



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Allison Rowland
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Item Schedule:
Briefing: October 17, 2023
Public Hearing: n/a
Potential Action: November 7

DATE: October 17, 2023 – **UPDATED SINCE OCTOBER 13**

RE: ORDINANCE: OPEN SPACE AMENDMENTS

ISSUE AT-A-GLANCE

The Council will consider adopting ordinance amendments that would change processes for “conveying” City open space lands through easements, sales, or exchanges, and would govern their removal from the official City Open Space Inventory. In most cases, conveyance of Salt Lake City property is an Administrative process, but additional steps are required by City ordinance to for designated “significant parcels” and “open space lands.” These extra steps came at the request of the Council serving at the time, which wanted to ensure that conveyance of open space be a very deliberative and transparent process, given the value City residents place on public open space. The amendments would create an exemption to these requirements under two conditions and only if approved by the for the Department of Public Lands. The conditions are:

1. when granting public utility easements that do not interfering in a property’s intended use or character, and
2. for the sale or exchange of *de minimis* parcels (less than one-quarter acre).

The Council would still receive notice and public hearings would still be required for other types of easements, sales, or exchanges which affect other open space lands, as well as other significant properties.

Goal of the briefing: Review the proposed Open Space Amendments and consider adopting the corresponding ordinance amendments.

ADDITIONAL INFORMATION AND BACKGROUND

- A. **Background.** Conveyance of City property for fair market value is an Administrative decision, but there are two sections of City code that require a more public and deliberative process: “significant” properties and “open space lands.” These sections define whether the Administration must complete a detailed series of



mandatory steps before an interest in significant parcels of real property may be conveyed (Section 2.58) and/or a property is removed from the Open Lands Inventory (Section 2.90). The steps can include public notice, public hearings by the Council, public hearings by a relevant City board or commission, and for open space, an optional “advisory vote” by the Council.

1. **Significant City Parcels.** To be considered “significant,” a parcel must meet several conditions; the most relevant in this case is that all City open spaces are significant by definition. (See Attachment C1 for the list of other such properties.)
2. **City Open Space.** City open space is defined as any parcel of land owned by the City that is in a predominantly open condition, zoned as open space land, or purchased through the Open Space Lands Fund. This includes natural land; wildlife habitat; important wetlands or watershed lands; greenway or stream corridors; parks; trails; community gardens; golf courses; and the Salt Lake City Cemetery. Open space lands do *not* include land acquired through or managed by the Department of Public Utilities or the Airport.

B. **Proposed Changes.** The proposed amendments to these ordinances would create exceptions to the mandatory procedures related to significant parcels of real property, and open space lands. They would include the following changes:

1. **Easement Amendments.** These revisions would allow the City more flexibility for approving necessary public utility easements, as long as they would not interfere with the intended use or character of the property. These determinations would be made by the Public Lands Director, or their designee.
2. **Land Exchange for De Minimis Parcels.** This change would allow the City to approve land exchanges of open space parcels that measure less than one-quarter acre, and which have similar character and intended use. Again, these determinations would be made by the Public Lands Director, or their designee.
3. **Other Changes.** The proposed ordinance amendment also would replace some outdated or unclear language without affecting the meaning or intent of the ordinance.

C. **Department of Public Lands Rationale.** The Department explains the request for these changes and provides two recent examples below.

Over the past two years, there have been a few specific situations that have prompted this amendment to allow for desired uses of open space while preserving the City’s open space inventory. There have also been state law changes that necessitate changes to the noticing requirements.

Easement Amendment Example:

Riverside Park Easement Request: Dominion Energy approached the City with the need to construct an upgraded gas line to service the Rose Park area. After evaluating multiple different options with the City, the City and Dominion agreed that preferred alignment is to bore underneath the Jordan River and into Riverside Park at 700 North. Dominion is requesting a perpetual pipeline easement and a temporary construction easement in Riverside Park.

Under the current ordinance, to grant the easement the City would have to go through the process to dispose of a significant parcel and remove the parcel from the open space inventory. While Public Lands supports Dominion Energy’s desire to service Rose Park area residents and the proposed easement, we are not in favor of removing it from the open

space inventory. The proposed revision will allow greater flexibility in approving these necessary utility easements while not permanently affecting the character or access of the open space.

De Minimis Parcel Example:

The Backman Elementary bridge project completed in 2022 was significantly delayed due to a restriction within [City code] 2.90 that prohibited the necessary land exchange for a very small parcel of land until the City complied with the hearing and [six-month] waiting period required to remove the parcels from the open space inventory. In this case the City owned a portion of the subdivision parking lot (used by the adjacent development) and the adjacent parcel owner owned a portion of the Jordan River Open Space. While there was no net loss of open space, this exchange, ultimately approved by SLC Council, benefited both the project and the open space and was not allowed under the existing ordinance without significant hurdles. The amendment will provide the ability to approve de minimis land exchanges for similar character properties.

POLICY QUESTIONS

1. The Open Space Lands Ordinance seems to have been designed to deliberately slow the process of selling any open space parcels, and to ensure that maximum public notice and public comment is gathered about any such proposal. Would the Council like to request additional information on the Administration's reasons for proposing these changes?
2. The Council may wish to discuss how it would like to balance the competing desires to speed up some City processes and to ensure that information is collected from all residents who may have a stake in specific public open lands.

ATTACHMENTS

Attachment C1. Table of Significant Parcels of Real Property (Table 2.58.035C of Salt Lake City Code).

Attachment C2. Open Space Lands Map, October 12, 2023. (Online version at

<https://slcgov.maps.arcgis.com/apps/webappviewer/index.html?id=52861da34ec24e2dbafcb6f0737c5671>)

Attachment C1. Table of Significant Parcels of Real Property
(Table 2.58.035, of Salt Lake City Code)

	Transactions Granting Fee Title		Transactions Granting An Interest				
Type Of Property ¹	Property Sales	Property Exchanges	Lease Or Temporary Use Agreements	Ease-ments	Utility Permits	Revocable Permits	
						Commercial	Residential
Airport	Y	Y	N	N	N	N	n/a
Golf courses	Y	Y	Y ⁴	Y	Y	Y	Y
Open space ²	Y	Y	Y	Y	Y	Y	Y
Public buildings (except airport property)	Y	Y	N	N	N	N	N
Public utilities properties:							
Canal properties	Y	Y	N	N	N	N	N
Sewer facilities	Y	Y	N	N	N	N	N
Storm drain facilities	Y	Y	N	N	N	N	N
Water facilities	Y	Y	N	N	N	N	N
Watershed	Y	Y	N	N	N	N	N
Streets and alleys:							
Aerial rights	Y	Y	N	N	N	n/a	n/a
Subsurface rights	Y	Y	N	N	N	n/a	n/a
Surface rights ³	Y	Y	Y ⁴	N	N	N	N

Notes:

n/a = Not applicable.

1. To the extent that the property falls into more than 1 category, the more restrictive process will apply.
2. Includes all open space property within or without City boundaries, as defined in [chapter 2.90](#) of this title and title 21A of this Code.
3. To the extent that any surface use involves a street or alley closure, the street or alley closure process satisfies the process outlined under this chapter.
4. More than 10 years' initial term or more than 30 years' total with option terms.