PLANNING COMMISSION STAFF REPORT

Jordan River Parkway Trail and Regional Athletic Complex Riparian Restoration Conditional Use, Petition PLNPCM2011-00037

Project Area: Along the Jordan River between Redwood Road and Salt Lake/Davis County Line (1835 N Redwood Road)

March 9, 2011



Planning Division Department of Community and Economic Development

Applicant: Salt Lake City Public Services

Request

<u>Staff:</u> Everett Joyce, Phone: 801-535-7930, email: everett.joyce@slcgov.com

Tax ID: 08-15-100-011, 08-15-100-016, 08-15-100-026; 08-15-326-001, 08-15-327-001, 08-15-327-002; 08-15-351-004, 08-15-351-005; 08-15-376-001, 08-15-376-002, 08-15-376-003, 08-15-327-007, 08-15-327-009, 08-22-100-002, 08-22-100-002, 08-22-100-004, 08-22-100-005, and 08-22-100-009.

Current Zone: Open Space, M-1 Light Manufacturing Zoning Districts and Airport Noise and Flight Path Overlay, Riparian Corridor Overlay and Lowland Conservancy Overlay Districts

Master Plan Designation: Open Space / Business Park

<u>Council District:</u> Council District One, Represented by Carlton Christensen The Salt Lake City Public Services Division is proposing improvements to the Regional Sports Complex Riparian Restoration Area (Restoration Area) and to the Jordan River Parkway trail system. These two projects consist of three elements that are located along the Jordan River between Redwood Road and the Salt Lake / Davis County line. The Restoration Area consists of approximately 44 acres that are located along the west and east banks of the Jordan River. The Jordan River Parkway trail improvement project is located within the Restoration Area. The Riparian Restoration project consists of currently proposed grade changes and stream bank and habitant improvements that relate to three wetland mitigation sites. A second element of the Riparian Restoration project consists of future stream bank recontouring to accommodate development of appropriate stream bank slopes and additional wetland and habitat areas.

Requested is conditional use approval under the Lowland Conservancy Overlay District for certain improvements of the proposed development plans. Portions of these two projects lie within the Lowland Conservancy Overlay District. This overlay district regulates the land area that lies within a 50-foot setback of the banks of the Jordan River. The Jordan River runs through the project area for a distance of over a mile, approximately 5,400 feet. Approximately 12.4 acres are affected by the Lowland Conservancy Overlay District.

This conditional use request relates to the following development activities: Trails, boardwalks, pedestrian bridge, boat ramp, development of wetland mitigation ponds and the related grade changes to facilitate these improvements as well as future stream bank restoration modifications for natural area enhancements.

The Planning Commission has final decision making authority for Conditional Uses.

<u>Community Councils</u>: Westpointe and Rose Park

Area: 12.4 acres

Current Use: Open space

Applicable Land Use Regulations:

- 21A.28.020 M-1 Light Manufacturing District
- 21A.32.100 OS Open Space District
- 21A.34.050 LC Lowland Conservancy Overlay District
- 21A.34.130 RCO Riparian Corridor Overlay District
- 21A.54 Conditional Uses

Attachments:

- A. Project Overview Map, Riparian Restoration Plan Summary and Conditions Maps
- B. Wetland Grading and Planting Plans
- C. Jordan River Parkway Plans
- D. Citizen Input.
- E. Department Comments
- F. Riparian Permit Jordan River Trail
 - SL Co. Flood Control
 - DNR Stream Alteration Approval
 - UDOT Row Permit
- G. Riparian Permit Wetland Mitigation
 - 404 Permit
 - Water Quality Certification
- H. Jordan River Restoration Examples

The project area also lies within the 100-foot corridor of the Riparian Corridor Overlay District. The purpose of the RCO riparian corridor overlay district is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the city. The proposed current development projects have been reviewed and granted approval for a riparian permit.

Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the projects generally meet the applicable standards and therefore, recommends the Planning Commission approve with conditions the wetlands mitigation enhancements and Jordan River Parkway trail improvements. The staff also recommends that the Planning Commission approve with conditions the future stream bank grading modifications subject to the condition of receiving any necessary outside agency and riparian permit approvals.

Recommended Motions

Based on the findings listed in the staff report and the testimony heard, I move that the Planning Commission approve the conditional use for the Jordan River Parkway trail improvements and the currently proposed wetland mitigation improvements subject to the following condition:

- 1. The applicant coordinate with City Departments to address their concerns and requirements; and
- 2. If any additional grade changes to establish appropriate elevations for wetland ground water hydration, that a modified riparian permit is obtained and if any additional grade change exceeds two feet of proposed changes that such changes are brought back to the Planning Commission for review and approval.

In addition, based on findings and testimony heard, I move that the Planning Commission approve proposed future stream bank grading modifications within the Riparian Restoration area with the following conditions:

- 1. Review and approval of specific future grading and stream bank design is subject to Planning Director approval and Public Utilities Department Director's approval though the riparian permit process;
- 2. That if any final grade changes exceed four feet in cut or fill that the proposed changes be brought back to the Planning Commission for review and approval;
- 3. That any required extensions of time to meet condition 1 above, is subject to administrative review and approval by the Planning Director with such extensions limited to a five year period, the same active period for the current riparian and 404 wetland permits.





Background

The City has committed to develop a natural area on the east portion of the Regional Athletic Complex. To implement appropriate development of this natural area, City consultants developed the Regional Athletic Complex Riparian Restoration Plan, 2010. This plan outlines the restoration of a 44 acre urban riparian area located on the east and west banks of the Jordan River between Redwood Road and the Davis County line. The plan contains a process to return the degraded habitat to a healthy, self-sustaining ecosystem with natural function and a predominance of native species. The Restoration Plan includes development of three acres of mitigated wetlands. The mitigated wetlands are a result of the athletic complex development.

The restoration design proposes enhancement or development of the following habitat types: off-channel wetlands, gramoind slope wetlands, emergent bench wetlands, riparian forest complex, upland grasslands and upland shrublands. To develop some of the habitats proposed, the recontouring of existing stream bank areas is necessary to create appropriate grade to allow hydration of planting areas by ground water and for stream bank stabilization. Implementation of this plan will be accomplished in phases. The three wetland mitigation areas have been reviewed and approved through the 404 wetlands process. However, additional study needs to occur prior to future stream bank modifications. Further stream bank recontouring to obtain appropriate slopes for stream bank stabilization and development of wetlands is a later phase of the restoration process for this area.

The Jordan River Parkway Trail project is located within this Restoration Area. The Jordan River Parkway Trail completes the trail segment from Redwood Road to the Salt Lake / Davis County line. Proposed is a trailhead parking lot with boat ramp access to the Jordan River on the south end of the restoration area located immediately west of Redwood Road. The Jordan River trail would then cross the river just north of the parking lot and continue north along the east side of the river and connects with the existing improved trail in Davis County.

Project Description

This petition addresses three proposed projects. Two of the proposed projects have been designed and are ready for construction. One is the first phase of improvements to implement the Regional Athletic Complex Riparian Restoration Plan which involves development and enhancement of three mitigation wetland areas related to the development of the athletic complex itself and the other is improvements to the Jordan River parkway trail system.

The third project is a future phase involving the recontouring of the Jordan River stream bank to create appropriate slopes for specific habitat types called for in the Restoration Plan. At this time additional study and funding is required to determine specific details in grading requirements and planting materials for specific habitat and stream bank enhancement actions. The staff recommends that the Planning Commission also consider conditional use approval for future stream bank recontouring and related restoration planting. Examples of Jordan River bank recontouring are provided in Attachment H.

Certain elements of the proposed improvement projects require conditional use approval under the Lowland Conservancy Overlay District. This zoning overlay district is applicable to a 50-foot offset from the banks of the Jordan River. Conditional use approval is required for proposed grade changes, trail and boardwalk improvements and boat ramp. These improvements are listed on the table below in the Project Details section of the staff report.

Project Details

Use /Activity	Zone Regulation	Proposal
Grading and development of wetland habitats	Conditional use	Grading for development of regional athletic complex mitigation wetlands.
Trails and related grading	Conditional use	 Jordan River trail and boardwalk from Redwood Road to the Salt Lake / Davis County line. Equestrian trail
Boat ramp	Conditional use	Boat ramp from trailhead parking lot at 1835 N Redwood Rd.
Pedestrian bridge	Conditional use	• Pedestrian bridge – One new bridge and removal of old bridge.
Future recontouring of stream bank	Conditional use	• Additional phase - Recontouring to stabilize stream bank and establish appropriate slopes for developing wetlands.
Natural Vegetation Buffer Strip and Landscape Plan	Conditional use	Re-vegetation of disturbed areas as a result of regrading activities and trail infrastructure improvements with plantings and seeding mixes.

Public Notice, Meetings and Comments

The following is a list of public meetings that have been held related to the proposed projects:

- Open House held on February 17, 2011. Comments and notes can be found in Attachment D.
- The most recent presentation to the Westpointe Community Council was held on January 19, 2011. The Community Council Chair has submitted a letter dated February 14, 2011 identifying that generally the Community is in support of the development of the Athletic Complex and associated Jordan River Corridor improvements. The Community Council letter can be found in Attachment D.

Notice of the public hearing for the proposal includes:

- Public hearing notice mailed on February 25, 2011
- Public hearing notice posted on property on February 24, 2011.
- Public hearing notice posted on City and State websites on March 3, 2011.
- Public hearing notice emailed to the Planning Division listserve on March 3, 2011.

City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment E. The proposed development has been reviewed through the City's Development Review Team. The following Department representatives have reviewed the proposed plans: Fire, Transportation, Public Utilities, Building Services and Airport. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled through the permit process or that warrant denial of the petition.

Analysis and Findings

Findings

21A.54.080 B. Specific Standards: A conditional use permit shall be approved unless the evidence presented shows that one (1) or more of the standards set forth in this subsection cannot be met. The Planning Commission, or, in the case of administrative conditional uses, the Planning Director or the Director's designee, may request additional information as may be reasonably needed to determine whether the standards of this subsection can be met.

- 1. Master Plan and Zoning Ordinance Compliance: The proposed conditional use shall be:
 - a. Consistent with any policy set forth in the City-Wide, Community, and Small Area Master plan and future land use map applicable to the site where the conditional use will be located, and
 - b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

Master Plan Analysis: Land use policy regarding this area is contained within the Rose Park Small Area Master Plan.

Adopted Master Plan - Rose Park Small Area Master Plan, 2001 - Northern Study Area

The Rose Park Small area Plan states "*Jordan River Parkway* The State Parks' Jordan River Parkway, in the Northern study area, consists of approximately 174 acres of land a majority of which is located in the area currently under the jurisdiction of Salt Lake County rather than in the corporate boundaries of Salt Lake City. Under State ownership, the development of this property is exempt from either City or County regulations and control. Existing facilities of the Parkway include a model plane airport facility and an off-highway-vehicle training center. The State Parks Department is in the process of developing a master plan for recreation uses on this property. The City supports the expansion of State recreation facilities in this area." This master plan language is from the year 2001. Since that time, the City has obtained ownership of the parkway property from the State and therefore the State master plan element is not pertinent.

The future land use map for the Riparian Restoration area identifies the lands for open space use with a minor portion of the Jordan River trail improvements on the east side of the river on property identified for business park use.

Plan supported by Resolution 13 of 2009– Blueprint Jordan River - Guidelines

The City supports the Jordan River Blueprint guiding principles in planning and designing these projects:

1. Preserve and rehabilitate natural river features and functions to the greatest extent possible

The natural area component of the Regional Athletic Complex supports a natural corridor for the Jordan River through regraded banks that allow for natural and stable bank slopes. Created and maintained wetlands will provide water storage, filtration and habitat. The removal of invasive species and the planting of native trees, shrubs and grasses will promote a healthy riparian corridor and expands existing native riparian habitat.

2. Establish buffers between the river and the built environment

The natural area establishes a buffer, approximately 23 acres, averaging 223 feet in width between the river and the Regional Athletic Complex. The Jordan River Blueprint has identified this area as a "silver level" preservation and restoration opportunity. The width of the Nature Preserve exceeds the recommendation of 100 - 200-foot buffer.

3. Restore riparian and in-stream habitat

The natural area will be the focus of riparian and wetland habitat restoration along the river.

4. Manage storm water onsite

The proposed recontouring of the Jordan River stream bank and related development of wetlands enhances storm water management through capturing and filtering storm water that migrates into the river system.

5. Apply design standards for complementary development and redevelopment in the corridor to support increased viability and recreational use of the river

This project increases recreation and visitation along the river and incorporates strategies for sustainable design and low-impact development, water efficient irrigation and the protection of the riparian area.

6. Encourage regional transportation planning to connect communities to the river corridor, emphasizing non-automobile travel

Regional transportation is facilitated through the completion of the Jordan River Parkway Trail.

Plan adopted by Resolution41 of 2010 - Regional Athletic Complex Riparian Restoration Plan

This plan outlines the restoration of an urban riparian area located on approximately 44 acres along the Jordan River between 1835 N Redwood Road and the Davis County Line in Salt Lake City, Utah. This restoration area is part of the development plan for Salt Lake City's Regional Athletic Complex.

The restoration goal for this riparian area is to improve riparian and upland features and functions, including wildlife habitat and downstream water quality, while balancing the needs for development, recreation and public access in adjacent areas.

Restoration as defined in this plan is the process of returning a degraded habitat to a healthy, selfsustaining ecosystem with natural function and a predominance of native species. This restoration plan describes the restoration area's current degraded condition and identifies methods to improve its ecological function and capacity to support desired native species.

The Jordan River, particularly the segment north of 2100 South and the Surplus Canal, is a highly altered system and its functions are constrained by channelization, urbanization, and flow modification.

These conditions limit the scope of and the potential for ideal habitat restoration. Therefore, the restoration plan focuses on the following achievable objectives:

- Reduce weed cover via physical and chemical methods and maintain the reduction over time,
- Establish structurally complex riparian, wetland and upland habitats consisting of diverse, native plant species,
- Enhance existing habitat and increase the diversity and abundance of migratory bird species nesting and migrating through the area, and
- Establish buffers and landscape features to physically and visually separate the natural and build environments on the west side of the Jordan River while providing education and access along the Jordan River Parkway on the east side of the river.

Master Plan Finding:

The proposed development activity and the related conditional use elements are consistent with the City master plan and applicable future land use map designations of open space and business park. Specifically, the proposed development is consistent with the Rose Park Small Area Master Plan, 2001 and its related future land use map.

In addition to consistency with the Rose Park Small Area Master Plan, the proposed development activities are implementation actions of the Regional Athletic Complex Riparian Restoration Plan, 2010 adopted by Resolution 41 of 2010. The proposed development activity also supports the guidelines of the Blueprint Jordan River plan that was supported by the City through Resolution 13 of 2009.

Zoning Ordinance Analysis/ Findings:

Several zoning regulations apply to the proposed restoration area. The project parcels are mostly zoned OS – Open Space with a few parcels zoned M-1 – Light Manufacturing. In addition to the base zones, the Lowland Conservancy, Riparian Corridor, and the Airport Flight Path Protection Overlay Districts apply to this area. The proposed uses and development activities are permitted in the M-1 Zoning District. The proposed uses except for trails are permitted in the Open Space Zoning District. However, trails are allowed in the Open Space District because they are permitted within the Riparian Corridor Overlay District. The proposed development activities are not affected by the Airport Flight Path Protection Overlay District.

An overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to "base" or underlying zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations shall control.

Lowland Conservancy and Riparian Corridor Overlay Districts

Both of these overlay districts regulate the development activities along the Jordan River. The Lowland Conservancy District applies to a 50-foot offset from the banks of the Jordan River. The Riparian Corridor Overlay applies to a 100-foot setback from the Jordan River. The overlay districts have the following purposes:

<u>Riparian Corridor Overlay</u>. The purpose of the RCO riparian corridor overlay district is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the city. This overlay district is intended to provide protection for the following above ground streams, stream corridors and associated wetlands east of the Interstate 215 Highway: City Creek, Red Butte Creek, Emigration Creek, Parleys Creek, and Jordan River. Where these streams flow through areas already developed on the effective date of this section (January 15, 2008), the RCO is intended to achieve a reasonable balance between the dual nature of these areas: natural streams and developed land uses.

<u>Lowland Conservancy Overlay</u>. The purpose of the Lowland Conservancy Overlay District (LCOD) is to "promote the public health, safety and general welfare of the present and future residents of the city and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the city's watercourses, lakes, ponds, floodplain and wetland areas. The requirements of this district shall supplement other applicable codes and regulations, including state and federal regulations and the Salt Lake City floodplain ordinance".

Riparian Corridor Overlay District Analysis:

The Riparian Corridor overlay requirements are applicable to a 100-foot setback from the Jordan River. The proposed development activities have been reviewed and approved by the Public Utilities Department Director through two separate riparian permits. The first riparian permit is for the Jordan River improvements; replacement of pedestrian bridge, paving existing trail, elevating trail to boardwalk through wetlands area, boat ramp, and relocating and paving parking area, see Attachment F. This attachment contains the SL County Flood Control, Department of Natural Resources Stream Alteration and UDOT Right-of-Way reviews. The second riparian permit is for the creation of three wetland areas along the Westside of the Jordan River between 1800 North and the Davis County line, see Attachment G. This attachment contains the 404 Wetlands permit and the State Department of Environmental Quality 401 Water Quality Certification.

Lowland Conservancy Overlay District Analysis:

The Lowland Conservancy Overlay District (LCOD) is applicable to the Jordan River. The LCOD applicable area for nonresidential uses is within a fifty-foot setback from the banks of the Jordan River.

Permitted uses in the LCOD are limited to agricultural, open space and recreational uses that do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures.

Conditional use approval is required for limited filling, excavating or modification of existing hydrology, related to: boat docks and piers; boat launching ramps; observation decks and walkways within wetlands; public and private parks including wildlife and game preserves, fish and wildlife improvement projects, and nature interpretive centers; repair or replacement of existing utility poles, lines and towers; roads and bridges; swimming beaches; and underground utility transmission infrastructure.

Proposed Grade Changes and Modification to Site Hydrology

The proposed grade changes discussed below are part of the implementation actions for the Regional Athletic Complex Riparian Restoration Plan. The discussion is mostly limited to the Jordan River 50-foot setback area. The proposed grade changes establish an elevation that allows ground water to

hydrate the wetland sites. The City has ground water monitoring wells in place to assist in determining appropriate grade elevations. Minor modifications may be necessary as additional well monitoring data identifies the need to lower the existing grades to obtain ground water hydration affects for the wetlands. Staff recommends that the Planning Commission consider allowing additional minor grade changes to accommodate hydration of the wetlands. It is recommended that if any additional grade change is required that the City receives riparian permit approval and if any additional grade change is more than a two foot, then the applicant must bring back the modification request to the Planning Commission for review and approval.

<u>North Wetland Mitigation Area - 2 acres</u>. This area consists of two adjacent mitigation areas. The edge of the stream bank along this wetland area is being graded to establish a river bank elevation of 4214 (a cut of 3-4 feet). These cuts are for the purpose of hydrating the wetland area by ground water. Then the proposed grading slopes upward to elevation 4215-4217, then the grading line descends into the proposed wetlands to an elevation of 4218 (a cut of 2-3 feet). The west bank of the wetland area is contoured up to the elevation of 4218 (a fill of 2-3 feet). This recontouring creates a berm to minimize impacts between the natural area site and the adjacent athletic complex. The proposed grading plan is located in Attachment B, Sheet 4-CG102.

<u>South Wetland mitigation Area – 1 acre</u>. The edge of the stream bank along this wetland area is being maintained at elevation 4218. Then an existing berm is proposed to be recontoured, lowering the berm elevation approximately one foot. The proposed wetland pond's lower elevation is 4213 feet (a cut of 3-5 feet). The west bank of the wetland area is contoured up to the elevation of 4216. These recontouring activities range from a three foot fill in some areas to a three foot cut in other areas. The proposed grading plan is located in Attachment B, Sheet 4-CG108.

<u>Jordan River Trailhead Area</u> – The trailhead area is being redesigned with a new trail segment, parking lot, boat ramp and new pedestrian bridge along with removal of an existing pedestrian bridge. The existing trail is being rerouted to the west of the parking lot and boat ramp area. The edge of the stream bank within the boat ramp area is being lowered approximately one foot while the top of the slope area adjacent to the parking lot is being filled approximately one foot. The proposed grading plan is located in Attachment C, Sheet CS101.

<u>Jordan River Trail</u> – The proposed trail improvements require minor modification to existing grades. The most significant surface change proposed that affects site hydrology is the hard surfacing of the multi-use trail segment, which is mostly along the east bank of the river. A cross section of the trail plan shows that the multi-use trail is designed so that the hard surfaced area slopes to the east away from the Jordan River into the adjacent equestrian trail, which consists of pervious materials. See Attachment C.

Proposed Improvements

Proposed improvements to the Regional Athletic Complex Riparian Area that require conditional use approval are the Jordan River Parkway trail improvements. Specifically these are the hard surfaced multi-use trail, the equestrian trail, the timber boardwalk, the boat ramp and the removal and construction of a pedestrian bridge that spans the Jordan River. These physical improvements along with the grade changes discussed above are the proposed improvements to the riparian project area that require conditional use approval. The landscape plan consists of over-seeding disturbed areas with native grasses. The new wetland areas will be restored with specific planting plans approved through the 404 wetlands permit process, which includes trees, shrubs and over-seeding with an upland seed mix.

Section 21A.34.050 E Lowlands Conservancy Overlay District Conditional Use Standards

In addition to demonstrating conformance with the conditional use standards of Chapter 21A.54 of the Salt Lake City Code the application must be evaluated for conformance with the following standards:

1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features in the development's site;

Analysis: The proposed development is the first phase of improvements to implement the Regional Athletic Complex Riparian Restoration Plan. The restoration plan defines a program to restore the degraded habitat of this area and to support a viable natural area adjacent to the Jordan River. An analysis of plant and vertebrate inventory was conducted on the site by the Utah Department of Natural Resources in 2003. This report identified that noxious weeds cover large areas of the property. Native plants constitute less than half of the species on the site. No native plant species of conservation concern were found to occur on the site.

Finding: The natural area improvement projects, both the current proposal and future steam bank recontouring and the Jordan River trail improvements along with their related grade changes meet this standard in that it furthers the specific purpose statements of the Zoning Ordinance in that the proposed improvements promote the protection, preservation, proper maintenance and use of the city's water courses, floodplains and wetland areas.

2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;

Analysis: The proposed topographic modifications are for the development of wetland mitigation sites and for the development of future wetlands in the riparian restoration area. These grade changes will restore portions of the river bank to an appropriate slope and be planted with materials to help mitigate soil erosion into the Jordan River. Grade changes are also necessary for the removal of the existing pedestrian bridge and installation of a new bridge, a boat ramp from the trailhead parking lot and the trail and boardwalk improvements to the parkway trail system. The trail improvements mostly follow an existing graded trail, but the trail is wider to accommodate a hard pathway and an equestrian trail. The parking lot is not located within the LCOD setback.

Finding: The location and condition of natural features and the site's topography were considered in the development of the Restoration Plan and in the designing and siting of the proposed physical improvements. The remediation actions will establish appropriate site topography to enhance the natural features of the restoration area.

3. Adequate assurances have been received that the clearing of the site topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

Analysis: Salt Lake City's existing site development permit for the Regional Athletic Complex requires a silt fence be placed between the sport field area and the natural area. Grading work within portions of the natural area is subject to this conditional use approval. The City site development contractors have been notified that work within the natural area cannot take place until the City receives appropriate approvals. The Jordan River parkway improvements and wetland grading have not been authorized nor will they, until conditional use approval and the record of decision is posted.

Finding: The City has not authorized construction activity within the limits of the lowland conservancy setback area along the Jordan River. The Riparian Corridor permits has been reviewed and approved. However, related construction permits have not been issued nor will they until conditional use approval is obtained.

4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities;

Analysis: The wetland mitigation ponds are approved through 404 Wetlands permit number SPK 2010-00169-UO. The Jordan River Parkway improvements have been reviewed and approved by Salt Lake County Flood Control. Salt Lake City Public Utilities Department has reviewed and approved the Riparian Corridor permit for the proposed development.

Finding: The proposed developments have been reviewed and approved by the appropriate agencies and they do not reduce the natural retention and storage capacity of the Jordan River nor increase the magnitude and volume of flooding at other locations nor will the development increase stream velocities. Proposed future grading will be required to meet conditional use standards as part of the Riparian permitting process.

5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff;

Analysis: The wetland mitigation ponds are approved through 404 Wetlands permit number SPK 2010-00169-UO. The Jordan River Parkway improvements have been reviewed and approved by Salt Lake County Flood Control. Salt Lake City Public Utilities Department has reviewed and approved the Riparian Corridor permit for the proposed development. Soil conditions related to improvements, specifically the proposed pedestrian bridge footings and foundations were reviewed by Salt Lake County Flood Control in their review of proposed improvements.

Finding: The proposed current projects have received appropriate agency reviews and approvals to permit the development based on their review of the existing conditions and proposed improvements. Future stream bank recontouring will still need to have City and outside agency reviews and approvals. The conditional use approval for these proposed grade changes would be conditioned upon receiving appropriate department and agency approvals through the Riparian Corridor permit process.

6. The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow;

Analysis: During the period of construction activity the parkway trail will be closed. Specific construction activity immediately adjacent to the Jordan River has been reviewed by Salt Lake County Flood Control and has been reviewed and approved for a Riparian Corridor permit through the Salt Lake City Public Utilities Department. Proposed future grading will be required to meet conditional use standards as part of the Riparian permitting process.

Finding: The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow.

7. The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase storm water runoff velocity so that water levels from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this title;

Analysis: The western 23 acres of the restoration site were part of the former Jordan River State Park. A 2003 Plant and Vertebrate Inventory of the site by the Utah Division of Wildlife Resources identified the following:

- Native plants now constitute a little less than half of the species at Jordan River State Park, but the most abundant plants are introduced species. No native plant species of conservation concern were found to occur on the Park.
- The Park does continue to possess value for wildlife despite habitat alterations and the presence of some nonnative species. On the other hand, the Park is in a suburban setting, already surrounded by industrial and residential development, and, as the Salt Lake City metropolitan area continues to grow, the Park will become increasingly insular and isolated from natural habitats. As a result its fauna may become less diverse in the future. Also, no animal species that are federally listed or are candidates for listing under provisions of the Endangered Species Act and no animals on the state Sensitive Species List were found. Thus, it would be an exaggeration to claim that the Park holds great biological or ecological significance. It is more accurate to say that the Park has some favorable natural qualities and favorable natural potential that could be encouraged through management for outdoor recreation such as hiking, birding, and general wildlife viewing.

The Regional Athletic Complex Riparian Restoration Plan incorporates a restoration process to return degraded habitat to a healthy, self-sustaining ecosystem with natural function and a predominance of native species. The plan identifies methods to improve the areas ecological function and capacity to support desired native species.

The Riparian Corridor permit evaluated the proposed development activity in relationship to storm water runoff, flooding and impacts on water quality and groundwater resources. Review of the proposed development has been completed by the Department of Public Utilities and the proposed development activities have been given approval for issuance of a Riparian Corridor permit.

The proposed wetland mitigation sites have been approved by the U.S. Corps of Army Engineers through 404 Wetlands permit number SPK 2010-00169-UO. The Jordan River Parkway improvements have been reviewed and approved by Salt Lake County Flood Control.

Review and approval of the proposed future stream bank recontouring plans to establish enhanced bank slopes and wetland areas will be required to be reviewed through the Riparian permit process in order to issue a Riparian Corridor permit. The purpose of the RCO riparian corridor overlay district is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the city.

Finding: The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase storm water runoff velocity, or adversely impact any other natural stream, floodplain, or wetland functions. Proposed future grading will be required to meet riparian corridor standards as part of the riparian permitting process.

8. The proposed water supply and sanitation systems are adequate to prevent disease, contamination and unsanitary conditions; and

Analysis: The proposed development activity does not include any water supply or sanitation system improvements.

Finding: This criterion is not applicable.

9. The availability of alternative locations not subject to flooding for the proposed use.

Analysis: The nature of the proposed development activity, wetlands mitigation, habitat and stream bank restoration, and Jordan River Parkway trail system improvements necessitate such improvements to be located within areas subject to flooding. The specific improvements are compatible with flooding occurrences.

Finding: Due to the nature of the development activity, this standard is not applicable.

- 2. Use Compatibility: The proposed conditional use shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the Planning Commission shall consider:
 - a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;
 - b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use, based on:
 - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
 - ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
 - iii. Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the

use and enjoyment of adjacent property; and

- iv. Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use, during hours of operation, will be likely to create noise, light, or other nuisances that unreasonably impair the use and enjoyment of adjacent property;
- c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
- d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
- e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed use; and
- f. Whether detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed is likely to occur based on an inventory of uses within one-quarter (1/4) mile of the exterior boundary of the subject property.

Analysis: The City has developed a restoration plan with strategies to return a degraded habitat to a healthy, self-sustaining ecosystem with natural functions and native species. The proposed improvements to the trail are similar to other improvements throughout the Jordan River trail system through the entire city. The only substantial similar nonconforming or conditional use would be the Jordan River trail improvements along the Jordan River on the east side of Redwood Road. There are no driveways or parking areas located within the 50-foot offset of the LCOD.

Finding: Because there are no buildings or principal uses or utility services being developed within the 50-foot offset portion of the site, many of the standards in this section do not apply. The applicant's proposal supports the restoration aspects of the Regional Athletic Complex Restoration Area Plan. There is not any detrimental concentration of existing nonconforming or conditional uses that are substantially similar. The proposed conditional use is compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located.

- **3. Design Compatibility:** The proposed conditional use shall be compatible with the character of the area where the use will be located with respect to:
 - a. Site design and location of parking lots, access ways, and delivery areas;
 - b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and
 - c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
 - d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed-used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in Chapter 21A.59 of this title.

Analysis: Throughout the Jordan River parkway system within Salt Lake County there are several parking lots related to access to the river and the trail system. There are no parking lots, vehicle access ways or delivery areas located within the LCOD 50-foot offset. The existing pedestrian trail is being

rerouted to align with the Jordan River trail on the east side of Redwood Road. The proposed facilities abut open space, industrial and institutional zoning districts and uses. There are no commercial or mixed-use developments existing or proposed within the project site.

Finding: The design of the proposed development activities and the location of the Jordan River trail is compatible with the character of the area. The proposed uses are compatible with surrounding development.

- 4. Detriment to Persons or Property: The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:
 - a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;
 - b. Not encroach on any river or stream, or direct runoff into a river or stream;
 - c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;
 - d. Be consistent with the type of existing uses surrounding the subject property; and
 - e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Analysis: By the nature of the proposed development the improvements will not be a detriment to the health, safety and general welfare of the public.

Finding: The proposed development will not emit any known pollutant into the ground or air. The proposed development should not introduce any hazardous or potential for damage to adjacent property that cannot be mitigated. The proposed uses are consistent with surrounding existing uses.

5. Compliance with Other Applicable Regulations: The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

Analysis: Section 21A.34.050.D State And Federal Permits Required: A conditional use shall not be granted unless the applicant has first obtained a section 404 permit from the army corps of engineers and a stream alteration permit from the Utah state department of natural resources, water rights division, as applicable.

Salt Lake City has obtained 404 Wetland permits and other agency approvals for the proposed development. Documentation is provided in Attachments F and G. If any of the future recontouring along the banks of the Jordan River would impact existing wetlands, then the City would obtain 404 permits. The future recontouring elements would also need Riparian Corridor permits approved along with Salt Lake County Flood Control review and approval. The conditional use approvals by the Planning Commission for future recontouring would be approved subject to the City meeting the condition of obtaining appropriate agency approvals for any future recontouring actions within the Riparian Restoration Area.

Finding: The proposed conditional use for the current development activities and future grading for wetland and stream bank enhancement proposals are subject to requirements for any necessary 404 permits or stream alteration permits. Future phases of restoration area development are subject to

obtaining a Riparian permit. The proposed development activities comply with, or in the case of future recontouring will comply with, other applicable regulations.

Commission Options

If approved, the applicant can be issued a permit and start construction of parkway trail improvements and wetland mitigation ponds. If conditions are applied to an approval, then the conditions have to be reflected on the permit and satisfied before construction can take place. If denied the city can still continue to use the property as a natural area. The mitigation ponds would need to be redesigned to be located greater than 50 feet from the river bank and this segment of the Jordan River and the parkway trail would remain in its present condition.

Potential Motions

The motion recommended by the Planning Division is located on the cover pages of this staff report. The recommendation is based on the above analysis. Conditional uses are administrative items that are regulated by State Law as well as City Ordinance. State law 10-9a-507 Conditional Uses states that "a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. If the Planning Commission determines that this is the case, then the Planning Commission must make findings related to specific standards, identify the reasonably anticipated detrimental effects cannot be reasonably mitigated. Below is a potential motion that may be used in cases where the Planning Commission determines a conditional use should be denied.

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the conditional use to allow Jordan River Parkway Trail improvements and Regional Athletic Complex Riparian Restoration improvements, located within a 50-foot offset of the Jordan River between Redwood Road and the Davis County line. The proposed conditional use will create ground disturbing events which cannot be reasonably mitigated. Therefore, the proposed conditional use is not compliant with the following standards:

- 1. Compliant with Master Plan and Zoning Ordinance.
- 2. Compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located.
- 3. Compatible with the character of the area where the use will be located
- 4. Will not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures.
- 5. The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

Instructions: The Planning Commission only needs to a make finding on the specific standard that they feel is not being complied with.

Attachment A Project Overview Map Riparian Restoration Plan Executive Summary Existing and Future Conditions Maps

Petition PLNPCM2011-00037 Conditional Use - Lowland Conservancy Overlay District

Jordan River Parkway Trail and Regional Athletic Complex Riparian Restoration



Emergent Bench Wetland - Conceptual

Regional Athletic Complex Riparian Restoration Plan

EXECUTIVE SUMMARY

This plan outlines the restoration of an urban riparian area located on approximately 44 acres along the Jordan River between 2000 North and the Davis County Line in Salt Lake City, Utah. The creation of this restoration area (RA) will be a result of the development of Salt Lake City's planned Regional Athletic Complex (Athletic Complex). The riparian restoration on the east side of the river is being completed as part of this plan in conjunction with existing plans for Jordan River Parkway construction.

Restoration is the process of returning a degraded habitat to a healthy, self-sustaining ecosystem with natural function and a predominance of native species. This restoration plan describes the RA's current degraded condition and identifies methods to improve its ecological function and capacity to support desired native species.

Once the restoration budget for the RA is determined, a detailed implementation and management plan, based on the restoration designs and strategies described in this restoration plan, will be completed prior to streambank contouring, weed treatment, or planting in the RA. The implementation and management plan will provide a detailed planting plan, seed mixes, irrigation design, and construction drawings for streambank modifications. It will also provide cost and availability of plants and seed mixes, integrated weed treatment information, detailed monitoring and maintenance protocols, and recommended types and levels of access to the RA.

In keeping with Guiding Principles of Blueprint Jordan River (Envision Utah 2009), the restoration goal for this RA is to improve riparian and upland features and functions, including wildlife habitat and downstream water quality, while balancing the needs for development, recreation and public access in adjacent areas. This goal can be accomplished via the objectives stated in this plan.

Part of this plan is to provide improved habitat for migratory bird species by enhancing and managing habitat for ten priority species. The habitat requirements of these priority species will inform the restoration strategies and success criteria for the RA. The focus on specific bird species ensures that restoration efforts will enhance habitat components needed by these species as well as create habitat suitable for other wildlife species with similar habitat requirements.

This plan details strategies for improving the existing conditions and ecological function in the RA through the restoration of the following six habitat types: off-channel wetlands (8.0 acres), graminoid slope wetlands (0.7 acres), emergent bench wetlands (2.0 acres), riparian forest complex (5.9 acres), upland grasslands (19.1 acres), and upland shrublands (7.4 acres). Currently, the RA has areas of all of these habitat types except for graminoid slope wetlands. In some areas, the existing habitat will be improved through weed removal and native plantings. In other areas, more extensive restoration will be required including stream bank contouring. Restoration techniques that will be used in the RA include public involvement, creation of physical buffers, weed management, excavation, planting, and irrigation. This plan also provides general monitoring, evaluation, and maintenance requirements for migratory birds, weeds, and native vegetation.

The installation of interpretive signage at the trailhead along the east side of the Jordan River in the RA will provide educational opportunities and help foster environmental stewardship through better understanding of the ecology of the Jordan River. A multi-paneled, kiosk-type sign at the trailhead will feature interpretive material on native plants, wildlife and, noxious weeds.

This plan was prepared by SWCA and reviewed by a public steering committee of professionals and concerned citizens. All of the recommendations received from this committee that were relevant to the restoration goals for the RA have been incorporated in this plan.

The entire plan is available at: <u>http://www.slcgov.com/slcgreen/openspace/pdf's/RAC0610.pdf</u>.



Map 3. Existing conditions in the RA.



Map 4. Future conditions in the RA.

Attachment B Wetland Grading and Planting Plans



LEGEND:



GENERAL NOTES:

- 5. ALL GRADING TO BE ± 0.1 '.







LEGEND:



GENERAL NOTES:

- 5. ALL GRADING TO BE ± 0.1 '.





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CHEDULE				
BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE	QUAN
TREES & SHRUBS				
Cornus sericea	RED-OSIER DOGWOOD	5 GAL	7' X 7'	50
Acer Negundo	BOXELDER MAPLE	10 GAL	30' X 30'	27
Populus angustifolia	NARROWLEAF COTTONWOOD	10 GAL	40' X 30'	27
Prunus virginiana	CHOKECHERRY	10 GAL	15' X 15'	9
Wet meadow sedge & Rush	& RUSH SPECIES			
Carex nebrascensis	NEBRASKA SEDGE	3" PLUG		2000
Carex pellita	WOOLLY SEDGE	3" PLUG		2000
Carex praegracilis	CLUSTERED FIELD SEDGE	3" PLUG		2000
Juncus arcticus	ARCTIC RUSH	3" PLUG		2000
Juncus torreyi	TORREY'S RUSH	3" PLUG		2000
Eleocharis palustris	COMMON SPIKERUSH	3" PLUG		2000
Emergent marsh sedge & f	& RUSH SPECIES			
Carex nebrascensis	NEBRASKA SEDGE	3" PLUG		300
Carex pellita	WOOLLY SEDGE	3" PLUG		300
Eleocharis palustris	COMMON SPIKE RUSH	3" PLUG		300
Schoenoplectus acutus	HARDSTEM BULRUSH	3" PLUG		3000
Schoenoplectus pungens	THREE SQUARE BULRUSH	3" PLUG		3000
Schoenoplectus americanus	CHAIRMAKER'S BULRUSH	3" PLUG		3000
WILLOW SPECIES				
Salix exigua	NARROWLEAF WILLOW	WHIP		500
Salix lutea	YELLOW WILLOW	WHIP		500
Salix lasiandra	PACIFIC WILLOW	WHIP		500
Wetland seed Mix				
Puccinnellia nuttalliana	NUTTALL'S ALKALIGRASS	50%	10 lbs/acre	15 lbs
Juncus arcticus	ARCTIC RUSH	1%		
Carex nebrascensis	NEBRASKA SEDGE	1%		
Carex pellita	WOOLLY SEDGE	1%		
Carex praegracilis	CLUSTERED FIELD SEDGE	1%		
Eleocharis palustris	COMMON SPIKERUSH	1%		
Deschampsia caespitosa	TUFTED HAIRGRASS	15%		
Distichlis spicata	SALTGRASS	30%		
UPLAND SEED MIX				
Achnatherum hymenoides	INDIAN RICEGRASS	5%	5 lbs/acre	6 lbs.

Hordeum jubatum Linum lewisii Triticale Sphaeralcea coccinea Sporobolus airoides Puccinellia nuttalliana Poa sandbergii Penstemon palmeri Pascopyrum smithii Gaillardia spathulata FOXTAIL BARLEY LEWIS BLUE FLAX SCARLET GLOBEMALLOW NUTTALL'S ALKALIGRASS WESTERN WHEATGRASS WESTERN BLANKETFLOWER SANDBERG BLUEGRASS PALMER'S PENSTEMON QUICKGUARD STERILE TRITICALE ALKALI SACATON

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CHEDULE				
BOTANICAL NAME	COMMON NAME	SIZE	Mature Size	QUANTITY
TREES & SHRUBS				
Cornus sericea	RED-OSIER DOGWOOD	5 GAL	7' X '	20
Acer Negundo	BOXELDER MAPLE	10 GAL	30' X 30'	10
Populus angustifolia	NARROWLEAF COTTONWOOD	10 GAL	40' X 30'	10
Prunus virginiana	CHOKECHERRY	10 GAL	15' X 15'	4
Wet meadow sedge & Rush	H SPECIES			
Carex nebrascensis	NEBRASKA SEDGE	3" PLUG		667
Carex pellita	WOOLLY SEDGE	3" PLUG		667
Carex praegracilis	CLUSTERED FIELD SEDGE	3" PLUG		667
Juncus arcticus	ARCTIC RUSH	3" PLUG		667
Juncus torreyi	TORREY'S RUSH	3" PLUG		667
Eleocharis palustris	COMMON SPIKERUSH	3" PLUG		667
Emergent marsh sedge &	RUSH SPECIES			
Carex nebrascensis	NEBRASKA SEDGE	3" PLUG		100
Carex pellita	WOOLLY SEDGE	3" PLUG		100
Eleocharis palustris	COMMON SPIKE RUSH	3" PLUG		100
Schoenoplectus acutus	HARDSTEM BULRUSH	3" PLUG		1000
	THREE SQUARE BULRUSH	3" PLUG		1000
WILLOW SPECIES				
Salix exigua	NARROWLEAF WILLOW	WHIP		167
Salix lutea	YELLOW WILLOW	WHIP		167
Salix lasiandra	PACIFIC WILLOW	WHIP		167
Wetland seed Mix				
Puccinnellia nuttalliana	NUTTALL'S ALKALIGRASS	50%	10 lbs/acre	5 lbs.
Juncus arcticus	ARCTIC RUSH	1%		
Carex nebrascensis	NEBRASKA SEDGE	1%		
Carex pellita	WOOLLY SEDGE	1%		
Carex praegracilis	CLUSTERED FIELD SEDGE	1%		
Eleocharis palustris	COMMON SPIKERUSH	1%		
Deschampsia caespitosa	TUFTED HAIRGRASS	15%		
Distichlis spicata	SALTGRASS	30%		
UPLAND SEED MIX)) :
Gaillardia spathulata	WESTERN BLANKETFLOWER	2%		
Hordeum jubatum	FOXTAIL BARLEY	5%		
Linum lewisii	LEWIS BLUE FLAX	2%		
Pascopyrum smithii	WESTERN WHEATGRASS	40%		
Penstemon palmeri	PALMER'S PENSTEMON	2%		
Poa sandbergii		10%		
Puccinellia nuttalliana	ſĢF	10%		
Sphaeralcea coccinea	SCARLET GLOBEMALLOW	2%		
Sporobolus airoides	-	2%		
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Attachment C Jordan River Parkway Trail Plans







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PROFESSIONAL SEAL:
PROJECT IDENTIFICATION: JORDAN RIVER PARKWAY TRAIL: REDWOOD ROAD TO DAVIS COUNTY LINE
PROJECT OWNER:
△ 09/09 SLOPE OF 2010 DRIVE APPROACH
MARK DATE DESCRIPTION
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Attachment D Citizen Input



A Utah Nonprofit (Community Based) Organization from the Salt Lake City NW Community Council District

February 14, 2011

From: Erin Youngberg Westpointe Community Council Chair 1910 Bridge Crest Circle Salt Lake City, Utah 84116 801.355.0433

To whom it may concern,

The Soccer Complex project and the associated improvements to the riparian corridor along the Jordan River have been an ongoing point of discussion in our neighborhood, and in community council meetings for the past year. During this process the City has made regular presentations to us in our meetings. The most recent presentation was at our January 19, 2011 meeting where Rick Graham presented the latest plans regarding the Jordan River habitat improvements.

At this presentation two citizens expressed a desire to be able to access the west side of the river which will be fenced off. Mr. Graham explained that to be able to maintain it as habitat and to control the soccer complex perimeter it needs to be inaccessible.

Generally speaking the Community is in support of the development of this Athletic Complex and associated Jordan River Corridor Improvements as presented and planned. We feel that the City has taken our concerns into account as they have refined their design.

Sincerely,

Erin Youngberg Westpointe Community Council Chair

OPEN HOUSE ATTENDEE CONTACT FORM

February 17, 2011

Jordan River Parkway Trail and Regional Athletic Complex Riparian Restoration Conditional Use - Petition PLNPCM2011-00037



Planning and Zoning Division Department of Community and Economic Development

NAME Dan Potts, 801-596-1536 ADDRESS 4155.1000W ZIP CODE 84104 dan-karen-potkemsn.com E-Mail NAME JARED JOHN.CON ADDRESS 1605 5. GRAMFRCY ZIP CODE 84104 ijahnson@yesco.com. E-Mail NAME Mike Christensen ADDRESS 475 N Redwood Rd Unit 50 ZIP CODE 8416 E-Mail Mrc@cascadepeak.com NAME Cindy Cromer ADDRESS 816 E 100 5 ZIP CODE 566 84102-4109 E-Mail 3CINS/CE/ive.com

Open House Attendee Contact Form
Open House - February 17, 2011 Jordan River Parkway Trail and **Regional Athletic Complex Riparian Restoration COMMENT SHEET** If we may contact you for further discussion about your comments, please provide us with contact information: Name_Mike Christensen Address) 475 N Redurned (include zip code) Phone Email Written Comments: Traffic light at pedestrian crossing on Redwood Road rather than flashing light. .

Conditional Use - Petition PLNPCM2011-00037

Attachment E Department Comments ORION GOFF BUILDING OFFICIAL

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT BUILDING SERVICES AND LICENSING RALPH BECKER MAYOR

4TH ZONING REVIEW CORRECTION SHEET

Log Number: BLD2011-00373 Project Name: Jordan River Trailway Project Address: 1835 N. Redwood Road Contact Person: Dell Cook E-Mail: <u>dell.cook@slcgov.com</u> Telephone: 801-535-6378 Fax: 801-535-6093 Date: February 28, 2011 Zoning District: O-S Overlay District: RCO & LC Reviewer: Alan R. Michelsen E-mail: <u>alan.michelsen@slcgov.com</u> Telephone: 801-535-7142 Fax: 801-535-7750

COMMENTS

For clarity, Items in compliance have been deleted. Additional comments pursuant to the 2nd zoning review are in bold font. 3rd zoning review comments are in red font. 4th zoning review comments are in green font. Comments in compliance but awaiting Conditional Use approval by the Planning Commission are in light blue font. Please respond in writing to each of the remaining items below. Revise plans where appropriate. For follow-up review attach written responses to the revised plans and resubmit to this office. During the review process you will be responsible for insuring that all sets of plans submitted for review are maintained in complete and accurate condition. Please call me directly if you have questions or concerns.

- This project lies within a Lowland Conservancy Overlay District. Pursuant to 21A.34.050, a 50 feet non-buildable setback is required. The construction of parks, trails, roads, bridges, boating facilities, minor grading, storm water detention and drainage facilities, modification of site hydrology, minor repair/replacement poles towers and lines, etc., within the 50 feet setback require approval by the Planning Commission as a Conditional Use. For information on obtaining this approval please contact our Buzz Center at 801-535-7700. Response that you have applied is noted—action by planning commission is pending.
- 2) The conditional use application and/or the building permit application require additional plans and compliance with the following provisions:
 - A 25 feet natural vegetation strip is required as measured from the ordinary high water mark. Within the natural vegetation strip, no building, pavement or structure shall be allowed except as approved by conditional use. Action by planning commission is pending.
 - Provide easement agreements where the trail encroaches into the Jordan River waterway (lot 08-22-100-009) and across private property (lot 08-15-100-012). Response noted. However, documentation is required. Please provide an easement agreement for the encroachments outside the boundaries of lot 08-22-100-009. Also, your revised plans (sheet CS 109) conflicts with the current county plat records available on the county's website. Please provide a current county plat map in support of your plans or provide documentation signed and wet-stamped by a licensed land surveyor.
 - 1. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction. **Response noted—action pending by planning commission.**
 - 2. A plan describing the proposed revegetation of the disturbed areas specifying the materials to be used. The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented. **Response noted**—action pending by planning commission.

3) A parking lot lighting plan is required. Parking lots which are operated and open to use during the hours of darkness after one hour after sunset shall be provided with lights and lighting facilities that will provide 0.03 watt per square foot with incandescent light source, or 0.01 watt per square foot with either mercury vapor or fluorescent light source, but in no event less than 0.2 foot-candle average maintained illumination on the entire parking lot surface and an average ratio of six to one. Lights shall be located, directed or designed in such a manner so as not to create glare on adjacent properties. Your response concerning wildlife is noted. However, I was unable to find any exception for wildlife or any other grounds for appeal under section 18.80 of the Salt Lake City Parking Lot Construction Code. Please provide a lighting plan that shows compliance with the provisions indicated above. Your response that you are willing to post a sign stating that the parking lot is closed from dawn to dusk is noted. Please indicate this in the plans and show the location of the sign on the site plan.

NOTE 1: After the building permit is issued, a public way permit will be required from the Engineering Department prior to commencing any work in the public way.

NOTE 2: A building permit will be required for each individual parcel. Lot consolidation of all the parcels on trail side (east side) of the Jordan River is recommended. Documentation of lot consolidation is required. **Response is noted that parcels are being consolidated. Documentation provided to this office is pending.**



Salt Lake City Department of Airports

INTEROFFICEMENO

Raming & Environmental

Date: Mar 1, 2011

To: Everett Joyce

From: Allen McCandless

Subject: Conditional Use request at 1835 North Redwood Road Regional Sports Complex / Riparian Restoration Area Petition PLNPCM2011-00037

Thank you for the opportunity to comment on the Conditional Use request for the Regional Sports Complex Riparian Restoration Area / Jordan River Parkway trail system. It is understood this petition is a conditional use covering an area 50 feet on the east and 50 feet on the west sides of the Jordan River, and a north/south length along the river of 1+ mile. This conditional use petition is for trails, bridge, boat ramp, and grade changes along the river. The soccer fields and areas west of the Jordan River are not part of this conditional use petition.

This project lies approximately 1.3 miles east of the existing end of Runway 17. Though the soccer fields are not part of this petition, it should be noted that large open grassed areas would pose a potential attractant to Canada geese and other species of waterfowl that are already in the vicinity of the proposed complex. Given the number of Canada geese in the vicinity of the complex and in Salt Lake County as a whole, this could increase the number of geese crossing the approach and departure patterns to the airport, especially Runway 17. Ponds and improvements to the Jordan River may present an increased attractant to waterfowl in the area and potentially increase riparian habitat.

It is recommended that the Salt Lake City Parks division work closely with the Salt Lake City Department of Airports wildlife biologist to initiate and develop a wildlife plan covering this area along the Jordan River and soccer fields. The plans goal should be to assess and minimize the bird attractants in this area that may conflict with air navigation.

Attachment F Riparian Permit – Jordan River Trail SL County Flood Control, Dept Natural Resources Stream Alteration, UDOT Row Permit

Salt Lake City Department of Public Utilities

"Serving our Community Protecting our Environment"

Notes:

Approv

Director.

	Owner Information			
	Name SLC Public Services Department (Parks Division), Jordan River Parkway Trail Improvements, Red-			
	wood Road to Davis County line.			
	Owner Address 451 S State, SLC, UT 84111			
	Contact: Ron Salisbury 801-535-6157			
	Scope of Work Permitted			
	Zone A (0-25 ft) Replacement of pedestrian bridge, paving existing public trail, elevating trail to boardwalk			
	through wetlands area, boat ramp.			
	Zone B (25-50 ft) Paving existing public trail, 2 foot portion of parking area at trail head.			
	Zone C (50-100 ft) moving unpaved parking area further from river, paving.			
	· · ·			
see attached drawings, consultant report, memo, 404 and sico permit.				
ved ∦	by: Date: 12-27-10			
7 F 1.	liormovar			
	liermeyer/ C Public Utilities Department			

This permit must be available on the job site. Thank you for helping protect Salt Lake City riparian areas, and our water quality. For questions or additional information about this permit please contact Salt Lake City Department of Public Utilities, 1530 S. West Temple St., SLC, Ut 84115, telephone 483-6727. Visit our website www.ci.slc.ut.us/utilities/. Salt Lake City Ordinance 21A.34.130 Riparian Corridor Overlay District (RCO)

260147 5/08

	PERMIT # 2664
SALT LAKE COUNTY PUBLIC WORKS ENGINEERING DIVISIO	
2001 SOUTH STATE STREE SALT LAKE CITY, UTAH 84190 (801)468-2711	
(801)468-2711 FLOOD CONTROL PERI USE OF RIGHT-OF-WA	DEC 0 8 2010
RIGHT-OF-ENTRY OR INSTALLATION OF STRUC	SALT LAKE COUNTY FLOOD CONTROL
Permission is hereby granted by Salt Lake County (Grantor) to: Salt Lake City Public Works <u>Max G. Peterson, P.E.</u> (Name of Firm or Individual) (Grantee) 349 Sor	1th 200 East, Suite 100 (Address)
901-535-6357 Brace Brown Phone: <u>801-535-6231</u> Contact: <u>City Engineer</u>	
TO: (Describe in these spaces the proposal, including kind and type of constru- Indicate passageway provided by means of gates, etc. Use separate sheets if r Provide all engineering calculations. Attach drawings and sketches as requi	necessary, identifying each by reference herein. red.)
Construct Class I bike trail adjacent to the Jordan	River approximately 4600 linear
feet of 10' wide asphalt path and approximately 960	linear feet of pressure treated
raised boardwalk on helical piers. This project will	11 include removing one old
bridge and installing a new bridge at a new location Jandan River 1800 N. Redwood Rd (1700W). UTSA \$ 10-57-065A 08-22-100-009 1905N.R	E 2200N. Redwood Rd
Provided that: Basin #: 2700	Flood Centrol #:

Upon termination or expiration of this permit (whether by voluntary relinquishment by the grantee, by revocation by the Grantor or otherwise) the Grantee shall remove all improvements which may have been erected or constructed under this permit, and shall repair or replace any portion of the flood control facility or right-of-way which may have been damaged by applicant=s operation (including grading and seeding, or sodding, if necessary) to the satisfaction of the Grantor.

The structure or operation for which this permit is issued shall be maintained by the Grantee in such manner as shall not injure or damage the flood protection structure, or interfere with its operation and maintenance in accordance with Title 17 of the Ordinances of Salt Lake County.

The structure or operation covered by this permit may be stopped, removed, damaged or destroyed by the Grantor in time of flood emergency if such action is determined by the Grantor to be necessary in order to preserve life or property or prevent damage and the Grantor shall not be liable to the grantee for such damage or destruction.

Form 1708 a

Provided that:

November 1, 2005

Unless otherwise specifically provided herein, this permit may be canceled at any time by the Grantor upon 10 days written notice mailed to the address shown above. During such 10 day period (or such other period as may be provided herein), the grantee shall be obligated to remove any improvements installed under this permit, and to repair or replace any damage to the flood protection right-of-way or structures resulting from Grantee=s use or operations. If Grantee fails to remove improvements installed under this permit or to repair or replace any damages to the flood protection right-of-way or structures during such period of time, the Grantor shall have the right to possess and dispose of any such improvements remaining upon its right-of-way, and may proceed to repair or replace any such damage, and the Grantee herein shall be liable to the Grantor for the full cost of such repairs or replacements.

The construction, installation and maintenance of the improvements covered by this permit shall be subject to inspection by representatives of the Grantor at all reasonable times.

In the event the work covered by this permit consists of or includes major construction, the cost of inspection thereof by the Grantor shall be paid by the Grantee.

Grantee agrees that it will not use the area or facilities covered by this permit, or permit such area to be used, for any purpose other than is specifically covered by this permit. By signing this permit, Grantee agrees to accept responsibility for this project as long as the improvements installed under this permit remain in place.

Grantee agrees to defend and indemnify Grantor, its employees and agents from all injuries, damages or claims that may occur from Grantee's installation repair or maintenance of improvements pursuant to this permit.

After The Permit Is Approved, Contact Salt Lake County Engineering 24 Hours Before Starting Construction, (801)468-2711

This space for County use only for special conditions applicable to this permit.

/raì Channe Dottom.

THIS PERMIT SHALL NOT BE VALID UNTIL APPROVED BY THE DIRECTOR OF SALT LAKE COUNTY ENGINEERING DIVISION OR AUTHORIZED REPRESENTATIVE.

Terms of this permit are hereby accepted. APPROVED: 2010 Approval/Newspireval Recommended: -6-2010 November 1, 2005 Form 1708 b alt Lake County Flood Operations

Salt Lake City Corporation

Department of Public Utilities Engineering Division November 17, 2010 Bernard Mo (801) 483-6835 FAX 483-6894

MEMORANDUM

TO: Ron Salisbury

FROM:

Bernard Mo, P.E.

SUBJECT: Proposed Jordan River trail downstream of Redwood Road – effects on channel scour.

A footbridge across the Jordan River, a few hundred feet downstream of the Redwood road crossing has been proposed by Salt Lake City for use by the Jordan River Trail system. Salt Lake County Flood Control (County Flood Control) has asked that an analysis be done concerning the bridges effect on the river scour.

A review of the construction drawings indicates that there will be no adverse change to the scour characteristics in this section of the Jordan River due to the construction of the bridge in question. The bridge abutments will be constructed above the 100 year high water elevation as calculated by the most recent HEC-RAS model which Salt Lake City Department of Public Utilities has received from County flood control. There will be no changes to the channel geometry, thus there will be no changes to channel velocities.

There are three potential types of scours to evaluate in this case:

Contraction Scour: There is no existing contraction or proposed contraction of the river. The bridge abutment will be constructed entirely out of the river channel, thus will introduce no contraction. A contraction scour calculation is not required. If there was contraction, it would be a live-bed scour case, as the mean velocity of the channel at 1200 cfs would be 3.1 ft/s. This velocity could transport a particle up to 0.05' in average diameter. But because there is no reduction in the river cross section in this area there will be no increase of channel velocity and the bed load will remain in equilibrium under the bridge.

Local Scour: The channel is fairly uniform and established in this area with no projections or obstacles. There should be no local scour.

Pier Scour: The bridge is pier-less; so a pier scour analysis was not required.

All three types of scour have no negative impact on the scour characteristics of the Jordan River in this case.

I:\MO\redwoodtrailscour.doc



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GARY R. HERBERT

Governor

GREG BELL

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER Executive Director

Division of Water Rights KENT L. JONES State Engineer/Division Director

RECEIVED

JUN 2 3 2010

SALT LAKE CITY ENGINEERING DIVISION

ORDER OF THE STATE ENGINEER FOR STREAM ALTERATION APPLICATION NUMBER 10-57-06SA IN THE NAME OF MAX J. PETERSON/SALT LAKE CITY CORPORATION FOR ALTERATION TO THE JORDAN RIVER IN SALT LAKE COUNTY, UTAH

This **ORDER** is issued pursuant to statute and in accord with the statutory criteria for approval of a stream alteration application that are described at UTAH CODE ANN. § 73-3-29. The State Engineer has determined that this application does meet the necessary legal criteria to **ORDER** the approval of the application based upon the following information and reasoning set forth in the Findings of Fact and Discussion.

FINDINGS OF FACT

- 1. The application was received by the Division of Water Rights ("Division") on May 25, 2010, and made available for comment on the Division's webpage, provided to adjacent property owners or other individuals who may be affected by this project as identified in the application, pertinent governmental agencies, and to other entities as warranted, for a period of 20 calendar days, said period concluding prior to June 14, 2010.
- 2. The application contains the following information:
 - The stated description of the proposed project is: To install a new footbridge, remove an existing bridge and construct 4600 linear feet of paved trail with an additional 960 linear feet of boardwalk adjacent to the Jordan River in Salt Lake County.
 - The stated purpose of the proposed project is: To facilitate construction of the Jordan River Parkway Trail.
- 3. A site visit was conducted by Division personnel on June 17, 2010, with the following persons in attendance:
 - Chuck Williamson Utah Division of Water Rights
 - John Briem Utah Division of Water Rights

The following observations were made:

- This reach of the Jordan River is a low gradient channelized watercourse.
- Riparian vegetation consists mainly of invasive Russian olive and Siberian elm.
- The proposed trail will be constructed on an existing levee.
- 4. The Division received comments or objections on the proposed project from:
 - Randy Kaufman Utah Division of Forestry, Fire & State Lands
 - Lori Hunsaker Utah Division of State History
 - John Harja Public Lands Policy Coordinator



1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300 telephone (801) 538-7240 • facsimile (801) 538-7467 • TTY (801) 538-7458 • www.waterrights.utah.gov

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Page 2 10-57-06SA June 21, 2010

The comments or objections received by the Division are summarized as follows:

- The State of Utah claims ownership of the bed of the Jordan River. The proposed project appears to impact state sovereign lands.
- The Utah Division of History concurs with the State Engineer's determination of No Historic Properties Affected as a result of the proposed project.
- The proposed project is in Salt Lake County, which is a PM2.5 non-attainment area. A non-attainment area is an area that has not met the National Ambient Air Quality Standards (NAAQS). Because it is a non-attainment area, the proposed project may be subject to R307-309: Fugitive Emissions and Fugitive Dust, of the Utah Air Quality Rules. R307-309 requires that owners or operators of a project involving the clearing or leveling of land or access haul roads that are one-quarter acre or greater in size submit a fugitive dust control plan to the Executive Secretary of the Air Quality Board for review. The fugitive dust control plan must be submitted to the Executive Secretary at the Utah Division of Air Quality at the Multi Agency State Government Office Building located at 195 North 1950 West, Salt Lake City, Utah 84116 for review prior to commencement of the project. A copy of the rules can be found at www.rules.utah.gov/publicat/code/r307/r307.htm.

DISCUSSION

- 1. Based on a review of the Division's water rights records and/or a review of the application by personnel of the Division's regional office, it is the opinion of the State Engineer that the project will not impair vested water rights.
- 2. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily affect recreational use or the natural stream environment.
- 3. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily endanger aquatic wildlife.
- 4. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily diminish the natural channel's ability to conduct high flows.
- 5. Other comments or concerns submitted by interested persons or parties are not believed to be within the purview of the State Engineer in evaluating an Application to Alter a Natural Stream.

Page 3 10-57-06SA June 21, 2010

ORDER

Stream Alteration Application No. 10-57-06SA, submitted in the name of Max J. Peterson/Salt Lake City Corporation, applicant, for construction of a new bridge and adjacent trail construction associated with the Jordan River, a natural stream located in Salt Lake County, Utah, is hereby APPROVED, contingent upon the conditions outlined in this **ORDER**. This approval also constitutes compliance with Section 404 (e) of the Clean Water Act (33 USC 1344) pursuant to General Permit 040 issued to the State of Utah by the U.S. Army Corps of Engineers on May 14, 2004. The applicant is hereby authorized to conduct the work detailed in the application and supporting documentation, as described in this **ORDER**. Any modification or addition to the work may require additional authorization and/or application resubmittal.

- 1. The expiration date of this order is **June 21**, **2011**. Work affecting the bed and/or banks of the stream may not be conducted after this date. The expiration date may be extended, at the State Engineer's discretion, by submitting a written request outlining the need for the extension and the reasons for the delay in completing the proposed stream alteration.
- 2. A copy of this order must be kept onsite at any time the work authorized under this order is in progress.
- 3. Work must be accomplished during a period of low flow. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream. Flows must be diverted away from the construction area using a non-erodible cofferdam or other means of bypass.
- 4. Impacts to the stream channel and surrounding environment must be minimized. Vegetation should not be destroyed, but if some disturbance is necessary, then revegetating with native species will be required, especially in the case of woody shrubs. The channel contours and configuration must not be changed except in the case of bank contouring for stabilization purposes.
- 5. Whenever an applicant causes the water turbidity in an adjacent surface water to increase 10 NTU's or more, the applicant shall notify the Division of Water Quality.
- 6. If historical or archaeological resources such has human remains (skeletons), prehistoric arrowheads/spear points, waste flakes from stone tool production, pottery, ancient fire pits, historical building foundations/remains, historical artifacts (glass, ceramic metal, etc.) are found during construction, the permit holder is advised to cease work and contact the Division of State History at 801-533-3555.
- 7. To address debris passage and boater safety, the lowest point on the bridge span must allow a minimum clearance of 4 feet above the ordinary high water mark. To avoid excessive stream velocities, the abutments shall not encroach on the ordinary high water mark.

Page 4 10-57-06SA June 21, 2010

- 8. Riprap must consist of only clean, properly sized angular rock, which must be keyed deeply into the streambed to prevent undercutting. A filter must be placed behind if necessary (i.e., if soils are fine grained, non-cohesive, and/or erodible). Demolition debris or refuse will not be allowed, nor material such as bricks, concrete, asphaltic material [either natural (tar sand, oil shale, etc.) or man made].
- 9. Cement is toxic to aquatic organisms, and its introduction into waters of the United States would constitute a violation of the Clean Water Act. Cement or concrete may not be allowed to enter stream flows. Water must be excluded from areas where concrete or cement is used until it has set. Contaminated water pumped from the construction area may not be discharged in a manner that will allow it to enter flows. Equipment used during this type of work must be washed well away from the channel.
- 10. Fill materials should be free of fines, waste, pollutants, and noxious weeds/seeds.
- 11. Equipment should work from the top of the bank or from the channel to minimize disturbance to the riparian area and to protect the banks. Heavy equipment should avoid crossing and/or disturbing wetlands.
- 12. Machinery must be properly cleaned and fueled offsite prior to construction.
- 13. Excavated material and construction debris may <u>not</u> be wasted in any stream channel or placed in flowing waters, this will include material such as grease, oil, joint coating, or any other possible pollutant. Excess materials must be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material, etc. may <u>not</u> be stockpiled in riparian or channel areas.
- 14. Best Management Practices should be implemented and maintained during any streamside or instream work to minimize sedimentation, temporary erosion of stream banks, and needless damage or alteration to the streambed.
- 15. Approval of this application does not authorize trespass, easements, rights-of-way, or any other access and land use permits. It is the responsibility of the applicant to obtain any such authorizations as may be necessary for this proposal.
- 16. Within 30 days after the completion of this project, the attached compliance certification form must be completed and returned to the U.S. Army Corps of Engineers. Failure to return this compliance certification form would invalidate U.S. Army Corps of Engineers General Permit 040, thereby placing the applicant in violation of Section 404 of the Clean Water Act.

Your contact with the Division is Chuck Williamson, who can be reached at telephone number 801-538-7404.

Page 5 10-57-06SA June 21, 2010

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This **ORDER** is subject to the provisions of UTAH ADMIN. CODE R. 655-6-17 of the Division of Water Rights and to UTAH CODE ANN. §§ 63-46b-13 and 73-3-14, which provide for persons or parties with legal standing to file either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this **ORDER**. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this **ORDER**, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is consideration is taken within 20 days after the Request is filed.

Dated this 22 day of June, 2010.

David K. Marble, P.E. Assistant State Engineer

Enclosure

Mailed a copy of the foregoing Order this	22 day of	June	, 2010, to
	· ·	T	

MAX G PETERSON PE SALT LAKE CITY CORPORATION 349 S 200 E STE 100 SALT LAKE CITY UT 84111

Corps of Engineers Teresa Wilhelmsen - Regional Engineer Richard Clark - EPA Mark Farmer - Wildlife Resources Kelly Beck - RDCC Coordinator Lori Hunsaker - State History Randy Kaufmann - FFSL

nation By:

Judy Mattson Secretary

COMPLIANCE CERTIFICATION

Regional General Permit Number:

40

Stream Alteration Number:

Corps Project Identification Number:

(Corps Use Only)

Permittee's Name and Address:

County Location of Permitted Activity:

Within 30 days after completion of the activity authorized by this permit, please sign and return this certification to the following address:

U.S. Army Corps of Engineers Intermountain Regulatory Section 533 West 2600 South, Suite 150 Bountiful, UT 84010

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers' representative. If you fail to comply with the terms and conditions of the permit, your authorization may be suspended, modified or revoked. If you have any questions about this certification, please contact the Corps of Engineers at 801-295-8380.

* *

*

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

Signature of Permittee

Date



State of Utah

GARY R HERBERT

GREG BELL Lieutenant Gov cinor November 10, 2010

> Dell R Cook 349 South 200 East, Suite 100 Salt Lake City, Utah 84111

Dear Mr Cook

The Utah Department of Iransportation Region 2 Staff has reviewed and approved the site plan for the Jordan River Parkway Trail project located at 1835 North Redwood Road (SR-68)

DEPARTMENT OF TRANSPORTATION

IOHN R NIORD PE Executive Director

Deputy Director

CARLOS M BRACERAS PE

- The recreational sign needs to be placed prior to the north end of the parapet for SB traffic The sign must not be placed where it could conflict with future improvements to the parapet end such as guardrail, barrer, or crash attenuator installation
- Remove the detectable warning surface for the current pedestrian crossing on the west side of the highway as it is being relocated the behind curb line
- In order for your contractor to obtain the encroachment permitand perform the work, a copy of this letter must be presented to the UDOT Region 2 Permits officer or uploaded to the Encroachment application on the UDOT web site <u>https://www.udot.utah.gov/public/olp/f^op=201_1</u>
 - The contractor that installs the attenuator must be a UDOT approved and certified installer/contractor

Before commencing work on the State highway, the contractor who is awarded the project must have a performance bond on file with UDOT, and obtain an encroachment permit from the Region 2 Permits Office. To obtain the encroachment permit contact the UDOT Region 2 Permits office at (801) 9754808 Plans are approved for six months from the date signed Work on UDOTs right-of-way is restricted from October 15 – April 15 Work is not allowed on the right-of-way during the AM/PM peak traffic hours (6 00- 9 00 AM and 3 30 - 6 00 PM)

If you need further information regarding your project, please feel free to contact me at (801) 9754810

Sincerely

Mark Velasquez

Region Two Access Control Coordinator

H \Access Roads\Correspondence2010\SR-68\SLC Jordan Trail 1110-10 Approval doc

Region Two • 2010 South 2760 West • Salt Lake City Utah 84104-4592 telephone 801 975 4900 • facsimile 801-975 4841 • www.udot.utah.gov

RECEIVED

NOV 1 5 2010 SALT LAKE CITY ENGINEERING DIVISION

Attachment G Riparian Permit – Wetland Mitigation 404 Permit Water Quality Certification

Salt Lake City Department of Public Utilities

"Serving our Community Protecting our Environment"

Owner Information

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Name SLC Public Services Department (Parks Division), North Jordan River Restoration area, Applicant Address 451 S State, SLC, UT 84111 Contact: Ron Salisbury 801-535-6157

Scope of Work Permitted

Zone A (0-25 ft) Creation of three wet land areas along the westside of the Jordan River between 1800 North and the Davis County line. Approximately 3 acres total of new wetland area being created. The remaining area to remain as a natual area. These wetlands have been designed by SWCA and MGB+A. Plans were submitted and approved by the Department of Army under permit # SPK-2010-00169-UO. The Army permit also allows impact to approximately 1.35 acres of palustrine emergent wetlands to facilitate the construction of the Regional Athletic Sports Complex.

Zone B (25-50 ft) natural area and new wetlands

Zone C (50-100 ft) natural area and new wetlands.

Notes: see attached drawings, USACE Permit # SPK-2010-00169-UO, Salt Lake County Flood Control has been contacted and because of the Army's permit and no new point discharges to the river no County review is required. Follow Army and State 404 permit conditions of approval for protection of the river.

Approved by:

Date: /_ 6_ //

Director, SLC Public Utilities Department

This permit must be available on the job site. Thank you for helping protect Salt Lake City riparian areas, and our water quality. For questions or additional information about this permit please contact Salt Lake City Department of Public Utilities, 1530 S. West Temple St., SLC, Ut 84115, telephone 483-6727. Visit our website www.ci.slc.ut.us/utilities/. Salt Lake City Ordinance 21A.34.130 Riparian Corridor Overlay District (RCO)



DEPARTMENT OF THE ARMY

U.S. ARMY ENGINEER DISTRICT, SACRAMENTO CORPS OF ENGINEERS 1325 J STREET SACRAMENTO CA 95814-2922

REPLY TO ATTENTION OF

DEPARTMENT OF THE ARMY PERMIT

Permittee:	Rick Graham Salt Lake City 451 South State Street, Room 138 Salt Lake City, Utah 84111
Permit Number:	SPK-201000169-UO
Issuing Office:	U.S. Army Corp of Engineers Utah Regulatory Office

533 West 2600 South, Suite 150 Bountiful, Utah 84010

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. A notice of appeal options is enclosed.

Project Description:

You are authorized to impact approximately 1.35 acres of palustrine emergent wetland in order to construct the Salt Lake Regional Athletic Sports Complex project as illustrated on the attached maps.

All work is to be completed in accordance with the attached plans.

Project Location:

The 142-acre site is located adjacent to the Jordan River at approximately 2110 North and Interstate 215, within Section 22, Township 1 North, Range 1 West, Latitude 40.82°, Longitude -111.94°, Salt Lake County, Utah.

Permit Conditions:

Special Conditions:

1. To insure the Regional Athletic Sports Complex compliance, the attached 404 Permit Drawings are incorporated by reference as a condition of this authorization except as modified by the following special conditions:

2. To mitigate for the loss of 1.35 acres of waters of the United States, the permittee shall construct 3 acres of palustrine emergent and shrub/scrub wetland within the on-site preserve as proposed in the August 2010 Mitigation and Monitoring Plan for Construction of the Regional Athletic Complex, prepared by SWCA.

3. The compensatory mitigation area shall be declared successful after the required monitoring period when:

• • •

a. Weed species identified on the Salt Lake County and the Utah State Noxious Weed Lists comprise less than, or equal to, 10 per cent of total vegetative cover;

b. There is an 80 per cent survival rate of each planted tree and shrub species identified in the approved mitigation plan. Replanting/replacement of a particular tree or shrub species shall occur if survival is less than 80 percent for that given species.

c. At least 80 per cent of the herbaceous vegetative cover must consist of 3 or more of the hydrophytic herbaceous species identified in the approved mitigation plan.

4. To insure success of the preserved and created waters of the United States, you shall monitor compensatory mitigation area for 5 years or until the success criteria described above are met, whichever is greater. This period shall commence upon completion of the construction of the compensatory mitigation. Your responsibility to complete the required compensatory mitigation as set forth in the Special Conditions of the permit will not be considered fulfilled until the permittee has demonstrated mitigation success and has received written verification from the Corps.

5. You shall submit monitoring reports to this office by December 1 for each year of the 5-year monitoring period and for each additional year(s) required for remediation. The annual monitoring reports should follow the format described in the enclosed Regulatory Guidance Letter 08-03, dated 10 October 2008, Minimum Monitoring Requirements for Compensatory Mitigation Projects Involving the Restoration, Establishment, and/or Enhancement of Aquatic Resources.

6. In no case shall initiation of the construction of compensatory mitigation be delayed beyond April 1, 2011. Construction of compensatory mitigation shall be completed no later than June 15, 2011.

7. To insure that mitigation is completed as required, you shall notify the District Engineer of the start and completion date of the mitigation construction, in writing and no later than 10 calendar days after each respective date.

8. To provide a permanent record of the completed mitigation work, you shall provide the Corps a complete set of as-built drawings of the completed work within the on-site, preservation, and avoidance areas. The as-built drawings shall indicate any changes made from the original plans in indelible red ink. These as-built drawings shall be provided to this office no later than 60 days after the completion of construction of the mitigation area wetlands.

9. You shall establish and maintain a preserve in perpetuity containing the created, avoided, and preserved waters of the United States as depicted on the Figure 3 Wetland Mitigation Areas map, prepared by SWCA. The purpose of this preserve is to provide long-term protection for the functions and values of the aquatic environment.

10. To minimize external disturbance to preserved waters of the United States, you shall establish a buffer, at least 50 feet in width and consisting of native upland vegetation, from the outer boundary limits of jurisdiction of the created and avoided waters of the United States, including wetlands, with the entire preserve.

11. To protect the integrity of the preserve and avoid unanticipated future impacts, no roads, utility lines, trails, benches, equipment or fuel storage, grading, firebreaks, mowing, grazing, planting, discing, pesticide use, burning, or other structures or activities shall be constructed or occur within the on-site preservation, and avoidance areas except as specified in the adaptive management Plan outlined in the approved August 2010 Mitigation and Monitoring Plan.

12. To prevent unauthorized access and disturbance, you shall install fencing and appropriate signage around the entire perimeter of the preserve. All fencing surrounding mitigation, preservation, avoidance, and buffer areas shall allow unrestricted visibility of these areas to discourage vandalism or disposing of trash or other debris in these areas and shall be installed on site no later than June 15, 2011. Examples of this type of fencing include chain link and wrought iron.

13. To document pre- and post-project construction conditions, you shall submit pre-construction photos of the project site prior to project implementation and post-construction photos of the project site within 30 days after project completion.

14. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register.

General Conditions:

1. The time limit for completing the work authorized ends on November 22, 2016. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (✓) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant.

Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this 6. permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Permittee Name: Rick Graham Title: Public Services Director, Salt Lake City

11/23/10 Date

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Issued For and Behalf of Colonel William J. Leady, P.E., District Engineer

ason A. Gipson Chief, Nevada-Utah Regulatory Branch Sacramento District

11/23/2010

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below and return a copy with the transferee's signature to the Corps of Engineers.

Transferee Name:	
Title:	

Date



State of Utah

GARY R. HERBERT Governor

GREG BELL Lieutenant Governor

Department of Environmental Quality

Amanda Smith Executive Director

DIVISION OF WATER QUALITY Walter L. Baker, P.E. Director Water Quality Board Jay I. Olsen, Chair Paula Doughty, Vice-Chair Myron E. Bateman David F. Echols Merritt K. Frey Darrell H. Mensel Leland J. Myers Neal L. Peacock Amanda Smith Gregory L. Rowley Steven P. Simpson Daniel C. Snarr Walter L. Baker

November 08, 2010

Hollis Jencks, Regulatory Project Manager U.S. Army Corps of Engineers, Sacramento District Utah Regulatory Office 533 West 2600 South, Suite 150 Bountiful, UT 84010

Dear Mr. Jencks:

Subject:	Clean Water Act (CWA) §401 Water Quality Certification,
	CWA §404 Permit Application No. SPK 2010-00169-UO

Applicant:Salt Lake City Public Services DepartmentAttn:Rick Graham451 South State Street, Room 138Salt Lake City, Utah 84111

Location: The approximately 142-acre site is located adjacent to the Jordan River within the northern portion of Salt Lake City at approximately 2110 North and Interstate 215 within Section 22, Township 1 North, Range 1 West, Latitude 40.82°, Longitude -111.94°, Salt Lake Base and Meridian, Salt Lake County, Utah.

Salt Lake City is proposing to construct an athletic sports complex. At full build out, this Purpose: complex would be comprised of 17 grass playing surface soccer fields, 1 championship field of synthetic turf, 4 grass playing surface baseball fields and 4 grass playing surface softball fields, with associated features including a central park area. Sixteen of the soccer fields would be collegiate or professional-sized with at least 2 additional fields for rotational use. The baseball and softball facilities are sized to be compatible with local high school facilities and are minimally group in fours to achieve a tournament level ball facility. Support features would include 5 restrooms, concession facilities, maintenance facility, spectator seating at championship field, utilities, an access road over the Jordan River, interior and access roadways, parking lots for 1900 stalls, perimeter fencing, open space and landscaping. Stormwater would be collected and retained onsite through the use of bioswales and two open waters ponds. After treatment, the collected water would be used to irrigation of the grass playing fields and landscaping. The applicant states there is a need to provide high quality sports fields to meet the increasing demand of youth and adults interested in playing soccer and other sports on a league or club level and to provide opportunities for tournament play.

> 195 North 1950 West • Salt Lake City, UT Mailing Address: P.O. Box 144870 • Salt Lake City, UT 84114-4870 Telephone (801) 536-4300 • Fax (801) 536-4301 • T.D.D. (801) 536-4414 www.deg.utah.gov

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The Utah Division of Water Quality (DWQ) staff has reviewed the referenced application. Presently this project will permanently impact approximately 1.35 acres of jurisdictional wetlands. It is our opinion that the applicable water quality standards and pollution indicators may be violated by the project in the Jordan River and its tributaries unless appropriate Best Management Practices (BMPs) are incorporated into the 404 permit to minimize the fecal contamination and nutrient load to waters of the state during project activities and operation of the facilities.

Utah water bodies are grouped into classes according to beneficial uses as a way to establish standards for water quality. The Jordan River has been assigned beneficial uses as a Class 2B (secondary recreation contact), 3B (warm water fishery), 3D (water fowl) and 4 (irrigation and stock watering). This project will be located in segment 2 of the Jordan River, which is impaired for *Esherichia coli* (E. coli), dissolved oxygen (DO) and total dissolved solids (TDS).

Therefore, as a condition of 401 Water Quality Certification for this project, the Division of Water Quality requests the following conditions be included in the 404 permit issued to Salt Lake City Public Services Department:

- 1. Salt Lake City and their subcontractors can not increase water turbidity by 10 NTUs in the Jordan River or tributaries and if violated shall immediately notify the Division of Water Quality. Water quality standards in Jordan River and its tributaries may be violated unless appropriate Best Management Practices (BMPs) are incorporated to minimize the erosion-sediment load to any adjacent waters during project activities and operation of the facilities.
- 2. Salt Lake City and their subcontractors can not under any circumstances cause in-stream temperatures to exceed 27 degrees C and a TDS above 1,200 mg/L.
- 3. Salt Lake City and their subcontractors shall not use any fill material which may leach organic chemicals (e.g., discarded asphalt) or nutrients (e.g., phosphate rock) immediately adjacent or into Jordan River and its tributaries.
- 4. Salt Lake City and their subcontractors shall coordinate the protection of aquatic species in the Jordan Rive with Amy Defreese of the U.S. Fish and Wildlife Service through final project design.
- 5. Salt Lake City and their subcontractors shall maintain a protective vegetated filter strip of no less than ten (10) feet to the Jordan River when utilizing livestock or weed control agent for noxious and invasive weed control. Within the first ten (10) feet of the Jordan River's edge weeds must be removed by hand or any other method approved by the Division of Water Quality.
- 6. The Division of Water Quality concurs with the SWCA Regional Athletic Complex Riparian Restoration Plan June 14, 2010, page 23, that water quality analysis is necessary to determine impacts from weed control. Salt Lake City and their subcontractors shall coordinate with the Division of Water Quality in the development of a Water Quality Sampling Plan for the Riparian Restoration Area.

7. Salt Lake City and their subcontractors must utilize Best Management Practices (BMPs) in the application of pesticides, herbicides and fertilizers in all areas of the Regional Sports Complex.

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- 8. Salt Lake City and their subcontractors shall operate and maintain the collection and retention of stormwater onsite through the use of bioswales and two open waters ponds or utilize a similarly effective BMP.
- . Salt Lake City and their subcontractors shall obtain the following permits from the Division of Water Quality prior to the construction phase of the project:
 - a. Construction activities that disturb one acre or more are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities, Permit No. UTR300000. The permit requires the development of a storm water pollution prevention plan (SWPPP) to be implemented and updated from the commencement of any soil disturbing activities at the site until final stabilization of the project. A fact sheet describing the permit requirements and application procedures are located on our web site <u>https://secure.utah.gov/stormwater/main.html</u>
 - b. Dewatering activities, if necessary during the construction, may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations, unless the water is managed on the construction site.

It is hereby certified that any discharge resulting from the project will comply with applicable State water quality standards and, based on available information and implementation of BMPs and the above conditions, will comply with applicable provisions of said of Section 401(a)(1) of the Federal Water Pollution Control Act, as amended in 1987 and commonly known as the Clean Water Act. Please contact Mr. Bill Damery at (801) 536-4354, <u>wdamery@utah.gov</u> or me at (801) 536-4318, with any questions you may have concerning this 401 Water Quality Certification.

Sincerely,

Walter L. Baker, P.E. Executive Secretary

WLB:wd File: SPK 2010-5-00169-UO

wdamery\RDCC\401 Certs New\|SL Complex

9.

Attachment H Jordan River Restoration Examples

Jordan River Bank Stabilization and Restoration Project

Project Description

This project involved restoration of four sites along the Jordan River which had steep banks with high erosion and degraded wildlife habitat. Soil bank stabilization is accomplished through methods such as stone toe protection and grading back the river bank to a gradual 3:1 slope.

This project will help eliminate some 950 cubic yards of sedimentation deposited into the Jordan River annually. Over time benefits from this project will be the stabilization of soil, re-establishment of wildlife habitat, increase in shade promoting cool river temperature, promotion of ecosystem function and water quality improvement.

Site: 1175 S 1085 W (South Bank)



Pre-Restoration



Post grading and pre-planting

Post Planting

Post Planting

Examples of Jordan River Restoration







Legacy Nature Preserve graminoid slope wetland restoration.



Midvale site riparian forest complex restoration recontouring on the Jordan River.



Midvale site riparian forest complex restoration.