



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Nick Norris, Planning Director 801-535-6173 or nick.norris@slcgov.com

Date: August 16, 2018

Re: PLNPCM2018-00601 Inland Port Text Amendments

Zoning Text Amendment

PROPERTY ADDRESS: multiple
PARCEL ID: multiple
MASTER PLAN: Northwest Quadrant, Northwest
ZONING DISTRICT: Multiple

REQUEST: A proposal by Mayor Jackie Biskupski to modify zoning requirements related to inland port land uses as required by state statute 11-58-205(5). This statute gives the city until December 31, 2018 to allow an inland port and associated uses as permitted or conditional uses subject to standards that are determined by the municipality and consistent with the policies and objectives of the inland port authority.

RECOMMENDATION: This is a briefing and no recommendation is required. Because the briefing is being held within the 45 day public notice period, no public hearing can be held and no action can be taken by the Planning Commission.

ATTACHMENTS:

A. Inland Port Jurisdictional Lands and zoning map.

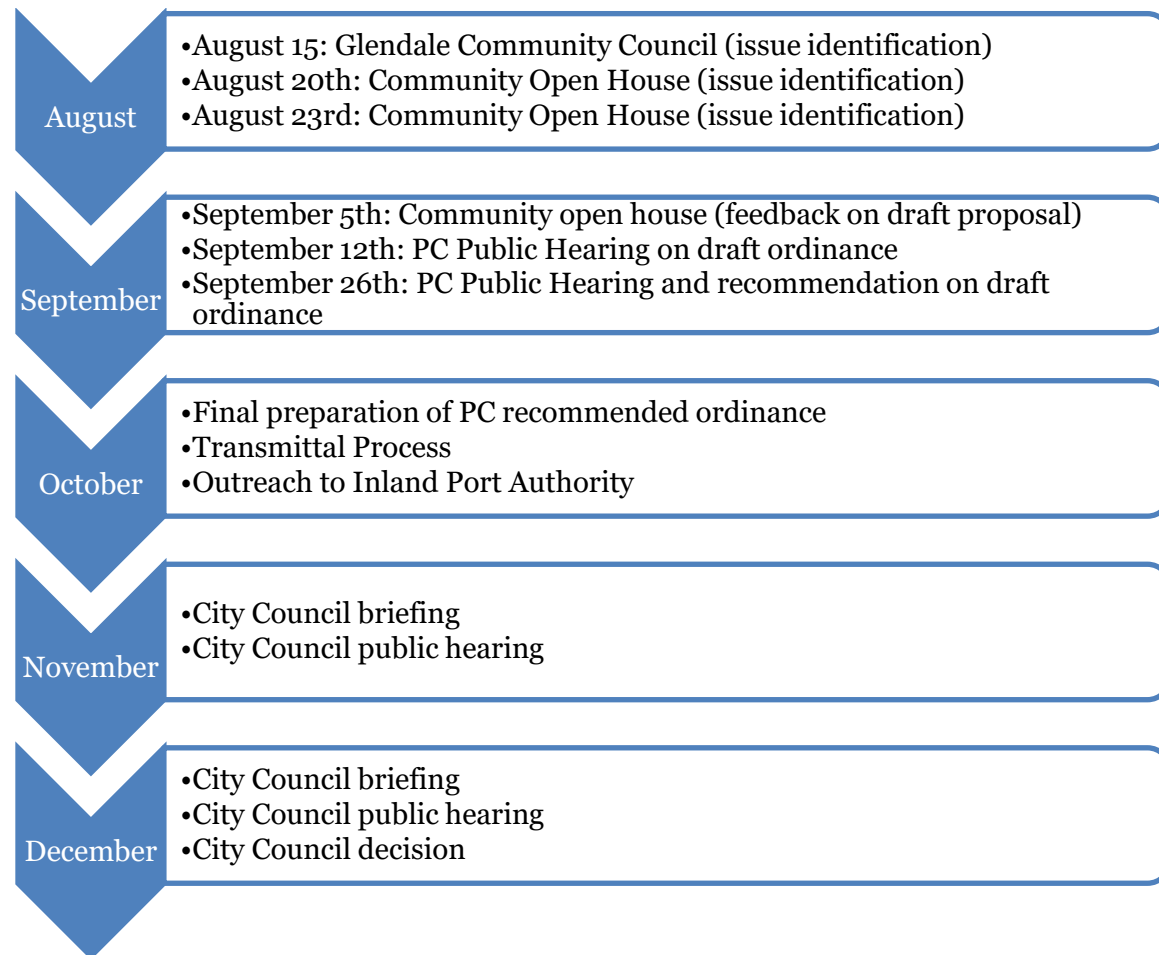
PROJECT DESCRIPTION:

This proposal was initiated by Mayor Jackie Biskupski in response to the State Legislature adopting modifications to state code 11-58 (HB2001) during a special session of the legislature held in July 2018. The changes to the bill state that

- (a) No later than December 31, 2018, the ordinance of a municipality shall allow an inland port as a permitted or conditional use, subject to standards that are:
 - (i) determined by the municipality; and
 - (ii) consistent with the policies and objectives stated in subsection 11-58-203(1)
- (b) A municipality whose ordinance do not comply with subsection (5)(a) within the time prescribed in that subsection shall allow an inland port as a permitted use without regard to any contrary provision in the municipality's land use ordinances.

In other words, if the city does not specifically allow an inland port in the zoning ordinance, then the city would have to allow an inland port as a permitted use and would not be able to apply any additional standards to an inland port.

Below is the schedule of events necessary to meet the December 31, 2018 deadline.



KEY ISSUES:

The adoption of HB2001 has created a number of concerns for the city. The concerns are listed below.

1. **Timeframe for updating the zoning ordinance.** The City adopted changes to the zoning ordinance earlier in 2018 to address inland port uses in the M-1 zone. When the inland port law was adopted during the 2018 general session of the legislature, it included a description of inland port lands. HB 2001 modified the inland port lands by:
 - a. Removing the lands that the city had indicated were not suitable for development due to environmental sensitivity of the land and the critical wildlife habitat that the land provided.
 - b. Removing some lands that were already developed.

The primary issue is that the remaining inland port jurisdictional lands include properties that are in eight different zoning districts. While most of the land is zoned M-1, the land in the other zoning districts do not allow inland port uses. The proposed amendments

would identify a process to allow inland port uses on all land that is within the boundary identified in state statute.

The timeframe does put pressure on the Planning Division to perform adequate public engagement, draft an ordinance, and get the matter through the Planning Commission with enough time for the City Council to make a decision before December 31st, 2018. As a result, the public engagement process is condensed and other city initiatives that the Planning Division is working on have been put on hold. Due to the level of staff work involved in preparing for the public engagement activities and drafting an ordinance that responds to community input city goals, some private applications are also being delayed.

2. **Definition of Inland Port Use.** State code defines an inland port use as:

(9) "Inland port use" means a use of land:

- (a) for an inland port;
- (b) that directly implements or furthers the purposes of an inland port, as stated in Subsection (8);
- (c) that complements or supports the purposes of an inland port, as stated in Subsection (8); or
- (d) that depends upon the presence of the inland port for the viability of the use.

This is a broad definition and could include just about any type of land use. This creates an issue with how to administer our code if a land use applicant were to argue that their use is an inland port use and that use is not listed in our code. It also creates an issue for land use applicants who do not want to be considered an inland port use, particularly if an inland port land use application requires more submittal requirements than what would normally be required for the same type of development in another zoning district. The proposed ordinance will include some process and standards to address these administrative issues.

3. **Environmental Concerns.** HB 2001 added some policies and objectives to the inland port law related to environmental protection. The Inland Port Authority is also required to develop a business plan that includes an environmental sustainability component, developed in conjunction with the Utah Dept. of Environmental Quality that includes policies and best practices to meet or exceed applicable federal and state standards related to emissions and best available technology to mitigate environmental impacts from the development and uses on authority jurisdictional lands. Planning staff is working with other city departments and state agencies to determine how we might use this provision to address environmental impacts of the inland port and inland port uses.

4. **Appeals to the Inland Port Authority Appeal Panel.** The bill was modified to add requirements for public hearings for appeals of inland port land use decisions. The appeal process added submittal requirements for an appellant when the appellant is also the land use applicant. The additional requirements include listing all potential impacts that a development may have on neighboring properties and all potential impacts to air quality, ground water quality, and surface water quality as well as impacts to migratory bird production areas (nesting areas). The Planning Division is also considering how these requirements can be worked in to the submittal requirements for an inland port use so that the same impacts can be considered when reviewing the land use application. The inland port appeal panel does have the authority to over-rule local land use decisions if they find that the decision is contrary to the policies and objectives of the inland port authority.

5. **Land Use approval process.** The proposed zoning regulations will also consider the approval process for inland port land uses compared to other land uses in the area that

are not considered inland port uses. The method and process has not yet been determined.

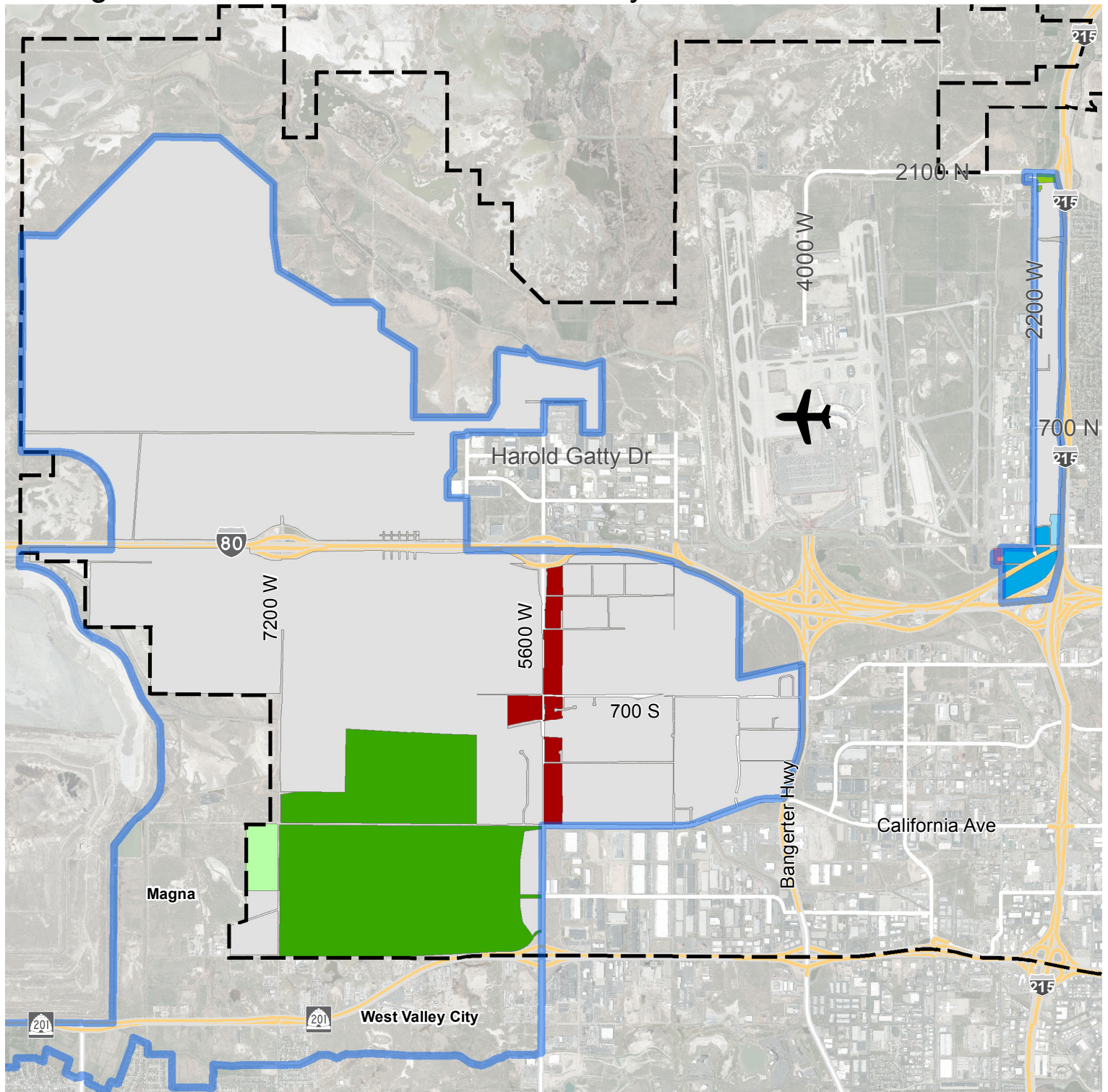
NEXT STEPS:

As indicated in the timeline on page 2, the Planning Division is in the middle of the public engagement process. Over the next two weeks, a draft ordinance will be created and the public will be provided an opportunity to review and weigh in on the proposal at a community meeting on September 5th, through an online engagement opportunity, and at the Planning Commission public hearings.










Due to the limited amount of time, it is critical that the Planning Commission make a recommendation to the City Council by the end of September. There are a number of time consuming steps that happen internally that requires several weeks to transmit the recommendation to the City Council. Holidays in November and December reduce the opportunities to hold public hearings during those months. A recommendation that comes after the end of September jeopardizes the ability of the City to adopt regulations by December 31, 2018.

ATTACHMENT A: Inland Port Jurisdictional Lands and Zoning map

Zoning Districts Within Inland Port Authority Jurisdictional Land



Legend

	Salt Lake City Boundary		M-1	Light Manufacturing	
	Inland Port Authority Area		BP	Business Park	
Zoning Districts in Inland Port Area					
	AG	Agricultural		CC	Commercial Corridor
	AG-2	Agricultural-2		CG	General Commercial
	OS	Open Space		TSA-MUEC-C	Mixed Use Employment Center- Core
				TSA-MUEC-T	Mixed Use Employment Center- Transition

