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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** November 8, 2005

**SUBJECT:** Petition 400-05-20 – City Council request to zone properties located at approximately 405 West 2300 North from Open Space OS to Natural Open Space NOS

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the rezoning will affect Council District 3

**STAFF REPORT BY:** Janice Jardine, Land Use Policy Analyst

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

**NOTICE REQUIREMENTS:** Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

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## KEY ELEMENTS:

- A. On May 31, 2005 the Council initiated a Legislative Action requesting the Administration to create a new zoning district limited to natural open space and consider rezoning all or part of the North Salt Lake property, the adjacent Hunter/Bates property and portions of the Lakeview and Staker properties as natural open space.
- B. The Administration's transmittal notes that the Council's request has been split into two components:
  1. Creation of a new Natural Open Space zoning district (On Nov. 1, 2005, the Council held a public hearing and adopted an ordinance creating the new zoning district.)
  2. Rezoning properties east of Beck Street in the general area of 405 West 2300 North.
- C. The proposal before the Council applies only to rezoning certain properties from Open Space OS to Natural Open Space NOS. An ordinance has been prepared for Council consideration. (The properties are currently within the Open Space and Groundwater Source Protection Overlay zoning districts.)
- D. The purpose of the Natural Open Space zoning district is to protect and ensure stewardship over important natural open land areas of citywide or regional importance.
  1. Natural open space areas are defined in this zoning district as lands which are principally undeveloped with near native vegetation and may include environmentally sensitive areas; areas of geologic significance; wetlands; stream corridors; foothills; mountains; shorelands; uplands and areas of significant wildlife habitat.
  2. Permitted activities in this zoning district are limited to ecosystem management, conservation and passive recreational uses. (*This would not affect any existing non-conforming uses such as North Salt Lake's culinary water use.*)
  3. Permitted uses include:
    - a. Natural open space and conservation areas.
    - b. Nature preserves/conservation areas, public and private.
    - c. Trails and trailheads without parking lots and directional and informational signage specific to trail usage.

- E. The Planning staff report provides a detailed discussion and analysis of the proposed rezoning. Please refer to the staff report for details relating to the items summarized below.
1. Subject Property Description
    - a. The properties are 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.
    - b. This segment of the Lake Bonneville Bench is unique for three reasons:
      - 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.
      - The Lake Bonneville Bench is considered “a geologic antiquity of the Lake Bonneville shoreline”. A “geoantiquity” is a high quality example of an unusual or rare geologic feature.
      - The Lake Bonneville shoreline at this location is atypically wide, nearly 1000 feet, and is relatively undisturbed with near native vegetation. 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 zoning the properties for Natural Open Space, the existing natural beauty and geologic significance of the area would be preserved in perpetuity for the enjoyment of citizens along the Wasatch Front.
  2. Zoning History
    - a. The zoning changes that have occurred over time demonstrate a shift in public policy towards protection and preservation of the City’s foothills from further development.
      - 1927 (when Salt Lake City originally adopted zoning) – Residential R-1 Single Family Dwelling.
      - 1941 and 1958 – Residential A District 1&2 Family Dwelling and Residential R-2 Two Family Dwellings.
      - 1963 to 1974 – Residential R-1 Single Family Dwelling.
      - 1977 – P-1 Foothill Preservation District.
      - 1995 – Open Space OS
  3. City Department Review
    - a. Police – If public, recreational, residential or commercial facilities and buildings are located on the properties, the Police Department would not be able to provide adequate, timely service especially where response time would be critical.
    - b. Fire – Fire Department response to this area would be extremely difficult and delayed due to the topography approaching this area. Providing an appropriate water supply with proper duration, pressures and flows would be extremely costly. Should the properties be developed, it would entail the installation of water mains with fire hydrants, pump stations and a reservoir or large tank(s).
    - c. Transportation – Since the proposed zoning designation will preserve the land in its existing state, there should be no impact on the trails and there would be no impact to other transportation related systems within the City.
    - d. Engineering – The only way to access the property is from the north (North Salt Lake). Any attempt to access from the south would require an expensive, environmentally damaging road with excessively steep grades. The City has a history of opposition to such a road.
    - e. Public Services – The Open Space Lands Board unanimously supports rezoning the properties.
    - f. Public Utilities and Property Management – no comments have been received to date.
  4. Zoning Ordinance Standards for General Amendments. Sec. 21A.50.050 of the City Zoning Ordinance lists five standards to be addressed in considering amendments to the Zoning Map. Standards and findings are summarized below. Please refer to the Planning staff report of a detailed discussion for each standard.
    - a. Whether the proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City.
      - o In light of the unique characteristics of the property, the long-term best interests of the community, and as the adopted master plans support open space for the properties, the proposed

zoning map amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plans of Salt Lake City.

- b. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
    - o Natural open space is an appropriate adjacent land use to the adjoining properties.
  - c. The extent to which the proposed amendment will adversely affect adjacent properties.
    - o There is no adverse impact to adjacent properties by zoning the properties Natural Open Space.
  - d. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
    - o The proposed rezoning is consistent with the provisions of the Groundwater Source Protection Overlay District as no development would be allowed if the properties were rezoned to Natural Open Space.
  - e. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
    - o Because no development will occur if the property is zoned Natural Open Space, existing services are adequate.
- F. On July 19, and September 27, 2005, open houses were held to gather public input regarding the proposed zoning district and rezoning of properties. Discussion items are summarized below. Please refer to the Planning staff report for additional details.
- 1. Concern that the rezoning is specific to the North Salt Lake, Hughes and Staker properties.
  - 2. Takings issues relating to the proposed rezoning.
  - 3. Rezoning was an attempt to devalue the properties.
  - 4. Potential for a total loss of economic value in the properties.
  - 5. Support of the new ordinance and proposed rezoning.
  - 6. Extending the rezoning to include other properties in the City such as Miller Park.
  - 7. The zoning of properties should be analyzed on a citywide basis.
- G. On July 13, 2005, the Open Space Lands Board reviewed the proposed zoning district and rezoning of properties. The Board unanimously supported the creation of the new zoning district and property rezoning.
- H. On October 12, 2005, the Planning Commission reviewed the proposed property rezoning and received public comment. The Planning Commission voted to:
- 1. Forward a favorable recommendation to the Council to rezone 3 of the 5 parcels of property. (Please refer to the attached map for details.)
    - a. Salt Lake City – Parcel C
    - b. North Salt Lake – Parcel D
    - c. Hunter/Bates/Staker – Parcel E
  - 2. Table action on the remaining 2 properties (Hughes/Lakeview Rock Products – Parcel B and Mary L. Clark – Parcel A) and initiate a petition to determine where the appropriate boundary between the current Open Space and Extractive Industries zoning districts should be located on the parcels.
- I. Issues discussed at the Planning Commission hearing included:
- a. Potential regulatory takings issues.
  - b. The geological and historical uniqueness of the area.
  - c. Concerns related to application of the proposed zoning district to private properties.
  - d. The restrictive nature of the proposed zoning and the limited number of uses permitted in the zone.
  - e. Excluding some of the properties from the current action and requesting further study by staff to establish the appropriate zoning boundaries for application of the Natural Open Space and Extractive Industries zoning classifications.

## MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

Council Members may wish to request an informational briefing from the Administration regarding the Critical Open Lands Inventory and Preservation Priority Assessment project currently underway in the Planning Division. (Information could include items such as scope of work, proposed timelines and other information identified by Council Members.)

## MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Planning staff report notes master plans specific to this rezoning petition include the 1999 Capitol Hill Community Master Plan, the 1998 Beck Street Reclamation Framework and Foothill Area Plan and the 1992 Open Space Plan.
1. 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:
    - a. Implementation of the Open Space Plan as it relates to the Capitol Hill Community.
    - b. Creation of a new zoning district for public lands in the foothills which prohibits the development of structures.
    - c. Ensure the minimization of negative impacts to watershed, wildlife habitat and soil erosion associated with high utilization of trails and open space.
    - d. Maintain public ownership of existing publicly owned property in the foothills.
  2. 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.
  3. 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, wetlands, riparian and stream corridors, and the foothills. The Plan identifies the following goals:
    - a. Conservation of the natural environment.
    - b. Enhancement of open space amenities.
    - c. Connecting various parts of the City to natural environments.
    - d. Educating citizens on proper use of open space.
- B. Several adopted community master plans and small area plans contain policies and recommendations that emphasize the need for preservation, acquisition, protection, maintenance and management of watershed, foothills, wetlands, wildlife habitat, riparian/stream corridors, and natural open spaces. Implementation strategies include a range of options such as refining zoning regulations relating to open lands.

- C. The Administration has previously noted that many of the City’s zoning districts currently allow “natural open space and conservation areas” as a permitted use. However, the districts also allow other types of uses that are not specific to the preservation of the City’s natural open spaces. The current Open Space zoning district, for example, allows golf courses, parks, private recreational facilities and country clubs as permitted uses.
- D. The City’s recently adopted Open Lands Ordinance notes:
1. The need to protect diminishing open lands within Salt Lake City or its environs.
  2. The City has adopted an Open Space Master Plan to identify, protect and manage open lands.
  3. The City's general plan, zoning ordinance and site development ordinance recognize the need to protect the unique values offered by wetlands, foothills and urban trails.
- E. 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.
- F. 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.

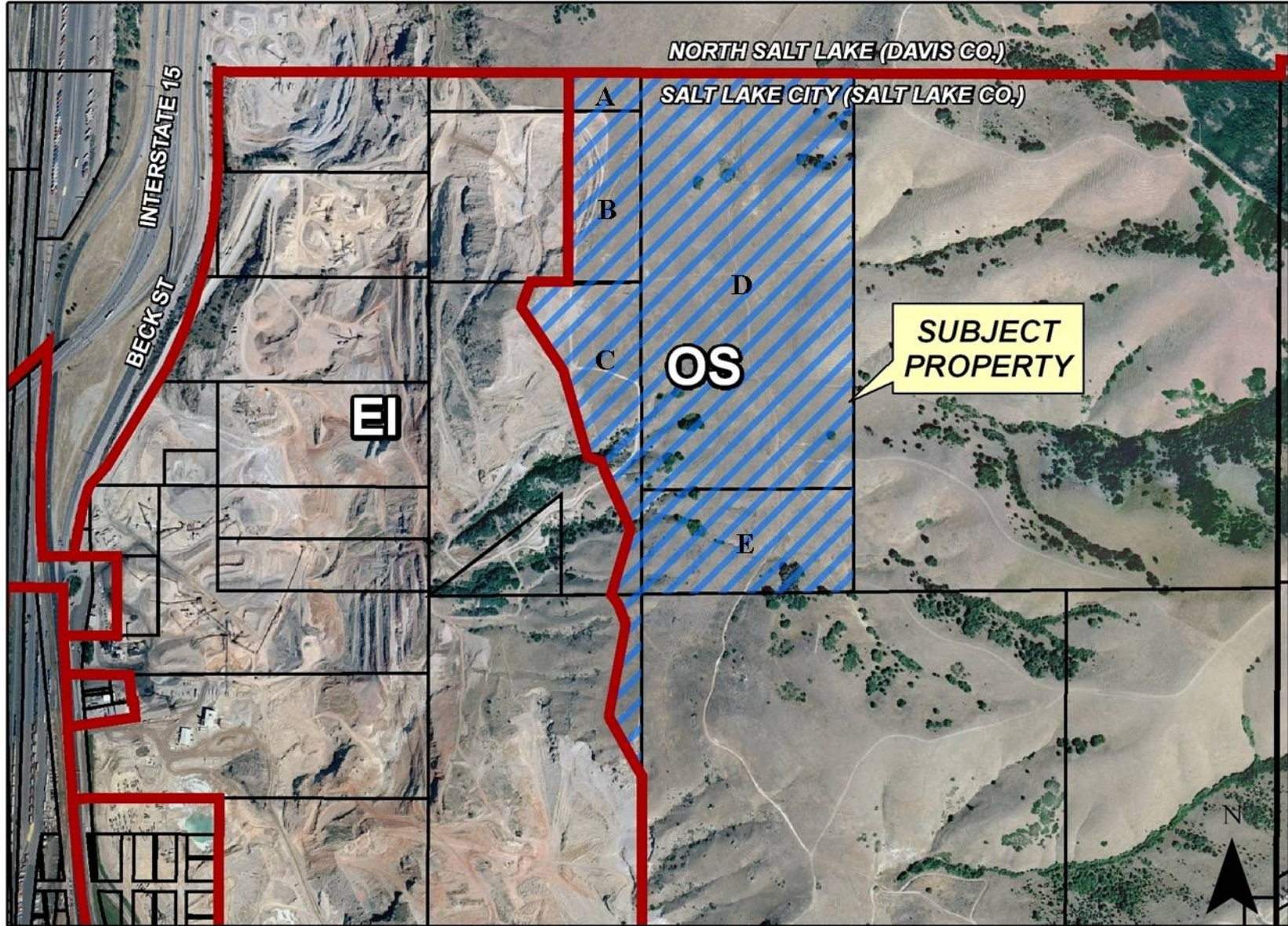
## CHRONOLOGY:

The Administration’s transmittal provides a chronology of events relating to the proposed rezoning. Key dates are listed below. Please refer to the Administration’s chronology for details.

- May 31, 2005 Council Legislative Action initiated
- July 19 & Sept. 27, 2005 Planning Open Houses
- Oct. 12, 2005 Planning Commission hearing
- Oct. 14, 2005 Ordinances requested from City Attorney
- Oct. 17, 2005 Transmittal paperwork completed by Planner
- Oct. 24, 2005 Transmittal paperwork received in Council office

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Lisa Romney, Rick Graham, LeRoy Hooton, Jeff Niermeyer, Ed Rutan, Lynn Pace, Louis Zunguze, Brent Wilde, Alex Ikefuna, Doug Wheelwright, Ray McCandless, Jan Aramaki, Marge Harvey, Sylvia Jones, Lehua Weaver, Barry Esham, Annette Daley, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Rezoning properties at approximately 405 West 2300 North



OCT 24 2005

A. LOUIS ZUNGUZE  
DIRECTOR

# SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON  
MAYOR

BRENT B. WILDE  
DEPUTY DIRECTOR

## COUNCIL TRANSMITTAL

**TO:** Rocky Fluhart, Chief Administrative Officer **DATE:** October 20, 2005  
**FROM:** Louis Zunguze, Community Development Director  
**RE:** Petition 400-05-20 by the Salt Lake City Council requesting to rezone properties located at approximately 405 West 2300 North from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district

**STAFF CONTACT:** Ray McCandless, Principal Planner, at 535-7282 or ray.mccandless@slcgov.com

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

#### Issue Origin:

This petition originated on May 31, 2005, at the public hearing on the North Salt Lake 80-acre disconnection request. The City Council initiated petition number 400-05-20 to create a new zoning district limited to natural open space and "consider rezoning all or parts of the North Salt Lake property, the adjacent Hunter/Bates property, and portions of the Lakeview and Staker properties as Natural Open Space".

The City Council's request has been split into two parts, creation of the new Natural Open Space (NOS) zoning district and rezoning the properties as noted above to Natural Open Space. The zoning text amendment to create a new Natural Open Space Zoning District is currently being considered by the City Council. However, it has not been adopted to date. This transmittal applies **only** to the consideration of rezoning properties from Open Space (OS) to the pending Natural Open Space (NOS) zoning district as requested by the City Council.

#### Public Process:

Open Houses were held on July 19, 2005, and on September 27, 2005, to gather public input and meet Community Council notification requirements. The comments made at the Open Houses are included with the accompanying Staff report. The proposed rezoning was reviewed by the Planning Commission at a public hearing held on October 12, 2005.

**Analysis:**

The original petition (400-05-20) specifically identified five property parcels to be considered for rezoning to the Natural Open Space zoning designation. At the October 12, 2005, Planning Commission meeting, the Planning Commission favorably recommended to the City Council to rezone the Salt Lake City-owned property, Hunter/Bates/Staker-owned property, and North Salt Lake City-owned property from Open Space to Natural Open Space. However, the Planning Commission tabled action on the Hughes (Lakeview Rock Products) and Mary L. Clark-owned properties to allow time for the Administration to study where the appropriate boundary between the current Open Space (OS) and Extractive Industries (EI) on these parcels should ultimately be based upon survey information of the current limit of excavation of the natural topography and the land use recommendations of the "Beck Street Reclamation Framework and Foothill Area Plan". A copy of the *draft* Planning Commission minutes is attached for reference.

**Section 21A.10 - General Application and Public Hearing Procedures of the Salt Lake City Zoning Ordinance** requires that the legislative body hold advertised public hearings for zoning map amendments. Newspaper advertised notice is required prior to consideration by the City Council. A draft notice has been provided in this transmittal packet.

**Relevant Ordinances:**

**Zoning Map Amendment:**

Section 21A.10 - General Application and Public Hearing Procedures

Section 21A.50.050 - Standards for General Amendments

Section 21A.32.100 - OS Open Space District

Section 21A.32.105 - Natural Open Space District (Proposed)



**COMMUNITY DEVELOPMENT DEPARTMENT  
COUNCIL SUBMITTAL CHECKLIST**

**Date:** October 17, 2005

**Petition Number:** 400-05-20

**Supervisor Approval:**

*HL DFW*

**Division Director Approval:**

*[Handwritten Signature]*

**Contact Person:** Ray McCandless

**Phone No.** 535-7282

**Petition Name:**

Petition No. 400-05-20 - The Salt Lake City Council requesting that the Administration rezone properties located at approximately 405 West 2300 North from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district.

- Initiated by
- City Council Member
  - Property Owner
  - Board / Commission
  - Mayor
  - Other

Contact Person

**Completed Check List attached:**

- Alley Vacation
- Planning / Zoning
- Federal Funding
- Condominium Conversion
- Plat Amendment
- Other

**Public Process:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Community Council (s) | <input type="checkbox"/> City Web Site            |
| <input checked="" type="checkbox"/> Public Hearings       | <input type="checkbox"/> Flyers                   |
| <input checked="" type="checkbox"/> Planning Commission   | <input checked="" type="checkbox"/> Formal Notice |
| <input type="checkbox"/> Historic Landmark Commission     | <input type="checkbox"/> Newspaper Advertisement  |
| <input type="checkbox"/> HAAB review                      | <input type="checkbox"/> City Television Station  |
| <input type="checkbox"/> Board of Adjustment              | <input type="checkbox"/> On location Sign         |
| <input type="checkbox"/> City Kiosk                       | <input type="checkbox"/> City Newsletter          |
| <input checked="" type="checkbox"/> Open House            | <input type="checkbox"/> Administrative Hearing   |
| <input type="checkbox"/> Other                            |   |

## **TABLE OF CONTENTS**

1. Chronology
2. Ordinance
3. Notice of City Council Public Hearing
  - A. Notice of City Council Hearing Newspaper Publication Draft
  - B. Newspaper Publication Transmittal
  - C. Mailing List and Labels
4. Planning Commission Agenda for October 12, 2005.
5. Staff Report for the October 12, 2005 Planning Commission Meeting.
6. Planning Commission Minutes for October 12, 2005.
7. Notices for the July 19, 2005 and September 27, 2005 Open Houses and October 12, 2005 Planning Commission Public Hearing.
8. Materials Distributed to the Planning Commission and Planning Staff.

## **PROJECT CHRONOLOGY**

- June 14, 2005 Petition Received.
- June 16, 2005 Petition assigned.
- June 17, 2005 and September 26, 2005 Request for City Departmental comments mailed.
- June 24, 2005 Notices for the July 19, 2005 Open House mailed.
- July 19, 2005 Open House.
- September 9, 2005 Notices for the September 27, 2005 Open House mailed.
- September 27, 2005 Open House.
- September 27, 2005 Notices for the October 12, 2005 Planning Commission hearing mailed.
- October 12, 2005 Planning Commission Hearing.
- October 14, 2005 Ordinance requested from the City Attorney.
- October 17, 2005 City Council Transmittal Completed by the project Planner.

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2005  
(Rezoning properties generally located at 405 West 2300 North)

AN ORDINANCE REZONING PROPERTIES GENERALLY LOCATED AT 405  
WEST 2300 NORTH FROM OPEN SPACE (OS) TO NATURAL OPEN SPACE (NOS),  
PURSUANT TO PETITION NO. 400-05-20.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change of zoning for the properties generally located at 405 West 2300 North is appropriate for the development of the community in that area.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. REZONING OF PROPERTIES. The properties generally located at 405 West 2300 North, which are more particularly described on Exhibit "A" attached hereto, shall be and hereby are rezoned from open space (OS) to natural open space (NOS).

SECTION 2. AMENDMENT TO ZONING MAP. The Salt Lake City Zoning Map, adopted by the Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be, and hereby is amended consistent with the rezoning of properties identified above.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_,  
2005.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date October 20, 2005  
By Melanie Jeff

(SEAL)

Bill No. \_\_\_\_\_ of 2005.  
Published: \_\_\_\_\_.

**EXHIBIT A**

**NORTH SALT LAKE PARCEL 08-13-300-004**

COM 40 RDS N FR S 1/4 COR SEC 13 T 1N R 1W SL MER N 158.54  
RDS W 80 RDS S 158.54 RDS E 80 RDS TO BEG 79.27 AC

**HUNTER/BATES/STAKER PARCEL 08-13-300-009**

BEG N 89-28'37" E 1321.97 FT FR SW COR SEC 13, T 1N, R 1W,  
SLM; N 0-00'41" W 658.94 FT; N 89-36'33" E 1317.99 FT; S  
655.9 FT; S 89-28'37" W 1317.88 FT TO BEG. 19.89 AC M OR L.

**SALT LAKE CITY PARCELS 08-13-300-011**

BEG N 89-27' E 1318.22 FT ALG SEC LINE FROM SW COR SEC 13, T  
1N, R 1W, SLM; N 0-02'26" W 1973.71 FT ALG EXISTING FENCE; S  
87-56'34" W 698.02 FT; S 20-15'30" W 145.57 FT; S 33-21'40"  
E 172.26 FT; S 33-24'33" E 304.67 FT; S 15-27'11" E 567.19  
FT; S 71-35'43" E 95.15 FT; S 13-47'31" E 48.32 FT; S  
23-36'44" E 414.59 FT; S 16-27'36" W 429.77 FT; N 89-27' E  
189.67 FT TO BEG. 16.243 AC M OR L.

**08-24-100-004**

BEG N 89-27' E 1128.55 FT ALG SEC LINE FR NW COR SEC 24, T  
1N, R 1W, SLM; S 37-58'06" E 78.44 FT; S 19-05'05" E 133.1  
FT; S 10-10'23" W 595.33 FT; S 29-09'02" E 418.47 FT; N  
0-02'26" W 1140.89 FT; S 89-27' W 189.67 FT TO BEG. 3.467 AC  
M OR L. 8319-1784

Posted \_\_\_\_\_  
By \_\_\_\_\_

**NOTICE OF PUBLIC HEARING**

On \_\_\_\_\_, the Salt Lake City Council will hold a public hearing to consider petition number 400-05-20, a request by the Salt Lake City Council to rezone property located at approximately 405 West 2300 North on the high Lake Bonneville Bench, east of Beck Street, from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district.

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

**DATE:**

**TIME:**

**PLACE:**

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

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

## MEMORANDUM

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

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

### NOTICE OF PUBLIC HEARING

On \_\_\_\_\_, the Salt Lake City Council will hold a public hearing to consider petition number 400-05-20, a request by the Salt Lake City Council to rezone several properties located at approximately 405 West 2300 North on the high Lake Bonneville Bench area east of Beck Street from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district.

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



COMMUNITY COUNCIL CHAIRS:

Updated: 7/19/2005 sj

NOS  
MAILING LABELS

FOR SEPT. 14, 2005

KEN FUTZ, CHAIR  
WEST POINTE COMM. COUNCIL  
1217 NO. BRIGADIER CIRCLE  
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR  
ROSE PARK COMMUNITY COUNCIL  
1071 NO. TOPAZ DR.  
SALT LAKE CITY, UT 84116

8/2/05

ANGIE VORHER, CHAIR  
JORDAN MEADOWS COMM. COUNCIL  
1988 SIR JAMES DRIVE  
SALT LAKE CITY, UT 84116

VICKY ORME, CHAIR  
FAIRPARK COMM. COUNCIL  
159 NORTH 1320 WEST  
SALT LAKE CITY, UT 84116

MIKE HARMAN, CHAIR  
POPLAR GROVE COMM. COUNCIL  
1044 WEST 300 SOUTH  
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR  
GLENDALE COMMUNITY COUNCIL  
1184 SO. REDWOOD DRIVE  
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR  
CAPITOL HILL COMMUNITY COUNCIL  
223 WEST 400 NORTH  
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR  
GRTR. AVENUES COMM. COUNCIL  
807 E. NORTHCLIFFE DRIVE  
SALT LAKE CITY, UT 84103

BILL DAVIS, CHAIR  
RIO GRANDE COMMUNITY COUNCIL  
329 E. HARRISON AVENUE  
SALT LAKE CITY, UT 84115

BILL PLASTOW, CHAIR  
PEOPLES FREEWAY COMM. COUNCIL  
1625 SOUTH WEST TEMPLE  
SALT LAKE CITY, UT 84115

THOMAS MUTTER, CHAIR  
CENTRAL CITY COMMUNITY COUNCIL  
228 EAST 500 SOUTH, #100  
SALT LAKE CITY, UT 84111

DENNIS GUY-SELL, CHAIR  
EAST CENTRAL COMMUNITY  
COUNCIL  
P.O. BOX 520473  
SALT LAKE CITY, UT 84152-0473

BRIAN WATKINS, CHAIR  
LIBERTY WELLS COMM. COUNCIL  
1744 SOUTH 600 EAST  
SALT LAKE CITY, UT 84106

JIM WEBSTER, CHAIR  
YALECREST COMMUNITY COUNCIL  
938 MILITARY DRIVE  
SALT LAKE CITY, UT 84108-1326

MARYDELLE GUNN, CHAIR  
WASATCH HOLLOW  
COMMUNITY COUNCIL  
1595 SOUTH 1300 EAST  
SALT LAKE CITY, UT 84105

LARRY SPENDLOVE, CHAIR  
SUNNYSIDE EAST ASSOCIATION  
2114 E. HUBBARD AVENUE  
SALT LAKE CITY, UT 84108

ELLEN REDDICK, CHAIR  
BONNEVILLE HILLS  
COMMUNITY COUNCIL  
2177 ROOSEVELT AVE.  
SALT LAKE CITY, UT 84108

DAVE MORTENSEN, CHAIR  
ARCADIA HEIGHTS/BENCHMARK  
COMMUNITY COUNCIL  
2278 SIGNAL POINT CIRCLE  
SALT LAKE CITY, UT 84109

MARK HOLLAND, CHAIR  
SUGAR HOUSE COMM. COUNCIL  
1942 BERKELEY STREET  
SALT LAKE CITY, UT 84105

PAM PEDERSEN, CHAIR  
EAST LIBERTY PARK  
(e-mail)

MICHAEL AKERLOW  
FOOTHILL/SUNNYSIDE  
COMMUNITY COUNCIL  
1940 E. HUBBARD AVENUE  
SALT LAKE CITY, UT 84108

PAUL TAYLER, CHAIR  
OAK HILLS COMMUNITY COUNCIL  
1165 SO. OAKHILLS WAY  
SALT LAKE CITY, UT 84108

MIKE ZUHL, CHAIR  
INDIAN HILLS COMMUNITY COUNCIL  
2676 E. COMANCHE DRIVE  
SALT LAKE CITY, UT 84108

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1449 DEVONSHIRE DRIVE  
SALT LAKE CITY, UT 84108

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1575 DEVONSHIRE DRIVE  
SALT LAKE CITY, UT 84108

SHAWN McMILLEN, CHAIR  
H ROCK COMMUNITY COUNCIL  
1855 SOUTH 2600 EAST  
SALT LAKE CITY, UT 84108

Beth Bowman, Chair  
Wasatch Hollow Community Council  
1445 E. Harrison Ave.  
Salt Lake City, Utah 84105

Kenneth L. Neal, Chair  
Rose Park Community Council  
1071 North Topaz Dr.  
Salt Lake City, Utah 84116

Jim Webster, Chair  
Yalecrest Community Council  
938 Military Drive  
Salt Lake City, Utah 84108-1326

Dennis Guy-Sell, Chair  
East Central Community Council  
PO Box 520473  
Salt Lake City, Utah 84152-0473

Boris Kurz, Chair  
East Liberty Park Community Council  
1203 South 900 East.  
Salt Lake City, Utah 84105

Angie Vorher, Chair  
Jordan Meadows Community Council  
1988 Sir James Dr.  
Salt Lake City, Utah 84116

Mike Harman, Chair  
Poplar Grove Community Council  
1044 W. 300 S  
Salt Lake City, Utah 84104

Jilene Whitby, Chair  
Fairpark Community Council  
846 W 400 N.  
Salt Lake City, Utah 84116

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West Pointe Community Council  
1217 N. Brigadier Cir  
SLC, UT 84116

Mark Holland, Chair  
Sugar House Community Council  
1942 Berkeley Street  
Salt Lake City, Utah 84108

Randy Sorenson, Chair  
Glendale Community Council  
1184 S Redwood Drive  
Salt Lake City, Utah 84104

Shane Smith  
986 East 3rd Avenue #2  
Salt Lake City, UT 84103

Jason Merrill  
1744 E 1300 S  
Salt Lake City, UT 84108

Jim Byrne  
1966 E 900 S  
Salt Lake City, UT 84108

Lawrence Swanson  
427 S 1200 E  
Salt Lake City, UT 84102

Sandra Castagno  
1194 McClelland St.  
Salt Lake City, UT 84105

Martin McGregor  
6261 Ben Air Drive  
W Jordan, UT 84084

Sharyl Smith  
427 S 1200 E  
Salt Lake City, UT 84102

Richard Stone  
1169 Sunnyside Avenue  
Salt Lake City, UT 84102

Walter Plumb  
809 Edgehill Road  
Salt Lake City, UT 84103

Nathan Darnall  
7260 S 580 E  
Midvale, UT 84047

Penny Archibald-Stone  
1169 Sunnyside Ave.  
Salt Lake City, UT 84102



UNITED STATES OF AMERICA  
Sidwell No. 0824100002  
125 S. State St. #6107  
Salt Lake City, UT 84138

UNITED STATES OF AMERICA  
Sidwell No. 0834100001  
125 S. State St. #6107  
Salt Lake City, UT 84138

RICK REESE or JIM BYRNE  
BONNEVILLE SHORELINE TRAIL  
COMMITTEE  
PO Box. 581136  
Salt Lake City, UT 84158-1136

LOREN KROENKE  
SALT LAKE RANGER DISTRICT  
6944 S. 3000 E.  
Salt Lake City, UT 84121

DAVIS COUNTY COMMISSION  
PO Box 618  
Farmington, UT 84025

SALT LAKE CITY SCHOOL DISTRICT  
Administration Office  
440 E. 100 S.  
Salt Lake City, UT 84111

SALT LAKE COUNTY COUNCIL  
2001 S. State St., #N2200  
Salt Lake City, UT 84190

DAVIS SCHOOL DISTRICT  
Administration Office  
45 E. State Street  
Farmington, UT 84025

MAYOR PETER CARROON  
Salt Lake County Complex  
2001 S. State St., #N2100  
Salt Lake City, UT 84190

SALT LAKE COUNTY  
BOUNDARY COMMISSION  
2001 S. State St., #N2200  
Salt Lake City, UT 84190

MOSAC  
Helen Peters, Chair  
2803 Beverly St.  
Salt Lake City, UT 84106

NORTH SALT LAKE CITY COUNCIL  
PO Box 540208  
North Salt Lake, UT 84054

COLIN WOOD, CITY MANAGER  
North Salt Lake Corp.  
PO Box 540208  
North Salt Lake, UT 84054

MAYOR BRIGGS  
North Salt Lake City  
PO Box 540208  
North Salt Lake, UT 84054

SALT LAKE COUNTY CLERK  
2001 S. State St., #S2200  
Salt Lake City, UT 84190

Jill Van Langeveld, Chair  
Greater Avenues Community Council  
807 E. Northcliffe Dr.  
Salt Lake City, Utah 84103

Peter Von Sivers, Chair  
Capitol Hill Community Council  
223 West 400 North  
Salt Lake City, Utah 84103

Thomas Mutter, Chair  
Central City Community Council  
P.O. Box 2073  
Salt Lake City, Utah 84101

Brian Watkins, Chair  
Liberty Wells Community Council  
1744 So. 600 East  
Salt Lake City, UT 84105

Bill Plastow, Chair  
Peoples Freeway Community Council  
1625 South West Temple  
Salt Lake City, UT 84115

Bill Davis, Chair  
Rio Grande Community Council  
329 Harrison Avenue  
Salt Lake City, UT 84115

Dave Mortensen, Chair  
Arcadia Heights/Benchmark Community  
Council  
2278 Signal Point Circle  
Salt Lake City, Utah 84109

Ellen Reddick, Chair  
Bonneville Hills Community Council  
2177 Roosevelt Ave  
Salt Lake City, Utah 84108

FOOTHILL/SUNNYSIDE  
(Inactive)

Shawn McMillen, Chair  
H Rock Community Council  
1855 South 2600 East  
Salt Lake City, Utah 84108

Mike Zuhl, Chair  
Indian Hills Community Council  
2676 Comanche Dr.  
Salt Lake City, Utah 84108

Paul Tayler, Chair  
Oak Hills Community Council  
1165 Oakhills Way  
Salt Lake City, Utah 84108

Doug Foxley, Chair  
St. Mary's Community Council  
1449 Devonshire Dr.  
Salt Lake City, Utah 84108

Larry Spendlove, Chair  
Sunnyside East Association  
2114 E. Hubbard Avenue  
Salt Lake City, UT 84108

Tim Dee, Chair  
Sunset Oaks Community Council  
1575 Devonshire Dr.  
Salt Lake City, Utah 84108



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~NORTH SALT LAKE CITY PLANNING  
ATTN. ROO WOODS  
P.O. Box 540208  
NORTH SALT LAKE, UTAH  
84054~~

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

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

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

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

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

Chuck Bohn  
2146 S 850 East  
BOUNTIFUL UT 84010-4222

Jacquie Wood  
1564 N 725 East  
Bountiful, UT 84010

Michael Budig  
379 E 600 South #9  
Salt Lake City, UT 84111

John Bowman  
1445 Harrison Ave  
Salt Lake City UT 84105-2611

James Webster  
938 Military Drive  
Salt Lake City, UT 84108-1326

Kay Briggs  
978 E Eagle Way  
North Salt Lake, UT 84054

James and Beverly Cooper  
211 E Roundtoft Drive  
Salt Lake City, UT 84103

Kurt Gee  
367 11th Avenue  
Salt Lake City, UT 84103

Marjorie Chan  
1366 Perry  
Salt Lake City, UT 84103

Rick Reese  
965 Fairview Avenue  
Salt Lake City, UT

Dennis Guy-Sell  
436 S 1200 East  
Salt Lake City, UT

Ralph Becker  
145 South 400 East  
Salt Lake City Utah 84111

Cindy Cromer  
816 E 100 South  
Salt Lake City, UT 84102

STAKER PAVING & CONSTRUCTION  
Sidwell No. 0813300010  
PO Box 3429  
Ogden, UT 84409

STAKER PAVING & CONSTRUCTION  
Sidwell No. 0813300003  
PO Box 3429  
Ogden, UT 84409

STAKER & PARSON COMPANIES  
Sidwell No. 0824100003  
PO Box 3429  
Ogden, UT 84009

SALT LAKE CITY CORPORATION  
Sidwell No. 0824100004  
451 S. State St.  
Salt Lake City, UT 84111

SALT LAKE CITY CORPORATION  
Sidwell No. 0824100011  
451 S. State St., #245  
Salt Lake City, UT 84111

SALT LAKE CITY CORPORATION  
Sidwell No. 0824100004  
451 S. State St. #345  
Salt Lake City, UT 84111

NORTH SALT LAKE CORPORATION  
Sidwell No. 0813300004  
PO Box 540208  
North Salt Lake, UT 84054

HUGHES & HUGHES INVESTMENT  
Sidwell No. 0813300007  
PO Box 540700  
North Salt Lake, UT 84054

CLARKE, MARY L.  
Sidwell No 0813300005  
PO Box 651643  
Salt Lake City, UT 84165

BATES, EDNA L. et al  
Sidwell No. 0813300009  
1926 E. Orchard Dr.  
Salt Lake City, UT 84106

WILF SUMMERKORN  
DAVIS COUNTY PLANNING OFFICE  
PO Box 618  
Farmington, UT 84025

RAY McCANDLESS  
SALT LAKE CITY PLANNING  
451 S. State St. #406  
Salt Lake City, UT 84111

DOUG WHEELWRIGHT  
SALT LAKE CITY PLANNING  
451 S. State St. #406  
Salt Lake City, UT 84111

LISA ROMNEY - MOSAC  
SALT LAKE CITY MAYOR'S OFFICE  
451 S. State St.  
Salt Lake City, UT 84111

RON WOOD  
NORTH SALT LAKE PLANNING  
PO Box 540208  
North Salt Lake, UT 84054



Bonnie Mangold  
326 Almond Street  
Salt Lake City, UT 84103

Jackie Wood

Beth Hoffman  
250 S 1100 E.  
Salt Lake City, UT 84102

John Sederquist  
7219 Ponderosa Drive  
Salt Lake City UT 84121-4961

Ashlee Naylor

Gerri Smith  
301 Gary Way  
North Salt Lake, UT 84054

Rafael A. Seminario  
281 Gary Way  
North Salt Lake, UT 84054

Daryl Arniston  
271 Gary Way  
North Salt Lake, UT 84054

Jim Morrissey  
261 Gary Way  
North Salt Lake, UT 84054

Margo Morrissey  
261 Gary Way  
North Salt Lake, UT 84054

David Christopher  
810 David Way  
North Salt Lake, UT 84054

Cassidy Christopher  
810 David Way  
North Salt Lake, UT 84054

Spring Bailey  
815 Davey Way  
North Salt Lake, UT 84054

Michael Willhard  
181 South Gary Way  
North Salt Lake, UT 84054

Tearrani Werrett  
171 Gary Way  
North Salt Lake, UT 84054

Cal Simmons and Cyndy Simmons  
290 Gary Way  
North Salt Lake, UT 84054

Myrta Gubler and Kyle Gubler  
270 Gary Way  
North Salt Lake, UT 84054

Emily Bott  
260 Gary Way  
North Salt Lake, UT 84054

Jean Riley  
250 Gary Way  
North Salt Lake, UT 84054

Charlee Behunin  
240 Gary Way  
North Salt Lake, UT 84054

Jolee Tibbits  
782 E Raygene Way  
North Salt Lake, UT 84054

Steve Simsich  
781 Raygene Way  
North Salt Lake, UT 84054

Marshall Lira  
191 Gary Way  
North Salt Lake, UT 84054

Margaret Wilcox and Lynne Gucina  
786 Lacey Way  
North Salt Lake; UT 84054

Wayne Lawrence  
71 Gary Wa  
North Salt Lake, UT 84054

Fred Thompson  
81 Gary Way  
North Salt Lake, UT 84054

Norman Kirkham  
101 Gary Way  
North Salt Lake, UT 84054

Elise and David Ziegenbusch  
726 Lacey Way  
North Salt Lake, UT 84054

Matt Tyler  
354 Capitol Park Avenue  
Salt Lake City UT 84103-5209

Gerri



Margaret Brady  
1089 McClelland St.  
Salt Lake City UT 84105-1446

~~Sandy Bassett~~

~~Tyson Carbaugh Mason~~

~~Jill Bohne~~

Jim Cooper  
211 E Roundtoft Dr.  
Salt Lake City UT 84103-2226

Rebecca Lawler  
1158 Princeton Ave.  
Salt Lake City UT 84105-1912

~~Nathan Darnall~~

Ron Love  
333 Duray Avenue  
Salt Lake City, UT 84103

April Hollingsworth  
1021 E 800 S  
Salt Lake City, UT 84102

~~Dinda Evans~~

Terri Sofarelli  
574 E 2nd Ave.  
Salt Lake City, UT 84103

Lynn Ballard  
90 Gary Way  
North Salt Lake UT 84054-1510

Wilford Cannon  
6236 Shenandoah Park Ave  
Salt Lake City UT 84121-6546

Bill Wright  
203 Valley View Drive  
North Salt Lake, Utah 84054

Bob Fisher  
23 East Edison  
Salt Lake City UT 84107-2611

Joe Hansen  
1116 Mariwood Circle  
North Salt Lake UT 84054-3348

James Muir  
410 East 900 North  
North Salt Lake, UT 84054

Juan Arce-Larreta  
677 East 50 North  
North Salt Lake, UT 84054

Katherine Gardner  
606 De Soto  
Salt Lake City UT 84103-2131

Bryan Morley  
192 Eugene Street  
North Salt Lake, UT 84054

Helen Peters  
2803 Beverly Street  
Salt Lake City, UT 84106

Dick Hunter  
4140 Monarch Way  
Salt Lake City, UT 84124

Aaron Evans  
271 N Elm Avenue  
North Salt Lake, UT 84054

Mark Clemens  
131 First Avenue  
Salt Lake City, UT 84103

Christian Fannesbeck  
215 A Street  
Salt Lake City, UT 84103

Conrad Jacobson  
10 S Oakwood Drive  
North Salt Lake, UT 85054

Peter vonSivers  
223 E 400 North  
Salt Lake City, UT 84103

Georg Stufenberger  
700 N Columbus Street  
Salt Lake City, UT 84103

Willy Littig  
121 D Street  
Salt Lake City, UT 84103

Phillip Emmi  
1968 E Herbert Avenue  
Salt Lake City, UT 84108



Catherine Dunn  
1120 East 600 South  
Salt Lake City, UT 84102

Nina Dougherty  
638 East 6<sup>th</sup> Avenue  
Salt Lake City, UT 84103

Richard Dougherty  
172 West Clinton Avenue  
Salt Lake City, UT 84103

Scott Anderson  
900 Donner Way  
Salt Lake City, UT 84108

~~Charles Coltrane  
D2~~

Julie Robertson  
1218 E 600 South  
Salt Lake City, UT 84102

~~Helen Cuomo~~

Esther Hunter  
337 South 1100 East  
Salt Lake City UT 84102-2509

Marian Florence  
817 South 800 East  
Salt Lake City, UT 84102-3515

William King  
1564 Wasatch Drive  
Salt Lake City, UT 84108-2446

Will McCarvell, Director,  
Wasatch Mountain Club  
1390 South 1100 East Suite 103  
Salt Lake City, UT 84105

Jim Thompson  
3801 Viking Road  
Salt Lake City, UT 84109

Vaughn Cox  
9906 S 2700 E  
Salt Lake City, UT 84121

~~Jennifer Spinti~~

Richard Stone  
1169 Sunnyside Ave  
Salt Lake City, UT 84102

~~Ted Wilson  
tedLwilson@comcast.net~~

Michael Barney  
2348 Willow Hills Dr.  
Sandy, UT 84093

Jim Webster  
938 Military Dr  
Salt Lake City, UT 84108

Dennis Scott  
280 Gary Way  
North Salt Lake, UT 84054

Lynne Olson  
1878 Lincoln  
Salt lake City, UT 84105

Robin Gross  
280 Gary Way  
North Salt Lake, UT 84054

Chris Driscoll  
1593 S. 1000 E.  
Salt Lake City, UT 84105

Rhonda Devereaux  
88 Edgecombe Drive  
Salt Lake City UT 84103-2220



**COMMUNITY COUNCIL CHAIRS:**

Updated: 7/19/2005 sj

NOS  
MAILING LABELS  
FOR SEPT. 14, 2005

KEN FUTZ, CHAIR  
WEST POINTE COMM. COUNCIL  
1217 NO. BRIGADIER CIRCLE  
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR  
ROSE PARK COMMUNITY COUNCIL  
1071 NO. TOPAZ DR.  
SALT LAKE CITY, UT 84116

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JORDAN MEADOWS COMM. COUNCIL  
1988 SIR JAMES DRIVE  
SALT LAKE CITY, UT 84116

VICKY ORME, CHAIR  
FAIRPARK COMM. COUNCIL  
129 NORTH 1320 WEST  
SALT LAKE CITY, UT 84116

MIKE HARMAN, CHAIR  
POPLAR GROVE COMM. COUNCIL  
1044 WEST 300 SOUTH  
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR  
GLENDALE COMMUNITY COUNCIL  
1184 SO. REDWOOD DRIVE  
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR  
CAPITOL HILL COMMUNITY COUNCIL  
223 WEST 400 NORTH  
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR  
GRTR. AVENUES COMM. COUNCIL  
807 E. NORTHCLIFFE DRIVE  
SALT LAKE CITY, UT 84103

BILL DAVIS, CHAIR  
RIO GRANDE COMMUNITY COUNCIL  
329 E. HARRISON AVENUE  
SALT LAKE CITY, UT 84115

BILL PLASTOW, CHAIR  
PEOPLES FREEWAY COMM. COUNCIL  
1625 SOUTH WEST TEMPLE  
SALT LAKE CITY, UT 84115

THOMAS MUTTER, CHAIR  
CENTRAL CITY COMMUNITY COUNCIL  
228 EAST 500 SOUTH, #100  
SALT LAKE CITY, UT 84111

DENNIS GUY-SELL, CHAIR  
EAST CENTRAL COMMUNITY  
COUNCIL  
P.O. BOX 520473  
SALT LAKE CITY, UT 84152-0473

BRIAN WATKINS, CHAIR  
LIBERTY WELLS COMM. COUNCIL  
1744 SOUTH 600 EAST  
SALT LAKE CITY, UT 84106

JIM WEBSTER, CHAIR  
YALECREST COMMUNITY COUNCIL  
938 MILITARY DRIVE  
SALT LAKE CITY, UT 84108-1326

MARYDELLE GUNN, CHAIR  
WASATCH HOLLOW  
COMMUNITY COUNCIL  
1595 SOUTH 1300 EAST  
SALT LAKE CITY, UT 84105

LARRY SPENDLOVE, CHAIR  
SUNNYSIDE EAST ASSOCIATION  
2114 E. HUBBARD AVENUE  
SALT LAKE CITY, UT 84108

ELLEN REDDICK, CHAIR  
BONNEVILLE HILLS  
COMMUNITY COUNCIL  
2177 ROOSEVELT AVE.  
SALT LAKE CITY, UT 84108

DAVE MORTENSEN, CHAIR  
ARCADIA HEIGHTS/BENCHMARK  
COMMUNITY COUNCIL  
2278 SIGNAL POINT CIRCLE  
SALT LAKE CITY, UT 84109

MARK HOLLAND, CHAIR  
SUGAR HOUSE COMM. COUNCIL  
1942 BERKELEY STREET  
SALT LAKE CITY, UT 84105

PAM PEDERSEN, CHAIR  
EAST LIBERTY PARK  
(e-mail)

MICHAEL AKERLOW  
FOOTHILL/SUNNYSIDE  
COMMUNITY COUNCIL  
1940 E. HUBBARD AVENUE  
SALT LAKE CITY, UT 84108

PAUL TAYLER, CHAIR  
OAK HILLS COMMUNITY COUNCIL  
1165 SO. OAKHILLS WAY  
SALT LAKE CITY, UT 84108

MIKE ZUHL, CHAIR  
INDIAN HILLS COMMUNITY COUNCIL  
2676 E. COMANCHE DRIVE  
SALT LAKE CITY, UT 84108

DOUG FOXLEY, CHAIR  
ST. MARY'S COMMUNITY COUNCIL  
1449 DEVONSHIRE DRIVE  
SALT LAKE CITY, UT 84108

TIM DEE, CHAIR  
SUNSET OAKS COMMUNITY COUNCIL  
1575 DEVONSHIRE DRIVE  
SALT LAKE CITY, UT 84108

SHAWN McMILLEN, CHAIR  
H ROCK COMMUNITY COUNCIL  
1855 SOUTH 2600 EAST  
SALT LAKE CITY, UT 84108

Beth Bowman, Chair  
Wasatch Hollow Community Council  
1445 E. Harrison Ave.  
Salt Lake City, Utah 84105

Kenneth L. Neal, Chair  
Rose Park Community Council  
1071 North Topaz Dr.  
Salt Lake City, Utah 84116

Jim Webster, Chair  
Yalecrest Community Council  
938 Military Drive  
Salt Lake City, Utah 84108-1326

Dennis Guy-Sell, Chair  
East Central Community Council  
PO Box 520473  
Salt Lake City, Utah 84152-0473

Boris Kurz, Chair  
East Liberty Park Community Council  
1203 South 900 East.  
Salt Lake City, Utah 84105

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Jordan Meadows Community Council  
1988 Sir James Dr.  
Salt Lake City, Utah 84116

Mike Harman, Chair  
Poplar Grove Community Council  
1044 W. 300 S  
Salt Lake City, Utah 84104

Jilene Whitby, Chair  
Fairpark Community Council  
846 W 400 N.  
Salt Lake City, Utah 84116

Ken Fultz, Chair  
West Pointe Community Council  
1217 N. Brigadier Cir  
SLC, UT 84116

Mark Holland, Chair  
Sugar House Community Council  
1942 Berkeley Street  
Salt Lake City, Utah 84108

Randy Sorenson, Chair  
Glendale Community Council  
1184 S Redwood Drive  
Salt Lake City, Utah 84104

Shane Smith  
986 East 3rd Avenue #2  
Salt Lake City, UT 84103

Jason Merrill  
1744 E 1300 S  
Salt Lake City, UT 84108

Jim Byrne  
1966 E 900 S  
Salt Lake City, UT 84108

Lawrence Swanson  
427 S 1200 E  
Salt Lake City, UT 84102

Sandra Castagno  
1194 McClelland St.  
Salt Lake City, UT 84105

Martin McGregor  
6261 Ben Air Drive  
W Jordan, UT 84084

Sharyl Smith  
427 S 1200 E  
Salt Lake City, UT 84102

Richard Stone  
1169 Sunnyside Avenue  
Salt Lake City, UT 84102

Walter Plumb  
809 Edgehill Road  
Salt Lake City, UT 84103

Nathan Darnall  
7260 S 580 E  
Midvale, UT 84047

Penny Archibald-Stone  
1169 Sunnyside Ave.  
Salt Lake City, UT 84102





UNITED STATES OF AMERICA  
Sidwell No. 0824100002  
125 S. State St. #6107  
Salt Lake City, UT 84138

UNITED STATES OF AMERICA  
Sidwell No. 0834100001  
125 S. State St. #6107  
Salt Lake City, UT 84138

RICK REESE or JIM BYRNE  
BONNEVILLE SHORELINE TRAIL  
COMMITTEE  
PO Box. 581136  
Salt Lake City, UT 84158-1136

LOREN KROENKE  
SALT LAKE RANGER DISTRICT  
6944 S. 3000 E.  
Salt Lake City, UT 84121

DAVIS COUNTY COMMISSION  
PO Box 618  
Farmington, UT 84025

SALT LAKE CITY SCHOOL DISTRICT  
Administration Office  
440 E. 100 S.  
Salt Lake City, UT 84111

SALT LAKE COUNTY COUNCIL  
2001 S. State St., #N2200  
Salt Lake City, UT 84190

DAVIS SCHOOL DISTRICT  
Administration Office  
45 E. State Street  
Farmington, UT 84025

MAYOR PETER CARROON  
Salt Lake County Complex  
2001 S. State St., #N2100  
Salt Lake City, UT 84190

SALT LAKE COUNTY  
BOUNDARY COMMISSION  
2001 S. State St., #N2200  
Salt Lake City, UT 84190

MOSAC  
Helen Peters, Chair  
2803 Beverly St.  
Salt Lake City, UT 84106

NORTH SALT LAKE CITY COUNCIL  
PO Box 540208  
North Salt Lake, UT 84054

COLIN WOOD, CITY MANAGER  
North Salt Lake Corp.  
PO Box 540208  
North Salt Lake, UT 84054

MAYOR BRIGGS  
North Salt Lake City  
PO Box 540208  
North Salt Lake, UT 84054

SALT LAKE COUNTY CLERK  
2001 S. State St., #S2200  
Salt Lake City, UT 84190

Jill Van Langeveld, Chair  
Greater Avenues Community Council  
807 E. Northcliffe Dr.  
Salt Lake City, Utah 84103

Peter Von Sivers, Chair  
Capitol Hill Community Council  
223 West 400 North  
Salt Lake City, Utah 84103

Thomas Mutter, Chair  
Central City Community Council  
P.O. Box 2073  
Salt Lake City, Utah 84101

Brian Watkins, Chair  
Liberty Wells Community Council  
1744 So. 600 East  
Salt Lake City, UT 84105

Bill Plastow, Chair  
Peoples Freeway Community Council  
1625 South West Temple  
Salt Lake City, UT 84115

Bill Davis, Chair  
Rio Grande Community Council  
329 Harrison Avenue  
Salt Lake City, UT 84115

Dave Mortensen, Chair  
Arcadia Heights/Benchmark Community  
Council  
2278 Signal Point Circle  
Salt Lake City, Utah 84109

Ellen Reddick, Chair  
Bonneville Hills Community Council  
2177 Roosevelt Ave  
Salt Lake City, Utah 84108

FOOTHILL/SUNNYSIDE  
(Inactive)

Shawn McMillen, Chair  
H Rock Community Council  
1855 South 2600 East  
Salt Lake City, Utah 84108

Mike Zuhl, Chair  
Indian Hills Community Council  
2676 Comanche Dr.  
Salt Lake City, Utah 84108

Paul Tayler, Chair  
Oak Hills Community Council  
1165 Oakhills Way  
Salt Lake City, Utah 84108

Doug Foxley, Chair  
St. Mary's Community Council  
1449 Devonshire Dr.  
Salt Lake City, Utah 84108

Larry Spendlove, Chair  
Sunnyside East Association  
2114 E. Hubbard Avenue  
Salt Lake City, UT 84108

Tim Dee, Chair  
Sunset Oaks Community Council  
1575 Devonshire Dr.  
Salt Lake City, Utah 84108



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

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

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

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

~~BOONVILLE SHORELINE TRAIL COMMUNITY  
ATTN RICK ROSE OR JIM BURKE  
P.O. Box 581136  
SALT LAKE CITY, UTAH  
84158-1136~~

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

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

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

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

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

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

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

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

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

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

~~NORTH SALT LAKE CITY PLANNING  
ATTN - ROO WOOD  
P.O. Box 540208  
NORTH SALT LAKE, UTAH  
84054~~

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

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

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

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

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



Chuck Bohn  
2146 S 850 East  
BOUNTIFUL UT 84010-4222

Jacque Wood  
1564 N 725 East  
Bountiful, UT 84010

Michael Budig  
379 E 600 South #9  
Salt Lake City, UT 84111

John Bowman  
1445 Harrison Ave  
Salt Lake City UT 84105-2611

James Webster  
938 Military Drive  
Salt Lake City, UT 84108-1326

Kay Briggs  
978 E Eagle Way  
North Salt Lake, UT 84054

James and Beverly Cooper  
211 E Roundtoft Drive  
Salt Lake City, UT 84103

Kurt Gee  
367 11th Avenue  
Salt Lake City, UT 84103

Marjorie Chan  
1366 Perry  
Salt Lake City, UT 84103

Rick Reese  
965 Fairview Avenue  
Salt Lake City, UT

Dennis Guy-Sell  
436 S 1200 East  
Salt Lake City, UT

Ralph Becker  
145 South 400 East  
Salt Lake City Utah 84111

Cindy Cromer  
816 E 100 South  
Salt Lake City, UT 84102

STAKER PAVING & CONSTRUCTION  
Sidwell No. 0813300010  
PO Box 3429  
Ogden, UT 84409

STAKER PAVING & CONSTRUCTION  
Sidwell No. 0813300003  
PO Box 3429  
Ogden, UT 84409

STAKER & PARSON COMPANIES  
Sidwell No. 0824100003  
PO Box 3429  
Ogden, UT 84009

SALT LAKE CITY CORPORATION  
Sidwell No. 0824100004  
451 S. State St.  
Salt Lake City, UT 84111

SALT LAKE CITY CORPORATION  
Sidwell No. 0824100011  
451 S. State St., #245  
Salt Lake City, UT 84111

SALT LAKE CITY CORPORATION  
Sidwell No. 0824100004  
451 S. State St. #345  
Salt Lake City, UT 84111

NORTH SALT LAKE CORPORATION  
Sidwell No. 0813300004  
PO Box 540208  
North Salt Lake, UT 84054

HUGHES & HUGHES INVESTMENT  
Sidwell No. 0813300007  
PO Box 540700  
North Salt Lake, UT 84054

CLARKE, MARY L.  
Sidwell No 0813300005  
PO Box 651643  
Salt Lake City, UT 84165

BATES, EDNA L. et al  
Sidwell No. 0813300009  
1926 E. Orchard Dr.  
Salt Lake City, UT 84106

WILF SUMMERKORN  
DAVIS COUNTY PLANNING OFFICE  
PO Box 618  
Farmington, UT 84025

RAY McCANDLESS  
SALT LAKE CITY PLANNING  
451 S. State St. #406  
Salt Lake City, UT 84111

DOUG WHEELWRIGHT  
SALT LAKE CITY PLANNING  
451 S. State St. #406  
Salt Lake City, UT 84111

LISA ROMNEY - MOSAC  
SALT LAKE CITY MAYOR'S OFFICE  
451 S. State St.  
Salt Lake City, UT 84111

RON WOOD  
NORTH SALT LAKE PLANNING  
PO Box 540208  
North Salt Lake, UT 84054



Bonnie Mangold  
326 Almond Street  
Salt Lake City, UT 84103

Jackie Wood

Beth Hoffman  
250 S 1100 E.  
Salt Lake City, UT 84102

John Sederquist  
7219 Ponderosa Drive  
Salt Lake City UT 84121-4961

Ashlee Naylor

Gerri Smith  
301 Gary Way  
North Salt Lake, UT 84054

Rafael A. Seminario  
281 Gary Way  
North Salt Lake, UT 84054

Daryl Arniston  
271 Gary Way  
North Salt Lake, UT 84054

Jim Morrissey  
261 Gary Way  
North Salt Lake, UT 84054

Margo Morrissey  
261 Gary Way  
North Salt Lake, UT 84054

David Christopher  
810 David Way  
North Salt Lake, UT 84054

Cassidy Christopher  
810 David Way  
North Salt Lake, UT 84054

Spring Bailey  
815 Davey Way  
North Salt Lake, UT 84054

Michael Willhard  
181 South Gary Way  
North Salt Lake, UT 84054

Tearrani Werrett  
171 Gary Way  
North Salt Lake, UT 84054

Cal Simmons and Cyndy Simmons  
290 Gary Way  
North Salt Lake, UT 84054

Myrta Gubler and Kyle Gubler  
270 Gary Way  
North Salt Lake, UT 84054

Emily Bott  
260 Gary Way  
North Salt Lake, UT 84054

Jean Riley  
250 Gary Way  
North Salt Lake, UT 84054

Charlee Behunin  
240 Gary Way  
North Salt Lake, UT 84054

Jolee Tibbits  
782 E Raygene Way  
North Salt Lake, UT 84054

Steve Simsich  
781 Raygene Way  
North Salt Lake, UT 84054

Marshall Lira  
191 Gary Way  
North Salt Lake, UT 84054

Margaret Wilcox and Lynne Gucina  
786 Lacey Way  
North Salt Lake, UT 84054

Wayne Lawrence  
71 Gary Wa  
North Salt Lake, UT 84054

Fred Thompson  
81 Gary Way  
North Salt Lake, UT 84054

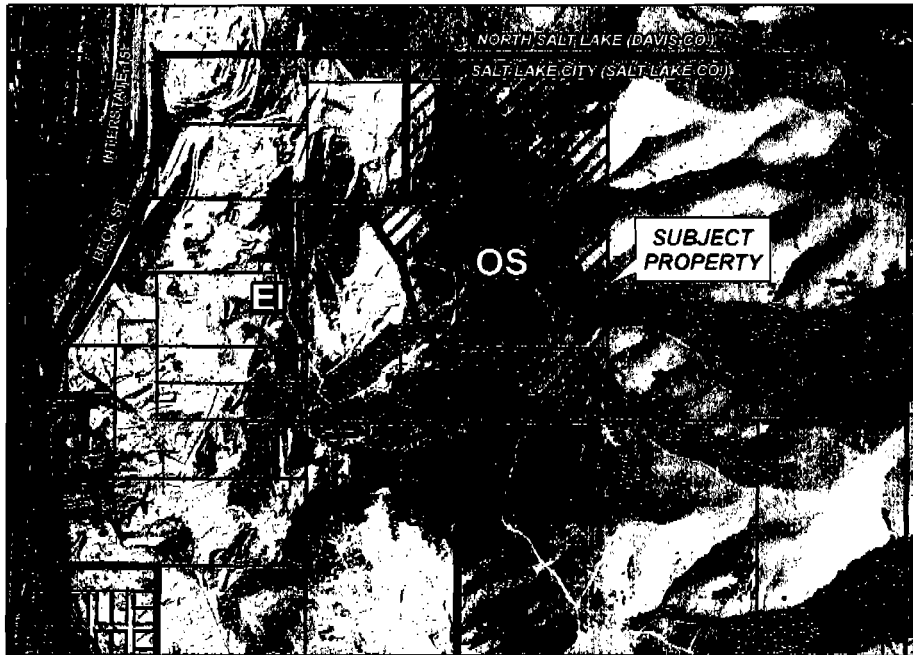
Norman Kirkham  
101 Gary Way  
North Salt Lake, UT 84054

Elise and David Ziegenbusch  
726 Lacey Way  
North Salt Lake, UT 84054

Matt Tyler  
354 Capitol Park Avenue  
Salt Lake City UT 84103-5209

Gerri





NORTH SALT LAKE (DAVIS CO)  
SALT LAKE CITY (SALT LAKE CO)

BLOCK BY INTERSTADT

E

OS

SUBJECT  
PROPERTY

Margaret Brady  
1089 McClelland St.  
Salt Lake City UT 84105-1446

~~Sandy Bassett~~

~~Tyson Carbaugh Mason~~

~~Jill Bohne~~

Jim Cooper  
211 E Roundtoft Dr.  
Salt Lake City UT 84103-2226

Rebecca Lawler  
1158 Princeton Ave.  
Salt Lake City UT 84105-1912

~~Nathan Darnall~~

Ron Love  
333 Duray Avenue  
Salt Lake City, UT 84103

April Hollingsworth  
1021 E 800 S  
Salt Lake City, UT 84102

~~Dinda Evans~~

Terri Sofarelli  
574 E 2nd Ave.  
Salt Lake City, UT 84103

Lynn Ballard  
90 Gary Way  
North Salt Lake UT 84054-1510

Wilford Cannon  
6236 Shenandoah Park Ave  
Salt Lake City UT 84121-6546

Bill Wright  
203 Valley View Drive  
North Salt Lake, Utah 84054

Bob Fisher  
23 East Edison  
Salt Lake City UT 84107-2611

Joe Hansen  
1116 Mariwood Circle  
North Salt Lake UT 84054-3348

James Muir  
410 East 900 North  
North Salt Lake, UT 84054

Juan Arce-Larreta  
677 East 50 North  
North Salt Lake, UT 84054

Katherine Gardner  
606 De Soto  
Salt Lake City UT 84103-2131

Bryan Morley  
192 Eugene Street  
North Salt Lake, UT 84054

Helen Peters  
2803 Beverly Street  
Salt Lake City, UT 84106

Dick Hunter  
4140 Monarch Way  
Salt Lake City, UT 84124

Aaron Evans  
271 N Elm Avenue  
North Salt Lake, UT 84054

Mark Clemens  
131 First Avenue  
Salt Lake City, UT 84103

Christian Foncesbeck  
215 A Street  
Salt Lake City, UT 84103

Conrad Jacobson  
10 S Oakwood Drive  
North Salt Lake, UT 85054

Peter vonSivers  
223 E 400 North  
Salt Lake City, UT 84103

Georg Stufenberger  
700 N Columbus Street  
Salt Lake City, UT 84103

Willy Littig  
121 D Street  
Salt Lake City, UT 84103

Phillip Emmi  
1968 E Herbert Avenue  
Salt Lake City, UT 84108





Catherine Dunn  
1120 East 600 South  
Salt Lake City, UT 84102

Nina Dougherty  
638 East 6<sup>th</sup> Avenue  
Salt Lake City, UT 84103

Richard Dougherty  
172 West Clinton Avenue  
Salt Lake City, UT 84103

Scott Anderson  
900 Donner Way  
Salt Lake City, UT 84108

~~Charles Coltrane  
D2~~

Julie Robertson  
1218 E 600 South  
Salt Lake City, UT 84102

~~Helen Cuomo~~

Esther Hunter  
337 South 1100 East  
Salt Lake City UT 84102-2509

Marian Florence  
817 South 800 East  
Salt Lake City, UT 84102-3515

William King  
1564 Wasatch Drive  
Salt Lake City, UT 84108-2446

Will McCarvell, Director,  
Wasatch Mountain Club  
1390 South 1100 East Suite 103  
Salt Lake City, UT 84105

Jim Thompson  
3801 Viking Road  
Salt Lake City, UT 84109

Vaughn Cox  
9906 S 2700 E  
Salt Lake City, UT 84121

~~Jennifer Spinti~~

Richard Stone  
1169 Sunnyside Ave  
Salt Lake City, UT 84102

~~Ted Wilson  
tedLWilson@comcast.net~~

Michael Barney  
2348 Willow Hills Dr.  
Sandy, UT 84093

Jim Webster  
938 Military Dr  
Salt Lake City, UT 84108

Dennis Scott  
280 Gary Way  
North Salt Lake, UT 84054

Lynne Olson  
1878 Lincoln  
Salt lake City, UT 84105

Robin Gross  
280 Gary Way  
North Salt Lake, UT 84054

Chris Driscoll  
1593 S. 1000 E.  
Salt Lake City, UT 84105

Rhonda Devereaux  
88 Edgecombe Drive  
Salt Lake City UT 84103-2220



**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, October 12, 2005, at 5:45 p.m.**

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

1. **APPROVAL OF MINUTES** from Wednesday, September 28, 2005
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC NOTICE AGENDA**
5. **PUBLIC HEARINGS**
  - a) **Petition No 400-05-23** - by Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking requesting that Salt Lake City close and declare as surplus property, 1500 North Street between Beck Street and Hot Springs Street (745 West), in a Light Manufacturing (M-1) zoning district. (*Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com*).
  - ~~\*~~b) **Petition Number 400-05-20** - by Salt Lake City Council, requesting that properties located at approximately **405 West 2300 North** on the high Lake Bonneville Bench Area east of Beck Street be rezoned from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district. (*Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com*).
  - c) **Petition 400-04-25** - by Boyer Company/Gateway Association requesting a modification to the sign ordinance portion of the zoning ordinance regarding open air malls. (*Staff - Doug Dansie at 535-6182 or doug.dansie@slcgov.com*).
6. **UNFINISHED BUSINESS**

**DATE:** October 12, 2005

**TO:** Salt Lake City Planning Commission

**FROM:** Ray McCandless, Principal Planner

**RE: STAFF REPORT FOR THE OCTOBER 12, 2005 MEETING**

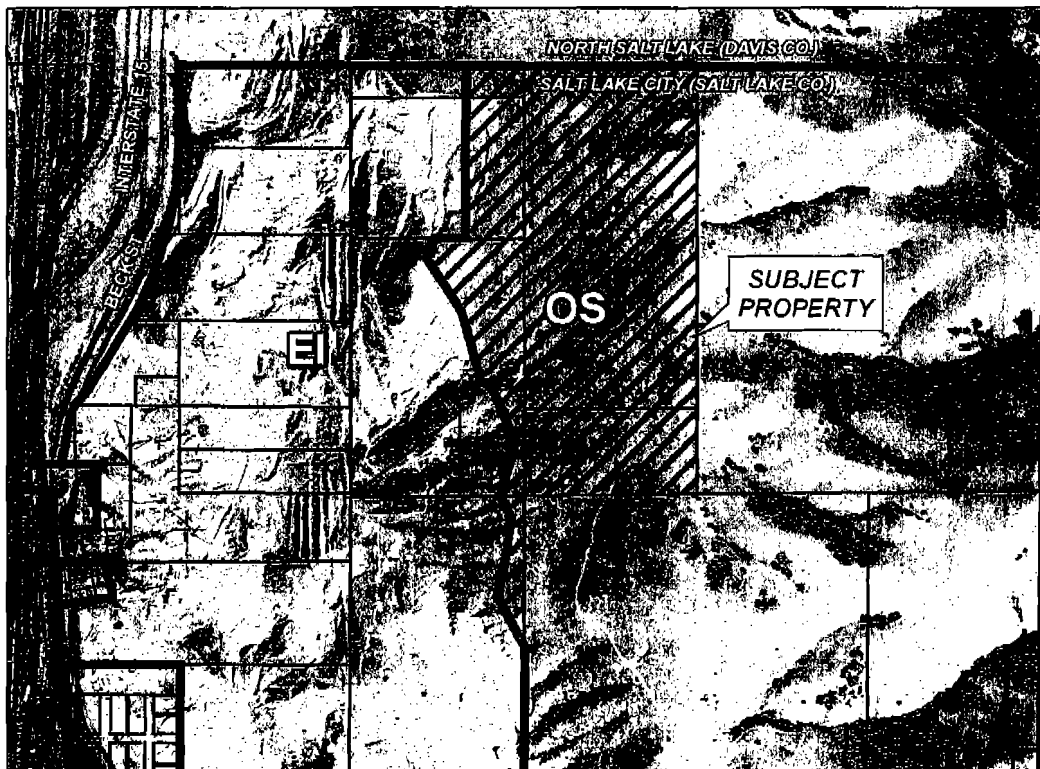
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**PETITION NUMBER:** 400-05-20

**APPLICANT:** Salt Lake City Council

**STATUS OF APPLICANT:** Petitioner

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



**PROJECT/PROPERTY SIZE:** To be determined by survey. The property outlined on the map above represents over 100 acres.

**COUNCIL DISTRICT:** District 3, Eric Jergensen

**REQUESTED ACTION:**

**Petition Number 400-05-20** - The Salt Lake City Council has requested that a property located at approximately 405 West 2300 North on the high Lake Bonneville bench area east of Beck Street be rezoned from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district.

**PROPOSED USE(S):** Natural Open Space

**APPLICABLE LAND USE REGULATIONS:**

**Zoning Map Amendments:**  
Section 21A.10 - General Application and Public Hearing Procedures  
Section 21A.50.050 - Standards for General Amendments

**SURROUNDING ZONING DISTRICTS:**

**North** - North Salt Lake City (Residential)  
**South** - Open Space OS  
**East** - Open Space OS  
**West** - Extractive Industries EI

**SURROUNDING LAND USES:**

**North** - Vacant open space  
**South** - Vacant open space  
**East** - Vacant open space  
**West** - Gravel quarries

**MASTER PLAN SPECIFICATIONS:**

The Master Plan Specifications specific to this rezoning petition include the 1999 Capitol Hill Community Master Plan, the 1998 Beck Street Reclamation Framework and Foothill Area Plan and the 1992 Open Space Plan. The applicability of these master plans are discussed at length in the Analysis and Findings Section of this report.

### **SUBJECT PROPERTY HISTORY:**

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

To the south of the North Salt Lake owned property is a 20 acre parcel of vacant land that was formerly owned by the Bates / Hunter family. This 20 acres is the last portion of the Bates / Hunter family owned properties that originally extended North and West to Beck Street dating back to the late 1800's. The property was incrementally purchased by various gravel excavation companies, and the most recently sold properties were purchased by Staker Paving and Hughes (Lakeview Rock Products) for gravel extraction operations in the mid 1980's. Following the Zoning Rewrite Project of 1995, the Bates / Hunter family filed an inverse condemnation lawsuit (case 99-0910566) against Salt Lake City which was dismissed on February 18, 2005, for lack of prosecution. Staker Paving recently purchased the 20 acre Bates / Hunter family parcel.

The City of North Salt Lake filed a petition to disconnect 80 acres from Salt Lake City and develop a portion of the property as residential homes and a cemetery, but the petition to disconnect was denied by the City Council on May 31, 2005. This petition was initiated by the City Council on that date in conjunction with that decision.

### **ACCESS:**

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

### **PROJECT DESCRIPTION:**

On May 31, 2005, at the public hearing on the North Salt Lake 80 acre disconnection request, the Salt Lake City Council voted to adopt a Legislative Action initiating petition number 400-05-20 to create a new zoning district limited to Natural Open Space, and "consider rezoning all or parts of the North Salt Lake property, the adjacent Hunter / Bates property and portions of the Lakeview and Staker properties as natural open space." The subject property is currently zoned Open Space (OS) and is located on the high Lake Bonneville Bench above the gravel quarries east of Beck Street.

The City Council's request has been split into two components: (1) creation of the new Natural Open Space (NOS) zoning district; and (2) rezoning specific properties. The Natural Open Space (NOS) zoning ordinance and Planning Commission recommendation of September 14, 2005 have been forwarded to the City Council for review. **This staff report applies only to the rezoning of specific properties.**

The requested action is to rezone the properties as shown on the vicinity map from Open Space (OS) to Natural Open Space (NOS) which is a zoning map amendment. The Planning Commission's recommendation will be forwarded to the City Council for final decision and action.

## COMMENTS, ANALYSIS AND FINDINGS:

### 1. COMMENTS

**Community Council:** Two Open Houses to gather public comments were held on July 19, 2005 and on September 27, 2005.

At the July 19, 2005 Open House, citizens and property owner representatives attended the meeting. The main discussions at the Open House included the following:

1. Regarding the advertised rezoning, citizens and property owner representatives were very concerned that the rezoning is specific to the North Salt Lake and Staker properties. They indicated that there is a taking issue and that the rezoning is an attempt by Salt Lake City to devalue their property. A comment was made that the first proposal submitted to Salt Lake City by North Salt Lake is the best solution for the North Salt Lake owned property.
2. Several Open House attendees were generally in favor of the new proposed ordinance and rezoning. However, the idea of extending the rezoning to include other properties in the City such as Miller Park was encouraged by Community Council representatives.

All of the meeting attendees were invited to submit comments or attend the Planning Commission Meeting. The comments submitted by the Open House attendees are included in this Report.

The September 27, 2005 Open House was contentious. It was attended by members of the Capitol Hill Community Council, owners and real estate representatives of the Staker and Hughes gravel companies, a property rights advocate and a resident of North Salt Lake who also participated in the development of the North Salt Lake City Eastside Neighborhood Master Plan. Staff members from various Salt Lake City departments also attended the Open House.

The main issues raised at the Open House include the following:

1. The most significant issue raised was concern over the total loss of economic value of the subject properties by zoning them Natural Open Space. Numerous concerns were expressed that this action to rezone the property to Natural Open space is a deliberate taking of property by Salt Lake City.
2. A question was raised regarding what is the specific purpose of rezoning these properties and why are other similar properties in Salt Lake City are not being

considered. This is an equal treatment issue and the City should be analyzing this issue on a City-wide basis.

3. The proposed rezoning implements an action item of the Capitol Hill Community Master Plan to "Create a new zoning district for public lands in the foothills which prohibits the development of structures" There was debate over whether North Salt Lake's 80 acre parcel should be considered public or private.

4. There was concern that once the property is lost as open space, it is gone forever.

5. The owner of the Hughes gravel operation questioned why the Hughes property was being targeted as it was purchased as and has always been used as a gravel pit. The proposed rezoning creates a significant financial burden to the owners and employees and eliminates the use of the western portion of the property. Public access has been denied since Hughes has owned it. There was some discussion whether the Hughes property should be included in the rezone area, since a portion of the Hughes owned land has already been excavated, and is therefore not a "natural" landscape.

6. The property owned by the City of North Salt Lake should be treated as if it were private property. There are already thousands of acres of publicly owned property immediately to the east.

7. There was some discussion about exchanging the Hunter Bates property for property owned by Salt Lake City on the lower bench area to the south along Beck Street.

8. There was concern that the process was moving too quickly that the rezoning was being rushed to head off development.

The attendees were again invited to submit written comments. None of the affected property owners except Salt Lake City, which is a property owner, is in favor of the petition.

**City Departments** – The comments received from applicable Salt Lake City Departments to date are as follows (Please refer to the attached Departmental Comment Letters for details):

**Police:** If there was a need to respond there now, the Police Department would have to take the route through North Salt Lake to access this vacant, open property. If there are any public or recreational facilities, or residential or commercial buildings located on that particular property, the Police Department would not be able to provide adequate, timely service for police calls, especially those where response time would be critical. The Police Department would have to go out of Salt Lake City, out of Salt Lake County, into Davis County and go through North Salt Lake to

arrive at this property. If these were emergency-type calls, the response time would be unacceptable.

**Public Utilities:** No comments have been received to date.

**Transportation Division:** The Division of Transportation review comments and recommendations for the rezoning of land at approximately 405 West 2300 North to Natural Open Space (NOS) are as follows:

The Bonneville Shoreline Trail and the proposed Lime Canyon Trail both pass through this property. Since the new zoning designation will preserve the land in its existing state, there should be no impact on the trails. The Transportation Division sees no impact to other transportation related systems within the city.

**Property Management Division:** No comments have been received to date.

**Fire Department:** The Fire Department has reviewed the subject property as part of the rezoning request and has observed that this property is remote and has no near access roads meeting the requirements of the Utah State adopted fire codes or appropriate water utilities with the required fire hydrants for Salt Lake City Fire Department use. This property is presently only accessible by a trail and considered "wildlands" by the Fire Department. Salt Lake City Fire Department emergency response to this area would be extremely difficult and delayed due to the topography approaching this area.

This area is well above the valley floor and due to the sharp elevation increase and terrain, a public access road from Salt Lake City to this area meeting the Fire Department vehicle grade limitation, turn radius and minimum width requirements, as well as maintained all-weather surface requirements would be extremely costly. Excessive response times would also be a serious issue and concern, should an emergency response be required. Providing an appropriate water supply with proper duration, pressures and flows would also be extremely costly. Should the properties ever be developed, it would entail the installation of water mains with fire hydrants, pump stations and a reservoir or large tank(s).

**Engineering Division:** The Salt Lake City Engineering Division has no objection to the proposed rezoning of the property to open space. The only way to access the property is from the north (North Salt Lake). Any attempt to access from the south would require an expensive, environmentally damaging road with excessively steep grades. Salt Lake City has a history of opposition to such a road.

**Public Services Department:** The Public Services Director met with the Open Space Lands Board on July 13, 2005 and discussed the merits of rezoning all or parts of the North Salt Lake property, Hunter/Bates property, and portions of the Lakeview and Staker properties as Natural Open Space. The Open Space Lands Board unanimously supports the rezoning of properties.



## 2. ANALYSIS AND FINDINGS

**The issue at hand is whether the subject properties should be rezoned to Natural Open Space (NOS) or be allowed to remain zoned Open Space (OS).**

### 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 subject properties are part of the Mountain / Foothills landform. The properties are 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 4,200 and 4,212 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. The width of the shoreline 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 Lake Bonneville Bench is considered "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 zoning the properties for Natural Open Space, the existing natural beauty and geologic significance of the area would be preserved in perpetuity for the enjoyment of citizens along the Wasatch Front.

## **II. Zoning History**

The subject properties have been a part of Salt Lake City ever since the City was incorporated. Zoning maps archived in the Salt Lake City Planning Office show that from 1927, when Salt Lake City originally adopted zoning, the properties were zoned for single-family dwellings (Residential 'R-1' Single Family Dwelling). Between 1941 and 1958, the properties were 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 properties were zoned for single-family dwellings (Residential 'R-1' Single Family Dwelling). In 1977, the properties were zoned " P-1 Foothill Preservation District " and in 1995, they were zoned "Open Space District (OS)" as part of the City's 1995 Zoning Rewrite Project.

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 1977 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. The zoning changes that have occurred over time demonstrate a shift in public policy towards protection and preservation of the City's foothills from further development.

The subject properties are currently zoned Open Space (OS) which allows limited development such as community and recreation centers, cemeteries, country clubs and parks. The proposed Natural Open Space zone requires that the property be left in its natural state. The difference is that the Open Space (OS) zoning allows buildings and development of man-made recreational amenities, whereas, the proposed Natural Open

Space (NOS) zone does not. Uses in the proposed Natural Open Space (NOS) zoning district are limited to natural open space and conservation areas and nature preserves/conservation areas, public and private. Given the unique characteristics of these properties as stated above, and given the recent pressures to develop portions of the subject properties, implementation of the Natural Open Space (NOS) zoning district as initiated by the City Council is appropriate at this time.

The City Council has recommended taking this first step in applying the Natural Open Space zoning to property located in Salt Lake City because the unique geological and natural qualities of these properties is at risk of being destroyed by development. Other properties will also be considered for Natural Open Space zoning in the future.

Section 21A.50.50 Standards for general amendments of the Salt Lake City Zoning Ordinance lists five standards the Planning Commission must address in considering amendments to the Zoning Map. The standards for general amendments relating to this petition are as follows:

**21A.50.050 Standards for general amendments.**

- A. **Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

**Discussion:**

**Capitol Hill Community Master Plan**

The Future Land Use Map of the adopted 1999 Capitol Hill Community Master Plan identifies the subject property as Foothill Open Space and Extractive Industry (Ordinance No. 92, 2001).

The Capitol Hill Community Master Plan recognizes a need to "Create a new zoning district for public lands in the foothills which prohibits the development of structures" and "Ensure the minimization of negative impacts to watershed, wildlife habitat and soil erosion associated with high utilization of trails and open space." Also, 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 Master 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 Preferred Land Use map of the Beck Street Plan shows the Bonneville Shoreline Trail extending north and south through the property.

The Beck Street Reclamation Framework And Foothill Area Plan identifies this property as Open Space with the Bonneville Shoreline Trail extending north and south through the eastern side of the property. An East-West trail connection with

the "Cliff Face Trail" is also shown on the Beck Street Reclamation Framework and Foothill Area Plan.

Given these benefits, protection of the remaining open spaces in and around the City is an important goal. The subject property is one of these remaining open spaces.

### **Salt Lake City Open Space Plan**

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

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, as well as the communication tower road.

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."

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.

**Standard A - Summary:** The adopted Capitol Hill Community Master Plan, Beck Street Reclamation Framework and Foothill Area Plan and the Salt Lake City Open Space Plan emphasize the need to preserve open space. However, the plans do not go into detail about what specific open space land uses (natural or developed) are appropriate for these properties.

Given this, the Planning Commission must determine whether the existing Open Space (OS) zoning or Natural Open Space (NOS) zoning is most appropriate given the existing characteristics of the property.

Allowing the zoning to remain as is, as Open Space, allows future development of the property which would alter the existing visual and physical characteristics of the property. As the property is located within a groundwater aquifer recharge area, the potential for groundwater contamination is increased with developing the property.

The value of this property is in its pristine open space condition. It is one of the last undeveloped portions of the ancient Lake Bonneville Bench in close proximity to the urbanized areas in and around Salt Lake City. It is a unique example of the Lake Bonneville Bench that is in its pristine condition.

In light of the unique characteristics of the property, the long-term best interests of the community, and as the adopted master plans support open space for this property, the proposed zoning map amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plans of Salt Lake City.

**Findings:** The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted General Plan of Salt Lake City.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.**

**Discussion:**

The proposed Natural Open Space zoning on this property is compatible with the Open Space (OS) zoning on the foothills to the east and south. There are active gravel quarrying operations to the west which are zoned Extractive Industries (EI). These mining operations will discontinue at some point in time leaving an exposed cliff face along the western edge of the subject property. Natural open space is an appropriate adjacent land use to these adjoining properties.

**Findings:**

The proposed amendment is harmonious with the overall character of existing and future development in the area.

**C. The extent to which the proposed amendment will adversely affect adjacent properties.**

**Discussion:**

There is no adverse impact to adjacent properties by zoning these properties to Natural Open Space (NOS). The proposed amendment will likely benefit

adjacent properties by providing passive and active recreational opportunities, including hiking, mountain biking, cross-country skiing, bird and wildlife watching. As stated in the Beck Street Reclamation Framework and Foothill Area Plan, open space enhances the quality of life by adding aesthetic value to an area by preserving wildlife habitat and offering recreational opportunities which are an important component to the livability of a community.

**Findings:**

The proposed amendment will not adversely affect adjacent properties.

**D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.**

**Discussion:**

The subject property is Groundwater Source Protection Overlay District and is located within a Primary Recharge Area. Leaving the property in its natural state will have fewer impacts on groundwater than buildings, roads and parking lots will have. The proposed amendment is consistent with the provisions of the Groundwater Source Protection Overlay District as no development would be allowed.

**Findings:**

The subject property is located within the Groundwater Source Protection Overlay District and is located within a Primary Recharge Area. The proposed amendment is consistent with the provisions of the Groundwater Source Protection Overlay District as no development would be allowed if the property were zoned Natural Open Space (NOS).

**E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

**Discussion:**

Because no development will occur if the property is zoned Natural Open Space (NOS), existing services are adequate. Therefore, this standard is met.

**Findings:**

Public facilities are adequate if the property is zoned Natural Open Space (NOS).

**RECOMMENDATION**

In light of the comments, analysis and findings noted above, staff recommends that the Planning Commission favorably recommends to the City Council to rezone the subject property from Open Space (OS) to Natural Open Space (NOS) subject to adoption of the pending Natural Open Space zoning text amendment by Ordinance.



RICHARD GRAHAM  
PUBLIC SERVICES DIRECTOR

**SALT LAKE CITY CORPORATION**

DEPARTMENT OF PUBLIC SERVICES

ROSS C. "ROCKY" ANDERSON  
MAYOR

*Public Services*

July 18, 2005

Ray McCandless  
Planning Division  
City & County Building, Room 406  
Salt Lake City, UT 84111

**RE: Natural Open Space Zone -- Petition 400-05-02**

Dear Ray:

The purpose of this letter is to report that the Open Space Lands Board met on July 13, 2005, and as part of its agenda discussed the draft ordinance creating a new zoning district limited to natural open space called the NOS Natural Open Space District. The Board also discussed the merits of rezoning all or parts of the North Salt Lake property, Hunter/Bates property, and portions of the Lakeview and Staker properties as natural open space. In a vote the Open Space Lands Board unanimously supports the creation of a new zoning district and rezoning of the properties.

Sincerely,



Rick Graham

cc: Board Minutes

**McCandless, Ray***Police*

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**From:** Johnson, Linda  
**Sent:** Tuesday, September 27, 2005 4:35 PM  
**To:** McCandless, Ray  
**Subject:** RE: North Salt Lake

Hi Ray,

I just finished discussing this with Sgt. Randy Bushman. If there was a need to respond there now, we would have to take the route through North Salt Lake to access this vacant, open property. If there are any public or recreational facilities, or residential or commercial buildings located on that particular property, the Police Department would not be able to provide adequate, timely service for police calls, especially those where response time would be critical. We would have to go out of Salt Lake City, out of Salt Lake County, into Davis County and go through North Salt Lake to arrive at this property. If this were an emergency-type call, the response time would be unacceptable. If you have any questions or comments, please let me know.

Thanks,

Linda Johnson  
Pioneer Patrol CAT #3

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**From:** McCandless, Ray  
**Sent:** Tuesday, September 27, 2005 1:03 PM  
**To:** Johnson, Linda  
**Subject:** North Salt Lake

Linda,

The Planning Division is considering rezoning the property shown on the attached map from Open Space (OS) to Natural Open Space (NOS) which is a new zoning district that the City is currently working on.

I am working on the staff report on this project. One of the standards that I need to address is "The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection."

Would you please review the attached map and let me know, from your departmental perspective, if the Police Department has any concerns with rezoning this property to natural open space and what issues you see in providing service to this property.

Thanks,

Ray

9/30/2005

**McCandless, Ray**

ENGINEERING

**From:** Weiler, Scott  
**Sent:** Friday, September 30, 2005 2:55 PM  
**To:** McCandless, Ray  
**Cc:** Walsh, Barry; Stewart, Brad  
**Subject:** RE: North Salt Lake Rezoning  
**Categories:** Program/Policy

Ray,

SLC Engineering has no objection to the proposed rezoning of the property to open space. The only way to access the property is from the north (North Salt Lake). Any attempt to access from the south would require an expensive, environmentally damaging road with excessively steep grades. Salt Lake City has a history of opposition to such a road.

Scott

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**From:** McCandless, Ray  
**Sent:** Monday, September 26, 2005 3:56 PM  
**To:** Weiler, Scott  
**Subject:** North Salt Lake Rezoning

Scott,

Several months ago, the City Council denied the City of North Salt Lake's request to adjust the boundary for approximately 80 acres of land located at approximately 405 West 2300 North. At that public hearing, the City Council initiated a petition to create a zoning district limited to natural open space and consider rezoning the North Salt Lake property the Hunter Bates property and other properties owned by Staker and Hughes as shown on the accompanying map to Natural Open Space. The creation of the new zoning district, called the Natural Open Space (NOS) zone, is underway. However, we are now addressing the rezoning at this time.

I am working on the staff report to rezone the property. One of the standards I need to address is:

The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Would you please review the map and let me know, from your departmental perspective, if the Engineering Division has any concerns with rezoning this property to natural open space and what issues you see in providing service to this property.

You had responded to our last request with the attached e-mail. Hope this helps with your response.

Thanks.

10/5/2005

September 27, 2005

Ray McCandless  
Planning Division  
451 South State Street, Room. 406  
Salt Lake City, Utah 84111

**Re: Rezone 80 Acres at approximately 405 West 2300 North to Natural Open Space (NOS) Zone**

Dear Ray:

The Division of Transportation review comments and recommendations for the rezone of 80 acres of land at approximately 405 West 2300 North to Natural Open Space (NOS) are as follows:

The Bonneville Shoreline Trail and the proposed Lime Canyon Trail both pass through this property. Since the new zoning designation will preserve the land in its existing state, there should be no impact on the trails. We also see no impact to other transportation related systems within the city.

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

Sincerely,

Dan Bergenthal, P.E.  
Transportation Engineer

cc: Kevin Young, P.E.  
Barry Walsh  
Scott Weiler, P.E.  
File

**McCandless, Ray**

Fire

**From:** Leydsman, Wayne  
**Sent:** Tuesday, September 27, 2005 11:28 AM  
**To:** McCandless, Ray  
**Subject:** RE: North Salt Lake  
**Categories:** Confidential

I have reviewed the subject property as part of the rezoning request. I have observed that this property is remote and has no near access roads meeting the requirements of the Utah State adopted fire codes or appropriate water utilities with the required fire hydrants for Salt Lake City Fire Department use. This property is presently only accessible by a trail and considered wildlands by the fire service. Fire department emergency response to this area would be extremely difficult and delayed due to the topography approaching this area.

It is observed that this area is well above the valley floor. In my opinion, due to the sharp elevation increase and terrain, a public access road from Salt Lake City to this area meeting the Fire Department vehicle grade limitation, turn radius and minimum width requirements, as well as maintained all-weather surface requirements would undoubtedly be extremely costly. Excessive response times would also be a serious issue and concern, should an emergency response be required. Providing an appropriate water supply with proper duration, pressures and flows would also be extremely costly should the properties ever be developed, and would entail the installation of water mains with fire hydrants, pump stations and a reservoir or large tank(s).

Wayne Leydsman  
 Assistant Plans Examiner  
 Salt Lake City Fire Department

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**From:** McCandless, Ray  
**Sent:** Monday, September 26, 2005 17:04  
**To:** Leydsman, Wayne  
**Subject:** North Salt Lake

Wayne,

Several months ago, the City Council denied a request by the City of North Salt Lake to adjust the boundary for approximately 80 acres of land located at approximately 405 West 2300 North. At that public hearing, the City Council initiated a petition to create a zoning district limited to natural open space and consider rezoning the North Salt Lake property the Hunter Bates property and other properties owned by Staker and Hughes as shown on the accompanying map to Natural Open Space. The creation of the new zoning district, called the Natural Open Space (NOS) zone, is underway. However, we are now addressing the rezoning at this time.

I am working on the staff report to rezone the property. One of the standards I need to address as part of the rezoning is:

The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Would you please review the attached map and let me know, from your departmental perspective, if the Fire Department has any concerns with rezoning this property to natural open space and what issues you see in providing service to this property.

Thanks,

Ray

9/30/2005

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 19<sup>th</sup> century United States, he is one of the great American scientists of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Gilbert produced a truly classic study of Lake Bonneville and its lake terraces in 1890 as **Monograph 1**, one of the very first publications of the newly established U.S. Geological Survey.

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

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

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

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

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

Respectfully submitted,

John R. Bowman

## References

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

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

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

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

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

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

International Network of Geoparks

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

European Geoparks Network

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

Geopark Harz

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



**McCandless, Ray**

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**From:** c.f.bohn@att.net  
**Sent:** Sunday, July 10, 2005 1:04 PM  
**To:** McCandless, Ray  
**Subject:** Open Space

Mr. McCandless,

Please do everything you can to keep the open space that exist's between SLC and NSL. It is very important that the land be left as natural as possible for everybodys sake. I hike and bike there with my family, deer herds winter there, coyotes roam openly. Great cities have great open areas.

Thank you,

Chuck Bohn

## McCandless, Ray

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**From:** Jim & Linda Thompson [lthompson28@msn.com]  
**Sent:** Monday, June 27, 2005 3:09 PM  
**To:** McCandless, Ray  
**Subject:** Open House for new zoning

Dear Mr. McCandless,

(June 27, 2005)

I'm writing to you to submit comments concerning the newly proposed zoning district that would limit land use to natural open space only--especially on the property that the city of North Salt Lake wishes to develop and sell off to rich homeowners. I hope you'll accept these as part of the official record, since I am unable to attend the public open house on July 19 due to my being out of town. Please consider the following:

I realize I'm not a resident of Salt Lake City, but I do reside in Salt Lake County--near the mouth of Millcreek Canyon, in a unincorporated community called East Millcreek. I'm an avid hiker, mountain-biker, bird and wildlife advocate, and a strong supporter of open space--not necessarily for human recreational purposes, but more for wildlife habitat purposes and clean water sources. Thus, even if the property in question were completely closed to even human foot-travel, I wouldn't mind because I would know that the wildlife would be greatly benefited. Therefore, I strongly support what Salt Lake City proposes with the Natural Open Space zoning.

I have been following this issue for some time, and I attended Mayor Anderson's press conference on the City Library's plaza, back in mid-June.

I had the opportunity to personally speak with several North Salt Lake folks who were in attendance, even Mayor Davis?, who were seemingly "ranting and raving" about losing their private property rights and having "big bad city beat up on poor little city", because Salt Lake City already had allowed similar developments on their foothills. They also kept saying that they were only proposing to develop 30% of the land in question, and that the remaining 70% would be dedicated to open space, and that they would ensure that the Bonneville Shoreline trail would still exist, (although it would have to be rerouted).

Anyway, that very afternoon, I went with my brother-in-law, who lives in Salt Lake's avenues, on a mountain bike ride along the Bonneville Shoreline Trail just to the west of Ensign Peak and north. Granted, I wasn't too happy about accessing the area from the south by riding past a gated street with new homes going in--but it is my guess that those lots were sold and set up for development long ago, probably way before Mayor Anderson or the present City Council had anything to do with granting new foothill development proposals or worrying about open space. Also, as I understand it, no new development higher than existing homes or lots is being allowed by Salt Lake City, which is a good thing--as all cities and counties having interface-land adjacent to National Forest lands need to limit or better yet, completely stop allowing encroaching development onto what now is even more than foothills, but actual mountainsides.

As we headed north, and checking our maps, we believe we had found the property in question--an area fairly flat, because it's right on one of ancient Lake Bonneville's terraces, and with an abandoned dirt road passing through the middle, which of course was serving as the trail. The grasses were between two and three feet tall, and were exceptionally green this year. What a beautiful place!! According to what I remember North Salt Lake's development plans were, that the flat areas were all to be subdivided, and the steep portions were going to be left as open space, with the Bonneville Trail rerouted up into the steep sections. What a pity, that something so beautiful and already serving well as open space with a trail intact, might be carved all up just so that a few rich folks can have mansions, complete with 5-car garages and swimming pools, and nice views down upon the rest of us poor peons!

We continued on past the county line, and sure enough, we saw construction stakes with little pink ribbons marking new lots all along this same band of flat space. It wasn't long before we came upon dumptrucks, bulldozers, and backhoes, who were clearing the natural grasses, shrubs, and small oaks for new subdivisions. The land was definitely being changed!!

A little past construction/war zone, we finally came on to paved streets lined with the biggest houses I have ever seen!!! I couldn't help but think what excessive living--why do people, even with 9 kids, (and I'm not against kids--I have 5 of my own, and I teach public high school), need that much house? Most of them looked like hotels.

Anyway, we were looking for Bonneville Shoreline Trail markers, and they all pointed the way along more paved streets. Again, excessive development came to mind. Now, I think North Salt Lake feels picked on, and it's unfortunate that they are desiring some

small piece of undeveloped property that happens to be located on an existing piece of desirable and valuable open space. It's just too bad that they are caught in the middle of an issue where people who value productive open space have the power and the political will to do something about runaway development. So, contrary to what North Salt Lake is claiming, I don't think Salt Lake City is singling them out with any particular "vendetta". It's just that it's got to stop somewhere!!!

With all the above in mind, again, I strongly support Salt Lake City's proposal and I thank you for having enough foresight and wisdom to stand up to rich developers. Please let me know if these comments need to be submitted in another way in order to be counted on the official record.

Thank you for your attention. Sincerely, James W. Thompson, 3801 Viking Road, Salt Lake City, Utah, 84109, ph: (801) 272-3683.

SALT LAKE CITY CORPORATION  
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 7.19.05

NAME: GENE MADSEN PHONE: 298-4314

ADDRESS: 168 NO VALDIVIEW DR

SUBJECT: OPEN SPACE - NSL 80 ACRES

I wish to speak.

In Support.  In Opposition.

I do not wish to speak, however, I would like to submit the following comments:  
(Use back if necessary.)

I WILL FORWARD FURTHER COMMENTS; HOWEVER, IT'S A  
SHAME THAT YOU WANT ALL OR NOTHING - IN THIS CASE →

Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor  Mail  Newspaper

Other (specify) NSL CITY

NOTHING ALLOWED IN THE 80 ACRES... OTHER THAN  
NO SPACE. YOUR OPEN SPACE ZONING DOES NOT  
ALLOW FOR THINGS THAT SHOULD BE ALLOWED.  
THE ALL OR NOTHING APPROACH BY SLC  
(NOTHING AGAIN EMPHASIZED) IS WRONG & NOT  
RIGHT.

SALT LAKE CITY CORPORATION  
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: July 19, 2008

NAME: Bonnie Mangold

PHONE: 363-4634

ADDRESS: 326 Almond St.

SUBJECT: Natural Open Space Zoning

I wish to speak.

In Support.

In Opposition.

I do not wish to speak, however, I would like to submit the following comments:  
(Use back if necessary.)

I'm strongly in favor of having an open space zone that does not allow for buildings or development (parks, etc.) of any kind. Such a zone should be applied

Yes, I would like information about my Neighborhood Council. →

How did you learn of this meeting? Neighbor  Mail  Newspaper

Other (specify) \_\_\_\_\_

→ as appropriate to lands important to ecological significance. We need such a zone. Whether it's the best answer to the current conflict I'm unsure.

Let's proceed with the ordinance and then figure out how to use it.

My understanding is that a reduced value of land due to regulation, zoning, etc. does not in and of itself constitute a "takings." The land still has value.

SALT LAKE CITY CORPORATION  
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 7-19-05

NAME: Helen Peters PHONE: 466-7170

ADDRESS: 2803 Beverly Street 84106

SUBJECT: \_\_\_\_\_

I wish to speak.

In Support.  In Opposition.

I do not wish to speak, however, I would like to submit the following comments:  
(Use back if necessary.)

I support the <sup>draft</sup> Natural  
Open Space District.

Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor  Mail  Newspaper

Other (specify) \_\_\_\_\_

SALT LAKE CITY CORPORATION  
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 7/19/05

NAME: Bryan Morley PHONE: 936-9369

ADDRESS: 192 Eugene St. North Salt Lake, UT 84051

SUBJECT: NOS - Natural Open Space District

I wish to speak.

In Support.  In Opposition.

I do not wish to speak, however, I would like to submit the following comments:  
(Use back if necessary.)

Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor  Mail  Newspaper

Other (specify) \_\_\_\_\_

# DRAFT

Petition No. 400-05-20, by Salt Lake City Council, requesting that properties located at approximately 405 West 2300 North on the high Lake Bonneville Bench Area east of Beck Street be rezoned from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district.

At 6:14 p.m. Chairperson Chambless introduced Petition No. 400-05-20 and Ray McCandless, Principal Planner. Mr. McCandless gave a brief history of this area. He stated that last year the City reviewed a request by the City of North Salt Lake to voluntarily adjust the boundary around an 80 acre piece of property located on the Lake Bonneville Bench Area. He said that from 1927 to 1977, the subject property was zoned for single family residential land uses at low densities. From 1977 to 1995, the property was zoned Foothill Preservation (P-1). The zoning was changed to Open Space (OS) as part of the 1995 Zoning Rewrite Project.

Mr. McCandless stated that to the south of the North Salt Lake owned property is a 20 acre parcel of vacant land that was formerly owned by the Bates/Hunter family. This twenty acre parcel was the last of the Bates/Hunter family owned properties that originally extended North and West to Beck Street dating back to the late 1800's. The property was incrementally purchased by various gravel excavation companies, and the most recently sold properties were purchased by Staker Paving and Hughes (Lakeview Rock Products) for gravel extraction operations in the mid 1980's. Following the Zoning Rewrite Project of 1995, the Bates/Hunter family filed an inverse condemnation lawsuit (case 99-0910566) against Salt Lake City. The law suit was dismissed February 18, 2005 for lack of prosecution. Staker Paving recently purchased the 20 acre Bates/Hunter family parcel.

Mr. McCandless said that the request for a voluntary boundary adjustment was denied by Salt Lake City. Following that action, the City of North Salt Lake filed a petition to disconnect the property from Salt Lake City. This request was also denied by the City Council. The public hearing for the disconnection was held on May 31, 2005. At that hearing, as part of their motion to deny the request, the City Council voted to adopt a legislative action initiating a petition that would: 1) Create a zoning district limiting land uses to natural open space and 2) Consider the rezoning of the North Salt Lake property, the adjacent Hunter/Bates property, and portions of the Lakeview and Staker properties as Natural Open Space. He said it had been requested that the Planning staff draft a new Open Space zoning ordinance that was limited to natural open space uses. The Natural Open Space zoning district ordinance was reviewed by the Planning Commission on August 24, 2005 and has since been forwarded to the City Council for their consideration. That ordinance has not been adopted to date. He stated that the second part of the Council's legislative action was now being considered; rezoning properties. Five pieces of property were named.

Parcel A	Mary Clark
Parcel B	Hughes Investment
Parcel C	Salt Lake City Corporation
Parcel D	North Salt Lake City Corporation
Parcel E	Hunter/Bates – now owned by Staker

Mr. McCandless stated that the subject properties were currently zoned Open Space (OS), allowing limited development such as community and recreation centers, cemeteries, country clubs, and parks. The difference between the Open Space Zoning and the Natural Open Space Zoning was that the Open Space (OS) zoning allowed buildings and development of man-made recreational amenities, whereas the proposed Natural Open

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Space (NOS) zone required that the property be left in its natural state. Mr. McCandless stated that uses in the proposed Natural Open Space (NOS) zoning district were limited to natural open space, conservation areas, and nature preserves/conservation areas, public and private. Given the unique and unusual characteristics of these properties and the recent pressures to develop portions of the subject properties, implementation of the Natural Open Space (NOS) zoning district, as initiated by the City Council, was appropriate.

Mr. McCandless said that allowing the zoning to remain as Open Space would allow future development of the property, which would alter the existing visual and physical characteristics of the property. As the property was located within a Groundwater Aquifer Recharge Area, the potential for groundwater contamination was increased with developing the property.

Mr. McCandless stated that the value of the property was in its pristine open space condition. It was one of the last undeveloped portions of the ancient Lake Bonneville Bench in close proximity to the urbanized areas in and around Salt Lake City. It was a unique example of the Lake Bonneville Bench. In light of the unique characteristics of the property, the long-term best interests of the community, and as the adopted master plans support open space for the property, the proposed zoning map amendment was consistent with the purposes, goals, objectives, and policies of the adopted general plans of Salt Lake City.

Mr. Lynn Pace, City Attorney stated that one issue brought to the attention of the public at the Open House and at other meetings was the concern that if privately owned property was zoned Natural Open Space (NOS), owners would not be able to use the property. Mr. Pace stated that if the entire property was zoned Natural Open Space, like Parcel "E", the owner would not be able to do anything with the property and that some kind of public acquisition of that property would be in line.

Mr. Pace said that another issue had not been addressed in the Staff report because it was not germane at the time it was written, but that the issue had since become relevant. He stated that in parcels "A" and "B", owned by Mary Clark and Hughes Investment (Lakeview Rock Products) there was a North-South Zoning boundary line that bisected both parcels. In 1995, property west of the line was zoned Extractive Industries (EI) and property east of the line was zoned Open Space (OS). Mr. Pace said the gravel pit operators objected to the 1995 boundary and over time, with the adoption of the Beck Street Master Plan, the parties had agreed to a "Contoured Zoning Line", rather than a straight North-South zoning district boundary. However, an agreement was never reached to shift the zoning district boundary to the contoured zoning line for these two properties.

Given this petition to rezone their property, Mr. Pace stated that the owners of parcels "A" and "B" were no longer willing to participate in discussions, even though they had excavated beyond the line of agreement. He suggested that to resolve the problem, a petition would need to be initiated to decide where the line ought to be, and then decide whether or not the Open Space property located east of that new line should or should not be zoned Natural Open Space.

Chairperson Chambless asked for questions of Mr. Pace. Commissioner McDonough asked if parcel "A" was adjacent to the Extractive Industries property as well. Mr. Pace stated the eastern portion of parcel "A" was zoned Open Space. The western portion was zoned Extractive Industries and owned by Mary Clark. That parcel straddled the County



line. He stated that to his knowledge there had not been any excavation work on that property, and he did not have first hand knowledge regarding the current property use being different from the intended use.

Commissioner Scott asked if it would be possible for the Planning Commissioners to exclude some portions from their discussions and recommendations and separate parcels "A" and "B" from "C", "D", and "E". Mr. Pace responded that he felt that it was a viable recommendation. He stated that a recommendation on the Hughes and Mary Clark property, given the current zoning line, appeared to be in conflict with what had occurred on the ground. He said that making a recommendation at this meeting for those two properties would be premature and he suggested that a decision on parcels "A" and "B" be tabled until further study had been done to decide where that line ought to be.

Commissioner Scott asked about a "critical" date coming up in December. Mr. Pace stated that the City Council initiated the ordinance May 31, 2005. The initiated ordinance had a six month window of time for the City to act. If the ordinance was not acted on during that six month window, land owners could proceed under the existing zoning.

Commissioner Muir asked if precedence had been established showing that an acquisition of the property would follow. He stated that in reality this was private property and an owner could fence it off and deny public use unless there was a prescriptive access to the various uses. Mr. Pace replied that Commissioner Muir was correct.

Mr. Pace said there were two reasons why the government would need to pay for property based upon its regulation:

- 1) Public use: The City would show an implicit public use and an acquisition of the property would follow; eminent domain. He stated that was not happening in this case.
- 2) A property owner was denied all economic use of the property, even though it remained in private hands. That was a taking and the owner would or could be compensated.

Mr. Pace stated there could be a legitimate use of Natural Open Space property by a governmental owner. Parcel "D" was owned by North Salt Lake and parcel "C" was owned by Salt Lake City. He stated that in the past, Salt Lake City had acquired Natural Open Space, paying a great deal of money for it, because the property had value for Salt Lake City. He said there was also a question on parcels "A" and "B". Those parcels would not be entirely zoned as Natural Open Space. Only a portion of each parcel would be Natural Open Space. He stated that Natural Open Space zoning not allow for much use of the property other than for Natural Open Space.

Chairperson Chambless asked if there were any more questions for Mr. Pace or Mr. McCandless. No response was heard. Chairperson Chambless opened the public hearing and asked if anyone wished to speak to this matter.

Bruce Baird, with the firm of Hutchings, Baird and Jones asked to speak. He stated that he was counsel for Staker Paving, owner of Parcel "E", formerly the Bates/Hunter parcel. Mr. Baird stated that this action would constitute a regulatory taking. He said his clients had a prospectively valuable use in their property and would object strongly to any potential uses taken from them without compensation. He said his clients would

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strenuously object if the City or others tried to use this Natural Open Space zoning or other zoning techniques to artificially devalue the property, either for purposes of compensation or trade.

Chairperson Chambless asked if there were questions for Mr. Baird. No response was heard. Chambless asked if anyone else in the audience wished to speak to this matter.

North Salt Lake City Mayor, Kay Briggs, stated that he represented the people of North Salt Lake. He felt that to vote on the issue and make a recommendation to go forward before the mitigation meeting on Friday, October 14<sup>th</sup>, with Salt Lake City's Mayor and City Council, was in bad taste and bad spirit. He stated it was a "taking" and it was his plea to the Planning Commission to vote no on this issue and not change the zoning.

Chairperson Chambless asked if there were questions for Mr. Briggs. No response was heard.

Greg Simonsen, legal counsel for Lakeview Rock Products and Mary Clark, property owner, stated that Lakeview Rock Products owned parcel "B" and had a contract on parcel "A". They had not entered into an agreement on parcel "B" because they felt that the existing zoning was a "taking". He stated that he would support the recommendation that parcels "A" and "B" be tabled to give additional time to the possible adjustment of the boundary lines.

Chairperson Chambless asked if there were any questions for Mr. Simonsen. Commissioner De Lay asked that Mr. Simonsen verify that he was referring to parcels "A" and "B" when he supported the recommendation to table the rezoning of the area. Mr. Simonsen gave that verification.

Cindy Cromer, interested citizen and long time supporter of this area, recommended and asked that the Planning Commission not take action on parcels "A" and "B". She said that regardless of who prevailed on the other land use decisions regarding parcels "C", "D" and "E", parcel "B" was critically important, and as that excavation proceeded beyond the boundary that was anticipated in the Beck Street Reclamation Plan, it would affect whatever else transpired.

Chairperson Chambless asked if there were any questions for Ms. Cromer. No response was heard.

Bob Fisher, a representative of Utah Property Rights Association, stated that he was in favor of parcels "A" and "B" being set aside and more consideration given to possible solutions, such as a land trade.

Chairperson Chambless asked if there were questions for Mr. Fisher. No response was heard.

Georg Stetzenberger stated that he was the Vice Chair and representative of the Capitol Hill Community Council. He stated that there was a Capitol Hill Master Plan and an agreement with Salt Lake City to adopt that plan, showing that the area would be preserved as an Open Space and a Natural Open Space area. As a representative of the Capitol Hill Community Council, Mr. Stetzenberger strongly recommended and gave his support of a zoning change to Natural Open Space for parcels "C", "D", and "E". He further

stated that he had concerns regarding parcels "A" and "B", which had a gravel pit encroachment into areas zoned open space.

Chairperson Chambless asked if there were questions for Mr. Stetzenberger. No response was heard.

Bill Wright stated he was an Urban Planner and resident of North Salt Lake City. He gave a brief zoning history of parcels "A", "B", "C", and "D" and stated the petition was filed for a regulatory taking to enable Salt Lake City to purchase the parcels at a lower value. Mr. Wright stated that the City Council and Salt Lake administration had filed an eminent domain action on these parcels and the purpose of the public hearing was to lower the value of the parcels in a way that would be inconsistent with other similarly situated properties in Salt Lake City. Mr. Wright listed properties that he felt had been private properties but were now being used by the City for public uses.

Chairperson Chambless asked if there were questions for Mr. Wright. No response was heard. Chairperson Chambless closed the public hearing.

Mr. Lynn Pace asked if he could address some issues raised by Mr. Wright. Mr. Pace stated that Salt Lake City had filed a condemnation action on the northern portion of the property and if that condemnation action went forward, Salt Lake City would be required by law to pay fair market value on the property on the date that action was filed. He stated that any recommendation made by the Planning Commission would not influence or make a difference in the property value, because the value of the property was set on the date that action was filed. Mr. Pace said one of the principles of the law asked "was it real property" and "was the property unique". The Planning Commission had the right to consider what they felt was unique about the property, or if they felt the property was unique.

Commissioner Muir asked Mr. Pace to clarify Planning Commission's purview. Mr. Pace stated that Planning Commission purview did not include economic issues or a determination if a recommendation constituted a taking or not. He said that the Planning Commission's responsibility was to give a policy recommendation only on the right land use for the parcels being considered. There could be consequences if that land use recommendation was implemented, but that was for others to decide.

Chairperson Chambless asked if there were any questions for staff or public. No response was heard. Chairperson Chambless closed the public hearing. He asked for discussion and/or a motion. Commissioner Galli stated that he had recused himself from the matter as it pertained to North Salt Lake and would not vote or participate in the discussion.

Commissioner McDonough felt strongly that the rezoning was appropriate because of the geological status and the value of the Natural Open Space to the City. She stated that this area of land had far more than economic value. She felt it would be appropriate to zone the land Natural Open Space.

Commissioner Muir felt that the boundary between North Salt Lake and Salt Lake was a political and not an environmental boundary of any significance. He said that a cemetery or some of the other uses allowed in Open Space zone, would be an appropriate transition from development to the natural habitat. He stated that he could support the petition if the northern parcel were separated out. He felt a reasonable line for distinction would be an apparent wetland about midway through the North Salt Lake property and could envision a

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transition between Open Space on the north side and the Natural Open Space on the south side.

Commissioner Noda stated that after the field trip she had been convinced that this area had uniqueness, including the views and the geological antiquities. She stated that Salt Lake City had certain parks, but felt the parks were different. The areas being addressed were historic in nature and were one of the last corridors that had natural indigenous vegetation to this valley. She felt that it was a duty to preserve the area and she supported it being designated Natural Open Space. Commissioner Seelig agreed with Commissioner Noda and Commissioner McDonough. Commissioner Diamond had no comment.

Motion for Petition No. 400-05-20:

**Commissioner Scott moved that the Planning Commission approve Petition No. 400-05-20, based on the comments, analysis and findings outlined in the staff report with the exception of parcels "A" and "B", which would be tabled due to legal issues. Commissioner Noda seconded the motion. Commissioner Diamond, Commissioner McDonough, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". Commissioner De Lay and Commissioner Muir voted "Nay". Commissioner Galli recused himself and abstained from this vote. The motion was approved.**

**Commissioner Scott moved that the Planning Commission initiate a petition to determine the appropriate boundary line between the Extractive Industry (EI) and the Open Space (OS) Zoning Districts through the Hughes property and Mary Clark property.**

June 22, 2005

## **NOTICE OF OPEN HOUSE**

The Salt Lake City Council has initiated petition number 400-05-20 requesting that the Salt Lake City Administration create a new zoning district limiting land use to natural open space only and consider rezoning all or parts of the properties as shown on the accompanying map as Natural Open Space.

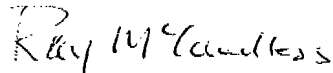
The Planning Staff would like to receive your input regarding this proposal and invites you to a public open house regarding this issue:

**Tuesday, July 19, 2005  
Salt Lake City County Building  
451 South State Street  
Room 126  
Between the hours of 4:30 and 6:00 P.M.**

Since it is very difficult for us to inform all interested parties about this request, we would appreciate you discussing this matter with your neighbors and informing them of the open house.

If you have any questions on this issue, please call Doug Wheelwright at 535-6178 or Ray McCandless at 535-7282 or email [ray.mccandless@slcgov.com](mailto:ray.mccandless@slcgov.com)

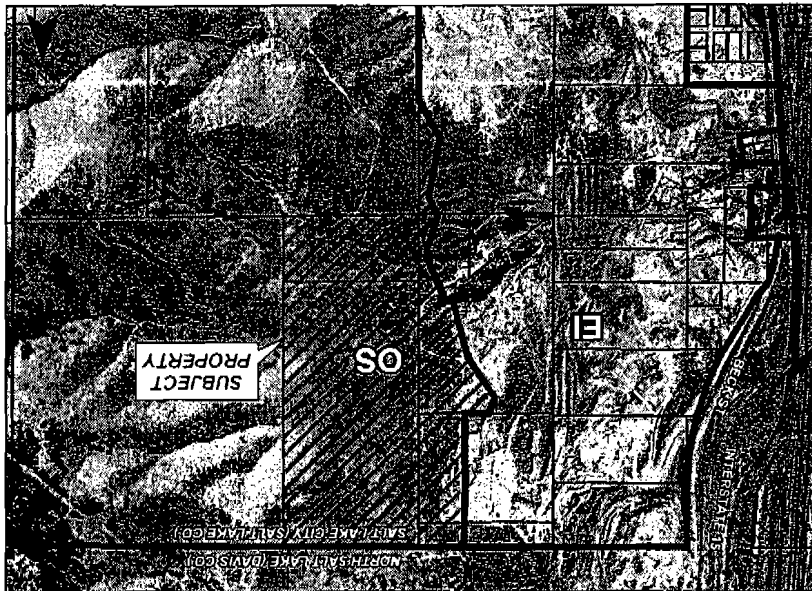
Respectfully,



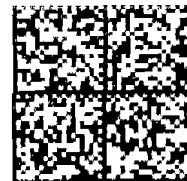
Ray McCandless  
Principal Planner

**We comply with all ADA guidelines.  
Assistive listening devices and interpreter services provided upon 24-hour advance request.**

# NOTICE OF HEARING



Salt Lake City Planning Division  
Attn.RM  
451 South State Street, Room 406  
Salt Lake City, Utah 84111



Hasler

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06/24/2005

Mailed From 84111  
US POSTAGE

SALT LAKE CITY PLANNING  
ATTN RAY M (AN0153)  
451 S. STATE, RM 406  
SALT LAKE CITY, UT

ALEXANDER C. IKEFUNA  
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP  
DEPUTY PLANNING DIRECTOR

CHERI COFFEY, AICP  
DEPUTY PLANNING DIRECTOR

# SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON  
MAYOR

A. LOUIS ZUNGUZE  
COMMUNITY DEVELOPMENT DIRECTOR

September 9, 2005

## NOTICE OF OPEN HOUSE

The Salt Lake City Council has initiated petition number 400-05-20 requesting that the Salt Lake City Administration create a new zoning district that limits land use to natural open space only and consider rezoning all or parts of the properties as shown on the accompanying map as Natural Open Space. The petition involves two actions. The first is to create the Natural Open Space zoning district which is already underway. The second, which is the subject of this Open House, is to rezone specific properties. The open house will be held on the following date to specifically discuss the proposed rezoning of real property.

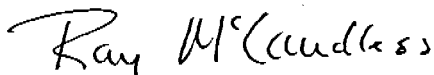
The Planning Staff would like to receive your input regarding this proposal and invites you to a public open house regarding this issue:

**Tuesday, September 27, 2005**  
**Salt Lake City County Building**  
**451 South State Street**  
**Room 326**  
**Between the hours of 6:00 and 7:30 P.M.**

Since it is very difficult for us to inform all interested parties about this request, we would appreciate you discussing this matter with your neighbors and other potentially interested parties, and informing them of the open house.

If you have any questions on this issue, please call Doug Wheelwright at 535-6178 or Ray McCandless at 535-7282 or email [ray.mccandless@slcgov.com](mailto:ray.mccandless@slcgov.com)

Respectfully,



Ray McCandless  
Principal Planner

**We comply with all ADA guidelines.**  
**Assistive listening devices and interpreter services provided upon 24-hour advance request.**

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111  
TELEPHONE: 801-535-7902 FAX: 801-535-6174 TDD: 801-535-6021

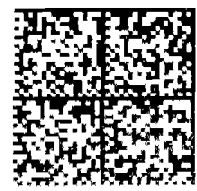
[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)



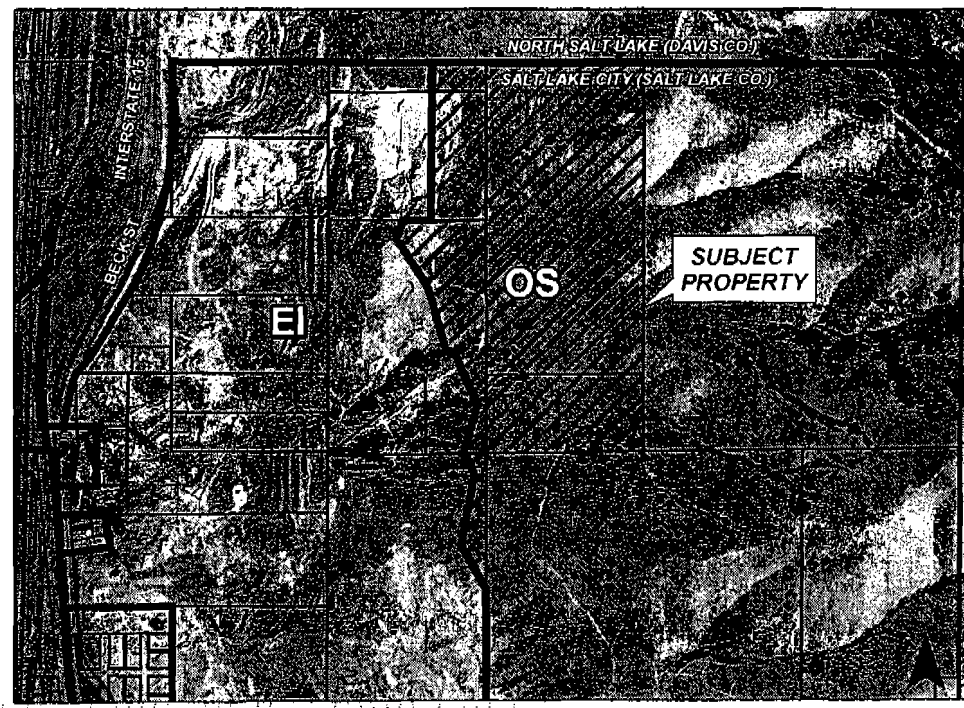
June 2005

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Salt Lake City Planning Division  
Attn: RM  
451 South State Street, Room 406  
Salt Lake City, Utah 84111



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RETURN TO SENDER  
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# NOTICE OF OPEN HOUSE



**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING**  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, October 12, 2005, at 5:45 p.m.

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

1. **APPROVAL OF MINUTES** from Wednesday, September 28, 2005
  
2. **REPORT OF THE CHAIR AND VICE CHAIR**
  
3. **REPORT OF THE DIRECTOR**
  
4. **PUBLIC NOTICE AGENDA**
  
5. **PUBLIC HEARINGS**
  - a) **Petition No 400-05-23** - by Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking requesting that Salt Lake City close and declare as surplus property, 1500 North Street between Beck Street and Hot Springs Street (745 West), in a Light Manufacturing (M-1) zoning district. (Staff - Ray McCandless at 535-7282 or [ray.mccandless@slcgov.com](mailto:ray.mccandless@slcgov.com)).
  - \*b) **Petition Number 400-05-20** - by Salt Lake City Council, requesting that properties located at approximately **405 West 2300 North** on the high Lake Bonneville Bench Area east of Beck Street be rezoned from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district. (Staff - Ray McCandless at 535-7282 or [ray.mccandless@slcgov.com](mailto:ray.mccandless@slcgov.com)).
  - c) **Petition 400-04-25** - by Boyer Company/Gateway Association requesting a modification to the sign ordinance portion of the zoning ordinance regarding open air malls. (Staff - Doug Dansie at 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com)).
  
6. **UNFINISHED BUSINESS**

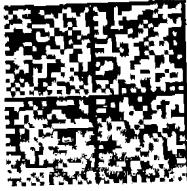
# NOTICE OF A HEARING

RM

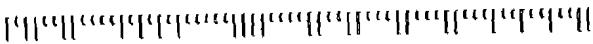
Salt Lake City Planning Division  
Planning Commission Secretary  
451 South State Street, Rm. 406  
Salt Lake City, UT 84111

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09/27/2005  
Mailed From 84111  
US POSTAGE

Hastler



1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considered ~~for~~ everyone attending the meeting, public comments are limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:  
Salt Lake City Planning Director  
451 South State Street, Room 406  
Salt Lake City, UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the Planning Office 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.



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PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, MAY 31, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, May 31, 2005, at 7:11 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Eric Jergensen
Nancy Saxton	Jill Remington Love	Dave Buhler
Dale Lambert		

Cindy Gust-Jenson, Executive Council Director; Rocky Fluhart, Chief Administrative Officer; Ed Rutan, City Attorney; and Chris Meeker, Deputy City Recorder were present.

Councilmember Lambert presided at and Councilmember Jergensen conducted the meeting.

#1. The Council led the Pledge of Allegiance.

#2. Councilmember Turner moved and Councilmember Christensen seconded to approve the minutes of the Salt Lake City Council meeting held May 24, 2005, which motion carried, all members voted aye.  
(M 05-1)

Christensen seconded to adopt **Resolution 29 of 2005 to deny the disconnection** and initiate a **Legislative Action** requesting the Administration to **create a new zoning district limited to natural open space**, and consider **rezoning all or parts of the North Salt Lake property, the adjacent Hunter/Bates property, and portions of the Lakeview and Staker properties as natural open space.**, which motion carried, all members voted aye except Councilmember Turner who voted nay.

COMMENTS TO THE CITY COUNCIL

Douglas Cotant commented on a trip he had taken to Idaho.

UNFINISHED BUSINESS

#1. **Request for disconnection** from North Salt Lake City to disconnect 80 acres from Salt Lake City's municipal boundary.

Councilmember Jergensen asked Councilmember Lambert to conduct the next item of business.

Councilmember Jergensen moved and Councilmember

Councilmember Jergensen said the process was long and complex. He said the resolution identified 27 specific findings relating to the property and City policy. He said the motion to deny advanced the findings and policy. He said an important issue was the value of land and members of the Council felt the best value for the property was open space. He said it was not an effort by one municipality to tell another how to use land.

TUESDAY, MAY 31, 2005

Councilmember Christensen said the beauty and unique elements of the property needed to be saved as open space. He said the conclusion had been difficult.

Councilmember Turner said North Salt Lake owned the property and should have the right to develop 30 acres. He said he would vote for approval of the disconnection.

Councilmember Love said since the late 1970's Salt Lake City held the property in the strictest of preservation zones. She said she supported the resolution to deny the disconnect. She said the best use of the property was to be open space.

Councilmember Saxton said preservation of open space was on everyone's mind and had become a mainstream issue. She said she was in support of the resolution to deny.

Councilmember Lambert said it was important in dealing with a sister city to respectfully consider the petition. He said the Council had appointed a sub-committee to meet with North Salt Lake to exchange ideas. He said he was convinced the property should not be divided. He said division would destroy the natural open space. He said the character of the property was at stake. He said this was an opportunity to stand up for open space preservation. He said he supported the resolution to deny.

Councilmember Lambert asked

Councilmember Jergensen to conduct the remainder of the meeting.

CONSENT AGENDA

Councilmember Love moved and Councilmember Turner seconded to **adopt the Consent Agenda**, which motion carried, all members voted aye.

#1. Approving the reappointment of **Patricia Comarell** to the **Metropolitan Water District Board** for a term extending through January 5, 2009.  
(I 05-17)

The meeting adjourned at 7:32 p.m.

*Nancy Jantzen*  
\_\_\_\_\_  
Council Chair

*Christine Meek*  
\_\_\_\_\_  
Chief Deputy City Recorder

cm



10. Page 1 of 1

## Zunguze, Louis

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**From:** Meeker, Chris  
**Sent:** Thursday, June 02, 2005 2:54 PM  
**To:** Zunguze, Louis  
**Cc:** Wilde, Brent  
**Subject:** ZunguzeCouncilLetter.doc  
**Categories:** Program/Policy

## Legislative Action

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**Date:** June 2, 2005  
**To:** Louis Zunguze, Planning Director  
**From:** Chris Meeker, Deputy City Recorder  
**RE:** FYI, Disconnection from North Salt Lake

On May 31, 2005 the City Council voted to adopt a Legislative Action requesting the Administration **create a new zoning district limited to natural open space, and consider rezoning all or parts of the North Salt Lake property, the adjacent Hunter/Bates property, and portions of the Lakeview and Staker properties as natural open space.**

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

PO BOX 540208

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

10/17/2005 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
COM 40 RDS N FR S 1/4 COR SEC 13 T 1N R 1W SL MER N 158.54  
RDS W 80 RDS S 158.54 RDS E 80 RDS TO BEG 79.27 AC

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



VTDI 08-13-300-011-0000	DIST 13		TOTAL ACRES	16.24
SALT LAKE CITY CORPORATION	TAX CLASS	UPDATE	REAL ESTATE	19500
	OE	LEGAL	BUILDINGS	0
		PRINT V	TOTAL VALUE	0

451 S STATE ST # 225

SALT LAKE CITY UT 84111310251 EDIT 1 FACTOR BYPASS

LOC: 2270 N 402 W #APROX EDIT 0 BOOK 8319 PAGE 1790 DATE 01/26/2000

SUB: TYPE UNKN PLAT

10/17/2005 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

BEG N 89-27' E 1318.22 FT ALG SEC LINE FROM SW COR SEC 13, T  
1N, R 1W, SLM; N 0-02'26" W 1973.71 FT ALG EXISTING FENCE; S  
87-56'34" W 698.02 FT; S 20-15'30" W 145.57 FT; S 33-21'40"  
E 172.26 FT; S 33-24'33" E 304.67 FT; S 15-27'11" E 567.19  
FT; S 71-35'43" E 95.15 FT; S 13-47'31" E 48.32 FT; S  
23-36'44" E 414.59 FT; S 16-27'36" W 429.77 FT; N 89-27' E  
189.67 FT TO BEG. 16.243 AC M OR L.

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





