

**Wasatch Hollow Community Council Meeting Minutes**  
**April 23, 2008**

**Call to Order and Welcome:** 7:02 by Gregg Morrow

**Executive Committee members in attendance:**

Gregg Morrow, Chair; Mark Brinton, Vice-chair; Glenda Cotter, Secretary; Anne Cannon, Treasurer

**Salt Lake Community Council members in attendance:**

Jill Remington Love, District 5; J.T. Martin, District 6

**Approval of Minutes of 26 March 2008 meeting:**

Minutes were approved as published.

**Mayor's Office Report: 7:11 by Hank Welch**

There will be a meeting of the Bicycle Advisory Committee on May 14. The Wasatch Hollow Community Council (WHCC) tour with Mayor Becker will be on May 28 at 6:00 p.m. The mayor is totally consumed with budget negotiations, as he will present his budget on May 6. There are two sidewalk replacement programs: the 50/50 concrete project, with contact Robert Beard at 535-6974; and the special improvement district engineering/assessment program, with contact Lynn Jarman at 535-6016. The Wasatch Front Regional Council ([www.wfrc.org](http://www.wfrc.org)) will hold a public meeting to discuss the Foothill Drive Corridor on May 13 at 5:30 p.m at the Rice Eccles Stadium. The city has yet to receive a development plan from Wal-Mart regarding the rezoning request. An issues-only public hearing will be held at some point. City Councilmember Jill Remington Love also reported that the 15<sup>th</sup> East to 11<sup>th</sup> East corridor is the special improvement district for sidewalk replacement.

**Police Report: 7:17 by Officer Mike Burbank**

Crime bulletins are available at this meeting; this month the police department is requesting specific crime activity information related to a suspicious white vehicle that may be casing. Details are on the bulletin. Please be aware of this, get the license plate number if possible, and report the vehicle at 799-3000. There was a rise in burglary incidents in District 6 during March, mainly through window entries in the Harvard/Yale neighborhood.

Please note that all solicitors are required to register. If any seem suspicious or "not right," call the police dept. There have also been renewed incidents of graffiti, please call the graffiti hotline if you see any, as it is very helpful both for documenting the incidents and removing the graffiti. That phone number is on the city's Web site. Mel Thatcher will gladly put it on the WHCC Web site, as well.

**New Business: 7:35 by Gregg Morrow**

The evening's presenters, as noted below, were introduced. Following all the presentations there will be a question-and-answer session. Please write any questions you might have on the 3 x 5 cards that are circulating.

## **Presentations**

### **7:30 - Janice Jardine, Land Use Policy Analyst, Salt Lake City**

Presented an overview of zoning regulations related to the Riparian Corridor Overlay (RCO) Ordinance: there are three “areas,” each with separate regulations related to distance from the Annual High Water Line. These regulations affect all above-ground stream corridors. The City Council has hired a consultant, Chris Duerksen of Clarion Associates, a national land-use zoning group, to fine tune the ordinance, which is not going away. Wilkinson Ferrari has been hired to handle the public-input process. Final action is expected in mid-July.

### **7:34 - Robyn Geist, Wilkinson Ferrari representing Salt Lake City**

Led focus-group meetings in March and April with community members and county and state, in April and May attending community council meetings. The consultant’s report will be available in late May, and input is encouraged on his recommendations. An open house is planned for June 11 from 6:30 to 8:00 p.m. A fact sheet will be mailed to city residents (it will be online as well), the refined draft document will be available on June 23, the final public hearing will be held on July 1, and the City Council will take final action on July 8. Property owners contemplating new property improvements should contact the city’s BUZZ Center at 535-7700. Additional information can be accessed at the city’s Web site at [www.slcgov.com/council/](http://www.slcgov.com/council/) under Upcoming Meetings, Events, and Issues. Comments may be made anytime during this process in the following ways:

1. City’s Web site: <http://apps.slcgov.com/general/absolute/councilCU.htm>
2. 24-hour phone line: 801.535.7654
3. Fax: 801.535.7651
4. By mail: Salt Lake City Council, P.O. Box 145476, SLC, UT 84114-5476

### **7:40 - Emy Storheim, Open Space Lands Program Manager, Salt Lake City**

In response to WHCC’s grant application to the city, the newest owner of the 1.99-acre property at 1665 Kensington, who is now a willing seller, contacted the city. The city is seeking to raise additional money and matching funds for purchase. This is a process driven by the community to acquire, restore, and preserve the above property on Emigration Creek. Hopefully it will also result in acquisition of or conservation easements on part of the adjoining LDS Church property. Studies will be conducted regarding water quality, wildlife, vegetation, current uses and impacts, and future plans for the property, which will include appropriate-use designations, safety, access, stream restoration, and sustainable management practices. The city wants to join with community residents in becoming stewards of the creek. Please feel free to contact Emy directly. Her contact information is on the city’s Web site.

### **7:46 - Susan Whitney**

Her property backs onto the church property. She will make her many quoted documents available on the WHCC Web site. She noted that the city’s Open Space Master Plan of 1992 shows trails on all creeks; private property owners petitioned in 1993 and 2003 to have their property removed from this plan. There are many

trespassers, the power company has cut down trees, and the “Knowlton” property was rezoned in 2005. The WHCC 2007 grant proposal has been a cause of great upset and resulted in a November 15, 2007 letter by Fabian and Clendenin representing the property owners that states that the “Creekside Owners” constitutional property rights have not been considered.” She is also upset by the Riparian Corridor Overlay Ordinance and is now doubtful about the results of the report by the city’s consultant.

#### **7:53 - John Taylor**

Represents a group of property owners on the creek who are opposed to purchase of property, easements, access, and trails. Considers that the members of the WHCC Open Space Committee are disingenuous, that they have been unwilling to provide copies of the grants, that the city parks staff is not competent, that Wasatch Hollow Park is poorly cared for, and that the gully is in better shape because of homeowners who have cared for their private property. He also claimed that property owners have never been asked for their input.

#### **7:58 - Salt Lake City Council Members**

##### **Jill Remington Love**

A 1995 mapping error resulted in an incorrect open space designation of the Knowlton (Kensington Ave) property; it was rezoned because the city felt obligated to correct this error. A quote from the *Salt Lake Tribune* in Susan Whitney’s presentation stated that property could be condemned for the purpose of open space. This is incorrect; under state law property CANNOT be condemned for open space! The RCO Ordinance may not be perfect but the city is working to correct it with the use of consultants. That was the purpose of the 180-day window, so that the City Council could see what was not working while it hired consultants. Wants it known that she sat in the Shields’s living room with J.T. Martin and others listening to property owners’ concerns. The City Council does not intend to push trails; it has listened and has heard!

##### **J.T. Martin**

Feels it is very unfair to quote bits of newspaper articles out of context to misrepresent what has been happening. Doesn’t want to see city employees disparaged, as they are hard working. The City Council has been asked to preserve and protect the Kensington Ave. property; this is likely the last chance to do so, otherwise it will be developed. It is possible that the LDS Church property could also be developed--no one wants to see that! Once the opportunity to preserve it is lost, it will be lost forever. The City Council has kept its word on the 180-day Riparian Corridor Overlay Ordinance, and cares about protecting property values. The Council will likewise keep its word on making the purchase of this property a public process! The intent is to protect!

#### **8:07 - Questions and Answers**

There were several questions related to trails through private property. Are these concerns related to the city’s Open Space Master Plan? Is this something that property owners need to be concerned about? These “plans” were only ever conceptual and some property has since been specifically removed. Other property can be, and the intention

was never to put public trails through private property. The discussion is now about restoration and preservation.

Is the proposal for the eleven-home development still pending? It is currently pending, although it's on hold while the property owner engages in good-faith negotiations with the city.

Is the LDS Church still planning to donate its property? It's been left with Wendy Fisher of Utah Open Lands to have that conversation. The church would like to be divested of the property, and would like to give it to the city.

What is meant by a conservation easement? The idea of an easement is to acquire all building and/or development rights and then prohibit the use of them in perpetuity. It's not clear at this point who might own a specific easement, but such easements must be held by a nonprofit group.

What is the Ron Heaps Memorial Fund? No fund has been established, but there is a grant pending with the city to purchase land at approximately 1300 South and 300 East. This would be a developed park, and thus very different from the Kensington property acquisition.

Can the community begin a planning process for the Kensington property before it's purchased? A scientific analysis would be helpful, and certainly the community can begin its own brainstorming efforts.

There were several questions addressed specifically to Susan Whitney and John Taylor regarding their thoughts about the Kensington property. What do they suggest should be done with it if it is not acquired by the city? Why would they rather see it be developed than preserved? Susan stated that she would love the property to be acquired but wants the park fenced off; John stated that he didn't have a vision for the property but was sure that city money meant public access. In response city officials and others in the community stated that this is not a public park project but an open space project. Trails were initially part of the proposal but even at the beginning they were never the main intention. Preservation always has been most important. It was stressed that this project has evolved over time, and it has been made clear often that trails are no longer a part of this discussion.

How do we clarify the false information that's been given this evening-- specifically the statement that the property owners had never been consulted or asked for their input? In fact, community council representatives and city officials have visited at their homes to discuss their concerns, so this claim is untrue. The process has been very open and the project has evolved precisely because they have been heard. How do we dissolve the mistrust? The city is hearing the concerns!

Two questions were asked specifically about the Riparian Corridor Overlay Ordinance: Where did the funds come from to hire Chris Duerksen? Other consultants? Where can a copy of the current grant proposal to Salt Lake County be obtained? The city budget has a line item for audits and consultants. The money came from those funds. Emy Storheim noted that while certain financial matters must be kept private, she would send the available documents for posting to the WHCC Web site.

How can citizens give input if they are not here tonight? Contact Emy Storheim by phone, email, or letter. There is also information regarding the Riparian Corridor Overlay Ordinance on the city's Web site, and more information there about how to send

comments. There will also be more public events planned to solicit input and information.

Would all those whose property abuts the gully please stand? A number of people stood. Who in that group supports more public access in the gully? Most sat down.

Will the City Council amend the Open Space Master Plan to remove trails on private property? The Open Space board has the authority to amend it. Councilmember Love said that this can be done.

By a show of hands, who in the community does not support public access on private property? Overwhelming show of hands. It's clear that there is no support for access through private property. Officer Burbank stated that Highland High students seem to be the biggest problem in the gully; narcotics officers will be involved in drug patrols. Alerts from the community, especially from property owners who witness illegal activity on their property, are necessary.

Final comments from community members: All I ask is for the freedom to choose to do what I want to do with my property. This is the beginning of more and more restrictions as you said you can't promise no trails. The intent has been to make this a positive process for the neighborhood and to preserve the property in the gully. Though there is concern about giving control to "government," the city is our best option if we want the property to be conserved as a natural area. This should be the highest priority. Access can be limited!

Not everything related to these issues can be presented or discussed at one meeting. The conversation will continue at the May 28 WHCC meeting when the mayor visits. We would like to walk him through Wasatch Hollow Park to show him the problems there, as well as to show him the Kensington property. This will begin at 6:00 p.m.

Thanks to all the city representatives for attending tonight.

**Adjournment: 8:50 p.m.**

Prepared by GC