

January 17, 2014

Mayor Ralph Becker

450 South State Street, Salt Lake City 84101

Mayor Ben McAdams

2001 State Street, Salt Lake City UT 84109

Mayor Tom Pollard

PO Box 8016, Town of Alta UT 84092

Re: Patsey Marley Dispute Resolution

Dear Mayors

This letter is to express support for dispute resolution of the Patsey Marley litigation. I have discussed resolution and the proposal (below) with many of the stakeholders that are copied (CC'd) on this letter.

Many of us have participated over the years in community outreach, served on committees, advisory boards, etc. (such as *Wasatch Canyons Tomorrow* and Blue Ribbon FCOZ committee) on canyon related issues. Your offices initiated the process which allows us to craft and formulate real recommendations and solutions to resolve conflict in the canyons.

In recent years, several of us have participated in taking the recommendations and applying them to real and tangible agreements and transactions which include; the 1,200 acre Cardiff Canyon Special Use Permit, termination of litigation and dispute of 69 acre Lake Martha/Mary property, the gifting of 69 acres of sub-surface rights to Salt Lake City, the purchase contract for the Dunyon property and the due diligence and intent to purchase the 2,000 acre Great Western property.

We believe that your efforts and success of bringing the public and private stakeholders to the table have been invaluable. Communication has occurred and relationships forged that otherwise might never have occurred. These vital relationships between public and private parties are allowing us to implement new strategies and to move away from litigation.

It appears the State Engineer at the Utah Division of Water Rights agrees with real solutions outside of protests and litigation. In the recent decision dated January 9, 2014, granting water to applicant Mr. Kevin Tolton, Mr. Kent Jones states, "If the protestants believe as a matter of public policy it would be best to restrict further development in Little Cottonwood Canyon, they should work through other appropriate means to achieve that

goal.”

The recommended Patsey Marley resolution, herein outlined, allows Salt Lake City, Town of Alta and Salt Lake County to “work through other appropriate means...”

As you review these recommendations, please keep in mind that the issue was approached with the understanding that the litigating parties indicated that they prefer settlement over continued litigation.

The proposed Patsey Marley resolution should include a development agreement which includes the following:

- There will be NO development on the Patsey Marley property
- Salt Lake City will be the eventual owner of Patsey Marley
- Utah Open Lands (or other suitable non-profit entity) will hold a conservation easement over the land
- Patsey Marley lands will be traded for lands in the Salt Lake Valley
- The lands will be traded acre for acre and/or value for value
- All litigation relating to Patsey Marley will be halted and terminated

The suggested land trades in the Valley include:

- Olympus Cove (Exhibit A). These approximate 6 acres are located at approximately 4700 South and Mile High Dr just east of Wasatch Blvd. They are currently owned by the US Forest Service and have been approved for sale. Salt Lake City, Friends of Alta, Save Our Canyons and or others, can purchase the lands in their current, as-is condition. The appropriate entities can work with the Patsey Marley representatives to secure the appropriate entitlements for Olympus Cove and then trade some Patsey Marley lands for Olympus Cove. A conservation easement will be placed on lands not utilized for residences and improved trail head and trails will occur as deemed appropriate.
- Popperton Way (Exhibit B). These approximate 3.4 acres are located just east of the Shriners hospital and are currently owned by Salt Lake City. This property would be developed in a manner consistent with surrounding zoning and land use. Certain areas of this property are used by neighbors to access the open space and trails to the north. Trails will be incorporated and enhanced in the development plan and a conservation easement will be placed over the remaining open space.
- Hanover Drive (Exhibit C). These approximate 2.1 acres are located just north of Popperton Drive, and accessed by the existing gated community east of Popperton Park and are currently owned by Salt Lake City. This property would be developed in a manner consistent with surrounding zoning and land use. Slope issues and the Chevron pipeline will be considered as due diligence on the property occurs. A conservation easement is to be placed over the open space to the west of this property. (See attached Salt Lake City policy)
- City Creek/18th Ave (Exhibit D). These approximate 9.1 acres are located just above 18th Ave and are currently owned by Salt Lake City. This property would be developed in a manner consistent with surrounding zoning and land use. The trail head accessing the Bonneville Shoreline Trail will be

enhanced and improved. Adequate parking and restroom facilities will be installed in accordance with the determined need. A conservation easement is to be placed over the open space surrounding the suggested development. (See attached Salt Lake City policy)

- Other Salt Lake City lands for consideration (Exhibits E and F). These or other RDA properties in the downtown area would be suitable for a trade.
- Salt Lake County/South Jordan Property (Exhibit G). Approximately 13 acres owned by Salt Lake County in South Jordan at approximately 11200 South Redwood Road.

The acreage for the traded lands might fall short of the acreage and/or value for trade. Therefore, additional lands or expanded site plans will be identified and agreed to for trade of the remaining Patsey Marley acreage.

It is my understanding that formal settlement talks are underway or will soon be underway among the Patsey Marley litigating parties. I believe that all parties are hopeful that mutual civility, respect and resolution will be the outcome.

There are additional priority projects that we are tracking which include but are not limited to; helping facilitate the conservation of approximately 1,200 acres fee simple, sub-surface and in-holdings at Alta, the purchase and or trade of Mr. Kevin Tolton's lots at Cecret Lake, securing private lands for public use at numerous trail heads to allow hiking access and facilitating additional land transactions of private lands in Big Cottonwood and Little Cottonwood Canyons.

Again, thank you for your efforts to preserve watershed and open lands in our canyons around us. Please do not hesitate to contact me with additional questions and input.

Sincerely,

Gabe Epperson

CC:

Will McCarvill, Wasatch Mountain Club

Dan Mayhew, Utah Chapter, Sierra club

John Bennett, Quality Growth Commission

Cardiff Canyon Owners Association

Preston Richards and Kevin Tolton, Great Western Mining Co.

Onno Wieringa, Alta Ski Area

Wendy Fisher, Utah Open Lands

Brad Rasmussen, Save a Spot LLC

Nathan Rafferty, Ski Utah

Scott Beck, Visit Salt Lake

Kenji Haratounian, Outdoor Retailer

Brad Peterson, Governors Office of Outdoor Recreation

Carl Fisher, Save Our Canyons

Joan DeGiorgio, Nature Conservancy

Jen Clancy, Friends of Alta

Mike Styler, State of Utah, Department of Natural Resources

Mike Gorell, Salt Lake Tribune

Laura Briefer, Salt Lake City Public Utilities

Rusty Vetter, Salt Lake City