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# MEMORANDUM

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**DATE:** September 7, 2010

**SUBJECT:** **City Policy Regarding Open Space Lands - Sales**

**STAFF REPORT BY:** Lehua Weaver, Janice Jardine, Karen Halladay, Jennifer Bruno

**COUNCIL DISTRICT:** Citywide

**CC:** David Everitt, Rick Graham, Vicki Bennett, Emy Maloutas, Gordon Hoskins, David Terry, Frank Gray, Mary De La Mare Schaefer, John Spencer, Wilf Sommerkorn, Ed Rutan

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Historically, the City has followed policy and practice of preserving Open Space land over other competing needs. In cases where Open Space land may be lost in favor of other developments (residential, commercial, otherwise), both branches of government have generally opted to preserve Open Space. In recent memory, the City also adopted a new zoning classification (Natural Open Space NOS) to provide additional protections for open space when Bonneville Shoreline property was threatened by development.

As supported by the City's Open Space Master Plan and general appreciation of open space, Open Space adds value to City life. Open Space for recreational purposes, incorporation of our natural surroundings, and convenient access for residents all greatly enhance Salt Lake City's quality of life. The City's developed parks and golf courses, foothills, and other open spaces characterize this urban landscape differently than other cities.

As desirable as Open Space preservation is, when competing interests and financial realities apply their pressure, the City's policy direction falls to the City Council. During the annual budget discussion this past May and June, the Council held a briefing regarding the City's Golf Fund and a funding shortfall for capital improvements to various City courses. The City's Open Space sale policy came into question because of a proposal to sell some of the golf course land (zoned Open Space) to fund those capital improvements. At that time the Council indicated that it would like to have a more comprehensive policy discussion about Open Space.

These competing needs are larger than just the City's Golf Fund. The City will face additional pressures to compromise on Open Space protection as Open Space GO Bond dollars dwindle, the City's park maintenance is reduced, and residential and commercial developments seek available property.

To guide these pressures, the Council may wish to consider establishing a new policy, or confirming previous practice and policy regarding the sale of open space property.

## OPTIONS

Depending on the direction of the Council, there are various approaches to a policy regarding the sale of Open Space land.

As staff evaluated the options, it seemed that there were several “spectrums” that could be considered. Broadly, the primary spectrum is whether the Council wants to entertain any requests to sell Open Space land – all or none?

### ***Broad Policy Spectrum:***

No Consideration of Selling Open Space	Every Sale will be Evaluated Individually
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- ***Policy Question #1: Would the Council wish to consider a policy this broad, or would the Council rather explore some other options to define a specific policy regarding open space?***
- ***Policy Question #2: Barring the Council’s interest in a blanket policy of “no sale of open space”, the Council may wish to consider the following options to address certain circumstances.***

Options may include whether a proposed sale would be considered under certain defined purpose(s) or under what condition(s)?

(If the Council wishes to explore some more definition to a policy, the Council staff could come back with more information based on your direction.)

Possible conditions / factors could be:

1. **Use of Sale Proceeds** - How would the proceeds from the sale be used? Does the Council have different policy direction based on what the funds are used for? Perhaps the Council would find some uses more acceptable than others. Possible uses could range from capital needs, supplement for operating expenses, to purchase or replace open space, etc.
2. **Amount of Open Space Land** – Would the Council consider selling open space based on the quantity of open space in question? For example, perhaps the Council would take a “No-Net-Loss” approach – where open space could be sold “if and only if” land of equal size (and possibly equal condition) could be provided or traded to replace it. This type of approach could range from sale supported only when it results in an increase-only amount in inventory, or a sale would be supported even if loss of inventory results.
3. **Use / Type of Open Space** - Would the Council consider a policy based on the use of open space proposed for sale? For example, there is a range of open space definitions and uses – unimproved / natural, public lands, multi-use, with or without structures, revenue generating

recreational use, other restrictions, etc. (Foothills, Trails, Parks, Dog Parks, Golf Courses, Utility easements, etc.) In reviewing this component of a policy, the Council may wish to discuss whether certain types of open space have intrinsically more value to the community than others. Maybe the Council would consider selling one type of open space given an opportunity to purchase another type.

4. **Future Use of Sold Land** – Would the Council consider some sale of property under conditions of its continued preservation, for example to another entity that may hold interest in preserving or using the land as open space, or maintaining a conservation easement? Would the council wish to make a policy statement that certain uses are never acceptable uses for converted open space.

➤ *Depending on agreement by the Council on a policy modification, the Council may wish to consider amendments to the sections of the City Code pertaining to Open Space. As an option, the Council might adopt a policy statement by resolution.*

In addition to discussion of a policy, the Council may also wish to consider these related items:

- a. The Council may wish to also consider other pending projects related to the City’s Open Space Lands program, and adopt a policy and changes more holistically. Pending projects or items include:
  - i. the process for approving open space bond expenditures
  - ii. maintenance of newly acquired parcels, including complications from maintenance of natural open space areas
  - iii. Open Space Master Plan – pending updates
  - iv. Updating categories of open space – defining more specifically the different types of open space (trails, golf courses, recreational fields, multi-use park space, tennis courts, natural areas not populated with trails)
  - v. Identifying funding and support for management of open space to support City goals
  - vi. The Sustainable Community Code project currently underway and what nexus that might have with open space policy
- b. What are the options for changing types of open space (from undeveloped to a park, or from a park to a golf course, or a golf course to a dog park, etc.). Does the Council assign different “community values” to each.
- c. The process of acquiring open space varies depending on the involved Funds, the intended uses, maintenance needs, etc. The Council may wish to ask for more information about acquisition processes. Further policy regarding what is added to the inventory and what isn’t...
- d. Do policies extend past the sale of open space, but the conversion of open space (for example, from open space to a residential or commercial use)?

- e. Discuss future of the remaining Open Space land funds – are there areas that have not been targeted sufficiently (either areas of the City or types of open space)?
- f. Discuss future of the Open Space Land bond funds – what are the next steps, future sources of funding?

## ADDITIONAL INFORMATION FOR CONSIDERATION

### Other Municipalities and Entities

- An article in the *Wall Street Journal* in early August confirmed that other governments continue to struggle with Open Space preservation funding. Of the cities listed (the article focused on New York), most were reducing funding for Open Space land purchases or preservation activities. (“Crunch Hits Open-Space Funds” August 6, 2010.)
- Adams County Colorado has an approved “Open Space Sales Tax” that is used in two ways – 1) a grant program to cities, and 2) a percentage of the tax collected is returned to the cities based on the break-down of collections. Sales tax authority in Utah is governed by the State Legislature. The Council would need state approval to pursue this mechanism.
- Westminster, Colorado uses open space funds for natural open spaces, but has an adopted Open Space policy that clearly tracks the uses of the land, funding sources, and conversion of property from one use to another. The decision authority pertaining to these lands lies with the City Council.
- According to an article in the Delco News Network, Delaware County, Pennsylvania has considered selling some park space in the absence of agreement for how to program the space. The potential buyer is a multi-unit residential developer. The land was purchased with Open Space money funded by a property tax collection. (Opinion piece “Save Upper Prov. Open Space” August 31, 2010.)
- Various cities throughout the United States, including Montana, Colorado, Pennsylvania, New York have adopted some recurring funding source for preservation and acquisition of open space.

### Statements regarding Open Space from various Salt Lake City Community Master Plans:

- Goals to protect the foothills from urban encroachment
- Recommendations to improve facilities and / or provide additional support infrastructure for parks
- Goal to establish additional developed (park) open space
- Prevent park expansion where it would remove housing
- Generally increase and protect Open Space Land uses

Current Open Space zones in the City and their respective purpose statements:

- **Foothill Protection** - Purpose Statement: The purpose of the FP foothills protection district is to protect the foothill areas from intensive development in order to protect the scenic value of these areas and to minimize flooding and erosion.
- **Agricultural districts - various** - Purpose Statement: The purpose of the AG agricultural district is to preserve and protect agricultural uses in suitable portions of Salt Lake City until these lands can be developed for the most appropriate use. These regulations are also designed to minimize conflicts between agricultural and nonagricultural uses.
- **Public Lands - various** - Purpose Statement: The purpose of the PL public lands district is to specifically delineate areas of public use and to control the potential redevelopment of public uses, lands and facilities.
- **Open Space** - Purpose Statement: The purpose of the OS open space district is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas.
- **Natural Open Space** - Purpose Statement: The purpose of the NOS natural open space district is to protect and ensure stewardship over important natural open land areas of citywide or regional importance.
- **Institutional** - (Zone and institutional uses in other Open Space Zoning Districts) - Purpose Statement: The purpose of the I institutional district is to regulate the development of larger public and semipublic uses in a manner harmonious with surrounding uses. The uses regulated by this district are generally those having multiple buildings on a campus like site.