

PUBLIC COMMENT — FOR THE RECORD

Emigration Canyon City Council Meeting — July 21, 2026

Submitted by: Robert Macfarlane, 6102 Emigration Canyon Road, Salt Lake City, Utah 84108 — property owner within the Road Improvement Project corridor (Lots 6 and 8, Little Mountain Subdivision No. 1)

Re: Agenda Items 10.A (Ordinance 2026-O-07, Title 19.03 Development Agreements) and 10.B (Ordinance 2026-O-08, Title 19.84 Conditional Uses); right-of-way basis of the Emigration Canyon Road Improvement Project (PIN 21203)

I ask that this comment be entered in the record of this meeting and attached to the minutes, and that the questions below be answered in writing. I do not oppose modernizing the City's land use code. The questions below go to what tonight's drafts actually do, and to commitments the Council can make on the record at no cost to any legitimate objective.

Ordinance 2026-O-08 — Conditional Uses

1. Exhibit A, Section B.2.c makes conditional-use approval turn on "the adopted transportation engineering standards." Please identify that document by title, adoption date, and adopting ordinance or resolution number, and state whether it contains cross-section, clear-zone, or right-of-way width specifications applicable to Emigration Canyon Road. If it does, those specifications would become approval criteria for every conditional use on the corridor — a road-geometry decision that has never had its own public hearing.
2. Will the Council confirm on the record that Ordinance 2026-O-08 changes no building setback in any zone, and that no condition imposed under Title 19.84 will require dedication or conveyance of right-of-way except in full compliance with Utah's constitutional and statutory exaction standards?
3. The January 2026 draft of this material required mailed courtesy notice to every property owner within 300 feet of a proposed conditional use. Tonight's version contains no mailed-notice requirement at all. I ask the Council to amend Exhibit A to restore the 300-foot mailed notice before adoption. Neighbors should not learn of a conditional use next door from a state website.
4. For the record: where and when was the June 11, 2026 Planning Commission public hearing on this ordinance noticed, and where are that meeting's agenda, minutes, and recording posted for public access?
5. The recitals cite "Utah Code § 10-20-506"; other recent City drafts cite § 10-9a-507. Please confirm the correct citation before adoption.

Ordinance 2026-O-07 — Development Agreements

6. Exhibit A, paragraph C provides that development agreements "may authorize the amendment of the regulations" of the Emigration Canyon Code. Beyond paragraph G's cross-reference to amendment procedures, what limits prevent a development agreement from varying setback, frontage, or right-of-way regulations for a specific corridor parcel? Will the Council state on the record

that no development agreement will be used to alter regulations applicable to the Road Improvement Project corridor without a separately noticed public hearing?

The right-of-way question underneath both items

7. It has been stated in the City's public meetings this year that no survey discrepancy or title finding could affect the City's or UDOT's authority to proceed with the Road Improvement Project, and that the road may be modified as the City sees fit. Is that the City's position? If so, please state its legal basis in light of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act and 23 C.F.R. § 635.309, under which federal-aid construction cannot be authorized until right-of-way is certified.
8. Does the City agree that if the corridor's deeded or historically used width is narrower than the design assumption in any segment — as the State's own 1934–1935 recorded instruments indicate, including a court-approved width of twenty-five feet from centerline in one segment — then widening beyond that footprint is new acquisition requiring appraisal, a written offer, and just compensation? A yes-or-no answer is requested.
9. When the zone-district amendments return to this Council, will setbacks be measured from the property line, or from a right-of-way whose width and location the City has not yet verified against recorded instruments? If the latter, how will that datum be established, parcel by parcel?

Request

If written answers to these questions are not available tonight, I respectfully ask the Council to continue Items 10.A and 10.B to the August 18 meeting. Nothing compels adoption tonight, and ordinances that will govern this canyon's land use for decades deserve answers on the record before passage. I reserve all rights with respect to my property, and nothing in this comment reflects agreement with any assumed right-of-way line.

Respectfully submitted,

Robert Macfarlane

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