

**MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) STAKEHOLDERS COUNCIL MILLCREEK CANYON COMMITTEE MEETING ON THURSDAY, AUGUST 24, 2023, AT 3:00 P.M. THE MEETING WAS CONDUCTED BOTH IN-PERSON AND VIRTUALLY VIA ZOOM. THE ANCHOR LOCATION WAS THE CWC OFFICES LOCATED AT GATEWAY AT 41 NORTH RIO GRANDE STREET, SUITE 102, SALT LAKE CITY, UTAH.**

**Present:** Tom Diegel, Chair

 Paul Diegel

 Maura Hahnenberger

 Ed Marshall

 John Knoblock

 Patrick Nelson

 Crystal Chen

 Mike Christensen

**Staff:**  Lindsey Nielsen, Executive Director

**Opening**

1. **Chair Tom Diegel will Open the Public Meeting as Chair of the Millcreek Committee of the Central Wasatch Commission Stakeholders Council.**

Chair Tom Diegel called the Millcreek Canyon Committee Meeting to order at 3:00 p.m.

1. **Review and Approval of the Minutes from the July 7, 2023 Meeting.**

**MOTION:** Paul Diegel moved to APPROVE the July 7, 2023, Millcreek Canyon Committee Minutes. Mike Christensen seconded the motion. The motion passed unanimously.

**Available Canyon Land Parcel Discussion**

1. **Committee Members will Discuss Available Land Parcels in Millcreek Canyon.**

Crystal Chen reported that Save Our Canyons learned of the parcels of land that are for sale in Millcreek Canyon earlier in the week. She knew that Carl Fisher had been trying to work with Salt Lake County to determine whether there was any funding for open lands. However, there was no existing funding for that at the current time. Ms. Chen explained that there was nothing that existed at the moment that would allow them to take advantage of this opportunity.

Ed Marshall explained that the signs were posted last Monday. He contacted the broker but the broker did not seem to know much about the property. The price is $2.3 million but it seemed to be a number that was chosen based on the possibility that there may be three sites level enough to build three homes. The property is zoned FR-5, which means there is one home site allowed for every five acres. The thought was that there might be level land and possible driveways for approximately three home sites. That being said, there was some uncertainty because the land had not yet been surveyed. He received a Plat Map and discovered that the property encompasses both sides of the road in two triangular parcels but it was all considered one parcel for legal purposes. The broker did not know if the land was subject to the Foothills Canyons Overlay Zone (“FCOZ”). The broker indicated that the land was obtained five or six years ago in a private transaction. It seemed that the property was purchased previously and was now being flipped.

John Knoblock reported that he spoke to the owner a number of years ago about the Bonneville Shoreline Trail extending from the bottom of Rattlesnake to the bottom of the canyon. In that scenario, it would go across that parcel. The owner was amenable at that time to an easement that would allow that to occur. At the time, he thought three home sites could be built on the land. Mr. Knoblock spoke to the owner again earlier in the day. The owner indicated that he has to sell the land because of personal events in his life. He did not want to see it go to someone who was uninterested in doing something beneficial for the canyon. It needed to be sold to someone who cares about the canyon and loves it as he and his family do. The current owner wants to see the land protected and preserved. As for the timeline, he was thinking about the three to five-month range, which could be a little more difficult.

Paul Diegel asked where the land is located. Mr. Knoblock reported that it is mainly on the north side of the road from the entrance, two-thirds of the way up to the Rattlesnake Trailhead. The portion at the bottom crosses the road near the fee booth. The fee booth is actually on the right-of-way of the road but within the boundary of the parcel. There was discussion regarding whether the property has water. Mr. Knoblock stated that there is water available from two sources. The owner believed it was within the Salt Lake City Water Service Area but it could also be served by the Boundary Springs Water Users Association. The map indicated that the property is within the Salt Lake City Water Service Area. Maura Hahnenberger shared an image of the property in the Zoom chat box for reference. It is 18.45 acres and part of Millcreek City.

Chair Diegel expressed concerns about what will happen to the land moving forward. Mr. Knoblock further discussed the parcel. On the northern edge of the property, there is an old lime kiln that had been protected. Steps had been taken in the past to screen off the top as a way to prevent damage. Additionally, some shoring up of the foundation had been done. Mr. Marshall wondered if the property was subject to FCOZ. Mr. Knoblock believed so. Patrick Nelson explained that if it is in the incorporated boundaries of Millcreek City, it will be subject to zoning restrictions and land use plans. Mike Christensen looked at the Millcreek zoning map and the future land use map. All of it is zoned open space currently. Mr. Knoblock reported that he serves on the Mount Olympus Community Council and that the property is within the Community Council zone of influence. He planned to discuss the matter at the next meeting.

Chair Diegel thought it would be worthwhile to reach out to Utah Open Lands. He was worried that if the owner wants to sell the property within three to five months, that would make things more difficult. Steps need to be taken sooner rather than later. Mr. Knoblock reported that he sent an email to Millcreek, Salt Lake County Open Space, and those involved in Forest Service land acquisition. Additionally, he sent an email to Mr. Fisher who serves as Chair of the County Open Space Committee. The idea was to reach out to as many relevant parties as possible. He had only heard back from Mr. Fisher so far, who informed him that there is not currently a budget for land acquisition. However, he noted that the land is within the proclaimed boundary of the Forest Service, so the Forest Service could use some Land and Water Conservation Funds. He was not sure if funds were available at the moment.

Mr. Marshall pointed out that the price is a key factor. He believed the price would depend a lot on whether water is available, the zoning, and if the property is subject to FCOZ. Determining that would make it easier to understand what the price would ultimately be. If there are no water rights, the price will be low unless water can be obtained. He believed the current price was speculative in nature. Mr. Knoblock confirmed that it is in the FR-5 Zone. The broker and the owner both assured him that there are water rights available. Chair Diegel noted that Mr. Nelson offered to look into the matter further. He asked him to share any information that he discovered with the members of the Millcreek Canyon Committee. Mr. Nelson confirmed that he could look into whether the parcel has water or not.

Mr. Knoblock thought it was important to more aggressively work with the Boy Scouts to determine if they would be willing to have a conservation easement. It would allow the scouting uses to continue but would prohibit the Boy Scouts from selling the property to someone else. Chair Diegel pointed out that Del Draper reached out to the Boy Scouts in the past. He would send him an email after the Millcreek Canyon Committee Meeting asking him to reach out again.

Chair Diegel asked about the water facility found at the mouth on the south side of the road. Mr. Nelson explained that the City holds the water rights to Boundary Springs. Those are located on the Forest Service property. There was a tank on City property near the mouth of the canyon. A reconstruction project took place there a few years ago. Mr. Knoblock asked about the Boundary Spring water system mentioned. Mr. Nelson clarified that it is not surplus water and is just a source that contributes to the culinary water system in Salt Lake City.

**Millcreek Canyon Shuttle Discussion**

1. **Committee Members will Discuss the Research into a Potential Millcreek Canyon Shuttle Service that CWC Staff Conducted for the U.S. Forest Service.**

Chair Diegel reminded those present that the potential Millcreek Canyon shuttle was the result of discussions that had occurred in the spring. The Committee expressed a desire to have the Forest Service do a National Environmental Policy Act (“NEPA”) analysis on a shuttle that could be done concurrently with the road improvement project associated with the Federal Lands Access Program (“FLAP”) grant work. Executive Director, Lindsey Nielsen, reported that the agenda item was requested by Mr. Marshall. She would review what initiated the request, what was done as a result, and the current status. The FLAP grant was well underway and construction for the upper portion of Millcreek Canyon would begin in spring/summer 2025. That meant that the upper portion of the canyon would be closed to the public. Since there would be construction, the Forest Service approached the CWC to research the feasibility of a shuttle service for Millcreek Canyon. The potential shuttle service would begin when construction takes place in the canyon.

The Mountain Accord outlined a shuttle in Millcreek Canyon as one of the deliverables. All of the CWC Board Members were supportive of a shuttle service in that canyon. As a result, CWC Staff focused on the research requested by the Forest Service. The research included a rough estimate of how much it would cost for a shuttle to service the lower portion of the canyon, the upper portion of the canyon, and the entirety of the canyon. The trailheads that the shuttle service would theoretically stop at were explored as well as potential parking areas. Ms. Nielsen reported that the rough estimate for a shuttle service was $2 million. There were no solid parking options. The Olympus Cove commercial area on Wasatch Boulevard is full and does not have space to accommodate a shuttle service that would handle approximately 400 people per day. She explained that the 400 people per day number was based on the parking spots that would become inaccessible in the upper portion of the canyon when the FLAP grant construction started.

A shuttle program of that size would cost approximately $2 million for the first year. Ms. Nielsen explained that the first year includes capital investment. The purchase of approximately 10 sprinter vans would cost $1 million. The additional $1 million would be for maintenance, operational costs, and associated parking costs. In subsequent years, the cost would be $1 million per year. Ms. Nielsen stated that there are not a lot of parking options for a shuttle service of that size. The Utah Transit Authority (“UTA”) Park n Ride lot off 3900 and Wasatch Boulevard is full and there are no plans to expand it. During the research process, she was able to speak to the owner of the undeveloped parcel of land that was for sale across the street from the Park n Ride lot. There were plans in place for that to be sold so it could be developed into a car dealership. That deal was not finalized but it was assumed that it would be shortly.

All of the information and research that was conducted was included in the Feasibility Proposal document. That document was delivered to the Forest Service for review. Ms. Nielsen reported that the Forest Service is currently reviewing the document. From there, a decision would be made as to whether to contract for a NEPA analysis. There were currently no absolutes. It would be up to the Forest Service to decide potential next steps. Chair Diegel thanked Ms. Nielsen for her research and efforts on the Feasibility Proposal.

Mr. Marshall echoed his appreciation for all of the work done by Ms. Nielsen. Something he felt was important to discuss was the fact that the Feasibility Proposal goes to the CWC Board and the Forest Service before the Millcreek Canyon Committee has an opportunity to review the document. He pointed out that the Millcreek Canyon Committee was originally formed to focus on a potential shuttle in Millcreek Canyon. It did not make sense for the Committee to be left out of that process. According to Ms. Nielsen, it was the result of the short timeline that the Forest Service implemented. That being said, he asked that the Committee be able to review relevant research and information ahead of time in the future. The shuttle in particular was an important issue.

Mr. Marshall reported that at the time of the CWC Board Meeting, he had not seen the Feasibility Proposal document. He had since reviewed it and noted that it was mostly research as opposed to an actual proposal. In that sense, he believed that the document was mistitled. Mr. Marshall noted that there were serious obstacles that need to be overcome for a shuttle to be implemented, which included parking. The email sent out by Chair Diegel referenced a desire to seek State funding and speak to a Lobbyist. He wondered if that was an accurate statement. Ms. Nielsen explained that if the Forest Service decides to move forward with NEPA, it was possible that the Forest Service could work with the CWC to contract for that NEPA work. If the Forest Service decides to take that approach, theoretically, there could be a specific Millcreek Canyon shuttle program added to the appropriations request. There were still a lot of unknowns. She reminded those present that the Forest Service would determine the next steps.

Chair Diegel asked if there would be NEPA or if a Categorical Exclusion could be pursued. Ms. Nielsen explained that the level of analysis had not been determined. Whoever was contracted would look into the level of analysis necessary for a shuttle service. Mr. Knoblock clarified that a Categorical Exclusion was one of the NEPA levels. Even a Categorical Exclusion requires a significant amount of environmental review. Ms. Nielsen confirmed this. She also understood that the name of the Feasibility Proposal could be confusing based on what is in the document but those were the words that the Forest Service used when they asked CWC Staff to perform the work. As a result, the document was called a Feasibility Proposal. In terms of timing, she had already asked for an extension from the original August 1, 2023, to August 8, 2023, to allow time for the CWC Board to see what was included in the document. The Forest Service had been hesitant to allow even that short extension based on their timeline needs.

Mr. Marshall explained that if the shuttle service does move forward, he had a few questions related to the Feasibility Proposal. There were certain things he felt needed to be taken into account. For example, the canyon has different peak use times. It is used heavily in the morning from 6:00 a.m. to 10:00 a.m. and is busy again from 5:00 p.m. to 10:00 p.m. There would need to either be two shifts or a split shift for drivers. Otherwise, empty shuttles would be driven through the canyon during the middle of the day. Several factors need to be considered moving forward.

Mr. Marshall believed information about shuttle stops needed to be discussed further as well. There was one suggested for the Boy Scout camp. That did not make sense to him since the camp is rarely used and has its own parking. That said, there is only one portion of the Feasibility Proposal that he objected to. Phase 3 states that while construction is taking place in the lower canyon, the road would be entirely closed. That did not make sense to him because $19 million would be spent improving access and parking in the upper portion of the canyon. It did not make sense to close the road entirely. In the lower portion of the canyon, the intention was to replace the road base. The resurfacing that was done last year was temporary in nature and would last until the FLAP grant funding is obtained for that portion of the canyon.

Ms. Nielsen explained that Phase 3 would require Millcreek City and Salt Lake County to be awarded a second FLAP grant. Additional funding would be needed to handle construction in the lower portion of the canyon. As a result, a lot of those discussions were theoretical in nature. Chair Diegel asked about potential parking locations at the high school and elementary school for the shuttle. Ms. Nielsen confirmed that this was a potential scenario but it was complicated by weekday shuttle needs. There were other possibilities for parking to consider. Currently, the CWC needs to wait and see if the Forest Service is interested in moving ahead at all.

There was discussion about the timeline from the Forest Service. Ms. Nielsen reported that the Forest Service is currently reviewing the Feasibility Proposal. There would be a response from the Forest Service within the next month or two. By the September or October Millcreek Canyon Committee Meeting, there would be an update about the Forest Service response. Committee Members discussed transportation in the canyons and the costs of a potential shuttle service. Mr. Knoblock noted that a lot of money was produced in the tri-canyons area. He did not think Committee Members should be discouraged by the $1 million annual price of the shuttle.

Chair Diegel talked about the proposed car dealership. It was possible that it might not use all of the space there. Ms. Nielsen confirmed this. In her discussions with the owner of that parcel of land, she was informed that not all of it would be workable for a car dealership. If that deal goes through and the Forest Service wants to move forward with the shuttle program, it would theoretically be possible to reach back out to the dealership to determine whether something would work. Additional discussions were had about the property and some of the future plans.

Chair Diegel asked about lobbying the State for some funding. He wondered if that was dependent on the Forest Service feedback. Ms. Nielsen confirmed that it would depend on the Forest Service's response. She reported that each year, the CWC submits a request for appropriations from the State. There needs to be clarity about what the request is for. If the Forest Service wants to move forward with the shuttle service and work with the CWC, the CWC could potentially include the Millcreek Canyon shuttle in the State request.

It was requested that the Feasibility Proposal be shared with Millcreek Canyon Committee Members following the meeting. Ms. Nielsen reported that it was on the Utah Public Notice website because it was included in the Meeting Materials Packet for the CWC Board Meeting.

**Stakeholders Council Committee Structure Update**

1. **John Knoblock will Provide a Brief Overview of the Newly Approved Committee Structure of the Stakeholders Council with Discussion from the Millcreek Committee.**

Mr. Knoblock reported that the Stakeholders Council wanted to ensure that the four elements of the Mountain Accord continue to be addressed. The Mountain Accord is a priority and it is important for the Stakeholders Council work to focus on that document. A poll was being sent out to Council Members asking them to sign up for at least one of the four Systems Groups, which would be called Systems Committees. There would be environmental, economic, transportation, and recreation groups. The Stakeholders Council as a whole decided that there was a desire to have a hybrid format. That means the Systems Committees would be formed but there would be other committees as needed. In addition to the four Systems Committees that will meet every other month, there could still be a Trails Committee, Millcreek Canyon Committee, and so on.

Mr. Marshall wondered how this would work in practice. He remembered hearing something about even months and odd months, where Committee Meetings take place on even months and the Stakeholders Council Meetings take place on odd months. Ms. Nielsen reported that the Stakeholders Council currently meets every other month. It would be left to the discretion of the Systems Committee Co-Chairs to determine when those specific subcommittees want to meet. Leadership for the Systems Committees had not been elected yet. According to the Rules and Procedures document, a consensus of the Stakeholders Council, in a public meeting, needs to determine the leadership of those subcommittees as well as the membership.

Chair Diegel shared new business with the Council. He sent a request to Helen Peters, asking for a record of public comments that were submitted after the FLAP grant open house that was held in June. Ultimately, he submitted a Government Records Management Act (“GRAMA”) request for those comments. They were received over the last few days. There were 49 pages of comments, which he had begun to review. Chair Diegel offered to forward that document to all of the Committee Members. Over the next several days, he planned to thoroughly review the comments and see what the public had to say. There was discussion regarding the Avenue Consultants report, which was the result of the Stakeholders Council Retreat. It was noted that it would be distributed to Committee Members.

**Closing**

1. **Chair Tom Diegel will Call for a Motion to Adjourn the Millcreek Canyon Committee Meeting.**

**MOTION:** Ed Marshall moved to ADJOURN the Millcreek Canyon Committee Meeting. Paul Diegel seconded the motion. The motion passed with the unanimous consent of the Committee.

The Millcreek Canyon Committee Meeting adjourned at approximately 4:07 p.m.

***I hereby certify that the foregoing represents a true, accurate, and complete record of the Stakeholders Council Millcreek Canyon Committee Meeting held Thursday, August 24, 2023.***

Teri Forbes

Teri Forbes

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Minutes Secretary

Minutes Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_