

From: **Norm Henderson** <nhenderson2179@gmail.com>

Date: Tue, Dec 8, 2020 at 2:08 PM

Subject: Administrative determination - basic land uses

To: zshaw@slco.org <ZShaw@slco.org>, bbarker@msd.utah.gov
<bbarker@msd.utah.gov>, <jmcnulty@msd.utah.gov>

Cc: <danknopp@brighton.utah.gov>, <grandpapeay@msn.com>,
smolka@ecmetro.org<smolka@ecmetro.org>, <keithzuspan@brighton.utah.gov>,
<lobkb973@hotmail.com>, Paulina Flint <pbflint@yahoo.com>,
<seanclayton@coppertonutah.org>,

lmcclenning@msd.utah.gov<lmcclenning@msd.utah.gov>, <nbracken@shutah.law>,
<mhanderson@fabianvancott.com>, Catherine Kanter <CKanter@slco.org>, Briefer,
Laura <Laura.briefer@slcgov.com>, Jennifer Wilson <jwilson@slco.org>,
gedwards@slco.org <gedwards@slco.org>, <jcsmith@smithlawonline.com>

Dear Mark, Zach, Jim, and Bart,

It seems you gentlemen are taking the lead regarding the answers or lack thereof, for what most people would consider simple basic questions about land use. These questions of course relate to whether certain land uses in upper Cardiff Canyon, in the FR-20 zone, are regulated by the FCOZ ordinance (Sec. 19.72).

Although you have not responded to my November 17, 2020, email, I continue to engage with you, in hopes that the MSD Planning Director Lupita McClenning follows Salt Lake County Ordinance, and answers my questions as required by 19.76.030. It appears this ordinance was put in place to allow citizens to find out this valuable information outside of a permit application to avoid unnecessary cost, delay, and hassle. What has been suggested by Mr. McNulty appears contrary to both the letter and spirit of that ordinance and is not what I have experienced over the years from the county planning office on other matters.

In my experience, I can walk into a city, town, or county planning office, identify the area of interest and the zone, and I can ask a staff member for direction and answers. Let's take Salt Lake City for example: I walk into the planning office and say I am interested in a property in a specific area of the city. I point to a zoning map and identify that the parcel of interest is in this neighborhood. The planner would then confirm the zoning. For this discussion, let's say the subject zone is R1-5000. The planner will then direct me to very specific land uses for that zone; residential, allowed height, allowed lot coverage, setbacks from property lines, etc. He or she can also instruct what types of structures and uses are not allowed in the R1-5000 zone.

Then, if I say to the planner, I have family coming in from out of town. My family has an RV and they do not want to stay in our house, they want to park the RV on my property and stay for 10 days. I would ask the planner whether this use is regulated under the R1-5000 zone? The planner will then give me a yes or no answer, or if needed, he or she will include a supervisor in

the discussion. I can also ask the planner if my children can pitch a tent and have friends come over for a sleepover? The planner can say, we do not regulate such activities under the R1-5000, or can say, under certain circumstances, we regulate under the subject zoning. The planner can then tell me the certain circumstances they regulate. These types of discussions and simple questions/answers are typically done over the counter, without an application, and without paying fees.

However, this is not, currently, what I find with the MSD. Here, no one wants to answer my simple questions. Let's pretend I am at the MSD planning counter (of course I cannot due to COVID19), hence the email requests. I tell the planner I own property or am interested in property in Cardiff canyon. We look at the zoning map and see the area of interest is in the FR-20 zone. I inform the planner I want to close an open mine for public safety reasons and that I cannot find anywhere in the FCOZ ordinance that regulates mine closures. I ask the planner, does the MSD regulate mine closures under the FCOZ? I assume the planner will give me a simple yes or no, or if he or she does not know, the planner will request a supervisor who can answer my simple question. The planner might also say that while FCOZ doesn't regulate mine closures, I should talk to the Utah Division of Oil and Gas and Mining who is responsible for coordinating mine closures for the state and that there might be money available to assist with my mine closure.

I then ask the planner if the MSD regulates such simple activities as camping on my property, preparing a meal, or eating a sandwich? One assumes the planner will provide me a concise yes or no to my simple questions. However, it almost seems as if the County Mayor's office, the DA's office, the County Health, and the MSD feel as if my sincere questions are frivolous and ridiculous.

I assure you, my questions are sincere and I should not have to experience the following to have answers to my questions:

- First The District Attorney's office instructs to follow county ordinance and request an Administrative Determination from the MSD Planning Director, who has 30 days to respond and answer
- After several months, the Planning Director still does not answer my questions, but her Planning Manager sends me a letter
- The letter does not answer my questions but instructs me to submit an application and pay a fee
- The MSD attorney also responds and instructs me to submit an application and pay a fee
- The MSD General Manager claims my simple questions are absurd and frivolous, but when he is asked for a simple answer to the questions, he refuses to answer

So, it appears we have the District Attorney's office, the County Mayor's office, the County Health Dept., the MSD, the attorney for the MSD, and one can assume Salt Lake City Public Utilities all monitoring this issue, but no one is willing to answer, in writing, some pretty basic

questions. This is alarming when one looks at the annual pay packages of these "public servants" who cannot answer questions for the public who pays their salaries about some pretty basic and fundamental land uses. For example:

- Zach Shaw. 153k
- David Pena. 160k
- Catherine Kanter. 160k
- Mike Reburg. Not listed, lets say 150k
- Teresa Gray. 124k
- Gary Edwards. 221k
- Lupita McClenning 86k
- Bart Barker. 118k
- Laura Briefer. 250k
- Rusty Vetter. 190k

So, employees with an annual pay package of at least \$1.6 million, cannot or will not answer the following simple questions:

1. Does the MSD regulate mine closings under the FCOZ ordinance? A simple Yes or No, please.

2. Does the MSD regulate under the FCOZ eating a sandwich, preparing a meal, pitching a tent, or sleeping over-night, pulling/leaving a trailer or camper on one's private property in the FR-20 Zone? A simple Yes or No, please.

I have attached a screenshot of the FR-20 zone. The use of property in question is within the Cardiff area and within the FR-20 zone.

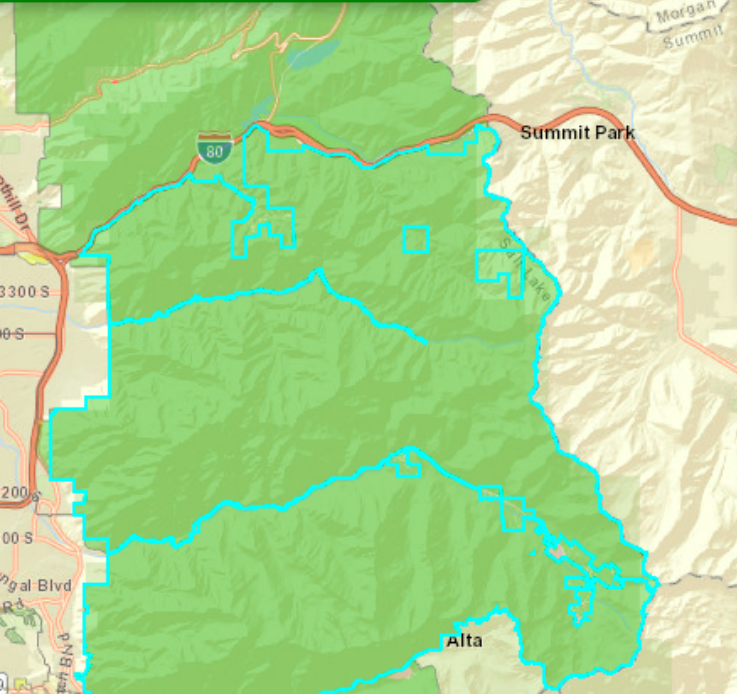
I have also attached letters from Ms. Teresa Grey and Ms. Laura Briefer, regarding obtaining permits and or permission for simple uses on the subject property. You can see by their responses, that requests for such simple uses as eating a sandwich, pitching a tent, and sleeping over-night, are not absurd and silly questions concocted by me, but are actually necessary questions to ask regarding simple uses of one's private property. What agency of the county or city government is in charge of actually regulating these activities is extremely important to know so citizens know regulations apply and what basic activities are allowed on their property.

I look forward to your prompt reply. If I do not receive a direct reply from Ms. Lupita McClenning, I will begin the appeals process.

Sincerely,

Norm Henderson

Find address



The map displays a topographic view of a region in Utah. A large area is highlighted in green, indicating a specific zoning district. This area includes Summit Park and extends south towards Alta. Major roads like Interstate 80 and State Route 40 are visible. Other locations shown include Park City, Hideout, and Jordanelle State Park. The terrain is rugged with significant elevation changes.

Zone: FR-20

Zone	FR-20
Zone Description	FORESTRY REC
Link	More info
Description	Forestry & Recreation : Single family dwelling and forestry uses. See ordinance for complete details.

2



Norm Henderson <nhenderson2179@gmail.com>

RE: (EXTERNAL) Permits and authorizations to use private property

Briefer, Laura <Laura.Briefer@slcgov.com>

Thu, Jul 2, 2020 at 6:12 PM

To: Norm Henderson <nhenderson2179@gmail.com>, "gedwards@slco.org"

<gedwards@slco.org>, "Gray, Teresa" <tgray@slco.org>

Cc: Cyle Buxton <buxtoncompany@comcast.net>, "CRAWFORD, WAYNE"

<w.crawford@msn.com>, "Vetter, Rusty" <Rusty.Vetter@slcgov.com>, "Nelson, Patrick"

<Patrick.Nelson@slcgov.com>

Dear Norm,

I believe I have already answered your questions in a previous email.

Regarding picnicking in general, we do not interpret the City Code the way you are reading it regarding the City issuing some type of permit under Section 17.04.340. Perhaps the Code could be clearer. The City has not issued directives limiting having lunch in the watershed, but has established specific areas that are good for picnickers. These locations typically have tables, garbage cans and bathroom facilities. As you can imagine, encouraging people to picnic in these designated areas helps us protect the watershed and allows us to better utilize our resources to manage a limited number of picnic areas. No permit or special authorization is currently required from the City to picnic in the watershed.

The City Code is clear that there shall be no overnight camping in the watershed unless someone is in a designated area or is backpacking. The properties you refer to are not designated campground areas. For backpackers, they must be at least ½ mile away from an access or roadway and at least 200' from any spring, stream or other water source. Several issues you have raised related to County regulations and I will let Gary or Teresa provide responses to those matters.

Thank you,

Laura Briefer

Director

DEPARTMENT OF PUBLIC UTILITIES

SALT LAKE CITY CORPORATION

Office: 801.483.6741

Cell: 385.252.9379

www.slc.gov/utilities

www.slcgardenwise.com

From: Norm Henderson <nhenderson2179@gmail.com>

Sent: Wednesday, July 1, 2020 5:46 PM

To: Briefer, Laura <Laura.Briefer@slcgov.com>; gedwards@slco.org; Gray, Teresa <tgray@slco.org>

Cc: Cyle Buxton <buxtoncompany@comcast.net>; CRAWFORD, WAYNE <w.crawford@msn.com>

Subject: (EXTERNAL) Permits and authorizations to use private property

Dear Laura, Gary, and Teresa,

The July 4th weekend is fast approaching. After numerous requests from me and somewhat confusing answers from you that seem to contradict each other and your ordinances, I am once again asking some very simple questions. All I need is a yes or no answer to the following questions:

1. Are a few landowners and a small number of friends "authorized" to eat a picnic on private property in Cardiff Canyon this July 4th weekend?

2. Are a few landowners and a small number of friends allowed to camp or stay overnight on private property in Cardiff Canyon this July 4th weekend?

3. Do Wag Bags qualify as an acceptable containment method to dispose of human waste and to transport said waste out of the watershed?

As you can imagine, our family and guests are anxious to receive your answers so we can finalize our plans for this weekend.

Also, please include Mr. Wayne Crawford and his family on this request.

A simple yes or no response to my questions by the end of today is greatly appreciated. Your response in writing allows me to print copies so individuals can keep them in their pocket over the weekend if approached by law enforcement, Salt Lake City Watershed Enforcement, etc.

Thank you for your attention to this time-sensitive matter.

Norm Henderson



Norm Henderson <nhenderson2179@gmail.com>

RE: SLCity authority/approval to eat lunch and drive in watershed

Gary Edwards <GEdwards@slco.org>

Thu, Jun 25, 2020 at 8:15 AM

To: Norm Henderson <nhenderson2179@gmail.com>, "Briefer, Laura" <Laura.briefer@slcgov.com>, Teresa Gray <TGray@slco.org>, Megan Smith <MeSmith@slco.org>

Mr. Henderson,

I've received your inquiry regarding use of private property in a watershed area for camping. We do not issue advisory opinions as to how our regulations are enforced. Instead, users of the watershed area are expected to be aware of our Regulation 14 and comply with its terms. The regulation is available online at <https://slco.org/globalassets/1-site-files/health/regs/watershed.pdf>.

Please note that the Health Department does not issue permits for camping in the watershed. Also, to the extent that you are requesting Department approval to use motor vehicles on privately owned roads, we do not have the authority to issue approval for a third party to use roads on private property.

Gary Edwards

From: Norm Henderson <nhenderson2179@gmail.com>

Sent: Wednesday, June 24, 2020 2:20 PM

To: Briefer, Laura <Laura.briefer@slcgov.com>; Gary Edwards <GEdwards@slco.org>; Teresa Gray <TGray@slco.org>

Subject: Re: SLCity authority/approval to eat lunch and drive in watershed

Hi Laura/Gary, I wrote to you yesterday regarding our site visit tomorrow and the need to get direction from you as directors to obtain authority and/or permission for eating lunch and using roads on private property in the Wasatch Mountains to stay in compliance with Salt Lake City and county watershed ordinances. I believe we are planning to meet tomorrow at 11:30am at the Cardiff gate to start our journey to the Buxton property and on to the Reese/Wilson yurt. Could you please provide us direction regarding the activities specified.

Thank you for your assistance.

Norm Henderson

On Tue, Jun 23, 2020 at 4:50 PM Norm Henderson <nhenderson2179@gmail.com> wrote:

Dear Laura,

I have been invited to attend the Cardiff tour this Thursday. It is my understanding there will be representatives from the County DA's office, the MSD, and SLCity Public Utilities. Our instructions are to bring lunch and drinks. This, of course, expedites my request of you regarding authority to actually eat our lunch in the watershed on private property.

In addition, we anticipate using road/trails on private property west of the Buxton property (past the jurisdiction of the USFS special use permit). Salt Lake Valley Health Department Regulation #14 (Watershed Regulation) prohibits motor vehicle use on private property on new trails (after January 1, 2007) or at other locations without the prior approval of the Director (Section 4.2.4(ii)). I have looked for, but have been unable to locate, any county map that specifies official roadways or trails in existence prior to January 1, 2007. As such, it would appear that we would need approval from either you or the Executive Director of Salt Lake County Public Health to use the road to access the Reese/Wilson yurt.

Since the SLCity ordinance and Salt Lake County Watershed Ordinance requires the above authorizations, can you and/or he, provide a quick reply to this email, providing this "authorization" to eat lunch and "approval" to drive on existing trail/roads leading to the Reese/Wilson yurt?

Thank you

Norm Henderson



Norm Henderson <nhenderson2179@gmail.com>

RE: Camping and picnicking in the watershed

Teresa Gray <TGray@slco.org>

Fri, Jun 12, 2020 at 2:58 PM

To: Norm Henderson <nhenderson2179@gmail.com>

Cc: "kcbuxton@comcast.net" <kcbuxton@comcast.net>, Cyle Buxton <buxtoncompany@comcast.net>

Norm,

I am sorry but we do not issue camping permits.

From: Norm Henderson <nhenderson2179@gmail.com>

Sent: Thursday, June 11, 2020 3:19 PM

To: Teresa Gray <TGray@slco.org>

Cc: kcbuxton@comcast.net; Cyle Buxton <buxtoncompany@comcast.net>

Subject: Camping and picnicking in the watershed

Hi Teresa, a few of us are planning a holiday activity with the Buxton family, picnicking and camping, on their private property in the Cardiff area over the upcoming July 4th weekend. In reviewing the County Health Department Health department and City watershed ordinances it appears there may be some issue with us picnicking and camping on Cyle's family property (Salt Lake County Watershed Ordinance #14 Sec. 4.2.11, and Salt Lake City Watershed Ordinance 17.04.340). Given the broad wording of these sections, I am concerned that our proposed activity might be considered illegal by enforcement personnel (Salt Lake City Public Utilities, and Salt Lake County Sheriff) patrolling the watershed on the heavily used July 4th weekend. Without a permit from your office, to show law/code enforcement officials, we very well could be subject to arrest, citation, fine, or even jail time. I would like to forestall any potential problems like this by securing a permit from your office beforehand.

Could you please provide the details as to how I might obtain such a permit from the Salt Lake County Health Department so we can join Mr. Buxton and his family on their private property in Cardiff for overnight camping and picnicking over the July 4th weekend?

I have included Cyle and Kelli Buxton on this email. I have been tasked with coordinating this detail.

Best Regards,

Norm Henderson