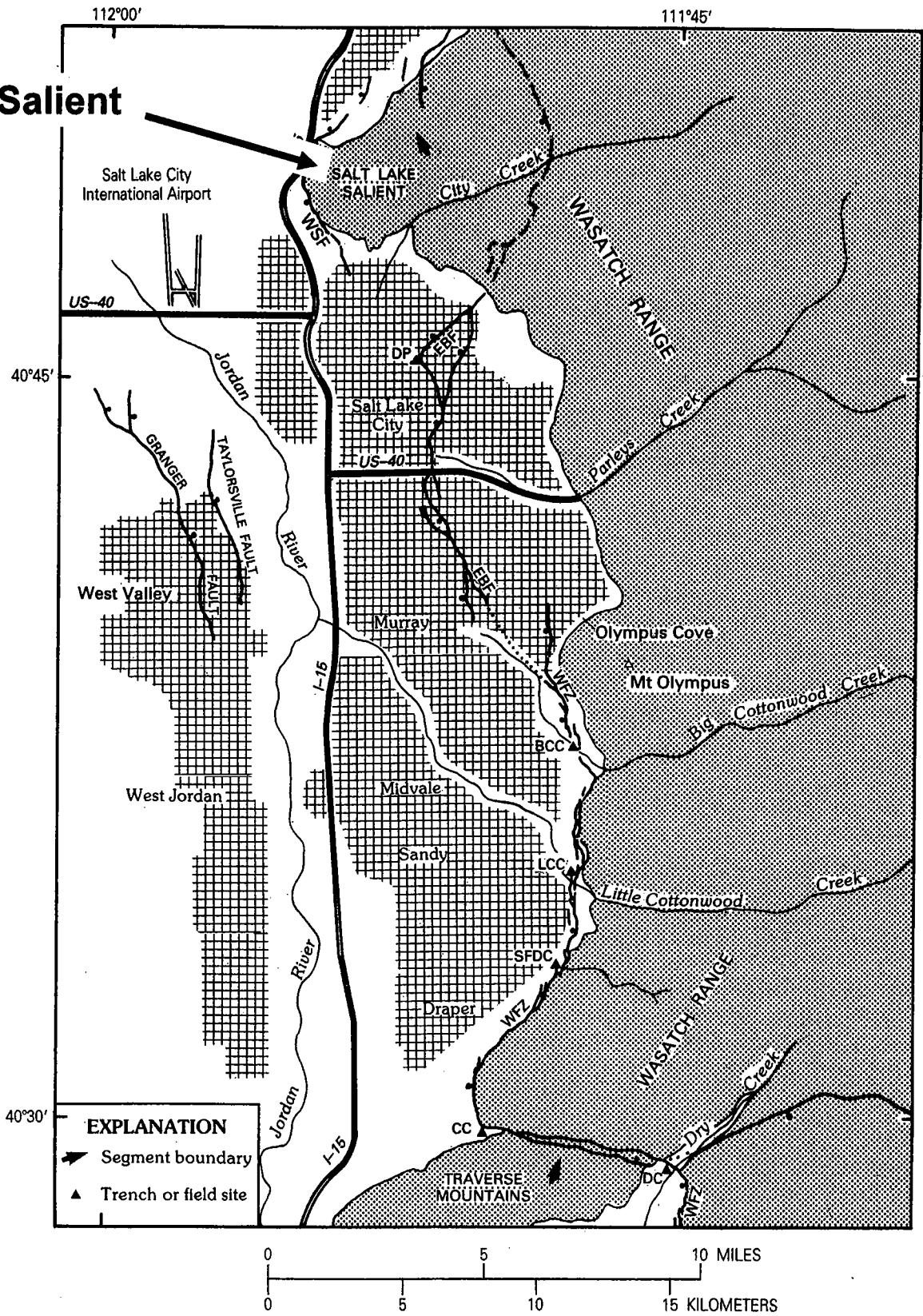


FIGURE 97 — The Salt Lake salient juts out from the Wasatch Front and marks the boundary between the Salt Lake City segment and the Weber segment of the Wasatch Fault, as shown on Figure 96.

Salt Lake Salient





3-2387

57-71

57-2688

57-2686

57-8409

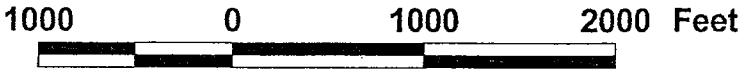
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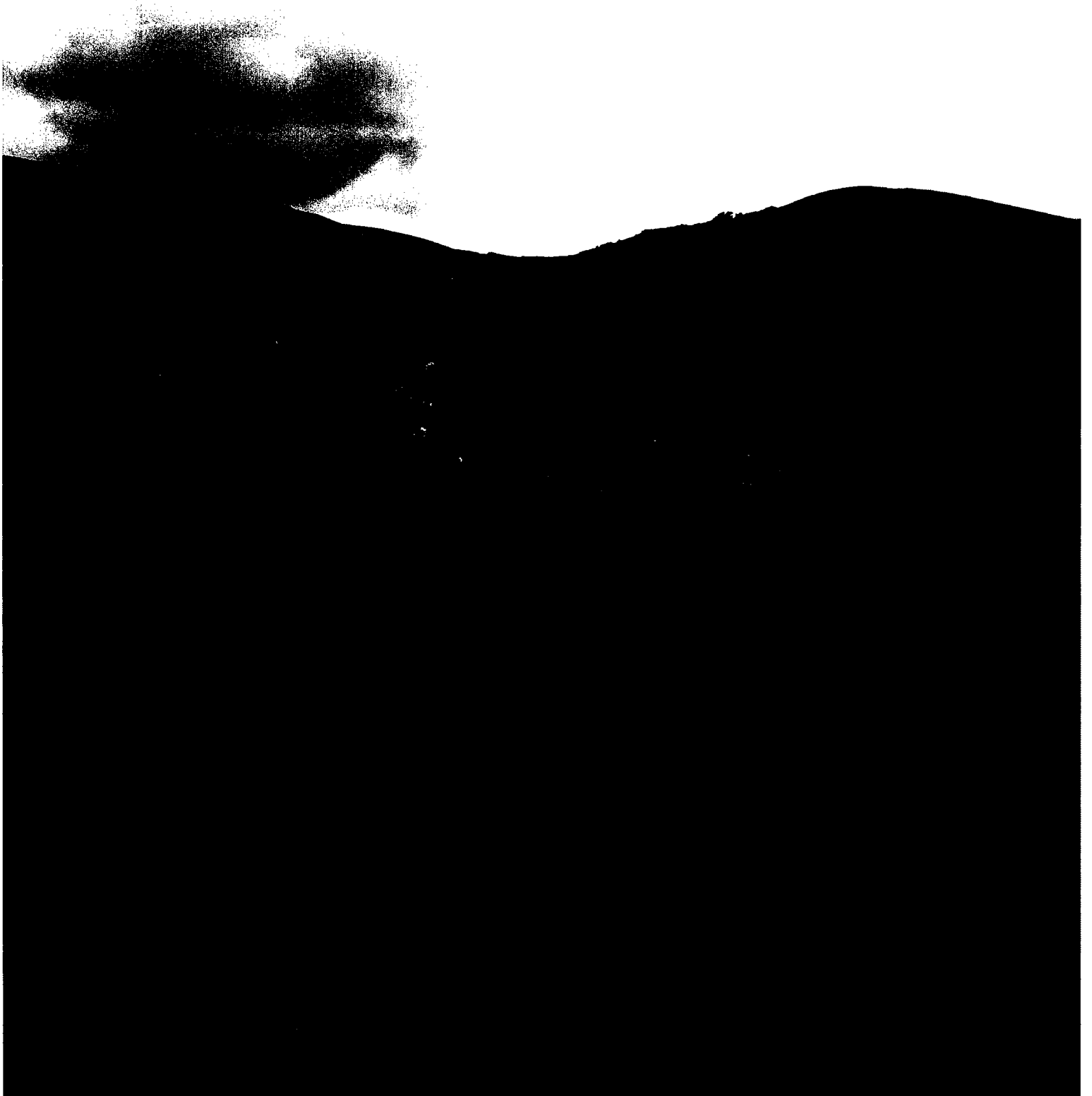
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- ★ Slc_change
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- SLC Water Rights
- ▭ Parcels
- ≡ Freeways
- ≡ Major Waterways
- Water Rights













Sept. 1, 2004

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

Dear Sir:

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

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

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

The Bonneville Bench is a world-class geologic feature—worthy of being called a “geoantiquity”—that is uniquely and closely associated with Salt Lake City and its history. Geoantiquities are high quality examples of unusual or rare geologic features. A geoantiquity is analogous to a site or item of historical or human cultural significance; an antique that is worth preserving. The analogy to human cultural and historical antiques is appropriate. On the “Antiques Road Show”, owners bring items in that at first glance don't look like much and do not appear to have much value. However once the owner learns the history of the item and discovers that it is quite valuable, he/she commits to taking care of—preserving—the item. The same goes with geoantiquities. We have a valuable one right here in Salt Lake City—the Bonneville Bench—that is a rare feature and deserves protection.

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

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

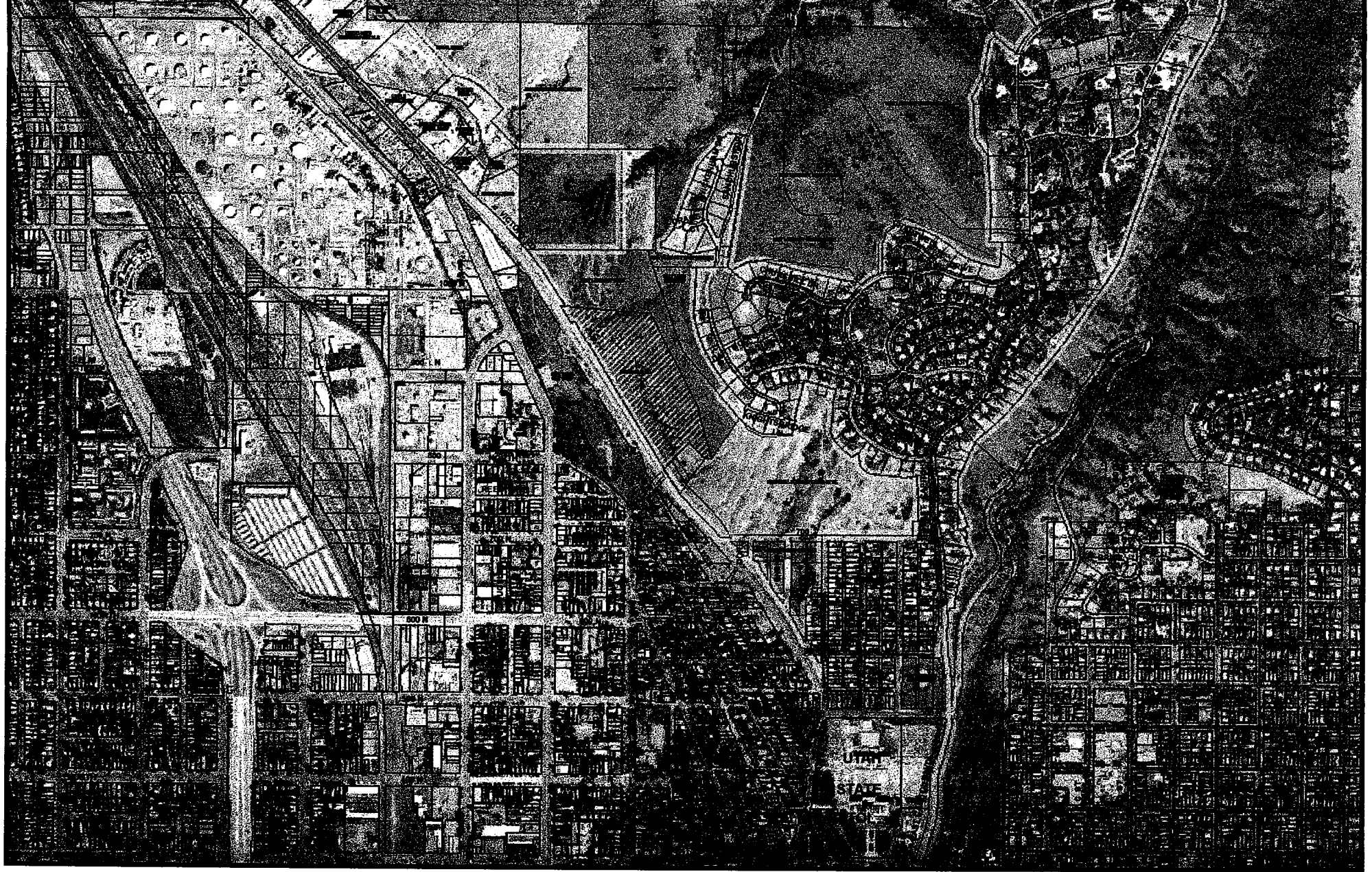
The Bonneville Bench adds great scenic, cultural, and recreational value to our city, and deserves to be preserved as undeveloped open space. Our community has the opportunity to be pro-active and innovative by preserving this last remaining segment of the Bench. We need to regain the balance between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

Respectfully submitted,

John R. Bowman
John R. Bowman

References

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- Chan, M. A., and Currey, D. R., 2001 , *Geoantiquities: Earth History in the Urban Landscape*: Utah Geological Survey Notes, v. 33, n. 1, p. 8.
- Websites (I typed in "geoparks" on Google and go over 9000 hits! Here are few of the first ones.)
- International Network of Geoparks
<http://www.unesco.org/science/earthsciences/geoparks/geoparks.htm>
- European Geoparks Network
<http://europeangeoparks.maestrazgo.org/geoparks.htm>
- Geopark Harz
<http://www.geopark-harz.de/>



LAND OWNERS

- UNITED STATE FOREST SERVICE
- SALT LAKE CITY CORPORATION
- EXTRACTIVE INDUSTRY ZONING
- NORTH SALT LAKE
- OPEN SPACE PRESERVATION BOUNDARY
- MISCELLANEOUS GOVERNMENTAL OWNERSHIP
- PRIVATELY OWNED IN M-1 DISTRICT
- EDNA BATES PROPERTY

