



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Daniel Echeverria, daniel.echeverria@slcgov.com, 801-535-7165
Date: October 18, 2019 (publication)
Re: PLNPCM2018-00856/PLNPCM2019-00677 Business Park-I Overlay Zoning Map and Text Amendment

Zoning Map and Text Amendment

MASTER PLAN: Northpoint Small Area Plan
ZONING DISTRICT: Business Park (BP)
PROPERTY ADDRESS: 2691 N 2200 West (approximate)

REQUEST:

Bryon Prince, representing Ivory Development, is requesting to rezone property at 2691 N 2200 West. The property is currently zoned Business Park (BP). The applicant is proposing to add a new overlay zone to the property, which would add additional development regulations to the property. The overlay regulations are proposed to add additional allowed uses, allow required open space to be distributed across the property, require additional buffering for adjacent uses, increase the building height limit, limit vehicle access from 2200 West, and add environmental protections related to potential bird and water quality impacts. The purpose of the requested rezone is to accommodate a future “Research Park” development involving business and industries related or similar to those in the existing “Research Park” located next to the University of Utah. The proposal includes two petitions:

- a. PLNPCM2019-00677 – Text amendment to adopt the proposed “Business Park-I” overlay zone ordinance as a new overlay zone in the City Zoning Code (Title 21A).
- b. PLNPCM2018-00856 – Map amendment to map the proposed “Business Park-I” overlay zone over the property on the official City zoning map.

RECOMMENDATION:

Based on the information in this staff report and the factors to consider for zoning text and zoning map amendments, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding this proposal with the conditions noted below:

1. That the ordinance language be amended as necessary to ensure consistency with other code sections in the zoning ordinance and ensure enforceability of the provisions.
2. That language be added to the ordinance for the residential buffer to ensure it applies to properties across the street from the noted agricultural properties. Additionally, language shall be added to that section that references the landscape buffer section of the zoning code.

3. That language be added to the ordinance regarding the replacement of tree requirements with shrubs/grasses, so that the allowance does not apply to landscaping required on the east side of the property near 2200 West.
4. That language be added to the ordinance to require a buffer, including a 60' setback, 5' tall berm, 4' shrubs/grasses, and 6' tall noise barrier wall, for development near the wetlands/Migratory Bird Production Area with modifications allowed due to the location of wetlands, wetland mitigation areas, and utility infrastructure or similar conditions.
5. That language be added to the ordinance relating to tracking of the required open space, requiring designated open space areas to be located and shown within a plat.

ATTACHMENTS:

- A. [Zoning and Vicinity Maps](#)
- B. [Applicant’s Proposed Code](#)
- C. [Applicant’s Narrative](#)
- D. [Current BP Zone Regulations](#)
- E. [City Plan Considerations](#)
- F. [Analysis Of Zoning Amendment Standards](#)
- G. [Public Process And Comments](#)
- H. [Property Photographs](#)
- I. [City Department Review Comments](#)

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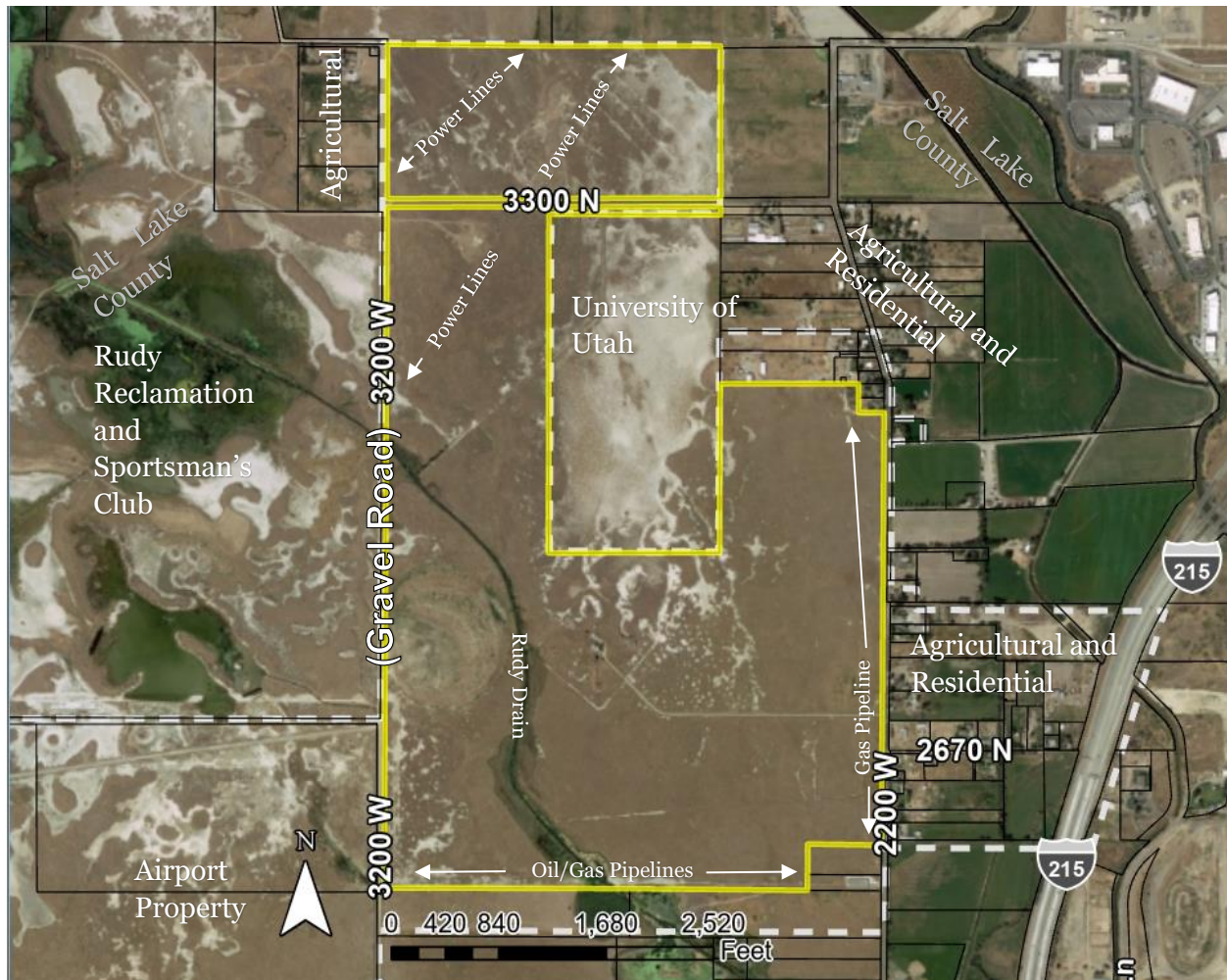
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PROJECT DESCRIPTION AND BACKGROUND:

Ivory Development is requesting a rezone for property that is currently zoned BP, Business Park. The applicant is requesting that an overlay zone be applied to the property to apply additional regulations and allowances. The proposal involves the creation of a new overlay zone in City Code and mapping that overlay zone across the subject property. The proposed overlay is titled “Business Park-I.” The applicant has stated the purpose of the rezone is to accommodate a “Research Park West,” which would be an extension of the existing “Research Park” at the University of Utah, accommodating similar and related uses. The developer has not proposed a specific development plan and does not have any pending building permits or other development applications for the property.

The subject property is located on the north end of the City and is surrounded by agricultural and single-family residential land uses. On the east side of the property along 2200 West there are multiple agricultural users and residences. On the west side of the property along 3200 West there is an agricultural use on the north-most corner of the property. Across 3200 West along the

middle of the property is a duck hunting club (Rudy Reclamation and Sportsman's Club). The properties adjacent to the south-west corner of the property are City owned and vacant. The adjacent property toward the middle of the subject property is jointly owned by the University of Utah and a few other property owners.



Subject property highlighted in yellow with adjacent general surrounding land uses noted. The dashed white line represents the City boundary. Property outside of the boundary is under Salt Lake County jurisdiction. See [Attachment A](#) for larger aerial and zoning map.

The subject property itself is currently largely undeveloped. The south-east corner (~350' x ~580') of the property was recently sold (notch in boundary on lower-right) and is being developed for natural gas pipeline utility buildings. The south-most ~150 feet of the property is occupied by underground oil/gas pipelines and associated easements. The gas pipeline also runs along the east edge of the property. Two high voltage power transmission lines cross through the north-west part of the property. The center of the property is currently occupied by a single-family home and a large shed structure. There are also two homes located in the north-east corner of the site along 2200 West.

3200 West on the west of the property is a gravel road. 3300 North that crosses through the north section of the property is paved. 2200 West is also paved and is striped for two lanes of travel, with generally no shoulder except in front of residences and intermittent turnaround areas.

The property is currently zoned Business Park and could be developed for commercial and light industrial uses under that zoning district designation. If developed, the property would be Business Park-I Overlay Zoning Amendment

required to upgrade associated adjacent infrastructure, including roadways and utilities. Properties located south of the subject property along 2200 West near 2100 North have recently been developed, which have widened 2200 West and installed new infrastructure, such as water and sewer. These same improvements would be required when the subject property is developed, and the property's improvements would most likely connect into these new infrastructure improvements. As the property is not directly adjacent to these new improvements, the developer would have to build significant connections down the street from the property to hook into the new City infrastructure.

Key Facts

- Property is currently zoned Business Park and can currently be developed under those zoning regulations
 - Applicant is proposing additional allowed uses for the property, but is also proposing additional development regulations
-

The property could currently be developed under its current Business Park (BP) zoning. A visual diagram of the current zoning regulations is located in [Attachment D](#). The following is a brief summary of the current regulations:

- Allows variety of **commercial/light industrial uses** (Ex: light manufacturing, warehouses, industrial assembly, commercial food preparation)
- Allows for **office type uses** (Ex: research and development, general office)
- Allows development up to **60'** in height
- Requires **50'** of front landscaping along 2200 West, including a 5' berm, trees, shrubs and 6' tall fence
- Requires **100'** setback for buildings along 2200 West.
- Requires **15%** of each individual development lot to be open space area.
- Requires principal uses (businesses) to occur within entirely enclosed buildings.

The proposal is an "overlay," so as proposed by the applicant it would supplement the existing regulations in the following ways:

- Allows for additional permitted light industrial and commercial uses (Ex: laboratory, commercial laundry, government facility)
- Makes "light manufacturing," "government facility," and "commercial parking" permitted uses (they are conditional under BP)
- Changes some existing permitted uses to conditional, including "Professional/Vocational School"
- Prohibits two existing uses - kennels and home daycare
- Increases the building height limit by **5'** to **65'**
- Increases the landscaping buffer requirement (along 2200 West) to **60'** from current **50'**
- Allows the **15%** open space area requirement to be allocated across multiple lots on the subject property, rather than requiring each individual lot to have 15% open space
- Restricts individual business access from 2200 West by prohibiting curb cuts/driveways (access would have to be via new public streets into the property)
- Requires **50'** setbacks from open waterways (canals) on the property
- Requires bird-friendly glass treatments for all buildings

- Imposes lighting restrictions to prevent lighting nuisance to adjacent properties
- Requires fencing along west side of property to prevent trespass to migratory bird areas
- Requires light colored roofing material for building energy efficiency
- Allows for substitution of tree requirements with tall grasses/shrubs (as trees can negatively impact wetland bird populations)
- Requires any wetland mitigation to be located on the west-side of the property

Zoning Map and Text Amendment Considerations

Planning staff is required by ordinance to analyze proposed zoning and text amendments against existing adopted City policies and other related adopted City regulations. Planning staff is also directed to consider whether zoning text amendments implement best planning practices. However, ultimately, a decision to amend the zoning map or zoning text of City Code is fully up to the discretion of the City Council and is not subject to any particular standard of review or consideration.

The full list of factors to consider for both a zoning map and zoning text amendment is located in [Attachment F](#).

Zoning History and Planning/Development Context

For context, below is a zoning history of the property beginning with its annexation into the City:

1976: Annexed by the City and given designation, **C-3A, General Business Activity**

1995: Zoning changed as part of citywide zoning map changes to **BP, Business Park**

2000: City adopts *Northpoint Small Area Plan* for the property and surrounding area. Plan was initiated due to residence concerns with development pressures.

2001: City makes changes to **BP** regulations, establishing 50' to 100' buffer when next to and across the street from agricultural properties. The purpose of this change was to implement the *Northpoint Small Area Plan*.

2017: City approves changes to **BP, Business Park** regulations, reducing open space requirement from 30% to 15%

2018: Applicant requests changes to the zoning for the property

The property has been zoned for commercial development since 1976 when it was annexed into the City as part of the “Airport Amended Annex No.3.” As part of that annexation, a zoning district was assigned to the property. That zoning district was Commercial designation “C-3A, General Business Activity.”

The C-3A zone prohibited uses that had any open storage of merchandise, vehicles, or equipment to be sold, rented or stored and also generally prohibited more intensive industrial uses. Most general commercial uses were allowed and a limited number of light industrial uses were allowed, including shops, storage warehouse, wholesale distribution, and printing plants. Height was limited to 1.5 times the height of the adjacent street, which would have allowed a height around 90 feet. A 15' landscape buffer/front yard was required along the street.

In 1995 the zoning of the subject property was changed to BP, “Business Park,” as part of a Citywide zoning amendment. That zone was nearly identical to the current BP regulations, including dimensional and use standards, except for the current open space and agricultural buffering requirements.

In 2001, the *Northpoint Small Area Plan* was completed for the area. That small area plan included a number of policies that are applicable to this rezone. Those are discussed in more detail in [Consideration 1](#) and [Attachment E](#). These policies generally relate to reducing the potential impact of future development on the agricultural and residential uses adjacent to the property. Specifically, the primary policies included requiring landscape buffers to screen the agricultural properties from more intensive commercial/industrial development and policies related to roadway development and vehicle access to divert vehicles from the street frontage in front of the residential properties and toward the interior of the site.

Following the adoption of that plan, the City incorporated 50' landscape buffer and 100' building buffer requirements into the BP zone to buffer the agricultural/residential properties located along 2200 West from future development. At the same time, the City adopted regulations for those adjacent agricultural zones that increased the lot area minimums to better ensure that these properties were primarily used for agriculture, rather than residential development. The City also adopted a change into its official street plan, that would require any development on the subject property to dedicate a north-south roadway through the middle of the property to, in the long term, reduce commercial traffic on 2200 West in front of the residences. The landscape buffer and the roadway dedication would be required with or without the proposed rezone. Although the plan also called for restricting vehicle access from 2200 West into the property, the zoning changes did not include such a restriction.

Recent Zoning Text Changes

In recent years, the City has made a few changes to the zoning that applies to properties along 2200 West. In 2016 (Ordinance 9) the City adopted changes to the BP zone that reduced the required amount of open space from 33% to 15% of each developed lot. The requirement was changed as it was resulting in large areas of developed lots sitting vacant and unutilized on large BP properties, particularly on 2200 West, and this undeveloped open space was not providing any public or visual benefits. Then in 2017 (Ordinance 61) the City rezoned nearly all of the properties on 2200 West between North Temple to 2100 North, from BP to M-1, "Light Industrial." This rezone was in recognition of the few observed benefits from the open space requirement and that the allowed uses in the BP zone were overly restrictive, prohibiting a number of light industrial uses that would otherwise be compatible with the area and were similar in intensity to existing allowed uses.

Traditional business parks have in recent years generally gone out of favor in mainstream urban planning, as employees and businesses are looking to be in offices within walkable contexts, such as downtowns, that have dining and other recreation opportunities near the office. Additionally, from a sustainability planning perspective, business parks have negatives in that they are generally car oriented and use a large amount of water to maintain green open spaces. These factors also contributed to the reduction in the open space requirement for BP and the rezones to M-1 on 2200 West.

County Zoning Context - Properties Under County Jurisdiction

Much of the surrounding property in this area is within Salt Lake County jurisdiction. The map in [Attachment A](#) identifies the City boundary and land under County jurisdiction. Although most of the County land is zoned "Agricultural" (A-2), property on 2200 West just 300 feet to the south of the subject property has been recently rezoned to the County's M-1 zoning designation and is currently being graded for development. The County M-1 zone has development allowances similar to the City's M-1 Light Manufacturing zone, allowing for commercial and industrial uses.

Recent Development Activity and Exclusion from this Zoning Map Petition

The south-east corner of the subject property is currently being subdivided and developed by Dominion Energy for a small natural gas utility building related to the pipelines that run through that portion of the property. Ownership of that corner of the property (the south-east most 350' by 580') was recently transferred to Dominion Energy and they have not requested to be part of this zoning proposal. As such, that property is excluded from this zoning proposal.

Properties located south of the site near 2100 North have been developed in the past few years, with development moving incrementally along 2200 West from 2100 North and heading northward. These developments have included warehousing and a mosquito abatement facility. Each development has expanded and improved the roadway and installed new utility infrastructure in 2200 West, putting new infrastructure closer to the subject property.

Community Input and Public Process History

The developer originally submitted a petition in 2018 to rezone the property to M-1, Light Industrial. That M-1 proposal went to a City held public open house in November 2018 and multiple Westpointe Community Council (the community council for the area) meetings since that time. Comments received related to that M-1 rezone request are in [Attachment G](#). There were several concerns expressed from residents about the property being developed regardless of the zoning amendment, including the intensity of uses, buffering, loss of open space, and traffic. There were also comments from some residents that supported the rezone. Local duck clubs, environmental organizations, and environmental regulatory government agencies submitted comments regarding the environmental impact of the development, including its potential impacts on wetlands and wildlife. Although many of the comments were general in nature, many of the letters requested that a buffer be provided on the west side of the property to buffer the wetlands west of the 3200 West roadway from development impacts, such as light and noise.

In April 2019, staff also received a list of questions from the community council regarding the process for development on the property. Most of the questions were related to technical development requirements for the site that would apply regardless of a rezone, rather than the zoning amendment itself. For Commission reference and to assist in understanding development processes in general in the City, that letter with answers provided by staff is included in [Attachment G](#).

In July 2019, the developer revised their proposal to the current proposal of the “Business Park-I” overlay zone. The City held a public open house for the current proposal on August 21st at the Day-Riverside Library. A number of residents and other interested parties attended but none submitted formal comments at that meeting. Comments were heard from residents related to being pleased that M-1 was no longer being proposed, as well as continued concerns related to adequate buffering to residents and wetlands.

On October 9th the Westpointe Community Council invited the applicant to their meeting to discuss their proposal so that the community council could develop a formal recommendation to submit to the Planning Commission. Concerns provided at that meeting included concerns related to the residential buffering, wetland buffering, and roadway improvements. Following that meeting, the Westpointe Community Council provided a draft letter regarding the proposal on October 16th. The letter is located in [Attachment G](#). The community council intends to provide a finalized formal version of the letter prior to the Planning Commission meeting but provided the draft to provide the Planning Commission additional time to review their concerns. The letter notes a variety of concerns with the required buffering, height of buildings, clarity of regulations, Business Park-I Overlay Zoning Amendment

and includes specific recommendations regarding the appropriateness of existing and proposed land uses in this area of the City. Those concerns in general and how they relate to existing City policies are discussed in the below key considerations.

KEY CONSIDERATIONS:

The key considerations and concerns below have been identified through the analysis of the project, neighbor and community input, and department reviews.

1. [Existing Area Plan Guidance - Northpoint Small Area Plan](#)
2. [Resident Buffering and Traffic Concerns](#)
3. [Duck Club and Environmental NGO Concerns](#)
4. [Use Intensity Differences and Height Request](#)

Consideration 1: Existing Area Plan Guidance - Northpoint Small Area Plan

For zoning amendments, Planning Staff is directed by ordinance to consider the associated City master plans and adopted policies that apply to a proposal. Staff reviews general City policies, including adopted policies in Citywide master plans such as *Plan Salt Lake*, and considers plans that are specific to an area. In this case the property is within the boundaries of the *Northpoint Small Area Plan* that was developed specifically for this area. The full plan can be accessed here: <http://www.slcdocs.com/Planning/MasterPlansMaps/NP.pdf>

The small area plan was developed primarily due to concerns that future business park development on and near the subject property would negatively impact agricultural users and residents that live along 2200 West. For development on the subject property, the plan calls for:

- Business park type development
- 50' front landscaping facing 2200 West, with mature landscaping and a 5' berm
- 100' building setback from 2200 West
- Prohibiting vehicle access to the Business Park from 2200 West next to the agricultural/residential properties
- Development of a new north-south street (at approximately 2700 West) that would divert commercial and commuter traffic away from the residences on 2200 West

The small area plan generally does not discuss environmental impacts to adjacent wetlands, except noting that geotechnical reports for wetlands, soil conditions, and seismic issues should be required for development. These would be required under current development and subdivision codes.

The proposal generally aligns with the policies in the small area plan related to specific buffering and uses, but it does not fully align with the policies regarding vehicle access. These policies relate to resident concerns received during the public process and are discussed in [Consideration 2](#) below. Concerns received related to wetlands and wildlife are discussed in [Consideration 3](#).

Consideration 2: Resident Buffering and Traffic Concerns

Staff received written comments from residents at open houses and via e-mail, and also received a few letters from the Westpointe Community Council noted in the “Community Input and Public Process History” section above. Staff also informally heard a variety of concerns related to the proposal from residents at open houses and community council meetings. Some of the concerns were related to overall development in the area and not isolated to this development. Concerns and comments received in written form and verbally included:

Business Park-I Overlay Zoning Amendment

- Concerns regarding traffic increases and lack of roadway improvements on 2200 West
- Concern that roadway improvements would take away resident's property along the road
- Desire that access to the site be limited to other roadways (3200 West or 3300 N)
- Concerns regarding the adequacy of the landscape and building setback buffers toward 2200 West residents
- Concerns with the visual impact of a berm and its impact on drainage swales
- Desire to see greater landscape setbacks
- Concerns with heights of buildings near residences
- Concerns with industrial uses
- Concerns with loss of open space
- Concerns with possible building reflectance of vehicle noise

Residential Buffering Concerns

Staff heard a variety of concerns from residents regarding the required and proposed buffering measures along 2200 West and their adequacy to limit negative impacts on residents. Many of the comments relating to these would indeed further reduce the potential for visual or noise impacts on residents, examples included 500' setbacks (versus 100') and reducing the allowed heights of buildings near 2200 West to 40 feet. However, there is existing adopted City policy in the Northpoint plan that calls for a specific level of buffering. In reviewing an application, staff is directed by ordinance to evaluate how a proposal complies with adopted City policies. Because adopted City policy is so specific about the configuration of the buffers in this area, staff is not recommending that any additional buffering along 2200 West be required beyond the existing requirements and the applicant's 10' of additional landscaping. The required buffering includes:

- 100' setback for buildings
- 60' of landscape buffer (within 100' setback)
- 5' berm within landscape buffer and shade trees every 25', 4' tall shrubs, and 6' fence
- Applies when adjacent to, and across the street from, AG-2/AG-5 zoned and residential used property

For City zoning context, this buffering is the most significant of any zone in the City, including buffering required for the City's most intensive Heavy Industrial zoning (50' of landscaping). Regardless, the Planning Commission and City Council can consider requiring additional buffering through this petition.

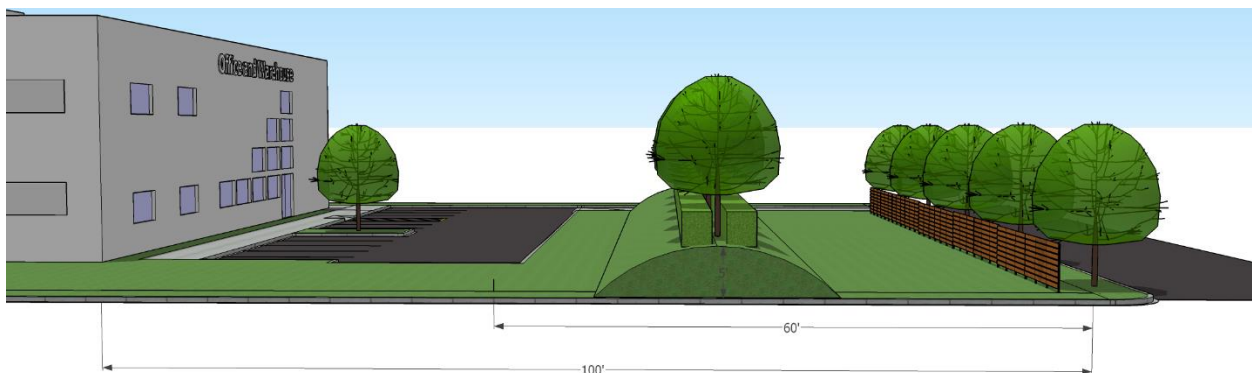


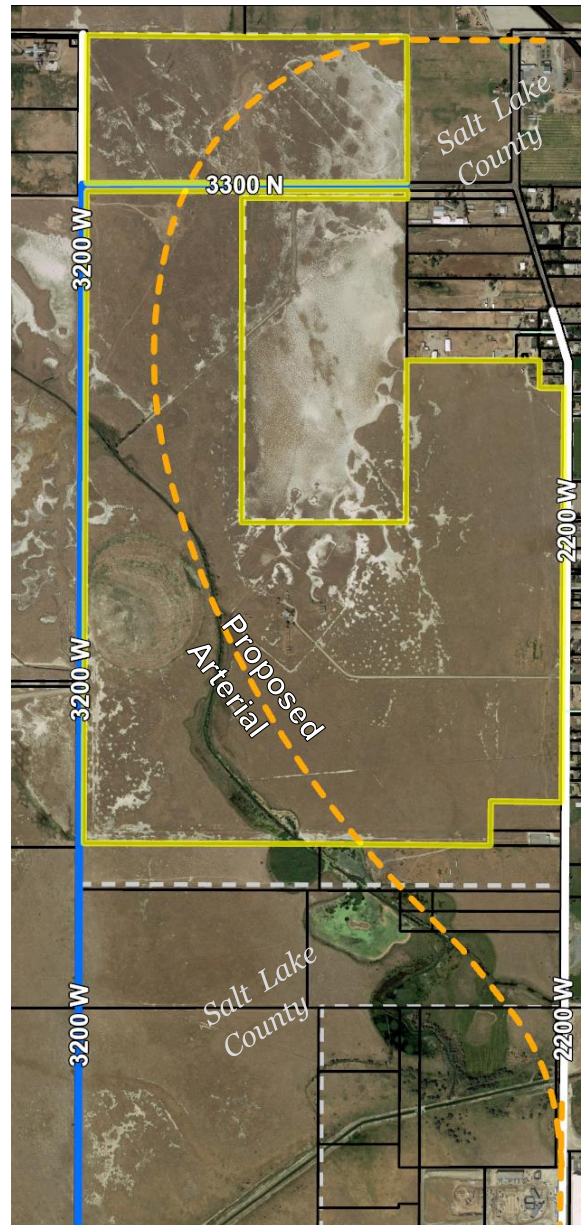
Diagram showing proposed increased required buffering requirement adjacent to agricultural/residential property. Includes 60' landscape buffer and 100' building setback. Landscape elements (trees, shrubs, berm) could be placed in different configurations within the buffer area. The building shown is 30' tall and does not reflect the full 65' height allowance.

Traffic, Roadways, and Property Access Limitations

Residents have expressed concerns with traffic impacts and roadway improvements. Specifically, there is concern that the 2200 West roadway is not adequately improved to the site and that traffic (including employee and industrial vehicles to the development) will negatively impact residents on 2200 West. 2200 West is currently built as a two lane “rural” or “local” road with no curb and gutter. To develop the property, the applicant is required by City code to improve the portion of 2200 West adjacent to their property with new pavement and curb and gutter. This would involve dedicating additional space from the applicant’s property to provide adequate roadway width and lanes. Additionally, the applicant would have to build new utility infrastructure to the site, including installing new City sewer and water lines. This is likely to be built within 2200 West and would connect to the existing utility infrastructure near 2100 North, which has been recently installed by new development. Comments have brought up that there is a pinch point on 2200 West where the two-lane road narrows to one lane over a bridge. There is currently a subdivision improvement proposal being processed involving that bridge that would replace that bridge with a full width City street.

Regarding traffic impacts, some of the residents have requested that all traffic be prohibited from utilizing 2200 West to access the property and there is adopted City policy to support doing that. The associated *Northpoint Small Area Plan* includes policies that vehicles be prohibited from accessing the subject property adjacent to the residential properties and that a new road be built that diverts traffic from 2200 West before traffic reaches the residents. Additionally, the *City’s Major Street Plan*, the official street master plan for the City that directs where new street should be built includes a proposed roadway, matching that called for in the *Northpoint Plan*. The roadway would begin south of the subject property, directing traffic west away from 2200 West and then running north through the middle of the site to an unbuilt 3600 North.

However, strictly implementing that policy and roadway with this development may be problematic due to property ownership and the amount of roadway that would be required to be improved to provide alternate access. The first issue is that the roadway proposed in the master



2018 Major Street Plan excerpt, showing proposed arterial (orange) through the property. The proposed arterial also runs through private land under County jurisdiction and private land yet to be developed. Full major street plan map is located in [Attachment E](#).

plan would cross through City and other privately-owned property that is not owned by the applicant. The City can't legally require a property owner to acquire property from a third party in order to develop and access their own property. The City can only require a developer to improve existing adjacent streets and proposed streets that run through or directly adjacent their property.

The second issue with 2200 West restrictions relates to whether prohibiting access altogether from an adjacent public roadway constitutes such a substantial taking of the property owner's property rights that it would require compensation from the City. Normally, property owners are guaranteed access from public roadways adjacent to their property. The City can regulate this as reasonably necessary and does in many zones have restrictions on the density of curb-cuts allowed for a property to reduce vehicle conflict points, protect public safety, and other negative impacts. However, altogether prohibiting access from an adjacent roadway and causing the property owner a substantial cost to provide alternative access may be considered an illegal "taking" of property development rights. Also, important to consider is that the applicant could pull their rezone proposal from consideration and develop the property under the existing zoning, if conditions to be imposed appeared to create an unreasonable financial hardship to develop the property.

Given these issues, staff is not comfortable recommending approval of an outright prohibition of all access from 2200 West. However, staff is comfortable recommending approval of the proposed limitation on individual curb cuts and driveways, instead requiring that any access from 2200 West into the site be a public street. Due to the improvements required for a public street, including curb, gutter, sidewalk, and associated utility infrastructure, staff anticipates there would be fewer connections to 2200 West if the connections are required to be public streets versus curb cuts/driveways. The proposed arterial shown on the City Major Street Plan map will be required to be constructed as the property is subdivided and develops. Through the subdivision process, the City can also further regulate the location of any proposed public streets, including street connections from 2200 West, to reduce negative impacts and better comply with City master plans. The Planning Commission or City Council could also regulate the specific allowed locations of these future streets through this amendment.

Consideration 3: Duck Clubs and Environmental NGO Concerns

Staff received letters and comments from duck clubs adjacent to and near the rezone property. Staff also received letters from environmental non-governmental organizations (NGOs), including the Utah Wildlife Association, Friends of the Great Salt Lake, and the Audubon Society. There were several similar concerns and suggestions in these letters. Some of the major comments provided from these groups included the following:

- 750' horizontal buffer should be required adjacent to the duck club (from Rudy Duck Club)
- Tall berm (>10') adjacent to the duck club (from Rudy Duck Club)
- Buffering similar to east-side buffers should be on the west-side of the property (berm, sound wall) (from Great Salt Lake Audubon Society)
- Lighting restrictions be imposed to reduce bird/wildlife conflicts
- Glass restrictions be imposed to reduce bird/wildlife conflicts
- Concerns with some of the existing allowed uses
- Plant restrictions be included to reduce the potential for invasive plant introduction
- Prevent negative impacts to water supply from canal on the property
- Desire to have 3200 West not improved or closed/vacated due to potential traffic noise/light impacts on wildlife

Not all of the concerns received are listed above. The full letters are located in [Attachment G](#).

Adopted City Environmental Policies and Guidance

In evaluating zoning map and text amendment requests, Planning staff evaluates proposals against existing, adopted City master plan policies applicable to the proposal property and whether the proposal represents best urban planning practices. Although the plans specific to this area do not directly address environmental standards, staff believes there is generally sufficient City policy support, based on the City’s citywide master plan *Plan Salt Lake* and policy expressed via existing zoning, and best planning practice, to recommend environmental nuisance reduction zoning requirements, such as restrictions on lighting (such as requiring fully shielded lights) and on requiring bird-friendly glass installation (including requirements for patterns on window glass). Regulations related to those have been included in the proposed ordinance. The proposed regulations generally match those found in the Northwest Quadrant zoning for properties located near wetlands.

Open Space Allocation

The applicant has also proposed an allowance to consolidate and distribute the open space required in this zone across the development as a whole, rather than requiring each individual lot to reserve a portion of that lot as open space. This will allow for the development to locate open space in more environmentally sensitive areas and for the buildings and other structures to be developed in a more compact manner. Allowing for more compact development at the edge of developable areas (such as this property) to better preserve and create meaningful open space is in line with best planning practices and Planning Staff supports the allowance.

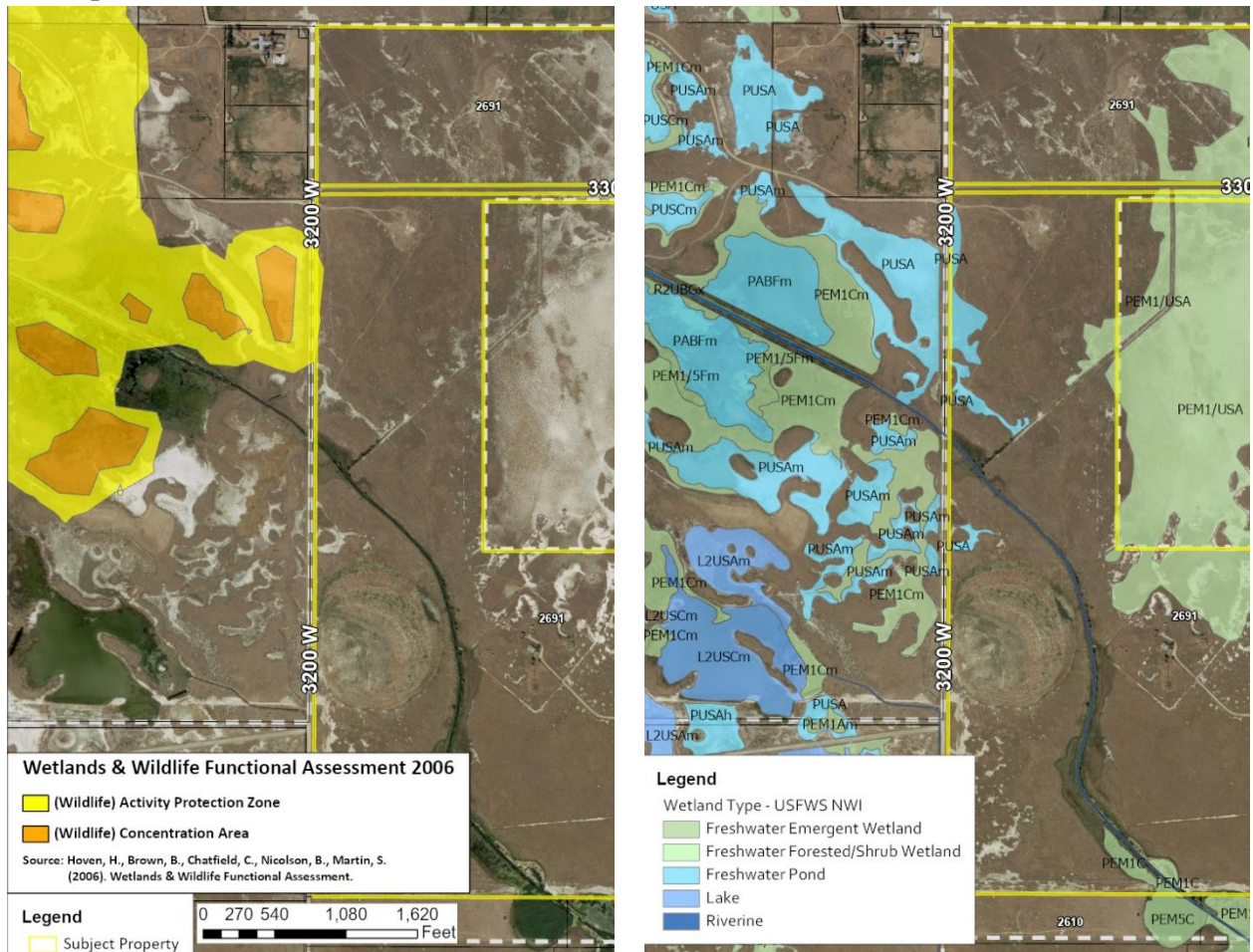
Waterway/Canal Buffering

There isn’t specific policy guidance in City plans regarding environmental buffering in this area, such as horizontal distances and berm sizes. Staff can look to other adopted zoning ordinances in the City for buffering policy guidance as those regulations reflect adopted City policy. As far as adopted zoning guidance, the City has adopted zoning regulations that prevent development next to sensitive water corridors throughout the City, such as Parley’s Creek, the Surplus Canal, and the Jordan River. These generally prohibit all development within 50’ from the high-water line of a water feature. This is intended to limit the potential for negative impacts, such as contamination from water runoff, to important waterways. Related to this, the developer has incorporated a 50’ horizontal buffering requirement into the proposed overlay that would apply to the canal that runs through the property.

Wetland Buffering

Reference has been made in various public comments to the development limit line in the Northwest Quadrant area of the City. That limit line represents a compromise agreement between the property owners, various environmental NGOs, and the City. In developing that agreed upon line, these parties considered a variety of factors, including wetland locations, property ownership, and a study titled “Functional Assessment of Wetlands and Wildlife in the Salt Lake County Shoreland Area Management Plan Area” (the “SAMP study”). This study was done at the behest of the City and County to inform land use planning decisions near the Great Salt Lake. This study provided a scientific basis for where development should be limited. The study looked at where wetlands and wildlife were located, among other related weighted factors, and provided data-based recommendations for “wildlife protection zones” and “conservation areas” – recommendations on where development should be limited. For context, the NWQ development

line is set back from the conservation area and wildlife activity protection zone suggestions; however, it does vary in the west side of the NWQ area (near the prison site), with developable areas crossing into some recommended conservation areas. With some exceptions, most developable areas in the Northwest Quadrant are set-back at least 500 feet from wetland areas.



Map showing location of recommended wildlife protection areas from the SAMP study and map showing location of wetlands from the state database. Full size maps are located in [Attachment A](#). Aerials represent one point in time and do not reflect how often an area may be covered by water.

The SAMP study also included the area of the city covering the rezone proposal. The study showed that there was a wildlife concentration of birds in the northern portion of the Rudy Reclamation property adjacent to 3200 West. It recommended a wildlife protection zone for that wildlife concentration, and the protection zone mapping stops at about 3200 West. As it currently stands, 3200 West essentially serves as a de facto developable area limit line. Without any additional buffering through this proposal, the Rudy Reclamation property and associated wetlands would be separated by approximately 60' of road/right-of-way width (3200 West) and 30' of yard buffering for a total of at least 90' of horizontal buffering.

Although City policy doesn't call for a specific development limit line within the subject property, the standards for a text amendment include whether the proposed text amendment "implements best current, professional practices of urban planning and design." Generally, best practices in planning are to buffer and mitigate negative impacts from higher intensity uses on lower scale/intensity uses. In this case, although City policy doesn't provide a specific buffer recommendation for this side of the property, Planning believes that a reasonable level of

buffering is appropriate given the direct proximity of the proposal to those areas designated as “wildlife protection” areas and wetlands. The City has already adopted a buffering standard for agricultural properties along 2200 West on the east side of the property, and Staff believes that applying similar buffering on the west side of the property would serve to reduce negative noise and visual impacts to those properties as well.

Staff Recommended Wetland Buffer Condition

The applicant is proposing as part of the overlay that any wetland mitigation areas (wherein existing wetland areas on the property may be relocated with U.S. Army Corps of Engineers approval) would be located along the west-side of the property adjacent to the Rudy Reclamation and Sportsman’s Club. The Rudy property is registered under state code as a “Migratory Bird Production Area,” wherein the property owner has recorded an affidavit with the County stating the property is actively managed for migratory bird production, habitat, or hunting, which generally means that the property owners act to manage and protect the association wetlands that provide bird habitat. The ordinance uses the term “Migratory Bird Production Area” when referencing the property.

Staff supports that proposed placement of any wetland mitigation as it would help buffer the wetlands/wildlife from negative impacts; however, staff does not have information on how much wetland mitigation would be required and whether it would create a substantial horizontal buffer on the west portion of the site. Additionally, such a horizontal buffer, if limited in width, wouldn’t provide a high level of noise or light attenuation from on-site activity, including from vehicles and accessory ground level mechanical equipment.

Due to these factors, staff is recommending that development next to the west property line, near the wetlands, be required to include a 60’ landscape buffer with a 5’ berm. The buffer would need to include 4’ shrubs/grasses and a 6’ tall solid wall (for noise mitigation) but would not require trees. The Audubon and other environmental groups have provided comments regarding the negative impact that trees can have on waterfowl habitat, as predatory birds may nest in trees installed as landscaping and prey on the waterfowl. The buffering distance is in line with minimum horizontal wetland buffers adopted in other jurisdictions across the country and the vertical height of the buffer is similar to the minimum height of highway sound walls.

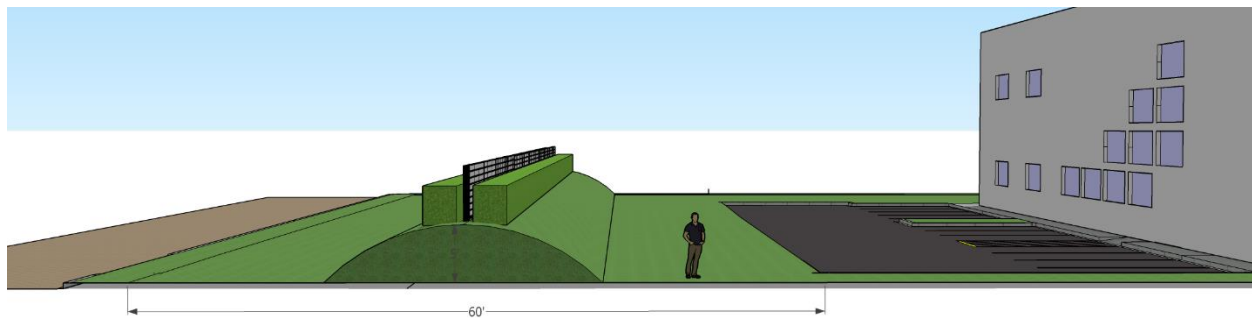


Diagram of proposed buffering on west-side of property near wetlands.

Additional buffering could be recommended by the Planning Commission or added by the City Council to the ordinance. However, the referenced SAMP study did not identify additional wildlife protection/conservation areas within the subject property along 3200 West that would provide a basis for a more significant non-developable or buffer area on that side of the property.

Staff received comments related to the buffering that were co-authored by one of the authors of the SAMP study ([Attachment G](#), see letter from Great Salt Lake Audubon-Hoven, Dove, Martinson). Those comments recommended an earthen berm and sound barrier be installed on the western edge of the property to reduce noise and light impacts to bird populations west of the property.

3200 West Street Vacation and Traffic Impacts on Wildlife

It is possible that the gravel road 3200 West will be developed into a fully paved street between the proposed berm and the Duck Club. This could negate some of the benefits of the staff recommended wetland/wildlife buffer, as high levels of vehicle traffic can have a significant negative impact on wetlands and wildlife. Due to that potential, staff has received comments from the Duck Club and environmental groups about eliminating that road. A number of studies regarding that negative impact potential are noted in the letter from the Rudy Reclamation and Sportsman’s Club in [Attachment G](#). For City planning context, there are two adopted City plans, including the *Northpoint Master Plan* and the *City’s Major Street Plan* that specifically call for that road to developed and for it to be a “collector” street. A collector is secondary in intensity to more major “arterial” roads; these roads serve to “collect” traffic and direct that traffic to arterial roads.

Closure of 3200 West street and modifications to the *City’s Major Street plan* are beyond the scope of a zoning amendment petition and such modifications would represent a significant change in City street policy. Changes to those would require a “Master Plan Amendment” to amend the street plan and a “Street Closure” petition to close the street. Given its location at the edge of property zoned for development, staff does not anticipate it becoming a high traffic street and does not anticipate it being developed in the near term. However, if a new north-south street is developed just to the east of 3200 West, as required as the property develops, the Planning Commission or City Council may want to consider amending the City’s street plan and closing the street at that time. For now, the roadway provides access to agricultural properties and utility corridors in the area.

Consideration 4: Use Intensity Differences and Height Request

The primary development allowance being requested by the applicant is to add additional allowed uses for the property. The current Business Park zone that regulates the property allows for a variety of commercial and light industrial uses. Examples of currently allowed uses include “light manufacturing,” “research and development,” and “office.” The applicant is proposing to add a limited number of additional uses. They have identified their proposed uses and the reasons they are requesting them in their narrative (Schedule 1 in the summary sheet) in [Attachment C](#). As a summary, it does not include footnotes that apply additional restrictions to a number of currently allowed uses, such as retail and restaurants. The list of currently allowed BP uses with those full footnotes is in [Attachment D](#). The applicant notes that their proposed uses are intended to help facilitate the research park concept that they are envisioning for the site. Many of the proposed uses would be allowed as accessory uses to already permitted uses; however, the applicant may intend to have standalone properties with these uses. Standalone properties for these uses would not be allowed unless they are specifically listed as allowed uses.

New “Permitted” and “Conditional Uses” requested by the applicant include:

New Permitted	New Conditional
Bus line yard and repair facility	Mobile food court

Contractor's yard/office	Seminary and religious institute
Government facility requiring special design features for security	Recreation (outdoor)
Greenhouse	
Laboratory, (medical, dental, optical)	
Laundry, commercial	
Mobile food business, (operation in the public right of way) (i.e. food trucks)	
Package delivery facility	
Parking, park and ride lot	
Photo finishing lab	
Printing plant	
Store, convenience	
Studio, motion picture	
Vehicle (auto and truck) repair	
Vehicle (truck repair)	

Changing from Conditional to Permitted	Changing from Permitted to Conditional
Government facility	Professional and vocational school (with or without outdoor activities)
Light manufacturing	
Parking, commercial	

The proposed new uses are generally similar or lower in intensity than uses that are currently allowed in the zone, such as “Air cargo terminals and package delivery facility,” “Light Manufacturing,” “Research and Development,” “Office,” “Warehouse,” and “Wholesale Distribution.” Some of the proposed uses, including “photo finishing lab,” “laboratory,” and “printing plant,” could fall under the overarching use of “light manufacturing” which is already allowed as a conditional use in the zone. Light manufacturing uses as defined in City code are limited to uses that do not have external noise, odors, or other emissions. Additionally, uses in the underlying BP zone are required to be located within a building to further prevent negative noise and visual impacts to surrounding properties. Staff doesn’t anticipate substantive negative impacts from the proposed uses versus the baseline level of impacts from uses already allowed under the current zoning.

Although the *Northpoint Small Area Plan* doesn’t specifically speak to what uses should fall under a “Business Park” designation, staff believes a variety of commercial and light industrial uses are generally found in and appropriate under a “Business Park” designation based on the wide variety of common business park development practices. A local example of a business park with a wide variety of uses is the Salt Lake International Center located west of the airport.

Under this proposal, “light manufacturing” would go from a “conditional use” to a “permitted use.” A conditional use is a use that is reviewed to ensure that a use doesn’t have any negative impacts that can’t be mitigated, and if potential negative impacts are identified, conditions can be placed on that use to mitigate them. Typical conditions placed on a proposal include restrictions on the time of day a land use can occur or setbacks/buffering. In this case, activities are required by ordinance to be indoors and would already be subject to significant buffering under existing

code, and further buffering in the proposed zoning regulations. As such, staff doesn't anticipate that a conditional use process for "light manufacturing" uses in this area would result in any substantive conditions of approval or further restrictions beyond that already prescribed by ordinance, such as the setbacks, buffering, and roadway improvements required by ordinance.

The Westpointe Community Council provided comments in [Attachment G](#) that go over the full list of uses currently allowed by the zone and those proposed by the applicant, using the applicant's summary sheet. The letter is a draft and the community council intends to submit a full formal version closer to the Planning Commission meeting date. The letter makes recommendations to change a number of the uses from permitted to conditional and to eliminate some altogether. As the letter arrived shortly before staff report publication staff has not had a significant amount of time to consider each of the recommended changes. However, in general staff doesn't believe the proposed uses represent a substantive intensity difference versus what is already allowed by the existing zoning. Staff analyzed the proposal from that perspective, considering what impacts the proposed changes would have, rather than considering the proposal as a complete overhaul of the land uses allowed in the area. It is important to note that the additional regulations proposed by the applicant are, in effect, a compromise for the requested uses, height, and open space location allowances. The applicant may be willing to modify some of their proposed land use allowance requests. However, without additional land uses allowances, the applicant may decline to proceed with the zoning amendment requests.

The applicant has also requested an increase in the height limit from 60' to 65 feet. The applicant has stated that this is intended to accommodate additional clear space that may be needed in taller buildings. Staff believes the 5' of additional height could help accommodate higher floor heights in multi-level office buildings. The applicable master plan doesn't speak to building height limitations. However, the height is within the range allowed in the City's General Commercial, Light Industrial, and Research Park zones, which have similar commercial development allowances as the Business Park zone. As the request is minimal and is within the height expectations for other similar zones in the City, staff does not have concerns with the height request and does not believe it would have a substantive negative impact versus the current 60' height limit.

Given these considerations, staff is recommending approval of the land use changes and increased height allowance, considering the additional restrictions being proposed on development through this petition.

STANDARDS OF REVIEW DISCUSSION:

Zoning map and text amendments are reviewed for compliance with City master plans and adopted policies. As discussed in [Attachment E](#) (City Plan Considerations) and in the considerations above, the proposed zoning changes are generally in compliance with the adopted City policies pertaining to this area of the City. The applicant's proposal better complies with relevant master plan and other City policies beyond the current zoning by doing the following:

- Limiting vehicle access from 2200 West, reducing potential vehicle conflict points
- Requiring implementation of proposed north-south street through the middle of the property for any development
- Increasing landscaping buffer requirement adjacent to residential
- Imposing buffering requirements adjacent to waterways to prevent water quality impacts
- Imposing limits on lighting and requiring bird friendly glass treatments to reduce negative impacts on nearby residents and wildlife

- Allowing required open space to be consolidated and potentially located in more meaningful areas, rather than being required to be distributed piecemeal on each lot
- Requiring any wetland mitigation to be located on the west-side of property to buffer wildlife

As the proposed restrictions better comply with master plan policies and further reduce potential impacts to adjacent properties, staff is recommending approval of the proposal with some conditions. In return for the proposed restrictions, the property would be able to be developed for some additional commercial and light industrial activities. As these activities do not represent a substantial increase in intensity from existing allowances, staff believes the proposal overall is an improvement over baseline existing development allowances and will result in a better development outcome for the City that is more in line with adopted City policies, particularly with regard to limiting negative impacts on residents and the environment.

Recommended Conditions

Staff has included recommended conditions of approval on the first page of this report that are primarily related to clarifications of the proposed regulation language.

The first condition is to allow staff and the applicant to revise the language of the proposal to better conform with other City code and ensure the language is clear and enforceable. Although staff through this process has reviewed the language for those considerations, additional issues may be identified as the ordinance is further reviewed by staff and City Attorneys and prepared for City Council consideration.

The second condition is related to making it clear that the increased 60' of landscape buffering applies even when the development is separated by as street from a residence. It is also meant to ensure that the language does not conflict with other code sections related to buffering.

The third condition is related to ensuring that the proposed allowance to replace required trees with other vegetation is not applied to tree requirements near the residential properties. Although trees can have a negative impact on wetland bird populations and staff is comfortable with waiving tree requirements on the majority of the site, trees are otherwise a significant component to the visual buffering for residents along 2200 West and should still be required on the east side of the property.

The fourth condition is the most substantial and would add to the ordinance the wetland buffering discussed in [Consideration 2](#).

The fifth condition is related to the ability of staff to track the open space location modification allowance requested by the applicant in the long term. The condition would require that any required open space to be recorded on a subdivision plat so that future property owners and City staff would be aware of a property's allocation/designation as required open space when looking at property records.

NEXT STEPS:

The Planning Commission can provide a positive or negative recommendation for the proposal and as part of a recommendation, can add conditions or request that changes be made to the proposal. The recommendation and any requested conditions/changes will be sent to the City Business Park-I Overlay Zoning Amendment

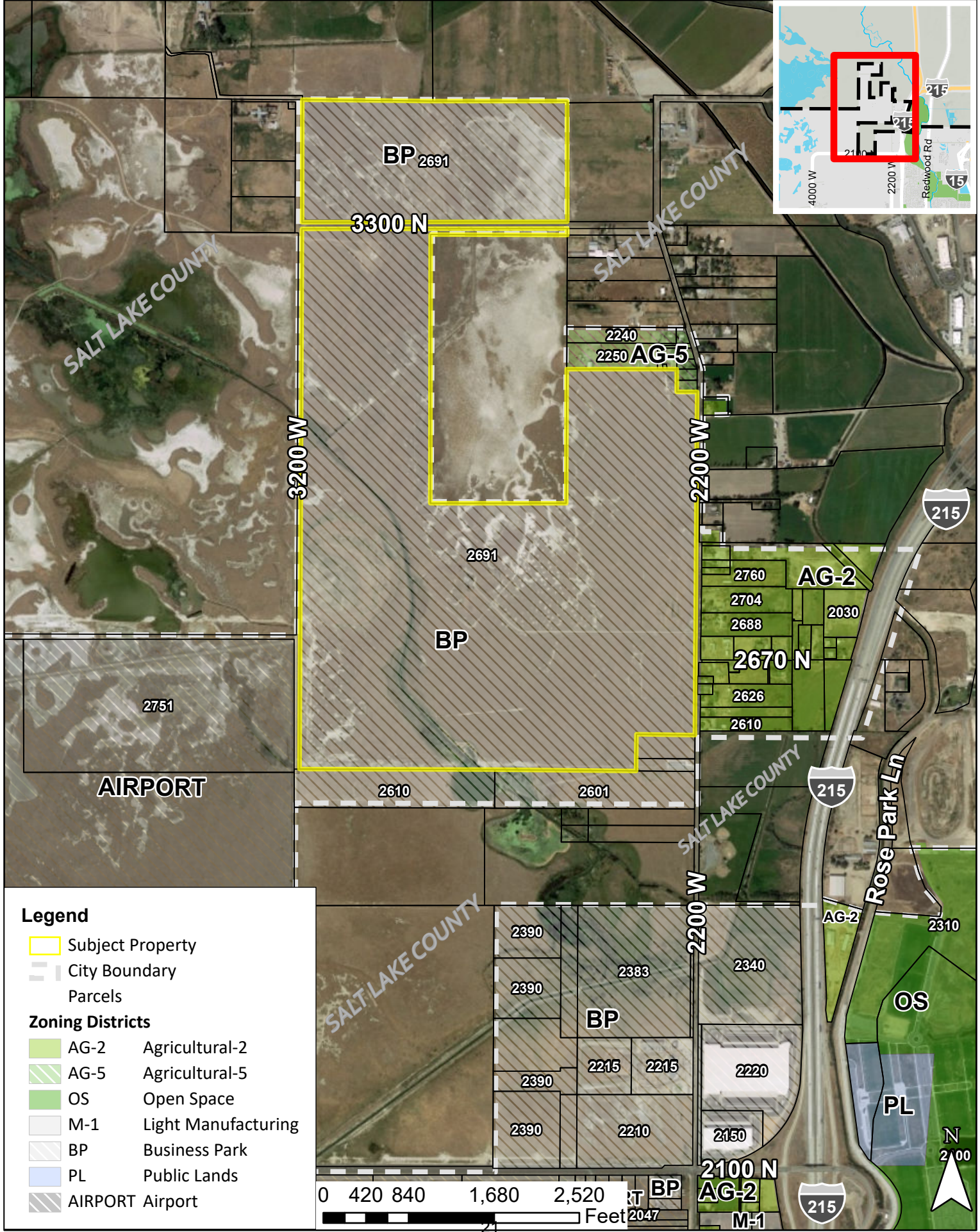
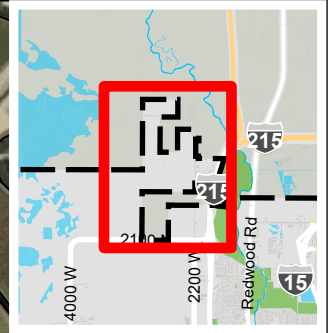
Council, who will hold a briefing and additional public hearing on the proposed zoning changes. The City Council may make modifications to the proposal and approve or decline to approve the proposed zoning map and text amendment.

If ultimately approved by the City Council, the changes would be incorporated into the City Zoning code and official City Zoning map and new development would be required to follow the new regulations.

If the proposed zoning amendments are not ultimately approved by the City Council, the property could still be developed under its current Business Park zoning designation. The development would not be able to be used for the proposed new land uses and would not be subject to the additional restrictions proposed by the applicant. Installation of the proposed arterial through the middle of the property and improvement of adjacent streets would still be required as the property is subdivided and developed.

ATTACHMENT A: Zoning and Vicinity Maps

Vicinity Aerial and City Zoning Map



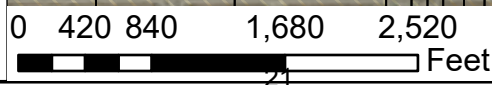
Legend

Subject Property

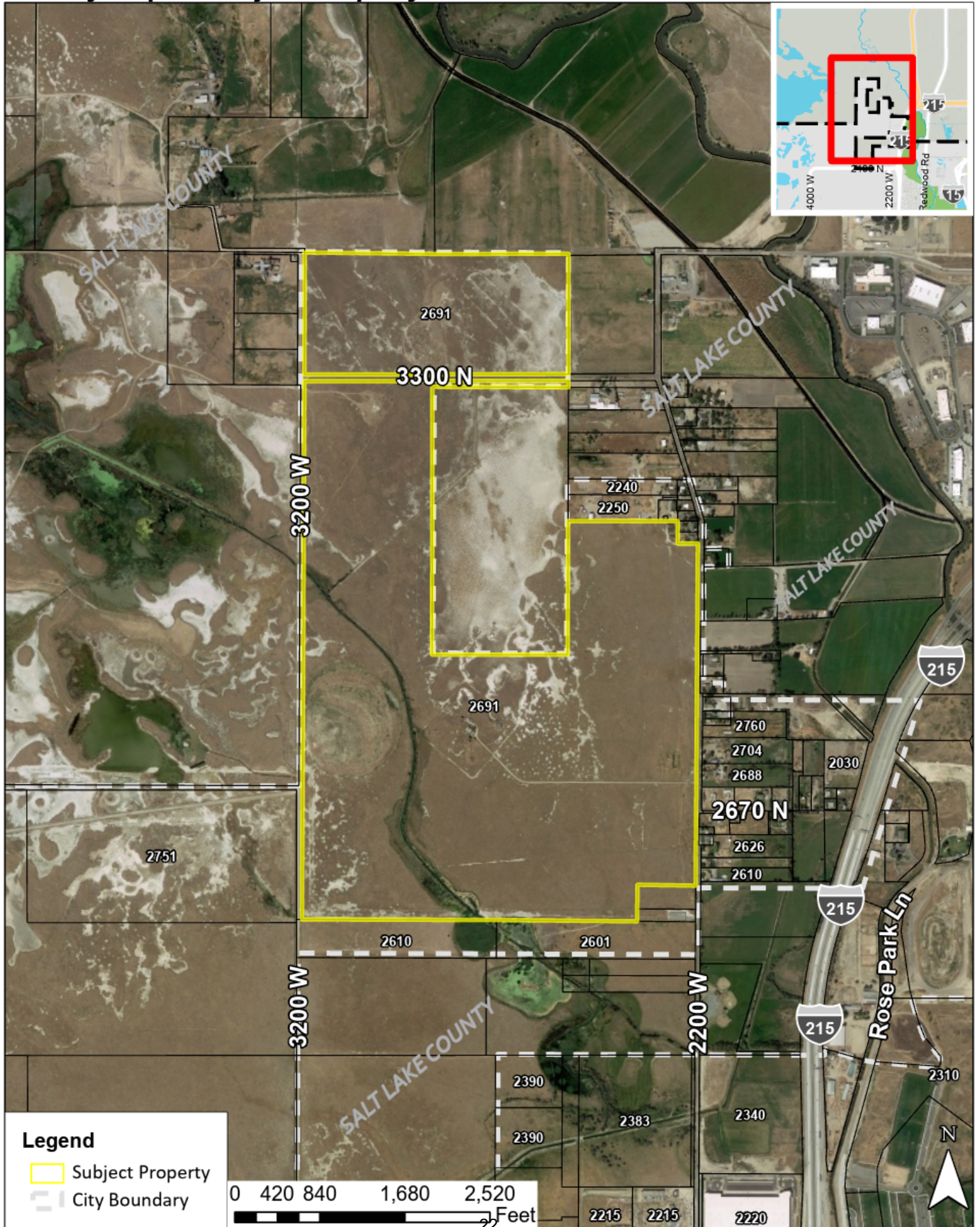
City Boundary
Parcels

Zoning Districts

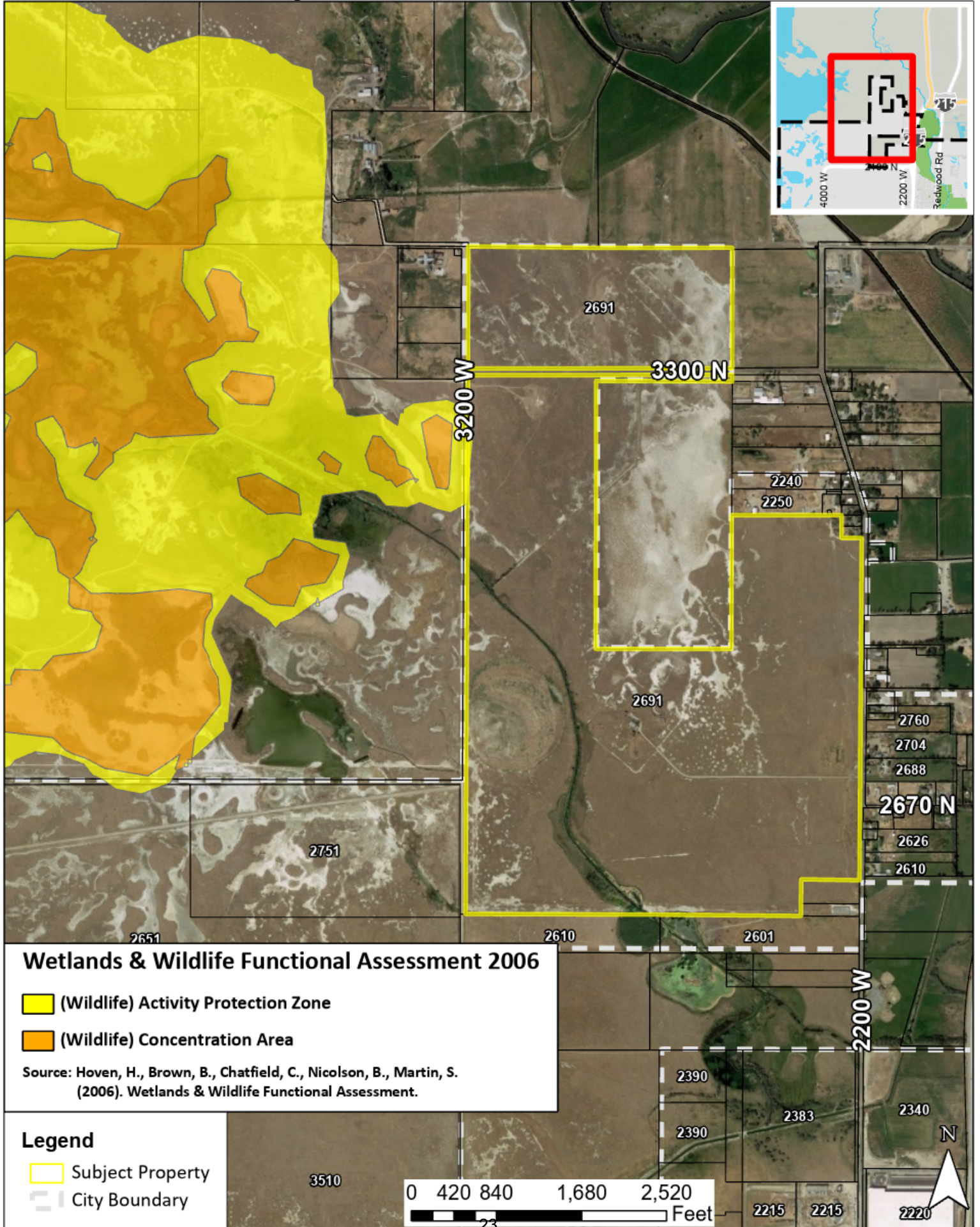
- AG-2 Agricultural-2
- AG-5 Agricultural-5
- OS Open Space
- M-1 Light Manufacturing
- BP Business Park
- PL Public Lands
- AIRPORT Airport



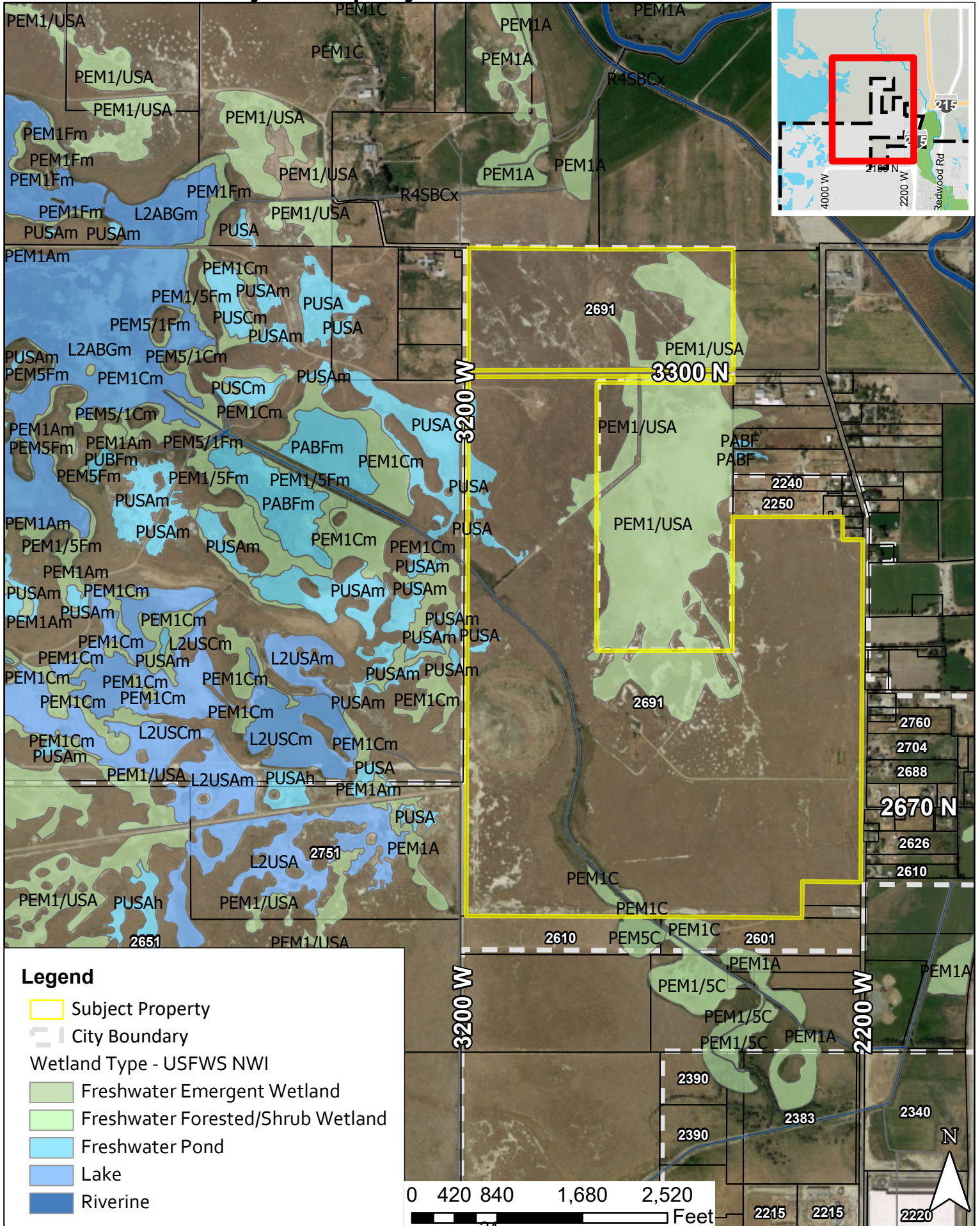
Vicinity Map of Subject Property



SAMP - Wildlife Activity Protection Zone Map Extract



Wetlands Near Subject Property



ATTACHMENT B: Applicant's Proposed Code

21A.34.160: BP-I BUSINESS PARK-I OVERLAY DISTRICT

- A. Purpose Statement: The purpose of the Business Park-I Overlay District is to facilitate development of a private research park within certain areas of the existing BP Business Park District. The additional uses in the Business Park-I Overlay District facilitate intra-city integration of research, light manufacturing and other uses, as set forth below.
- B. Applicability: The overlay regulations set forth in this section supplement regulations in the underlying zoning district. If a use or development regulation, rule or restrictions conflicts with a provision in this BP-I Business Park-I Overlay District, the provisions of this section shall control.
- C. Project: At such time as the BP-I Business Park-I Overlay District is applied to an area, the city shall designate the boundaries of the overlay district as a project for purposes of this section 21A.34.160
- D. Uses: Unless otherwise listed below as an additional permitted use, conditional use, or a prohibited use, uses in the overlay are as specified in the table of permitted and conditional uses for Business Park District, as set forth in section 21A.33.070.

- 1. Permitted Uses: The following uses are additional permitted in the BP-I Business Park-I Overlay District:

- Bus line yard and repair facility;
- Contractor's yard/office;
- Government facility;
- Government facility, with special design features for security purposes;
- Greenhouse;
- Laboratory (medical, dental, optical);
- Laboratory (testing);
- Laundry, commercial;
- Light manufacturing;
- Mobile food business (operation in the public right of way);
- Package delivery facility;
- Parking, commercial;
- Parking, park and ride lot;
- Photo finishing laboratory;
- Printing plant;

Store, convenience;
Studio, motion picture;
Vehicle repair (automobile and truck); and
Vehicle repair (large truck).

2. Conditional Uses: The following uses are additional conditional uses in the BP-I Business Park-I Overlay District:

Mobile food court;
Professional and vocational school (with or without outdoor activities);
Seminary and religious institution; and
Recreation (outdoor).

3. Prohibited Uses: The following uses, though previously identified as a permitted or conditional use for Business Park District, are prohibited in the overlay:

Animal, Kennel on lots of 5 acres or larger; and
Daycare, nonregistered home daycare.

E. Development Requirements:

1. Minimum Open Space Area: There shall not be less than fifteen percent (15%) in the aggregate of open space area within any project within the Business Park-I Overlay District. This provision expressly supersedes any conflicting requirements set forth in section 21A.32.030(E). The area of the project to be devoted for open space must be designated by each subdivision of land within a project within the overlay district and may be off-site and located disconnected from a particular subdivision plat but must be within the project. The designated area may be amended from time to time as necessary for a specific project but the amount of open space shall not fall below fifteen percent (15%) in the aggregate.
2. Buffers:
 - a. Landscape Buffers: Any development of structures within the overlay district which abuts any lot in an agricultural district with residential uses shall provide a sixty-foot (60') landscape buffer with a berm with a minimum height of five feet (5'). All landscaping within buffers shall employ innovative landscaping as described in section 21A-48-130. Any shrub and tree planting required by chapter 21A.48 of this title shall be substituted with allowed shrubs or with allowed plants that have a mature height of at least three feet (3') as identified in a plant list maintained by

the City's Planning Division.

- b. On Site Mitigation: If a project includes wetland areas, as defined by federal law, for which on-site mitigation is allowed under federal requirements, then proposed on-site mitigation shall occur on the area of the project located closest to any adjoining Migratory Bird Production Areas as defined by Utah Code 23-28-101 so as to create an area of open space between the uses in the overlay district and such migratory bird area.
 - c. Waterways: The Zoning Administrator may require in each site plan or subdivision plat fifty foot (50') setbacks between buildings and impervious surfaces (i.e asphalt or concrete parking lots) and the top of bank of non-ephemeral, open waterways, including canals, within the areas subject to this overlay district.
 - d. Other Buffers: Other buffers in the overlay district shall be the same as for the underlying zone and include those buffers as set forth in Section 21A.48.080.
3. Maximum Building Height: Buildings in the overlay shall not exceed sixty-five feet (65') in height.
4. Shoreland Impacts: This overlay district may be applied to lands relatively near Great Salt Lake shorelands. To mitigate the impacts on the lands and wildlife, building constructed within the overlay zone are subject to the following additional requirements:
- a. Glass Requirements: For buildings with more than ten percent (10%) glass on any building elevation, a minimum of ninety percent (90%) of all glass shall be treated with applied films, coatings, tints, exterior screens, netting, fritting, frosted glass or other means to reduce the number of birds that may collide with the glazing. Any treatment must create a grid pattern that is equal to or smaller than 2 inches wide by 4 inches tall.
 - b. Lighting: All lighting, including lighting on the buildings, parking areas, and for signs adjacent to shoreland or wildlife area, shall be shielded to direct light down and away from the edges of the overlay to eliminate glare or light into adjacent properties and have cutoffs to prevent upward lighting, unless different lighting is approved by the Zoning Administrator based upon a code or security lighting requirement. Up lighting and event searchlights are prohibited.
 - c. Roof Color: Light reflective roofing material with a minimum solar reflective index (SRI) of 82 shall be used for all flat roofs.

- d. Fencing: When adjacent to a Migratory Bird Production Area, a see-through fence that is at least fifty percent (50%) open with a minimum height of six feet (6') shall be erected along the property line to protect such migratory bird area from development impacts and trespass.

5. Streets/ Public Improvements:

- a. Master Plan Streets and Improvements. If this overlay district is applied to undeveloped land, then all development subject to a site development or building permit, shall be required to provide public improvements required by the development as required by City departments and as outlined in their Master Plans, subject to state and other legal requirements regarding the imposition of exactions. The details regarding the precise location of such streets, and the timing for the construction, shall be determined, set and phased in connection with approving site plans and subdivision plats.
- b. Driveways. If this overlay district is applied to land adjoining 2200 West, then no individual driveways or curb cuts shall be installed on 2200 West, except as may be required for fire or emergency authorities. The foregoing restriction on driveways and curb cuts does not apply to the installation of access roads for a project.

ATTACHMENT C: Applicant's Narrative

SUMMARY FOR NEW BUSINESS PARK-I OVERLAY DISTRICT

[Updated 10/14/2019]

1. **PROPOSAL.** Ivory Development desires for the City to create a Business Park-I Overlay District and to apply the new district to an approximately 440 acre parcel of land located at 2691 North 2200 West (the "Subject Property"). The Subject Property is currently located in the BP Business Park District ("BP district" or "BP") and this zoning designation has existed since 1995¹. Ivory is pursuing a new overlay zoning district to facilitate an integrated project to be known, at least initially, as "Research Park West." The plan is to operate this site together with the University of Utah's existing Research Park. By creating a new overlay district, the City and Ivory will together be able to add the uses and other refinements needed to facilitate an integration of uses needed by businesses and industries already located in or resulting from activities within the existing Research Park. In short, there are businesses and institutions in Research Park that have space and building needs that cannot be filled within the existing Research Park. This area will be branded, integrated and used so that these uses will stay within the city, rather than going to business parks or industrial areas outside of Salt Lake City.

2. **ADDITIONAL USES.**
The overlay district will include the uses already allowed in the BP district. The proposed additions and modifications to the list, along with a brief explanation, are listed on Schedule 1, attached.

3. **REMOVAL OF CERTAIN USES.**
The following uses, although allowed in the BP district, shall not be allowed for areas within the Business Park-I Overlay District:
 - (a) Animal, Kennel on lots of 5 acres or larger
 - (b) Daycare, nonregistered home daycare

4. **DIMENSIONAL AND SUPPLEMENTARY REGULATIONS.**
 - (a) The new zoning district would require 15 percent open space but calculated on an overlay district basis, not lot basis. In other words, the open space calculation is made in the aggregate for the entire project, not on a lot by lot basis.
 - (b) Uses in an overlay zoning district adjoining residential uses shall be located 60 feet from the public right of way ("Buffer Area"). Buffer Area shall be bermed and landscaped along the length of the residential interface.
 - (c) Height: Maximum height in the overlay district will be 65 foot height as opposed to 60 foot height.
 - (d) On Site Mitigation: If wetlands need to be mitigated on-site, the mitigation shall occur near the migratory bird areas on the west side of the site.

¹ The Northpoint Small Area Plan confirms that the Subject Property has been commercial since 1974 and has been contemplated as appropriate for a business park since being rezoned in 1995.

- (e) Driveways: No driveways along 2200 West.
- (f) Glass Requirements: Buildings with 10% glass on an elevation will have bird strike deterrence treatments.

5. PROCESS. The text and map amendments are running concurrently so that platting and site plan approvals may follow any approval of the overlay district.

Schedule 1

**[Summary of Allowed Uses for Subject Property Upon Creation
Of BP Overlay Zone, with Explanatory Notes]**

	BP District	BP Overlay	Explanatory Notes
(a)	Accessory use, except those that are otherwise specifically regulated elsewhere in this title, permitted		
(b)	Agricultural use, conditional		
(c)	Air cargo terminals and package delivery facility, permitted		
(d)	Alcohol, Brewpub (2,500 square feet or less in floor area), permitted		
(e)	Alcohol, Brewpub (2,500 square feet or less in floor area), permitted		
(f)	Ambulance service (indoor), permitted		
(g)	Ambulance service (outdoor), permitted		
(h)	Animal, Kennel on lots of 5 acres or larger, conditional	<i>Not allowed</i>	We would propose removing kennels from being allowed in the BP Overlay
(i)	Animal, Veterinary office, permitted		
(j)	Antenna, communication tower, permitted		
(k)	Antenna, communication tower exceeding the maximum building height in the zone, conditional		
(l)	Artisan food production, permitted		
(m)		Bus line yard and repair facility, permitted	We may have a shuttle or other system between the two research parks.
(n)	Clinic (medical, dental), permitted		
(o)	Commercial food preparation, permitted		
(p)	Community garden, permitted		
(q)		Contractor's yard/office, permitted	Proposal would be to have the contractor yard used for projects at Research Park/U of U and on the Subject Property.
(r)	Daycare center, adult, permitted		
(s)	Daycare center, child, permitted		
(t)	Daycare, nonregistered home	<i>Not allowed</i>	We do not anticipate

Applicant's Summary for New Business Park-I Overlay

	daycare, permitted		in home uses and are proposing that this be removed from the overlay district.
(u)	Daycare, registered home daycare or preschool, permitted		
(v)	Dental laboratory/research facility, permitted		
(w)	Dwelling, Living quarters for caretaker or security guard, permitted		
(x)	Farm stand, seasonal, permitted		
(y)	Financial institution, permitted		
(z)	Financial institution with drive-through facility, permitted		
(aa)	Gas station, permitted		
(bb)	Government facility, conditional	Government facility, permitted	We may have some government uses in the park.
(cc)		Government facility requiring special design features for security	Same as above.
(dd)	Government office, permitted		
(ee)		Greenhouse, permitted	An additional use that may assist with a research tenant
(ff)	Heliport, conditional		
(gg)	Home occupation, permitted		
(hh)	Hotel/motel, conditional		
(ii)	Industrial assembly, permitted		
(jj)	Jewelry fabrication, permitted		
(kk)		Laboratory (medical, dental, optical), permitted	This use supports the research park concept.
(ll)		Laboratory (testing), permitted	Same as above.
(mm)	Large wind energy system, conditional		
(nn)		Laundry, commercial	Again, may assist with attracting research tenants.
(oo)	Light manufacturing, conditional	Light manufacturing, permitted	This change will facilitate the development and leasing of the project.
(pp)	Meeting hall of membership organization, permitted		
(qq)		Mobile food business	A new concept for

Applicant's Summary for New Business Park-I Overlay

		(operation in the public right of way), permitted	purposes of attracting tenants and allowing their employees to stay within the project during the work day.
(rr)	Mobile food business (operation on private property), permitted		
(ss)		Mobile food court, conditional	Same as above.
(tt)	Municipal service uses, including City utility uses and police and fire stations, conditional		
(uu)	Office, permitted		
(vv)	Open space, permitted		
(ww)		Package delivery facility, permitted	This use is intended to be supportive of the other uses in the research park.
(xx)	Park, permitted		
(yy)	Parking, Commercial, conditional	Parking, Commercial, permitted	We are proposing making this a permitted use.
(zz)		Parking, Park and ride lot, permitted	We believe a park and ride may be needed to integrate the two parks.
(aaa)	Parking, Park and ride lot shared with existing use, permitted		
(bbb)	Performing arts production facility, permitted		
(ccc)		Photo finishing lab, permitted	May assist with research and other tenants
(ddd)	Place of worship, permitted		
(eee)		Printing plant, permitted	Another supporting use for research uses
(fff)		Professional and vocational school (with or without outdoor activities), conditional	To support educational uses that may tie with the research park concept.
(ggg)		Seminary and religious institute, conditional	Same as above.
(hhh)	Radio, television station, permitted		
(iii)	Recreation (indoor), conditional		
(jjj)		Recreation (outdoor), conditional	May assist with attracting a broader array of research

			tenants
(kkk)	Research and development facility, permitted		
(lll)	Restaurant, permitted		
(mmm)	Restaurant with drive-through facility, permitted		
(nnn)	Retail goods establishment, permitted		
(ooo)	Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees, permitted		
(ppp)	School, Professional and vocational, permitted		
(qqq)	Small brewery, conditional		
(rrr)	Solar array, permitted		
(sss)	Storage, accessory (outdoor), permitted		
(ttt)		Store, convenience, permitted	Again, part of creating an "onsite" research park, some food offerings will be needed.
(uuu)		Studio, motion picture, permitted.	This type of use can complement a tenant looking to integrate its businesses.
(vvv)	Theater, live performance, conditional		
(www)	Urban farm, permitted		
(xxx)	Utility, building or structure, permitted		
(yyy)		Vehicle (auto and truck) repair, permitted	As part of integrating the campuses, vehicle repair may be needed and useful.
(zzz)		Vehicle, truck repair (large), permitted	Same as above.
(aaaa)	Utility, transmission wire, line, pipe or pole, permitted		
(bbbb)	Vehicle, automobile rental agency, permitted		
(cccc)	Vending cart, private property, permitted		
(dddd)	Warehouse, permitted		
(eeee)	Wholesale distribution, permitted		

ATTACHMENT D: **Current BP Zone Regulations**

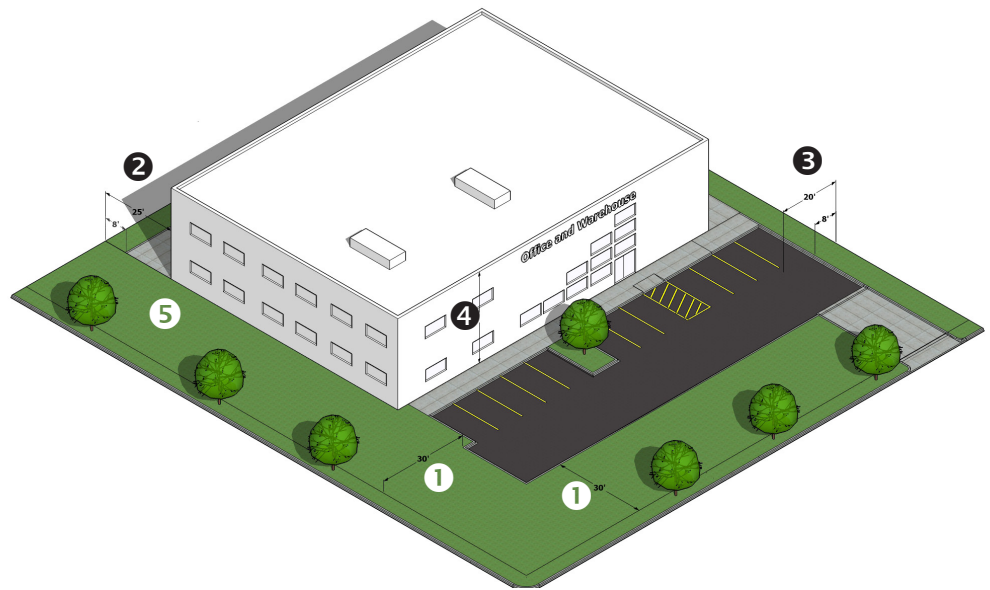
The attached document is a visual summary of the existing Business Park zone regulations.

BP

BUSINESS PARK

ZONING REGULATIONS OVERVIEW

The purpose of the BP business park district is to provide an attractive environment for modern offices, light assembly and warehouse development and to create employment and economic development opportunities within the city in a campus-like setting. This district is appropriate in areas of the city where the applicable master plans support this type of land use. The standards promote development that is intended to create an environment that is compatible with nearby, existing developed areas.



Development Examples

Zoning Diagram of Development Standards

BP Development Standards (21A.32.030)							
LOT WIDTH	LOT AREA	FRONT/CORNER SIDE YARD ①	REAR YARD ②	SIDE YARDS ③	LANDSCAPE BUFFERS	HEIGHT ④	OPEN SPACE ⑤
Min. 100'	20,000 sq ft min.	Min. 30', shall be maintained as landscaped yard.	Min. 25', 8' min. shall be maintained as landscaped yard.	Min. 20', 8' min. shall be maintained as landscaped yard.	Min. 30' next to residential zones. Shall be landscaped, including shade trees, shrubs, and 6' fence.	60' max.	Min. 15% of lot area. 33% of required open space shall be covered in vegetation.

Special BP Regulations (21A.32.030.I)			
ENCLOSED OPERATIONS	OUTDOOR STORAGE	NUISANCE IMPACTS	SPECIAL BUFFER FROM AGRICULTURE ZONES
All principal uses shall take place within entirely enclosed buildings.	Accessory outdoor storage shall be screened with a solid fence and approved through the site plan review process.	Uses and processes shall be limited to those that do not create a nuisance to the use and enjoyment of adjacent property due to odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water carried waste.	When property abuts or is across the street from AG-2 or AG-5 zoned property the following apply: <ul style="list-style-type: none"> • Buildings prohibited within 100' of the adjacent property line. • Parking lots prohibited within 50' of adjacent property line • Setback shall include a landscaped buffer with min. 5' berm.

PERMITTED AND CONDITIONAL USES - BP DISTRICT USE LIST

USES	BP
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P
Adaptive reuse of a landmark site	
Agricultural use	C
Air cargo terminals and package delivery facility	P
Airport	
Alcohol:	
Bar establishment (2,500 square feet or less in floor area)	
Brewpub (2,500 square feet or less in floor area)	P ¹²
Brewpub (more than 2,500 square feet in floor area)	P ¹²
Tavern (2,500 square feet or less in floor area)	
Ambulance service (indoor)	P
Ambulance service (outdoor)	P ¹⁰
Amphitheater, formal	
Amphitheater, informal	
Animal:	
Kennel on lots of 5 acres or larger	C
Pet cemetery	
Stable (private)	
Stable (public)	
Veterinary office	P
Antenna, communication tower	P
Antenna, communication tower exceeding the maximum building height in the zone	C
Art gallery	
Artisan food production	P
Bed and breakfast	
Bed and breakfast inn	
Bed and breakfast manor	
Botanical garden	
Cemetery	
Clinic (medical, dental)	P
Commercial food preparation	P
Community garden	P
Convent/monastery	
Daycare center, adult	P
Daycare center, child	P
Daycare, nonregistered home daycare	P ²²
Daycare, registered home daycare or preschool	P ²²
Dental laboratory/research facility	P
Dwelling:	

PERMITTED AND CONDITIONAL USES - BP DISTRICT USE LIST

USES	BP
Accessory unit	
Assisted living facility (large)	
Assisted living facility (limited capacity)	
Assisted living facility (small)	
Group home (large)	
Group home (small)	
Living quarters for caretaker or security guard	P
Manufactured home	
Mobile home	
Multi-family	
Residential support (large)	
Residential support (small)	
Rooming (boarding) house	
Single-family (attached)	
Single-family (detached)	
Twin home and two-family	
Eleemosynary facilities	
Exhibition hall	
Extractive industry	
Fairground	
Farm stand, seasonal	P
Financial institution	P
Financial institution with drive-through facility	P¹⁴
Gas station	P⁷
Golf course	
Government facility	C
Government facility requiring special design features for security purposes	
Government office	P
Heliport	C
Home occupation	P²³
Hospital, including accessory lodging facility	
Hotel/motel	C
Hunting club, duck	
Industrial assembly	P
Jail	
Jewelry fabrication	P
Large wind energy system	C
Library	
Light manufacturing	C
Manufacturing, concrete or asphalt	

PERMITTED AND CONDITIONAL USES - BP DISTRICT USE LIST

USES	BP
Meeting hall of membership organization	P
Mixed use development	
Mobile food business (operation on private property)	P
Municipal service uses, including City utility uses and police and fire stations	C
Museum	
Nursing care facility	
Office	P
Open space	P
Park	P
Parking:	
Commercial	C
Off site	
Off site (to support uses in an OS or NOS Zoning District)	
Park and ride lot	
Park and ride lot shared with existing use	P
Performing arts production facility	P
Philanthropic use	
Place of worship	P
Radio, television station	P⁶
Reception center	
Recreation (indoor)	C
Recreation (outdoor)	
Research and development facility	P
Research facility (medical)	
Restaurant	P⁷
Restaurant with drive-through facility	P^{7, 14}
Retail goods establishment	P⁷
Retail, sales and service accessory use when located within a principal building	
Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees	P
Retail service establishment	
School:	
College or university	
K - 12 private	
K - 12 public	
Music conservatory	
Professional and vocational	P
Seminary and religious institute	
Small brewery	C

PERMITTED AND CONDITIONAL USES - BP DISTRICT USE LIST

USES	BP
Solar array	P
Stadium	
Storage, accessory (outdoor)	P
Studio, art	
Theater, live performance	C ¹⁵
Theater, movie	
Transportation terminal, including bus, rail and trucking	
Urban farm	P
Utility, building or structure	P ¹
Utility, transmission wire, line, pipe or pole	P ¹
Vehicle, automobile rental agency	P
Vending cart, private property	P
Vending cart, public property	
Warehouse	P
Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate)	
Wholesale distribution	P
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)	
Zoological park	

QUALIFYING PROVISIONS

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
10. Greater than 3 ambulances at location require a conditional use.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
22. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to section 21A.36.130 of this title.
23. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to section 21A.36.030 of this title.

ATTACHMENT E: City Plan Considerations

Adopted City Plan Policies and Guidance

Zoning map amendments are reviewed for compliance with City master plans and adopted policies. The below plans were adopted for the area:

- **Northpoint Master Plan (Current Plan)**
 - Most recent plan (2000) that establishes specific policies for any developments in this area of the City. The policies in this plan apply to this rezone.
 - Key policies in this plan are related to reducing negative impacts on the agricultural/residential properties along 2200 West by doing the following:
 - Implementing a landscape buffer next to these properties
 - Implementing a new road connection to the west of 2200 West to reduce traffic impacts to these properties
 - Limiting/prohibiting direct vehicle access from 2200 West to Business Park properties when adjacent to the agricultural properties
 - The plan also notes that the future use of the property should be “Business Park” and the areas east of 2200 West should continue to be agricultural.
 - Maps from the plan showing the future land uses and proposed roadways are included in this attachment following the staff discussion section.
- **Northwest Jordan River/Airport Area Master Plan (Superseded)**
 - This plan was adopted for the larger surrounding area in 1992. However, this plan was superseded by the *Northpoint Master Plan* in this particular area.
- **Salt Lake City Major Street Plan**
 - This plan maps where future City streets should be located and what future improvements to existing street should look like. The associated map is included in this attachment following the staff discussion section. The plan specifically calls for:
 - 2200 West to be a local road
 - A future north-south arterial roadway connection at approximately 2700 West.
 - 3200 West to be a collector road

Although not directly related to the subject property, staff considered the following other adopted City plans and adopted regulations related to this request:

- **Plan Salt Lake**
 - The plan includes a section regarding the “Natural Environment” and minimizing the City’s “impact on the natural environment.” Although development buffering is not directly addressed, it does speak to protecting the natural environment in general and protecting riparian corridors.
 - The plan also includes various policies related to supporting the City as an “economic center of the region” and “supporting the growth of the industrial areas of the City.”
- **Riparian Corridor and Lowland Conservancy Overlays**
 - These zones include regulations on land adjacent to waterways that ultimately flow into the Great Salt Lake and these regulations represent adopted City expectations for development near such waterways

- **Northwest Quadrant Zoning**

- This zone includes a number of regulations that relate to protection of wetlands and wildlife in the Northwest Quadrant and represent recently adopted City expectations for development near wetlands and wildlife concentrations.

Staff Discussion

As discussed in the considerations and discussion section of the staff report, the proposal generally complies with the master plan policies for the area, by requiring and increasing the Master Plan proposed landscape buffer, further requiring development of the proposed north-south roadway and limiting vehicle access from 2200 West. Although the property could currently be developed under its existing Business Park zoning, the proposed regulation changes bring the development regulations closer into compliance with the master plan policies for the area.

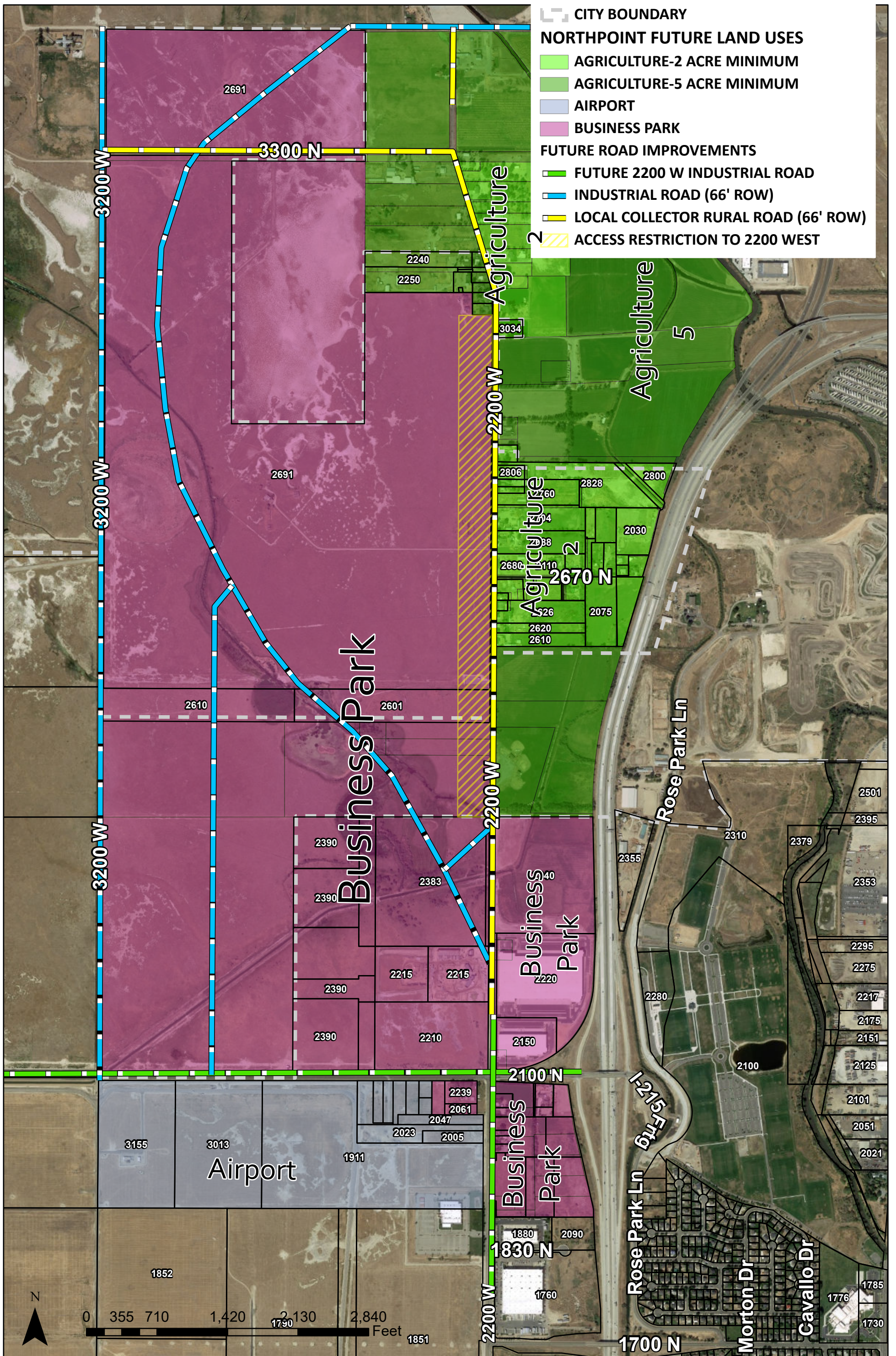
Aspects of the rezone, including the additional uses and the additional height, are not directly addressed by the associated master plans of the City, and do not otherwise conflict with any general policies. The master plan calls for business park type uses and the proposed uses generally fit within that category of land use. The plan does not speak to height limits, but the proposed additional 5' of height is minimal and does not cause concern given comparable adopted zoning height allowances in the area.

The proposal further complies with general City policy, expressed in City master plans and adopted zoning, with regard to environmental considerations. These include the restrictions on lighting and window glass near wetlands/wildlife habitat and buffering adjacent to bird wildlife habitat and waterways. The proposal also further complies with those general policies by allowing for open space required for the property to be consolidated, potentially being better utilized as meaningful open space that contributes to wildlife buffering or habitat.

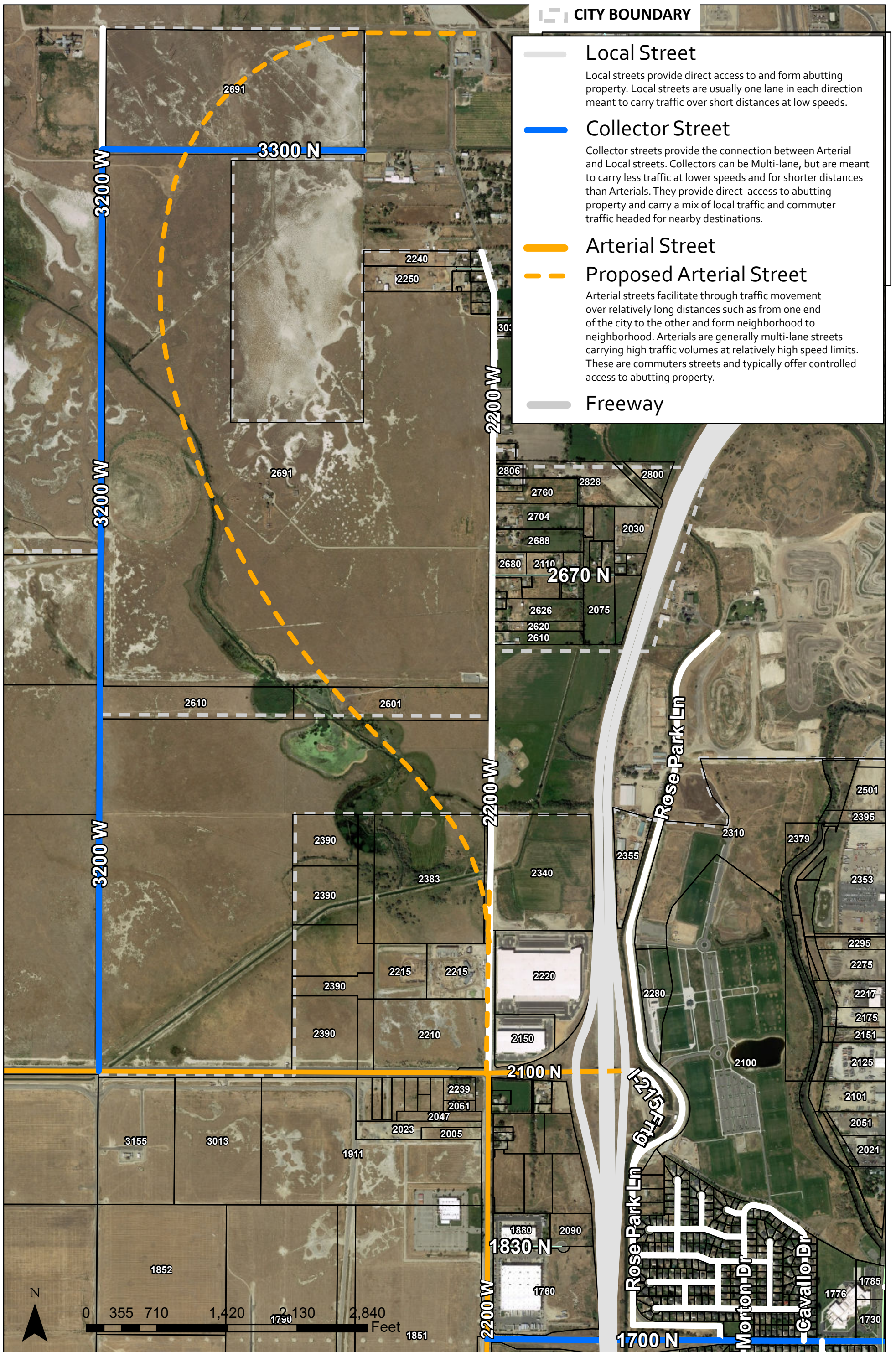
Maps in this Attachment

- **D.1. Northpoint Future Land Use and Roadway Plan**
 - Shows future land use and proposed roadways from the Northpoint Small Area Plan.
- **D.2. Major Street Plan Extract**
 - Shows streets that must be improved and dedicated as part of any development activity

Northpoint Small Area Plan 2000



City Major Street Map 2018 - Plan for Future Street Improvements



ATTACHMENT F: Analysis Of Zoning Amendment Standards

ZONING TEXT AMENDMENTS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the City Council should consider the following:

FACTOR	FINDING	RATIONALE
<p>1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;</p>	<p>The proposal is generally consistent with the policies of the applicable adopted planning documents for the area.</p>	<p>The amendments to the zoning code are generally in-line with policies in the associated area plan, the <i>Northpoint Small Area Plan</i>, and with adopted City policies expressed through the citywide master plan <i>Plan Salt Lake</i> and related adopted zoning regulations. See discussion of related policies in Attachment E.</p>
<p>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</p>	<p>The proposal generally furthers the purpose statement of the zoning ordinance.</p>	<p>The purpose of the zoning ordinance is the following:</p> <p><i>The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the City, and to carry out the purposes of the Municipal Land Use Development and Management Act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:</i></p> <ul style="list-style-type: none"> <i>A. Lessen congestion in the streets or roads;</i> <i>B. Secure safety from fire and other dangers;</i> <i>C. Provide adequate light and air;</i> <i>D. Classify land uses and distribute land development and utilization;</i> <i>E. Protect the tax base;</i> <i>F. Secure economy in governmental expenditures;</i> <i>G. Foster the City's industrial, business and residential development; and</i> <i>H. Protect the environment.</i>

		The proposal complies with the purposes of the zoning ordinance in a number of ways. The text amendment adds additional regulations that are intended to protect the environment, related to waterways and wildlife. It also includes amendments to land uses and heights that will help foster the City’s industrial and business development in the area. Buffering provided for residential uses also relates to providing adequate light and air. This buffering also distributes conflicting land uses away from each other so as not to negatively impact each other.
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	The proposed zoning does not override, and otherwise conforms with, the regulations of the applicable Airport Overlay zone.	The proposal is being applied to an area subject to the Airport Flight Path Overlay. See discussion of overlays under factor 4 in the Zoning Map Amendment table.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	The proposal implements regulations that are commonly used in current professional urban planning practice.	The proposal includes environmental protections that generally represent best planning practices. This includes the proposal for bird-friendly glass, lighting limitations, and buffering. These are all intended to reduce negative impacts from development on its surroundings. These types of zoning regulations are used throughout the country by other municipalities intending to limit impacts of development on surrounding residents and the environment.

ZONING MAP AMENDMENTS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision to amend the zoning map, the City Council should consider the following:

FACTOR	FINDING	RATIONALE
1. Whether a proposed map amendment is consistent with the	The proposed overlay map amendment is	The property is located within the <i>Northpoint Small Area Plan</i> . That plan calls for the property to be used for a

<p>purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;</p>	<p>generally consistent with the small area plan for the area.</p>	<p>business park in the future. The proposal maintains the existing business park zoning and adds additional uses that would be appropriate in a business park setting. The plan itself does not specify what uses constitute a business park. However, in general business parks are intended for a variety of office and light industrial uses. See Attachment E for discussion of other relevant City policies and the proposal’s compliance with those policies.</p>
<p>2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.</p>	<p>The proposal generally furthers the specific purpose statements of the zoning ordinance.</p>	<p>The proposed overlay would be mapped over the existing BP zone. The BP purpose statement states the following:</p> <p><i>The purpose of the BP Business Park District is to provide an attractive environment for modern offices, light assembly and warehouse development and to create employment and economic development opportunities within the City in a campus like setting. This district is appropriate in areas of the City where the applicable master plans support this type of land use. The standards promote development that is intended to create an environment that is compatible with nearby, existing developed areas.</i></p> <p>The proposed overlay would add additional uses similar in intensity to the existing allowances and therefore allow for additional economic development and employment opportunities. See Factor 2 discussion under the Zoning Text Amendment heading for discussion of general zoning ordinance purposes.</p>
<p>3. The extent to which a proposed map amendment will affect adjacent properties;</p>	<p>The proposed zoning is not anticipated to introduce substantive new or additional negative impacts to adjacent properties. The proposal will lessen the potential for</p>	<p>The proposal adds additional allowed uses to the property; however, staff does not believe that the proposed uses are significantly different in their potential impacts on adjacent properties than the uses currently allowed under the existing BP zoning. These uses are discussed in more detail in Consideration 4.</p> <p>The proposal increases the height limit by 5' to 65' but staff does not believe that to be</p>

	<p>negative impacts in a number of ways versus the current development allowances.</p>	<p>a substantial change that would cause any different or significantly increased impacts than a 60' building.</p> <p>The proposal lessens potential impacts to adjacent properties by:</p> <ul style="list-style-type: none"> • Requiring a buffer adjacent to wetland areas on the west • Requiring bird-friendly glass and limiting lighting • Increasing landscape buffer requirement along 2200 W next to residences by 10' • Limiting vehicle access from 2200 West <p>These proposed regulations are discussed in more detail in Considerations 2 and 3.</p>
<p>4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards</p>	<p>The proposed zoning does not override, and otherwise conforms with, the regulations of the applicable Airport Overlay zone.</p>	<p>The subject property and proposed overlay are also located within the “Airport Flight Path Protection Overlay” (Airport Overlay) which includes regulations limiting heights and uses. The proposed BP-I overlay height is under the height limit of that Airport Overlay zone.</p> <p>There are two uses proposed to be allowed in the zone that would not be allowed under the current mapping of the Airport Overlay zone. The property is located within Airport Zone A, which does not allow institutional uses. The proposed overlay zone includes allowance for two institutional uses, “professional and vocational schools” and “seminary and religious institutions.” The Airport Overlay zone specifically states that the more restrictive overlay regulations would apply, in this case would be the Airport Overlay regulations. Therefore, these uses may be prohibited unless the Airport Zone A mapping or the Airport Overlay text is amended.</p> <p>Under the Airport Overlay Zone A, commercial, hotel, and industrial uses are allowed if they are constructed with air circulation systems (HVAC) and specific decibel sound attenuation. This is intended</p>

		<p>to ensure that structures are provided adequate air flow without having to open windows (letting aircraft noise in) and the building itself limits the amount of outside noise coming into the building. The majority of uses proposed would be allowed subject to these restrictions.</p>
<p>5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.</p>	<p>Current adjacent roadways and public utility infrastructure will need to be upgraded by the developer at the time of development to serve the property. These upgrades are required by City development codes. The proposal does not increase the need for improvements beyond that required by existing zoning allowances.</p>	<p>The site is currently served by a low capacity roadway on 2200 West and does not have adequate sewer or water infrastructure to serve uses allowed by the zone.</p> <p>If the property is developed, it will be required to upgrade adjacent roadway and utilities to adequately serve the property development. These improvements are required by the City’s subdivision and other development standards. The proposed ordinance also includes reference to these requirements in the base zoning code.</p> <p>The roadways connecting to the site are currently two-lane roads and portions are being improved near the development site as development proceeds from 2100 North and moves along 2200 West.</p> <p>The City does not generally require developers to improve roadways that are not adjacent to the developer’s site. In some circumstances, depending on the size and intensity of a subdivision or development proposal, a traffic study may be required. The City may ask for additional improvements, such as traffic signals and nearby roadway improvements, if the proposed development/subdivision will have an adverse effect on adjacent roadways and traffic.</p> <p>Additionally, the property can already be developed under the existing BP zoning regulations. The proposed additional development allowances would not increase the need for public facilities and services beyond that already necessary for</p>

		development of the site under existing zoning.
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ATTACHMENT G: Public Process And Comments

The following attachment lists the public meetings that have been held, and other public input opportunities, related to the proposed project. All written comments that were received throughout this process are included within this attachment.

Westpointe Community Council

The property is within the boundaries of the Westpointe Community Council. The community council was provided notice of the proposal in October 2018. The Community Council had the developer attend one of their meetings that year and then the applicant attended two more meetings to discuss the proposal in early 2019.

The applicant revised their proposal and submitted a new “zoning text amendment” application in July 2019. The Westpointe Community Council was informed of the proposal. The applicant attended a city held public open house in August and then attended a community council meeting on October 9th to discuss their new proposal.

The following Westpointe Community Council meetings were attended by the developer. Staff also attended these meetings to provide information about the public process, related plans, and zoning.

- November 14, 2018
- February 13, 2019
- April 10, 2019
- October 9, 2019

City Open Houses

The City Planning Division held two open houses for the proposal in order to obtain feedback from residents and property owners and to provide information about the public process and City regulations.

Open House dates:

- November 15, 2018 (original proposal)
- August 21, 2019 (revised current proposal)

For each open house, the City provided mailed notice to residents and property owners within approximately 300 feet of the proposal two weeks in advance of the open house. Notices were also e-mailed to the City’s general Planning mailing list and to those individuals that requested notice for meetings for the proposal. Additional mailing was provided to residents and property owners beyond the 300 foot limit that were located to the east of the proposal, including up to properties adjacent to I-215, as they were located on a private street that could be impacted by the zoning proposal.

Public Hearing Notice

The Planning Division provided the following notices for the Planning Commission meeting:

- Mailed notice sent October 10th
- E-mailed notice to listserv sent October 10th
- Public hearing notice signs posted on the property October 11th

Questions from Community Council

In April 2019, Staff received a list of questions from the Westpointe Community Council related to the original M1 development proposal and what would be required for development in general for this property. Staff provided a written response to those questions to the community council. As many of the questions and answers relate to rules for any development in this area and would still apply to current proposal, Staff has attached those questions with Staff answers in this attachment.

- See attached document with header “Westpointe CC Development Questions with Staff Responses.”

Public Input Received

All written public comments received to date are attached on the following pages of this attachment.

These include comments from the following individuals/groups (attached in the following order):

- Rudy Reclamation and Sportsman’s Club (Rudy Duck Club)
- Utah Waterfowl Association, Friends of the Great Salt Lake, and South Shore Wetlands and Wildlife Management, Inc
- Great Salt Lake Audubon- Hoven, Dove, Martinson
- Chris Souther
- Scott Rosenlof
- Westpointe Community Council (Draft Letter)

Comments sent in response to the original proposal are located at the end of this attachment. The comments are in the following order from the following individuals/groups:

- Kevin Allen
- LaVal Drechsel
- Friends of the Great Salt Lake et al
- Great Salt Lake Audubon- Hoven, Dove, Martinson
- North Point Duck Club
- Denise Payne
- Rudy Reclamation and Sportsman’s Club (Rudy Duck Club)
- Nichole Solt
- Utah Audubon Council
- Utah Reclamation and Conservation Commission
- Laura Webb
- Westpointe Community Council

WRITTEN COMMENTS & QUESTIONS GENERATED FROM IVORY DEVELOPMENT PRESENTATION
AT APRIL 10, 2019 WESTPOINTE COMMUNITY MTG.

City Planning Division staff responses in blue, provided 5/7/2019. (Daniel Echeverria, Planning Division, daniel.echeverria@slcgov.com or 801-535-7165)

I. WATER RELATED ISSUES

- **Will developers have water shares that come with the property? Why not use secondary water for the open space requirements?**
- One reason for re-zoning to M-1 pertains to water use/no secondary water available. **Since the North Point Canal runs right through the area, why not buy water shares?**
- Open space doesn't necessarily mean high water use landscaping. Suggest exploring xeriscaping to reduce water usage. **Can open space required by BP zoning simply be xeriscaped?** *City can respond to this zoning requirements question.*
City Response: The BP zone requires 15% of the property to be open space. 33% of this 15% must be covered by vegetation. The vegetation can be low-water plants utilized in xeriscaping. The landscaping does not have to be lawns/turf.
- Concerning drainage from the property toward adjacent major acreage of wetlands, **will developers implement mitigation solutions to remove pollutants in runoff? (E.g. oil, antifreeze, metals, fertilizers, herbicides, wastewater, from wash areas, etc.) Will developers also mitigate pulses of storm water flows from impermeable surfaces?** *City can provide general info about drainage improvement requirements.*
City Response: The City's Public Utilities department regulates property drainage for new development proposals, including storm water flows and pollutant runoff. Developers are required to comply with the City regulations that prohibit pollutants from running off the property onto adjacent property, water bodies, or City drainage systems (storm water and sewers). These regulations include requirements to implement mitigation solutions to prevent such run off. For example, Public Utilities will require that storm water be treated on-site before it is released from the site into any storm drain facilities. Public Utilities also requires that developers build facilities on site that limit the amount of water flow that can leave the property at any point in time, which would include mitigating pulses of storm water flows from impermeable surfaces. Public Utilities' preliminary review indicates that storm water detention facilities will be required on the developer's site.

II. ZONING –RELATED ISSUES

- **What are the setbacks for parking lots for BP and M-1 zoning? What are the setbacks for buildings for BP and M-1 zoning? What are the open space requirements for BP and M-1 zoning?** *City can provide this zoning information.*

City Response: Setbacks and buffers for property in the M-1 and BP Zones:

- **BP Zone:** When adjacent to or across the street from an AG property, parking lots are required to be 50' from the property line nearest the AG property. This 50' is required to be a landscape buffer. Buildings are required to be 100' from that property line.
 - **Landscape Buffer Requirement:** The 50' wide landscape buffer must include:
 - A 5' tall berm;
 - **Shade trees** shall be planted at the rate of **one tree per twenty five (25)** linear feet along the entire length of the landscape yard. Shade trees may be clustered subject to the site plan review approval. Evergreen trees may be substituted for a portion of the shade trees;
 - **Shrub masses, at least two (2)** rows deep and with shrubs alternately spaced, shall be provided along the entire length of the landscape yard. Shrubs shall reach a **mature height of not less than four feet (4')**;
 - Landscape yards shall be covered by a minimum of **33% vegetation**; and
 - A **solid fence six feet (6')** in height shall be located on the property line along the required landscape buffer unless waived by the Zoning Administrator.
- **M-1 Zone:** When adjacent to AG properties, parking lots are prohibited within 15' of the property line. Buildings are also prohibited within 15' of the property line and are limited to 30' in height at this setback. This 15' setback is considered a landscape buffer. Buildings must be setback 1 additional foot from this setback for every 1 foot of height above 30 feet.
 - **Landscape Buffer Requirement:** 15' landscape buffer must include:
 - **Shade trees** shall be planted at the rate of **one tree per twenty five (25)** linear feet along the entire length of the landscape yard. Shade trees may be clustered subject to the site plan review approval. Evergreen trees may be substituted for a portion of the shade trees;
 - **Shrub masses, at least two (2)** rows deep and with shrubs alternately spaced, shall be provided along the entire length of the landscape yard. Shrubs shall reach a **mature height of not less than four feet (4')**;
 - Landscape yards shall be covered by a minimum of **33% vegetation**; and
 - A **solid fence six feet (6')** in height shall be located on the property line along the required landscape buffer unless waived by the Zoning Administrator.
- **M-1 Zone:** When across the street from AG properties, buildings and parking lots are prohibited within 15' of the front property line. This setback is considered a front yard. Buildings can be built up to the maximum allowed height at the 15' setback.
 - **Front Yard Landscape Requirement:** 15' front yard must be covered by a minimum of 33% vegetation.
- **Open Space in BP and M-1 Zones:** The BP zone requires 15% of each lot to be open space. 33% of this open space must be covered in vegetation. The remainder (66%) may be left simply vacant and undeveloped. The M-1 zone has no open space requirement.

- **Would the proposed M-1 Light Manufacturing zoning allow the developer to have a Stadler Rail type of facility which builds railroad cars?** *City can respond to this question about the allowed uses of the property.*

City Response:

- Yes, the Stadler Rail facility is classified as an “industrial assembly” use as they receive premanufactured train parts and assemble them into completed trains. Industrial assembly is allowed as a Permitted Use in both the proposed M-1 and current BP zones.
 - Industrial assembly and similar uses, such as light manufacturing, are required to take place within enclosed buildings.
 - Unlike the Stadler Rail property (located near 5600 W and I-80), there is no rail adjacent to the property proposed for rezoning on 2200 West.
- **Would M-1 zoning on this property permit a Truck Freight Terminal?** This would have the same environmental impact as to what is being resisted within the Inland Port Authority. This could potentially negate the talk of a “Green Inland Port.”

City can respond to this question about the allowed uses of the property.

City Response: A “truck freight terminal” use, where freight trucks (semi-trucks) load and unload their shipments of goods at a building (such as a warehouse) is allowed in the M-1 zone. Under the existing BP zone, “warehouses” and “wholesale distribution” uses are allowed, which also involve freight trucks unloading and loading shipments of goods.

III. TRAFFIC –RELATED ISSUES:

- The City should be doing a traffic study on 2200 West now and on 2100 North and 2200 West. **What is SLC’s role in protecting the residents?** *City can address when traffic studies are required and role of the City in processing development and zoning amendments.*

City Response: Traffic studies can inform the City about where to use City transportation funds to make traffic infrastructure improvements. Traffic studies can be done by the Transportation Division at the direction of the City Administration or when funded and requested by the City Council. Residents can meet with the City Transportation Division, Mayor’s Office, or their City Council representative to communicate their desire for a traffic study or desire to see other transportation improvements in an area. Residents and community groups can also submit formal requests for Capital Improvement Projects (such as road improvements or signals) here: <https://www.slc.gov/hand/capital-improvement-program/>

The City can require that a developer provide a traffic study for new large developments and subdivisions of land, where there are proposed building plans and subdivision plats submitted for permitting to the City. As a result of these traffic studies, the City can require that a developer install additional street infrastructure improvements, such as traffic signals, if their development creates a need for such improvements. This would be in addition to the normal required street improvements.

Westpointe CC Development Questions with City Staff Responses
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In reviewing Zoning Amendment requests, City Planning Division staff will evaluate the request against City policies and criteria laid out in City Code in 21A.50.050:

1. *Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;*
2. *Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;*
3. *The extent to which a proposed map amendment will affect adjacent properties;*
4. *Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and*
5. *The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

City staff provides a recommendation to the Planning Commission for the request, based on the above criteria. The Planning Commission will then vote on a recommendation to the City Council. The City Council can then make a decision to approve, approve with conditions, or deny the request. The decision on the zoning request would be informed by the criteria, but is ultimately completely up to the City Council's legislative discretion.

- If it's a City street (referring to (3200 West) it should be paved to assist with the traffic and impact to 2200 West. **Why can't 3200 West be used during the construction process to protect the residents on 2200 West?** *City can address when roads get paved is and who generally are responsible for that.*
 - **City Response:** Developers are required to upgrade City streets to meet current City standards when they subdivide property adjacent to that City street. If the developer subdivides the property into new lots, including the property next to 3200 West, the City would require the road to be paved and improved to City standards.
- Residents concerned with backing out of their driveways onto 2200 West given the given the expected increase in congestion and speed of traffic along the street. **What can be done to address this concern? Will Salt Lake City pave 3200 West to the Swaner property (no sewer or water)?** *City can address paving (see above) and the generalities of the backing out concern.*
 - **City Response:** The City does not currently have any immediate plans to pave 3200 West with City funds. Generally streets are paved and improved by developers who develop property adjacent to that street. Developers pay for those street improvements.
 - The City can change speed limits, and make configuration changes, such as speed bumps, to City streets. When the subject property is subdivided for development in the future, the Transportation and Engineering divisions will require street improvements to the adjacent streets and would analyze the locations of new driveways to avoid vehicle conflicts.
 - The City has a Street Master Plan that notes where new streets should be developed when a developer is subdividing property. In this plan, there is a

proposed City street that would run north-south through about the middle of the subject property. This road would be required to be installed when the developer subdivides their property for development. A key reason that this road was put into the City's Major Street Plan was to accommodate future increased traffic to this property and reduce the potential future traffic on 2200 West. (For more information see the City's adopted Northpoint Small Area Plan here: <http://www.slcdocs.com/Planning/MasterPlansMaps/NP.pdf>)

- **To reduce noise and traffic concerns, why not limit the hours of truck operation in residential/sensitive areas?**
 - **City Response:** Hours of operation of development/business can be limited if it is subject to a Conditional Use process or a legally binding development agreement with the City Council through a Zoning Map Amendment request.
 - A Conditional Use process involves a use that has been identified in City Code as a use that potentially has negative impacts on adjacent properties. These uses are called "Conditional Uses." These "Conditional Uses" are reviewed by City staff and the Planning Commission and limits can be imposed on these uses as part of the Commission's approval.
 - When a developer is requesting a zoning map amendment (zoning change) to a property, the City Council can approve that zoning change with conditions as they see fit. Such conditions would be written out in a legally binding "development agreement" between the developer and the City. A condition could be limits on hours of operation for a development.

IV. HABITAT-RELATED ISSUES

- This property is located directly adjacent to critical wetlands and directly on land that serves as critical upland habitat. These areas are part of the globally important habitat of the Great Salt Lake Ecosystem. The presence of noise, light, tall buildings, and the commotion of daily activity will be very disruptive to the birds that utilize these wetlands. Further, developing this land for this industrial project will effectively remove 437 acres of important upland habitat that is currently used by shorebirds, raptors, owls, and other wildlife.
What do you propose to do to mitigate your impact on this important environmental area?
- **What about creating a natural space buffer on the west side adjacent to the duck clubs, using the 66 acres of open space?**
- GSL wetlands & Jordan River wetlands areas attract millions of birds every spring & fall because of its prime habitat (regardless of the airport concerns).
Do you foresee working with birds and wetland specialists or consulting available resources to implement bird-friendly buildings to reduce bird collisions?
- The Swaner property is adjacent to globally important wetlands that attract millions of birds annually. Birds become disoriented by artificial lighting and die from exhaustion or collision with other birds as they circle the lights. Mitigating strategies will enable the proposed

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development to avoid being a beacon for migrating birds at night.

Are developers willing to commit to use fully shielded light fixtures that emit no upward light; use “warm white” or filtered LEDs (CCT@ 3000k) to minimize blue emission; implement adaptive controls such as dimmers/timers for motion sensors, dim or turn off lights during overnights hours, and only light the exact space in the amount needed for particular tasks?

- **When can residents meet with Ivory and City staff to discuss these issues?** We need one meeting just for this.

2481 South 1560 West
Woods Cross, Utah 84087

John Terrion
President

Telephone: (801) 232-7614
email: jandk@xmission.com

September 5, 2019

To: Salt Lake City Planning Division
(daniel.echeverria@slcgov.com)

**Re: Comments of Rudy Reclamation and Sportsman's Club to Ivory
Development's Request for Overlay of 2691 North 2200 West**

Rudy Reclamation and Sportsman's Club, preserving over 1,800 acres of critical wildlife habitat since 1909, submits the following comments regarding the requested rezone of 439 acres at 2691 North 2200 West, Salt Lake City (the "Parcel"). The Parcel is literally right across the street (3200 West) from some of the most sensitive, productive and ecologically important wetland complexes remaining on the south shore of the Great Salt Lake. See Attachment A.

Both nature and heritage combine in the lands surrounding the Parcel. As explained below, these values have been recognized in the City's prior planning efforts, reaffirmed by the State of Utah in the Migratory Bird Production Area Act and should be reflected in any decision on rezoning. We ask that any development be cautiously managed in a way that fully protects critical wildlife areas.

Rudy previously submitted comments regarding Ivory's original request to rezone this same parcel. Although the anticipated development plan has changed slightly in connection with the overlay request, many of Rudy's concerns remain the same. As a result, these comments are similar to Rudy's prior comments.

Recent Meeting: Rudy has recently met with Ivory representatives to discuss these concerns. While that meeting was positive and productive, it is not yet clear whether it will result in a mutually acceptable accommodation of these concerns. In the event that ongoing discussions result in an understanding, Rudy will amend these comments to reflect that understanding.

**History and Significance of the South Shore of the Great Salt Lake
Including the Rudy Property**

The Great Salt Lake is a cardinal feature of the Salt Lake Valley and the City's namesake. The Great Salt Lake, at its average elevation of 4,200' above sea level, covers about 1,700 square miles. It provides respite and nutrition to seemingly untold numbers of migratory fowl. The lake annually hosts millions of birds (some 250 species) including 75% of the continental population of tundra swans, 40% of the continental population of eared grebes, 12% of the continental breeding population of American pelican (one of the four largest breeding colonies in North America), 27% of the continental breeding population of cinnamon teal (the single most important breeding site in North America for this small duck), 52% of the continental population of American Avocets and 50% of the continental population of Wilson's Phalaropes. The GSL hosts more bird life than any other saline lake in North America and

possibly the entire Western Hemisphere. If it were lost, several bird populations in the western half of North America would risk collapse and the effects would be felt as far as South America.

Critical to this bird life is the fertile crescent of freshwater marshes and adjacent salt-loving vegetated mudflats and that curve roughly from Saltair on the south to the Promontory Peninsula on the north. The habitat in this crescent plays an outsize part in preserving the lake's critical wildlife role. Without it, the lake would be wholly unsuitable for sustaining the overwhelming majority of bird life.

In the Salt Lake Valley, the fertile crescent historically extended south along the Jordan River and in a succession of lakes, sloughs and playas¹ that ended around 2700 South. Most of those in Salt Lake County south of I-80 or east of Redwood Road are long since lost to memory and buried under refineries, rail yards, the airport and houses. What is left is largely concentrated north and west of the Salt Lake International Airport. Without it, the south shore would become a comparatively sterile area and the lake would lose a large portion of its wildlife value.

This south shore area has only survived because of the tenacious stewardship and perseverance of its owners over many decades. As the 20th century opened, duck hunting became all the rage locally and groups of waterfowlers began to acquire land north, west or south of the City. The duck clubs were credited with preserving, enhancing and creating habitat on the south shore. Characteristic of what many observers noted, one reporter wrote: "The advent of the duck club, an organization hardly known a couple of years back, is doing wonders for the game in this state. Nearly all of the available duck shooting grounds [by Salt Lake City] are now controlled by someone or other of these clubs and the club members are doing more to protect the nests, the young and the ducks out of season than the law itself." SLH, September 25, 1904.

It is important to remember that in that era in our nation, draining marshes and building over playas was almost considered a duty. Reflecting this attitude, there was a steady stream of proposals to dewater or plow under all the land north and west of the City. Although extensive wetland areas were incrementally lost over the years, many of Utah's citizens chose instead to acquire this land, on the margins of the state's largest city, for its wildlife values and to nurture and preserve it in the face of development pressures. Because their dedication has persevered over the past century, we have a natural realm on the south shore that is vibrant, productive and irreplaceable. Waterfowlers and the owner-managers of these areas simply wish to keep it that way.

¹ A playa is a dry shallow basin much of the year and is favored habitat for many bird species. Also, as the lake gets bigger, the usual marshes are submerged and the playas become even more important as the new fringe wetlands. Most playas associated with the south shore are gone, except on Rudy Reclamation, some other duck clubs and two private preserves.

Rudy Property: From its inception in 1909, Rudy Reclamation played a prominent role in these efforts. Rudy Reclamation has shown steadfast dedication to the perpetuation of a marvelous environmental resource and the way of life that surrounds it. The Rudy Property is an absolutely essential component of the remaining south shore habitat. Several hundred acres of playas and alkali knolls are immediately adjacent to the Ivory Property. This area is vital nesting and migratory habitat to dozens of bird species, most of which do not tolerate high levels of development, traffic and artificial light according to the United States Fish and Wildlife Service. (See 2.b below) We have included as Attachment B a list of species using the Rudy playa area that was prepared by Ella Sorenson, National Audubon Society's leading authority on GSL bird life.

**Salt Lake City has Recognized the South Shore Natural Values
in its Northwest Quadrant and Inland Port Planning Efforts**

At various times, the City has undertaken efforts to plan for the development of the Northwest Quadrant. While the Parcel is not in the common boundaries of the NWQ or Inland Port, it shares the same values that were important features of planning in that area. A key component of the eventual plan was the creation of a Natural Area that arced across the northern margin of the NWQ. The Natural Area reflected a consensus agreement of the NWQ landowners, City, NGOs and surrounding landowners. This was intended both to preserve the environmentally sensitive and low lying areas within the Natural Area as well as to provide an essential buffer to the adjacent migratory bird production areas. Other design features were also incorporated to reduce the development's impact on surrounding wetland complexes. These were largely incorporated into Inland Port planning and zoning. **The Ivory development will be far closer to critical GSL habitat than the Inland Port will be.**

Taken as a whole, the City has repeatedly affirmed the value of these habitats and the need to protect them.

State Legislative Recognition of the Importance of the South Shore Natural Values

The State has also recognized the value of these privately managed areas by enacting legislation that provides them with various protections and classifies them under Utah law as "migratory bird production areas." Utah Code Ann. 23-28-101, *et seq.* On the south shore, these MBPAs include Rudy Reclamation, various duck clubs, the Audubon Gillmor Sanctuary and the Inland Sea Shorebird Reserve. As such, they are entitled to certain protections and their traditional activities cannot be prohibited. Moreover, the Act contemplates that if development occurs adjacent to an MBPA, the adjacent landowner cannot complain of or alter the management of the MBPA.

Further, each version of the Inland Port legislation incorporated policy language and explicit mandates to consider the importance of south shore habitats when planning or making

development decisions. While the Parcel is not in the Inland Port, the legislation reflects the need to safeguard wetland areas generally and MBPAs specifically.²

Taken as a whole, the State has repeatedly affirmed the value of these habitats and the need to protect them.

Specific Considerations Relating to the Rezoning Request

1. Location of tall and high impact development away from wetlands and MBPAs: High impact uses such as freight terminals, high structures, and natural resource storage should be distant from the Rudy boundary. Development in the portion of the Parcel close to the Rudy boundary should be reserved for uses that are lower in elevation and most compatible with uses on surrounding land.
2. Set Back, Open Space and Relocation of 3200 West:
 - a. Given the sensitivity of the wetland areas and the species dependent on them, there should be a buffer between development and the Rudy boundary. While the berm referred to below will help ameliorate impacts it cannot fully compensate for the effects of proximity of lighting, noise, activity, increased traffic and structure height. The buffer should be ecologically meaningful in height and length. The City should consider limiting development to the eastern side of the existing power lines on the Parcel but never closer than 750 feet to the Rudy boundary. Please remember that thousands of pairs of shore birds, waterfowl and raptors nest on the Rudy Reclamation property, including by the playas adjacent

² 11-58-202(1)(a): The port's business plan is to include "an environmental sustainability component, . . . incorporating policies and best practices to meet or exceed applicable federal and state standards, including: . . . (ii) strategies that use the best available technology to mitigate environmental impacts from development".

11-58-203(1)(c): "respect and maintain sensitivity to the unique natural environment of areas in proximity to the authority jurisdictional land". (f): "promote and encourage development and uses that are compatible with or complement uses in areas in proximity to the authority jurisdictional land".

11-58-403(4)(d)(ii)(A)[relating to appeals]: "any environmental impact the proposed development will have, including on air quality, surface water, and ground water; and (B) how the land use applicant proposes to mitigate any impacts, including the extent to which the proposed development will apply the best available technology or systems to mitigate any environmental impacts of the development; (III) the potential impact of the proposed development on abutting property owners or on a **migratory bird production area**, as defined in Section 23-28-102, and how the land use applicant proposes to mitigate those impacts;" (emphasis added).

- to 3200 West. Noise, lighting, increased traffic and other activity might drive them from their nests. Nesting habitat on the south shore is limited and precious.
- b. Rudy supports allowing for open space to be consolidated and placed on a development wide basis rather than on a lot by lot basis. This would allow the open space to serve an environmentally useful purpose rather than a merely aesthetic one. It will probably also reduce water use and reliance on non-native landscaping.
 - c. In connection with this buffer, 3200 West should be relocated to the east of a buffer and berm. Having a major traffic arterial run between the buffer and Rudy boundary causes habitat fragmentations and defeats the purpose of a buffer and severely degrades its ecological value.³ There should be contiguity and continuity between open space/buffer and the Rudy property. Placing the road between the buffer and the Rudy property would only reflect noise into the sensitive habitats rather than shielding the habitat from noise and light. Finally, and importantly, roads are a source of polluted runoff and litter that would threaten the adjacent wetlands.⁴ This is even more important as a Rudy water source runs along the west side of 3200 West.
 - d. A noise/visual barrier between development and Rudy Reclamation should be required. This should take the form of a high berm landscaped to appear natural and high enough to suppress noise, light and motion. A six or ten foot berm is inadequate to serve this purpose. Playas extend to 3200 West and a traditional

³ Andren H., 1994, Effects of habitat fragmentation on birds and mammals in landscapes with different proportions of suitable habitat: a review: *Oikos*, v. 71, p. 355-366. (In landscapes with more than 30% of suitable habitat, habitat fragmentation is primarily habitat loss. In landscapes with less than 30% suitable habitat, patch size and isolation will complement the effect of habitat loss and the loss of species or decline in population size will be greater than expected from habitat loss alone. If 60% of the landscape is suitable habitat, there are several large patches and it is connected. When 40% of the landscape is suitable habitat, isolation has begun to appear. When suitable habitat is less than 30-20% there is an exponential increase in isolation.) Additional literature related to habitat fragmentation and the effects of proximity of development, both of which relate to the value of buffering, are included as Attachment A.

⁴ See among others, Albasel N. and Cottenie A., 1985, Heavy metal contamination near major highways, industrial and urban areas in Belgian grassland: *Water, Air and Soil Pollution*, v. 24, p. 103-109. (Heavy metals were found in plants along highways. Pb and Mn were found in plant samples 66 ft from highway at 2-7 times normal content, while Pb, Zn, Mn were all found in elevated levels in soils 24-66 ft from highways. In industrial areas, elevated soil content of Pb, Zn, Cu, Mn were found at 200-500m (656-1640 ft) of factories.)

sound wall would appear unnatural and be disruptive to the bird species that use the playas.

- e. The U.S. Fish and Wildlife Service has recently reminded the State of Utah of the serious nature of these indirect impacts in the context of the West Davis Corridor. As noted in the November 7, 2018 letter, these serious impacts to birds and their habitat extend far beyond the 300' to which the State was hoping to limit its responsibility. The same effects will occur with this development. The letter reads in part:

We have consistently commented that our greatest concern with the West Davis Corridor is the indirect effect to the wetland and wildlife habitats on the shore lands of the Great Salt Lake. We believe the applicant has underestimated the level and extent of indirect effects to migratory birds by limiting the study area to a 300 foot buffer of the ROW. A variety of factors influence the likelihood for wildlife to use habitat adjacent to roadways. These factors include weed introduction, barriers to movement, visual disturbance, and edge effects. Specific to migratory birds, impacts include lowered occupancy, reduced breeding density, and increased mortality in habitats adjacent to roadways; we previously provided you with a literature review of these impacts in a whitepaper (USFWS 2013). Based on this available science, we expect impacts to extend over a kilometer (3,900 feet) from roadways for some species, with greater impacts occurring in closer proximity to roads.

A copy of the letter is included as Attachment C in Rudy's prior comments on the original rezone.

- f. Buffers are a well-accepted planning mechanism for shielding sensitive areas from the effects of development. The nearest examples are the 3,000 acre Natural Area associated with the Inland Port and the 2,200 acre Legacy Preserve associated with the Legacy Highway.

3. Surface water flow:

- a. One of Rudy Reclamation's main water sources transits the Parcel. This supplies water to playas near to 3200 West and other wetlands in that area.
- b. There is also a small irrigation canal along the west side of 3200 West that provides water to the playas on the Rudy property.
- c. Water that is used onsite or storm water should not be diverted away from the wetlands. Water should be treated in a location and way that will require it to transit through the migratory bird production areas. Proposals to send the water elsewhere should not be permitted. This would bypass almost all of the wetlands.

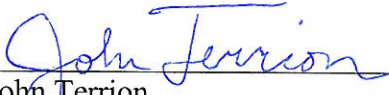
- d. Development should not diminish or relocate current flows to Rudy Reclamation or other wetlands. The wetlands require a flow of water for inundation and in order to avoid stagnation and excessive salinity.
4. Surface water quality: Surface water and ground water should be protected from leaks, discharges and fugitive dust. Waste, trash, debris, fill, or other materials and substances should not be allowed to enter either of the water conduits in 3.a and 3.b above. Storage tanks, oil and gas transfer and other liquids should not be permitted where a leak may occur into wetlands or waterways that lead to wetlands. An incident response plan should be required.
5. No effect on traditional MBPA activities: Compatibility with existing uses is one of the policy mandates of the MBPA Act. Development that would be incompatible with (by restricting, limiting or precluding) wildfowl management, hunting and associated activities should modified, changed in location or not be permitted.
6. Light pollution: Lighting should incorporate best practices for bird friendly lighting, particularly in the areas close to 3200 West. Also, lighting close to 3200 West should be lower in elevation than the berm referenced in #9 below.
7. Building Height: Buildings and other structures such as antennae, guy wires or smoke stacks should be limited to 50 feet.
8. Utility and transportation corridors:
 - a. Development that requires a utility corridor, power lines, road or access through or adjacent to MBPAs and similar areas should be modified, changed in location or not be permitted. Such corridors should avoid those areas. They are directly incompatible with and do not complement uses on MBPAs.
 - b. If 3200 West cannot be moved, it definitely not should not be expanded or paved where it is next to Rudy Reclamation due to the impact it will have on adjacent habitat.
9. Noise pollution: Development should minimize noise disruption. Development that is likely to have considerable noise should be sited away from wetland areas.
10. Bug abatement: Higher levels of mosquito abatement will be requested. Also, more toxic pesticides may be needed for deer flies and other biting insects. Both of these will adversely affect the macroinvertebrates that form the nutritional backbone of the marshes for many bird species. Alternatives should be explored regarding this issue.
11. Bird friendly design: Best practices should be required. For instance, the buildings adjacent to 3200 West should minimize west facing windows and use types of glass that reduce bird impacts. Also, guy wires on towers should be avoided.
12. Air Pollution: Industries and activities that would emit toxic fumes (ex. medical waste incinerators) should not be permitted.
13. Invasive species: Plant species that might become invasive in the wetland areas should be avoided.

14. Trespass prevention: Fencing, gates or other barriers should be considered to minimize the risk of trespass.
15. Access preservation: Access for the owners and users of the MBPAs and similar areas should be preserved.

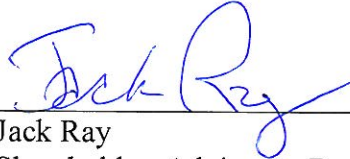
We would welcome the opportunity to meet with Planning Department staff or others to explain these comments and the purpose for them. Please contact Jack Ray at (801) 540-5801 or j.ray.pine@outlook.com to arrange a meeting or to request additional information.

Respectfully,

Rudy Reclamation and Sportsman's Club



John Terrion
President



Jack Ray
Shareholder; Advisor to Board of Directors

Attachment A

Bascombe J. and Sole R. V., 1996, Habitat fragmentation and extinction thresholds in spatially explicit models: *Journal of Animal Ecology*, v. 65, p. 465-473. (As the proportion of destroyed sites increases, the structural properties of the resulting landscape change in a non-linear way, showing the existence of critical thresholds and phase transitions. Such critical thresholds are identified by means of an order parameter, which discriminates a quantitative process, i.e. habitat loss, from a qualitative one, i.e. habitat fragmentation. This difference is only well understood using a spatially explicit framework. Extinction thresholds are found at 40% destruction of habitat. In spatially implicit models, threshold is found at 60% destruction of habitat. As the quantity of destruction increases the effect is much more important because there is not only a loss of available sites, but the remaining habitat becomes fragmented.)

Clark W. D. and Karr J. R., 1979, Effect of highways on red-winged blackbird and horned lark populations: *Wilson Bulletin*, v. 91, p. 143-145. (For the horned lark, county roads showed densities within 300m (984ft) were about ½ that at 300-500m (1625 ft). For interstates, densities doubled at 100-200 m but the same as those found within 300m of county highway and therefore half that at 500 m on county road. County roads appear to have a large effect within 300-400m, while interstates have large effects at greater than 500m(1625ft).)

Fahrig L., Pedlar E. P., Taylor P. D. and Wegner J. F., 1994, Effect of road traffic on amphibian density: *Biological Conservation*, v. 73, p. 177-182. (Traffic intensity reduces the local density of frogs and toads significantly.)

Forman R. T. T. and Deblinger R. D., 2000, The ecological road-effect zone of a Massachusetts (U.S.A.) suburban highway: *Conservation Biology*, v. 14, p. 36-46. (Road-effect zone was examined along a four lane, divided highway with 50,000 v/day. Road salt effects ranged to 1 km. Invasive plants are invading up to 120 m of highway. Forest birds were affected to 650 m. Grassland birds were affected to 930 m. All factors considered extended greater than 100 m from the road. The road effect zones averaged 600 m.)

Keller V. E., 198, The effect of disturbance from roads on the distribution of feeding sites of geese(*Anser brachyrhynchus*, *A. anser*), wintering in north-east Scotland: *Ardea*, v. 79, p. 229-232. (Flocks of pink-footed and Greylag geese were not found within 100m of a road and fields with centers closer than 100m were not visited. The average maximum density of geese was found at distances greater than 375m. Highways had traffic intensity from 1300 - 8400 v/day as well as several minor roads.)

Oxley D. J., Fenton M. B. and Carmody G. R., The effects of roads on populations of small mammals: p. 51-59. (The effects of roads on amphibians, reptiles, birds, and small and medium sized mammals is documented over a range of road sizes and traffic volumes. Many small mammals are reluctant to cross open areas greater than 20 m (66 ft). Wider roads are crossed almost exclusively by medium sized mammals. Mammal crossings have decreased by 94% when traffic volume reaches 456 vehicles per day, 97% when it reaches 4800 vehicles per day.

Mortality of all groups increases greatly between low traffic gravel road and paved road with less than 1500 vehicles per day (mortality is 6 times greater). At less than 4000 vehicles per day mortality has increased by 6.5 times over gravel road. Highest mortality is among mammals and reptiles. Amphibian and mammal mortality begins to decrease at 93m (300ft) and 30 m (98 ft), respectively. Highest mortality for amphibians was at maximum of 4000 v/day, for reptiles and birds at maximum of 10,000 v/day and for mammals at maximum of 1500 v/day.

Reijnen R. and Foppen R., 1994, The effects of car traffic on breeding bird populations in woodland. I. Evidence of reduced habitat quality for willow warblers breeding close to a highway: *Journal of Applied Ecology*, v. 31, p. 85-94. (In the highway zone 0-200 m (656 ft) from the road, the density was 64% of that in the zones from 200-400 m (656-1312 ft) and 64% of that at distance greater than 400 m (1312 ft). The road zone has few older males. It has a high proportion of yearling males. The success rate of the yearling males was 50% of that in the other zones and the total annual output was about 40% lower than in other two zones. A possible cause of the reduced habitat quality is traffic noise which averaged 50dB at 500m (1640 ft). There is evidence that the road which is 20% of the area has reduced the population size of the whole area.)

Rosenberg K. V. and Raphael M. G., 1986, Effects of forest fragmentation on vertebrates in Douglas fir forests, in Verner J., Morrison M. et al. , eds., *Wildlife 2000: Madison, WI*, p. 263-272. (Stands that are less than 20 ha (r = 833 ft) lack the full complement of vertebrate species. For isolated stands, this minimum size should be increased to 50 ha (r = 1315 ft). Stands are considered insular if they are greater than 50 % isolated.

Rudolph D. C. and Dickson J. . G., 1990, Streamside zone width and amphibian and reptile abundance: *The Southwestern Naturalist*, v. 35, p. 472-476. (Wider streamside buffers from 50-95 m significantly increased the numbers of lizards, snakes, amphibians, reptiles, aquatic species and nonaquatic species. Three sizes of buffers with numbers of species were evaluated.)

Utah Waterfowl Association

To Preserve Utah's Waterfowl, Waterfowl Habitat and Waterfowling Heritage

September 17, 2019

To: Salt Lake City Planning Division (daniel.echeverria@slcgov.com)

Re: Comments from Friends of the Great Salt Lake, Utah Waterfowl Association, and South Shore Wetlands and Wildlife to Salt Lake City regarding 2691 North 2200 West Overlay Request

The Utah Waterfowl Association, FRIENDS of the Great Salt Lake and Southshore Wildlife and Wetlands Management, Inc. previously submitted comments to Salt Lake City as it considers a rezoning request for 439 acres of land at 2691 North 2200 West (the Ivory Property). These comments are similar to our prior comments but are intended also to be specifically related to Ivory's overlay request. We understand that Ivory may submit some proposals to answer questions about the effects and character of their anticipated development. These comments may be amended once that information is available.

The Ivory Property is adjacent to hundreds of acres of critical, productive and sensitive wildlife habitat on the south shore of the Great Salt Lake. This overlay request will affect the ecological viability of that area. Conditions should be required of any development in this area to safeguard and maintain the biological integrity of this irreplaceable natural wonder.

The UWA's mission is to "preserve and protect Utah's waterfowl and rich waterfowling heritage".

FRIENDS of Great Salt Lake (FRIENDS) is a non-profit organization that has, as its mission, the preservation and protection of the Great Salt Lake ecosystem as well as Great Salt Lake's watershed, and the organization seeks to increase public awareness and appreciation of the Lake through education, research, advocacy, and the arts. The organization has long been involved in the protection and restoration of Great Salt Lake, its ecosystems and its watershed, advocating for ways in which the public may enjoy these resources by fishing, bird-watching, boating, photographing, hiking and studying these natural areas. On behalf of its members, FRIENDS frequently participates in agency processes that affect Great Salt Lake. FRIENDS considers this participation to be critical to its mission and to be valuable as a means of influencing the administration of lands that will lead to the protection and preservation of the Greater Great Salt Lake watershed. FRIENDS has a vested interest in any action that would impact the health of Great Salt Lake, including wetlands development-related issues and actions.

Southshore Wetlands and Wildlife is comprised of landowners in the area north and west of the Salt Lake International Airport who manage their land for wildlife related values and activities and have been doing so, in many instances, for well over 100 years.

Ecological Role of the South Shore of the Great Salt Lake

On November 7, 2018, the U.S. Fish and Wildlife Service wrote to the State of Utah regarding a new highway in order “*to emphasize the significance of the Great Salt Lake ecosystem as an irreplaceable and unmitigable resource due to its location in an arid region, large size, diversity of habitats for migratory birds, and the sheer number of birds, estimated at 7.5 million per year (UDNR 2013).*” The land adjacent to the Ivory Property forms part of this irreplaceable and unmitigable resource. The USFWS went on to note the sensitivity of these areas by addressing indirect impacts:

We have consistently commented that our greatest concern with the West Davis Corridor is the indirect effect to the wetland and wildlife habitats on the shore lands of the Great Salt Lake. We believe the applicant has underestimated the level and extent of indirect effects to migratory birds by limiting the study area to a 300 foot buffer of the ROW. A variety of factors influence the likelihood for wildlife to use habitat adjacent to roadways. These factors include weed introduction, barriers to movement, visual disturbance, and edge effects. Specific to migratory birds, impacts include lowered occupancy, reduced breeding density, and increased mortality in habitats adjacent to roadways; we previously provided you with a literature review of these impacts in a whitepaper (USFWS 2013). Based on this available science, we expect impacts to extend over a kilometer (3,900 feet) from roadways for some species, with greater impacts occurring in closer proximity to roads.

The productivity of the GSL relies on the ring of playas¹, marshes and sloughs that surround its southern, eastern and northern shoreline. For instance, the lake annually hosts some 250 species of birds including 75% of the continental population of tundra swans, 40% of the continental population of eared grebes, 12% of the continental breeding population of American pelican (one of the four largest breeding colonies in North America), 27% of the continental breeding population of cinnamon teal (the single most important breeding site in North America for this small duck), 52% of the continental population of American Avocets and 50% of the continental population of Wilson’s Phalaropes. The GSL hosts more bird life than any other saline lake in North America and possibly the entire Western Hemisphere. These shoreline habitats, such as those adjacent to the Ivory Property, play a disproportionately large

¹ A playa is a shallow natural basin that may only have water occasionally after rain storms or snow melt. Its seeming ephemeral nature belies its productivity for dozens of species of shorebirds, raptors and waterfowl. They are among the most sensitive, rich and endangered habitats around the lake. On the south shore in particular, they are nearly all lost to pavement and buildings.

role in sustaining these bird populations. Without them, the lake would, ecologically speaking, be a thin shadow of its current self.

These habitats are under the greatest threat along the south shore of the GSL. Most of them have already been lost under varying types of development or are deeply impaired by their proximity to development.

This amazing natural resource has only survived on the south shore because most of the land was preserved for wildlife by waterfowlers beginning around 1900. Duck hunting became very popular at that time leading to the creation of many duck clubs on the south shore. These clubs have nurtured and protected these landscapes for over 100 years despite development pressures, water diversions and drainage schemes. They remained committed to this objective despite the fact that for much of the past 100 years, wetland filling and destruction was seen as the enlightened thing to do. As a result, the southern shore of the GSL remains a rich and vital habitat though one that is seriously threatened.

The Rudy Habitat is a lynchpin habitat on the south shore of the GSL. Its loss or degradation would be a catastrophic loss to a section of the lake that has already lost much of its original habitat and ecological resilience. At some point, a critical mass of south shore habitat will no longer exist, reducing the remainder to little more than an ecologically hollow vestigial remnant. The Rudy Habitat, including its playa areas near 3200 West, currently provides important primary habitat as well as forms a bulwark protecting significant stretches of the ecosystem. For over 100 years, Rudy Reclamation has shown firm dedication to the perpetuation of this resource and the way of life that surrounds it. The playas and alkali knolls immediately adjacent to the Ivory Property are vital nesting and migratory habitat to dozens of bird species. As noted by the USFWS, these species are sensitive to high levels of development, traffic and artificial light.

Salt Lake City has Championed Protection of South Shore Natural Values in its Northwest Quadrant and Inland Port Planning Efforts – The Rezone Area is Equally Critical

At various times, the City has undertaken efforts to plan for the development of the Northwest Quadrant. When Suburban Land Reserve acquired a large portion of the NWQ, the City again acted to guide and manage the development of the area. A key component of the eventual plan was the creation of a Natural Area that arced across the northern margin of the NWQ. This was intended both to preserve the environmentally sensitive and low lying areas within the Natural Area as well as to provide an essential buffer to the adjacent migratory bird production areas. Other conditions were also incorporated to reduce the development's impact on surrounding wetland complexes and its bird life. These key features were carried over into planning and zoning for the Inland Port.

State Legislative Recognition of the Importance of the South Shore Natural Values

Utah has recognized the value of these privately managed areas by enacting legislation to protect them from the effects of development. They are classified as “migratory bird production areas.” Utah Code Ann. 23-28-101, *et seq.* These MBPAs include Rudy Reclamation, various duck clubs, the Audubon Gillmor Sanctuary and the Inland Sea Shorebird Reserve. As such, they are entitled to certain protections and their traditional activities cannot be prohibited. Moreover, the Act contemplates that if development occurs adjacent to an MBPA, the adjacent landowner cannot complain of or alter the management of the MBPA.

Specific Considerations Relating to the Overlay Request

1. Buffer, Open Space, Relocation of 3200 West and Berm:
 - a. Under Ivory’s request, it would be required to dedicate at least 65 acres to open space, which could be consolidated on a project-wide basis. In addition, Ivory may be required to undertake wetlands mitigation. This open space and mitigation should serve as a buffer between development and wetland habitats to the west.
 - b. Thousands of pairs of shore birds, waterfowl and raptors nest on the Rudy Habitat, including by the playas immediately adjacent to 3200 West. They also rely on the playas before and after nesting season. Noise, lighting, increased traffic and other activity might drive them from their nests or prevent use of these habitats. While a berm will be an important component of buffering, a spatial buffer is equally important to reduce proximity to lighting, noise, traffic and structures.
 - c. The ecological utility of a buffer will be impaired if a paved and heavily used 3200 West divides the buffer from the Rudy habitat. To avoid this effect, 3200 West should be relocated east of the buffer and berm.
 - d. As quoted above, the U.S. Fish and Wildlife Service has recently reminded the State of the serious nature of these indirect impacts in the context of the West Davis Corridor and that the impacts extend up to 3,900 feet. While this distance is unworkable on the Ivory Property, a substantial sized buffer is essential. A buffer, for instance, of 100-200 feet is inadequate and it should be significantly larger to maximize its effectiveness.
 - e. A naturally landscaped berm should be required along the west side of the relocated 3200 West to mitigate the noise and visual disturbance. This should be high enough to serve its purpose. A berm should be well over ten feet high. A sound wall right on the margin of the playas would be unnatural.
 - f. As mentioned, buffers have been widely used around the Great Salt Lake (ex. Inland Port, Legacy Highway, and the West Davis Highway). They are also supported in the scientific literature. A few examples of such support are cited in the comments of Rudy Reclamation.

2. Surface water Quantity and Quality:
 - a. The Rudy playas and other areas receive water from a canal crossing the Ivory Property. There is also an irrigation ditch along the west side of 3200 West that provides water to the Rudy Habitat. Development should not diminish or relocate current flows to the Rudy Habitat or other wetlands.
 - b. Water used on the Ivory Property and stormwater should not be diverted away from the wetlands. Water should be managed in a way (including treatment) that will require it to transit through the migratory bird production areas as it does now.
 - c. Surface water and ground water should be protected from pollution. Trash, fill, industrial chemicals, fuel and other waste should not be allowed to enter water moving to the wetlands. Storage of oil, gas and other liquids should not be permitted where a leak may occur into wetlands or waterways that lead to wetlands. An incident response plan should be required.
3. No impairment of MBPA activities: The MBPA Act focuses on the preservation of these areas, in part, by protecting the management activities that occur on them. As a result, development that would be incompatible with habitat management, hunting and related activities should not be allowed.
4. Staged Height of buildings: The buildings closest to the Rudy wetlands should be lower in height than those further away. This allows for a staged character of the impact of the buildings.
5. Location of high impact development away from wetlands and MBPAs: Very noisy uses, higher buildings, buildings with many windows, or uses that require extensive lighting should be distant from the Rudy Habitat.
6. Lighting: Best practices for bird friendly lighting should be required, particularly close to the Rudy Habitat. This should include lighting that is close to the Rudy wetlands being lower in height.
7. Utility and transportation corridors: Development that requires a utility corridor, power lines, road or access through or adjacent to MBPAs and similar areas should be modified, changed in location or not be permitted. Such corridors should avoid those areas as they create bird hazards and are directly incompatible with uses on an MBPA.
8. Noise: Development that is particularly noisy should not be close to playas.
9. Landscaping: Plant species that might become invasive in the wetland areas should be prohibited.
10. Bug abatement: Higher levels of insect abatement may suppress will macroinvertebrate populations that are essential for many bird species.
11. Bird friendly design: Best practices should be required. Buildings adjacent to the Rudy wetlands should have bird friendly glass and fewer windows.
12. Air Pollution: Industries that emit toxic fumes should not be allowed.

Respectfully,

Signed,

John D. Ray, president UWA

October 4, 2019

Salt Lake City Planning Commission
P.O. Box 145476
Salt Lake City, UT 84114-5476

Sent vial e-mail
% Daniel Echeverria, Senior Planner
Planning Division
Salt Lake City Corporation
(daniel.echeverria@slcgov.com)

Re: **Proposed Business Park Overlay Zone for 439 acres at 2691 North 2200 West (Ivory Development), Salt Lake City**

Dear Members of the Salt Lake City Planning Commission:

We are members of the conservation community, including National Audubon Society, owners and managers of over 3500 acres of wetlands of the south shore of Great Salt Lake, and Great Salt Lake Audubon, a local chapter of citizens concerned with birds of Great Salt Lake. We have worked closely with Salt Lake City Planning Division for the last 15 – 20 years regarding the Northwest Quadrant Master Plan, zoning amendments, and conditional use permitting process over establishing protections for the nearly 20,000 acres of managed wetlands of Great Salt Lake from future land use development of the adjacent area. The development proposal for 440 acres at 2691 North 2200 West, Salt Lake City (the Parcel) lies directly east and adjacent to these 20,000 acres of wetlands and important uplands along 3200 W, just north of the Salt Lake City International Airport.

The Parcel is in close proximity to major wetland habitat of Great Salt Lake, and **under the existing Business Park Zoning and proposed zoning overlay, it is critical that the potential direct and indirect impacts of The Parcel's future use on Great Salt Lake, its wetlands and birds be taken into consideration and mitigated.** Additionally, development of the Parcel may set a precedent for other developable land in the immediate vicinity, which could have long-lasting effects on Great Salt Lake wetlands and wildlife. The Planning Commission has an important opportunity to ensure that development of The Parcel is undertaken in a way that mitigates those impacts resulting from a carefully thought-out planning process.

Without a carefully planned approach, development in the area could be potentially ecologically damaging. Consequently, this letter explains the negative development related impacts that could affect these highly productive and globally important wetlands and provides suggestions for reducing those impacts. If development within the Business Park and zoning overlay area provides for re-evaluation of permitted conditional uses with respect to negative impacts to the nearby wetlands and wildlife described below, we encourage it. We also request that impact mitigation planning is required as part of the permitted conditional use process.

Great Salt Lake wetlands provide hemispherically and globally important bird habitat as they are designated Important Bird Areas (IBA) and Global IBA by National Audubon Society and BirdLife International, respectively, and they are recognized by the Western Hemispheric Shorebird Reserve

Network (WHSRN). Birds migrate to the lake and its wetlands by the millions to feed, rest, and for some, to breed before moving to northern destinations or returning southward.

Considerable focus on the effects of the proximity of development adjacent to globally important Great Salt Lake wetlands and wildlife went into the Northwest Quadrant Master Plan. We believe that protections laid out in the Northwest Quadrant should be looked upon as a model for protections from development of The Parcel to those same wetlands. The September 3, 2015 draft the Northwest Quadrant Master Plan reflected a healthy respect for the importance of Great Salt Lake as a globally important habitat for the millions of birds that use it. The plan's 4th goal (provided below) outlines protective strategies that we recommend:

"GOAL 04: Protect Global Flyways

Plan Salt Lake initiatives supported by this action: **Natural Environment**

- Preserve natural open space and sensitive areas to sustain biodiversity and ecosystem functions.

Policy NA-4.1. Require appropriate buffers for development that is adjacent to natural lands.

Policy NA-4.2. Encourage the protection of the natural areas as a critical location of the global flyway for migratory birds. A flyway is the route between breeding and wintering areas.

- Continue to work at local, regional, and international levels to protect ecosystems along flyways.
- Support a collaboration of mechanisms for flyway conservation, both regionally and globally.
- Discourage loss and degradation of high-functioning Great Salt Lake wetlands within the Northwest Quadrant.
- Incorporate bird-friendly building design guidelines for the areas where development is allowed."

With respect to the Business Park proposed overlay zone, we have specific comments:

- 1) We think that distributing required open space across the property as a whole makes ecological and environmental sense in that perhaps wetland areas, such as those along the Rudy Drain and open space aligned with the Rudy Drain, could protect habitat within existing wetlands on the property and promote improved water quality of surface water flowing into the drain before being transported to wetlands downstream. In essence, it would provide a buffer (described below). This would be preferred over fragmented portions of open space that provide little or no habitat or ecosystem services.
- 2) We agree with removing uses in the overlay such as kennels and daycare as those are both unwanted noise disturbances to birds, and both could cause a high degree of stress to the birds.
- 3) We would like to see additional buffering proposed for adjacent residential uses (i.e., along residential Agricultural zoned (AG-2/AG-5) of 2200 W be required of Agricultural zoned Salt Lake City – Salt Lake County border on the west side of the property (along 3200 W) to protect sensitive wetlands and wildlife of Great Salt Lake. Specifically, we would like to see a berm included in a buffer of similar distance to the proposed additional buffering with a sound barrier wall / structure placed on top of the berm in lieu of a fence and shade trees. We do NOT wish to

see shade trees along the west side of the property as these would be used by raptors (birds of prey) and ravens that would prey upon birds and nests in the adjacent wetland areas.

- 4) Regarding building height limit, we request that regardless of a 60 or 65 ft height limit that conditions be placed on any instrumentation or structures on top of the buildings or structures reaching such heights be fitted with bird collision avoidance technology. Bird deterrent technology exists to prevent perching and collision (Rocky Mountain Power installs “firefly” avian markers on their power lines to deter birds and new technologies are developing that use ultraviolet light, which is visible to birds but not humans (see: <https://www.audubon.org/news/a-simple-technology-could-help-stop-birds-colliding-power-lines>).
- 5) If Ivory Development incorporates other uses already permitted that are not mentioned in their proposed Research Park, we would like to comment on a few that give us concern given the proximity to Great Salt Lake wetlands and birds that depend on them.
 - a. Gas station: we are concerned about runoff transporting gasoline and / or diesel, oil, coolant, etc., from accumulated incidental and major spills into downstream wetlands.
 - b. Heliport: we are concerned about noise and motion disturbances, and bird collision potential, particularly during migration and breeding seasons.
 - c. Hotel/motel: we are concerned with disturbances related to increased presence of humans, eg., lights at night, noise, motion, facility support, garbage.
 - d. Mobile food businesses and restaurants, including drive-through: we are concerned about noise, motion and light at night disturbances, and food attractant of invasive and predatory animals.
 - e. Radio / television station: we are concerned with potential collision danger for birds and would request fitting towers and other instruments with bird collision avoidance technology to mitigate the potential danger or remove from permitted use altogether.
 - f. Solar arrays: we are concerned that the arrays would appear to be water to birds such as waterfowl and Eared Grebes with the proximity of The Parcel being so close to Great Salt Lake. Many fatal collisions and injuries to birds have occurred with solar arrays (eg., Arizona Game and Fish Department. 2009) and although studies are limited, we would request seeking latest technology and design to avoid bird collisions or remove from permitted use altogether.

One of the most effective ways to protect high quality wetlands and wildlife that use them is to provide a buffer of non-developed land between the wetlands and a developed area. Wetland buffers provide an essential function of protecting critical functions that wetlands provide such as wildlife habitat, water quality improvement, flood attenuation, groundwater recharge, etc., however determining an appropriate size of buffer varies depending on the wetland functions being protected (Castelle et al. 1992). For instance, wildlife closely associated with wetland habitat (particularly birds) often require much more of a buffer than distances required for other wetland functions (Castelle et al. 1992; Hoven et al. 2006). Buffers of appropriate size can lessen the impacts of disturbance to wildlife (discussed below) and improves water quality before water enters a wetland. Determining an appropriate buffer area requires a trained scientist(s) with a wetlands and wildlife background who is/are familiar with the wetlands of Great Salt Lake adjacent to The Parcel.

Establishing a buffer between highly productive wetland areas and adjacent land use

Disturbances inherent with uses associated with Business Parks and the proposed Research Park West will have detrimental effects on birds and their habitat in the immediately adjacent as well as other

wetlands in the vicinity of The Parcel. The following excerpt from the Functional Assessments of Wetlands and Wildlife in the Salt Lake County Shorelands SAMP Area describes the sensitivity of different wetland-associated birds and their varying behavioral responses to varying degrees of disturbance (Hoven et al. 2006). The wildlife functional assessment – the front-work of the SAMP – provided a scientific basis for the Natural Area (non-developable area) that is now part of the Northwest Quadrant / Inland Port zoning.

“Waterbirds [including shorebirds, wading birds and waterfowl] associated with wetlands are generally sensitive to human activity, disturbance, and physical infrastructure. The degree of sensitivity and its consequences varies by species (Klein 1993; Rodgers and Smith 1995) and even individuals (Runyan and Blumstein 2004), depending on disturbance type, frequency, and duration, particularly when combined with annual life cycle considerations. For example, waterbirds are generally more sensitive when nesting than when migrating ... (Rodgers and Schwikert 2002). Activities such as a human approaching on foot ..., human-induced noise, or a vehicle driving nearby can cause short-term disturbances to waterbirds that range from the seemingly benign (e.g., taking flight, modifying behavior, disruption of foraging, etc.) to disruptive (e.g., abandoning nests, young, or entire nesting colonial sites). ... [T]he cumulative influence of repeated, seemingly benign disturbances has strong potential to become disruptive in the long term. ...

Generally, the thresholds at which such long-term or permanent disruption happens are poorly understood for most waterbirds. Nonetheless, we know that the development of human infrastructure facilities has the potential to render adjacent wetlands less productive and even unusable by some sensitive waterbirds after a certain threshold has been exceeded. Examples of these developments include roads, houses, urbanization, outbuildings, trails, recreation sites, commercial structures and storage, and air transportation facilities. Habitat fragmentation and loss resulting from infrastructure development have been documented to significantly increase mortality and decrease food intake and energy reserves in some species of non-nesting shorebirds (Durell et al. 2005).

Human activity buffers (i.e., activity protection zones) and human infrastructure setback distances have been used to prevent future disturbance in areas where waterbird habitat and human development were likely to intersect, and zones and setback distances have been established for many waterbirds based on scientifically derived disturbance criteria (cf. Rodgers and Smith 1995; Rodgers and Schwikert 2002).”

While establishment of an adequate human infrastructure setback distance (wetland buffer) is unlikely due to The Parcel size and the pre-existing infrastructure (3200 W), there are other modifications to a human activity buffer and mitigation actions (listed in more detail below) that can help reduce negative impacts relevant to bird species. For example, a large earthen berm with a sound barrier installed on top (eg., a sound barrier wall) located between the outer, western region of The Parcel and the developed area would diminish the impacts of various disturbances to the birds and their habitat as previously mentioned. Requirement of this barrier would help protect wetland-associated birds from visual and noise disturbances and possibly attenuate some of the disturbance related to light pollution. Additionally, requiring higher impact activities (noise and motion associated with increased traffic, machinery, trucks and other heavy equipment; noise and presence of humans) to be located further

away from adjacent wetlands, can help reduce impacts. Furthermore, to the degree that it would be possible, it would be helpful to develop a natural area boundary for this area, similar to that which was developed in the Northwest Quadrant Plan.

Background on bird-friendly buildings and planning:

Tall structures such as cranes, communication towers, power transmission lines, guy wires, commercial wind turbines, scientific instrumentation (eg., weather stations, radar and other systems, etc.), radio towers, and potentially solar arrays, produce unfamiliar obstacles and pose life-threatening risk to birds. Up to 80% of birds migrate at night and most of these structures are not visible to birds. Many of these tall structures should not be permitted in The Parcel area as they can be lethal to migrating birds, however, it may be possible to mitigate the potential danger with developing technologies as previously mentioned.

Structures lit at night can act as a beacon that attracts migrating birds. Birds are drawn to the light and subsequently collide with the structure (or other birds) or circle the light and fall from exhaustion because they are unable to break away (Manville 2009). Collisions that occur at night are usually associated with birds circling brightly lit structures and consequent collision with guy wires, other structures, and other birds (Sheppard 2011).

Because Great Salt Lake and its wetlands attract millions of birds during spring and fall migration, the proximity of The Parcel to the lake and its wetlands should be taken into consideration for permitted and conditionally permitted uses that would negatively affect migrating birds. Most collisions with buildings occur in the daytime and are usually with reflective glass. There are numerous ways to incorporate bird-friendly design to reduce collisions of birds with buildings and reflective surfaces discussed below.

Lighting

Use of lighting systems that are energy and cost efficient, while ensuring safety and security to humans and protecting wildlife are possible. Artificial light at night is detrimental to the health of humans and wildlife, particularly blue light emission, thus low impact lighting should be implemented. As listed in International Dark-Sky Association (IDA)'s LED guide in choosing recommended lighting systems (<https://www.darksky.org/our-work/lighting/lighting-for-citizens/led-guide/>):

- “Always choose fully shielded fixtures that emit no light upward
- Use “warm-white” or filtered LEDs (CCT < 3,000 K; S/P ratio < 1.2) to minimize blue emission
- Look for products with adaptive controls like dimmers, timers, and motion sensors
- Consider dimming or turning off the lights during overnight hours
- Avoid the temptation to over-light because of the higher luminous efficiency of LEDs
- Only light the exact space and in the amount required for particular tasks”

Bird-friendly buildings

Collision with glass and other reflective surfaces is known to kill hundreds of millions of birds annually, a figure that is believed to be conservative (Sheppard 2011, Loss et al. 2014). Mortality from colliding with glass is indiscriminant of health and age, and strikes individual birds of thriving populations as well as

those from declining populations. Buildings with reflective glass are the most lethal threat to birds in the United States, yet almost all collisions are avoidable (Sheppard 2011). We recommend implementing bird-friendly design conditions. The following from Sheppard (2011) summarizes a bird-friendly building:

- “At least 90% of exposed façade material from ground level to 40 feet (the primary bird collision zone) has been demonstrated in controlled experiments to deter 70% or more of bird collisions
- At least 60% of exposed façade material above the collisions zone meets the above standard
- There are no transparent passageways or corners, or atria or courtyards that can trap birds
- Outside lighting is appropriately shielded and directed to minimize attraction to night-migrating [birds]
- Interior lighting is turned off at night or designed to minimize light escaping through windows
- Landscaping is designed to keep birds away from the building’s façade
- Actual bird mortality is monitored and compensated for (e.g., in the form of habitat preserved or created elsewhere, mortality from other sources reduced, etc.)”

Water Quality

The Rudy Drain flows diagonally through The Parcel before entering into adjacent wetlands. Another irrigation ditch flows along the western edge of The Parcel – both providing important source water to wetlands in the vicinity. Runoff from parking lots and buildings carrying oil, antifreeze and other pollutants, fertilizers and herbicides from adjacent landscaped areas, wastewater from wash areas, etc. may collect in the Rudy Drain and irrigation ditch if not properly designed, managed and monitored.

Pulses of stormwater flows during the nesting season can also have devastating effects on the birds. The following excerpt from the Utah State Correctional Facility Site Assessment Report (Sorensen et al. 2016) discusses the ecological issues of improperly managed stormwater near sensitive wetlands of Great Salt Lake and presents solutions:

“One of the primary concerns with respect to impacting adjacent sensitive ecological areas is degraded water quality related to stormwater runoff from the USCF site. Stormwater is water that collects from impervious surfaces (roads, rooftops, parking lots, etc.) during precipitation events. How stormwater runoff is managed will directly influence the quality of water being dispersed to adjacent ecologically sensitive areas. Further, water quality degradation is directly related to the amount of increase in impervious surfaces and proximity of those impervious surfaces to ecologically sensitive areas (Brabec et al. 2002). If not managed properly, runoff can be a significant source of heavy metals, hydrocarbons, and other pollutants that will be transported into the ecologically sensitive areas (Yang and Li 2010; Virginia Cooperative Extension 2015).

An additional concern related to stormwater is that the intermittent storm-related flows are amplified relative to natural hydrological cycles. The amplification is due to reduced permeable surfaces that ordinarily would attenuate flows naturally. The increased, irregular flows could directly affect birds in adjacent ecologically sensitive areas. Because hydrologic condition and vegetative cover of South Shore wetlands change between the time of arrival

of birds through nesting and brood rearing periods, breeding birds need to select nesting sites in a predictive manner (Conway et al. 2005). Some birds select nesting sites that are slightly higher than typical spring runoff levels to protect eggs from being inundated by water and to be situated in close proximity to water for food and water sources for their young (e.g., nest site selection for Snowy Plovers was positively influenced by percent surface water availability among other factors, Saalfeld et al. 2011). Many species place nests on islands or piles of vegetation or other debris, effectively creating a miniature island, to protect from predation and provide good access to food and water. Artificially enhanced flooding from impervious surfaces during storm events can quickly raise water to high levels, potentially flooding nests, which drown developing embryos and put nestlings at risk.

... [Rather than install retention basins, which would likely propagate mosquitoes, there are alternatives] that reduce the volume of runoff and improve water quality. Potential options include, but are not limited to use of: green-roofing, consisting of a waterproofing membrane, soil and vegetation overlying a traditional roof; vegetated swales; and pervious surfaces for light-traffic roads, parking lots and walkways (provided underlying soils have an infiltration capacity of >0.5 in/hr.). Note that design engineers should analyze the additional load related to green roofing and its impact on other load bearing criteria (e.g., snow, seismic; and intentional rainwater retention; GSA 2011)."

Nuisance insects

Wetlands are notorious for hosting biting insects, which likely could become an issue when human activities are planned in their vicinity. Insects, particularly in the aquatic larval form, are a vital food source for shorebirds and many other birds and are part of the natural ecosystem. We are concerned that placing human activity so close to the wetlands will be cause for complaints and concerns for biting insects that occur in their natural habitat. Permitted Business Park uses and the proposed overlay zoning that include activity or increased presence of humans outside or in parking areas should be located furthest away from wetlands adjacent to The Parcel.

Invasive species

Minimizing the potential of introducing invasive plant species is critical for protecting adjacent high quality wetland habitat. From Sorensen et al. (2016), we recommend consideration of the following actions:

- "Landscape ... using plants native to the Shadscale-Dominated Saline Basins ecoregion of Utah to align with the site's context and increase the likelihood that the landscaping survives installation and thrives under local climatic and soil conditions. This will save money on maintenance and management.
- Design landscaping to protect adjacent habitat areas. In addition to aesthetics, plant selections and placement should consider functional value to the surrounding ecosystem, including erosion/dust control, filtration of stormwater runoff, and water conservation (use of drought-resistant plants).
- All plants on the landscaping list and plantings should be inspected for the presence of invasive plant material prior to installation."

Attraction of invasive fauna are also a concern that can be somewhat mitigated. Invasive species such as raccoon, skunk, and red fox are all predators of birds and / or bird eggs, which if drawn to The Parcel, will easily expand out into the adjacent wetlands and pose major threats to nesting birds. Use of animal-proof solid waste containers, removal of solid waste regularly, and keeping area around waste containment clean will discourage animal attraction.

Summary

Many of these disturbances can be mitigated to a degree, which would greatly decrease potentially harmful impacts to certain bird populations that rely on high quality wetlands of Great Salt Lake. The links provided in the references below give a thorough background of the issues associated with bird collisions, lighting, stormwater, invasive species, etc., and provide a variety of mitigation solutions, including wetland buffers, that are relevant for Research Park zoning adjacent to ecologically sensitive wetlands of Great Salt Lake.

We appreciate your consideration of our concerns and the opportunity for additional input and transparent discussions.

Sincerely,

Heidi M. Hoven, PhD
Gillmor Sanctuary Assistant Manager, National Audubon Society

Heather Dove
Great Salt Lake Audubon President

Wayne Martinson
Great Salt Lake Audubon Conservation Committee

References

- Arizona Game and Fish Department. 2009. *Guidelines for Solar Development in Arizona*. Available online: <https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/FinalSolarGuidelines03122010.pdf>
- Castelle, A.J., C. Conolly, M. Emers, E.D. Metz, S. Meyer, M. Witter, S. Mauermann, T. Erickson, S.S. Cooke. 1992. Wetland Buffers: Use and Effectiveness. Adolfsen Associates, Inc., Shorelands and Coastal Zone Management Program, Washington Department of Ecology, Olympia, Pub. No. 92-10. Available online: <https://fortress.wa.gov/ecy/publications/publications/92010.pdf>
- Hoven, H., B. Brown, C. Chatfield, B. Nicholson, and S. Martin. 2006. Functional Assessments of Wetlands and Wildlife in the Salt Lake County Shorelands SAMP Area; SWCA, Salt Lake City, 160 pages.
- IDA's LED Guide. The Promise and Challenge of Led Lighting: A Practical Guide. International Dark-Sky Association; Available online: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/led-guide/>
- Loss S.R., T. Will, S.S. Loss, and P.P. Marra, 2014. Bird–building collisions in the United States: Estimates of annual mortality and species vulnerability. *The Condor* 116: 8–23, DOI: 10.1650/CONDOR-13-090.1 Available online: http://www.audubon.org/sites/default/files/documents/loss_et_al_bird-building_collisons_condor_2014.pdf
- Manville, A.M., II. 2009. Towers, turbines, power lines, and buildings – steps being taken by the U.S. Fish and Wildlife Service to avoid or minimize take of migratory birds at these structures. In C.J. Ralph and T.D. Rich (editors). *Proceedings 4th International Partners in Flight Conference*, February 2008, McAllen, TX. Available online: [Google Scholar](#)
- Sheppard, C. 2011. Bird-Friendly Building Design. American Bird Conservancy, The Plains, VA, 60 pages. Available online: https://abcbirds.org/wp-content/uploads/2015/04/Bird-friendly_Building_Guide_WEB.pdf
- Sorensen, E., H. Hoven, T. Homayoun, J. Eckles, S. Senner, and B. Trusty. 2016. Utah State Correctional Facility Site Assessment Report; National Audubon Society, 58 pages. Available online: <https://newutahstateprison.utah.gov/wp-content/uploads/2017/05/Utah-State-Correctional-Facility-Site-Assessment-Report.11.16.16.pdf>

From: [Chris Souther](#)
To: [Dorothy Owen](#); [Echeverria, Daniel](#)
Subject: Redline of Ivory proposal
Date: Thursday, October 10, 2019 4:49:46 PM
Attachments: [20191010163110419.pdf](#)
[2200W byass example.PNG](#)

Here are my comments on the proposal Ivory provided. If you have any questions about the redlines just let me know and I can provide a better description of what I am describing. The reason for the variable building height is that with the noise generated from the airport, 2200W, and I-215 I don't want to have a 65' reflection wall directing sound at my bedroom. Unless UDOT is willing to put up sound walls along I-215 and a 2200W bypass/frontage road exists to mitigate the new truck traffic noise going in and out of the Ivory property. See attachments for an example of SLC making such a road. Also, both documents they provided don't address the all the same things. Which copy is going to be considered? The one with the spreadsheet doesn't have any verbiage about bird safe glass coatings and dark sky lighting.

Thanks,
Chris Souther


SUMMARY FOR NEW BUSINESS PARK-I OVERLAY DISTRICT

1. PROPOSAL. Ivory Development desires for the City to create a Business Park-I Overlay District and to apply the new district to an approximately 440 acre parcel of land located at 2691 North 2200 West (the "Subject Property"). The Subject Property is currently located in the BP Business Park District ("BP district" or "BP") and this zoning designation has existed since 1995¹. Ivory is pursuing a new overlay zoning district to facilitate an integrated project to be known, at least initially, as "Research Park West." The plan is to operate this site together with the University of Utah's existing Research Park. By creating a new overlay district, the City and Ivory will together be able to add the uses and other refinements needed to facilitate an integration of uses needed by businesses and industries already located in or resulting from activities within the existing Research Park. In short, there are businesses and institutions in Research Park that have space and building needs that cannot be filled within the existing Research Park. This area will be branded, integrated and used so that these uses will stay within the city, rather than going to business parks or industrial areas outside of Salt Lake City.

2. ADDITIONAL USES.

The overlay district will include the uses already allowed in the BP district. The proposed additions and modifications to the list, along with a brief explanation, are listed on Schedule 1, attached.

3. REMOVAL OF CERTAIN USES.

The following uses, although allowed in the BP district, shall not be allowed for areas within the Business Park-I Overlay District:

- (a) Animal, Kennel on lots of 5 acres or larger
- (b) Daycare, nonregistered home daycare

4. DIMENSIONAL AND SUPPLEMENTARY REGULATIONS.

- (a) The new zoning district would require 15 percent open space but calculated on an overlay district basis, not lot basis. In other words, the open space calculation is made in the aggregate for the entire project, not on a lot by lot basis. *residential or AG*
- (b) Uses in an overlay zoning district adjoining residential uses shall be located 60 feet from the public right of way ("Buffer Area"). Buffer Area shall be bermed and landscaped along the length of the residential interface. *Mature trees every 10' Green, not zero scaped*
- (c) Height: Maximum height in the overlay district will be 65 foot height as opposed to 60 foot height. *Starting 500' from residential or AG properties. Otherwise 40' max.*

5. PROCESS. The text and map amendments will run concurrently so that platting and site plan approvals may follow any approval of the overlay district.

- (d) *No visible signage or lighting from 2200 W*
- (e) *No east facing windows along 2200 W*

noise mitigation

¹ The Northpoint Small Area Plan confirms that the Subject Property has been commercial since 1974 and has been contemplated as appropriate for a business park since being rezoned in 1995.

Schedule 1

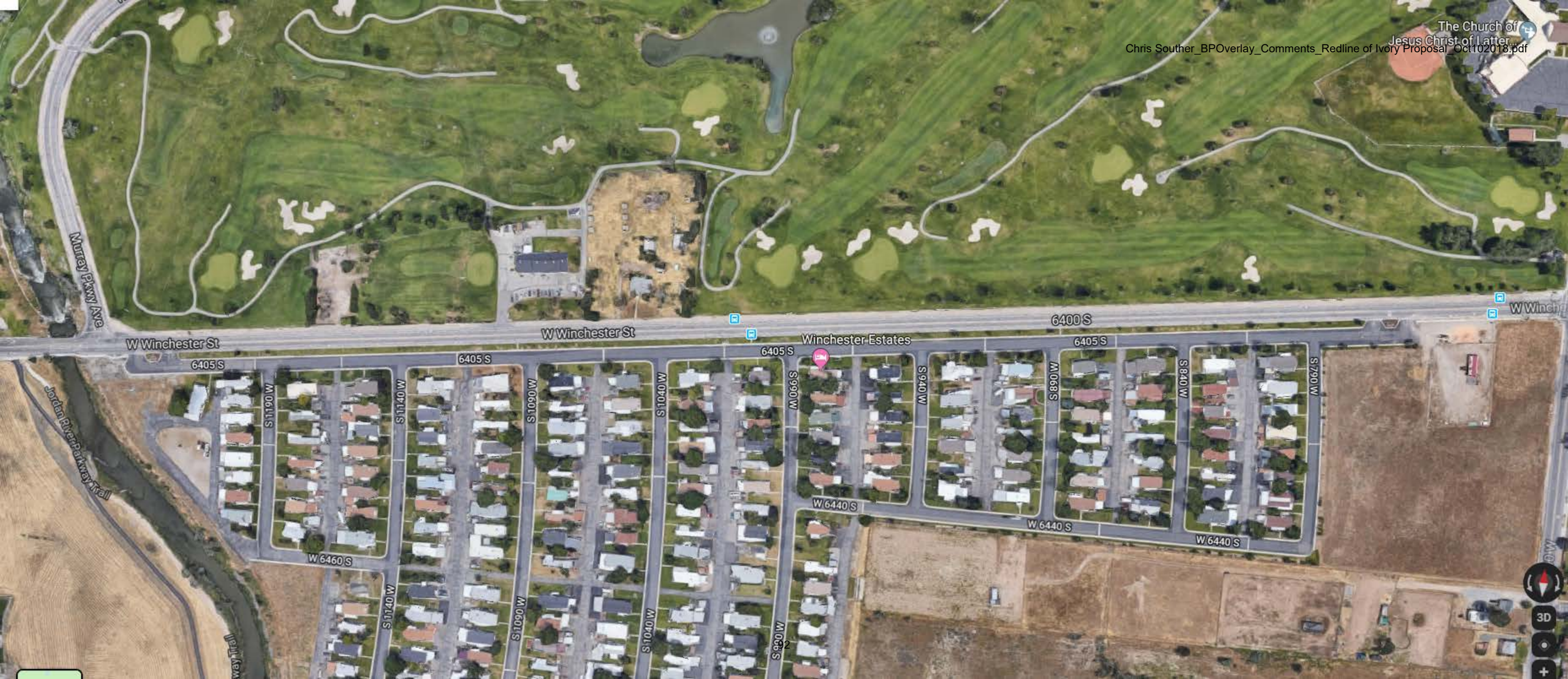
[Summary of Allowed Uses for Subject Property Upon Creation
Of BP Overlay Zone, with Explanatory Notes]

	BP District	BP Overlay	Explanatory Notes
(a)	Accessory use, except those that are otherwise specifically regulated elsewhere in this title, permitted		
(b)	Agricultural use, conditional		
(c)	Air cargo terminals and package delivery facility, permitted		
(d)	Alcohol, Brewpub (2,500 square feet or less in floor area), permitted		
(e)	Alcohol, Brewpub (2,500 square feet or less in floor area), permitted		
(f)	Ambulance service (indoor), permitted		
(g)	Ambulance service (outdoor), permitted		
(h)	Animal, Kennel on lots of 5 acres or larger, conditional	<i>Not allowed</i>	We would propose removing kennels from being allowed in the BP Overlay
(i)	Animal, Veterinary office, permitted		
(j)	Antenna, communication tower, permitted		
(k)	Antenna, communication tower exceeding the maximum building height in the zone, conditional		
(l)	Artisan food production, permitted		
(m)		Bus line yard and repair facility, permitted	We may have a shuttle or other system between the two research parks.
(n)	Clinic (medical, dental), permitted		
(o)	Commercial food preparation, permitted		
(p)	Community garden, permitted		
(q)		Contractor's yard/office, permitted	Proposal would be to have the contractor yard used for projects at Research Park/U of U and on the Subject Property.
(r)	Daycare center, adult, permitted		
(s)	Daycare center, child, permitted		
(t)	Daycare, nonregistered home	<i>Not allowed</i>	We do not anticipate

	daycare, permitted		in home uses and are proposing that this be removed from the overlay district.
(u)	Daycare, registered home daycare or preschool, permitted		
(v)	Dental laboratory/research facility, permitted		
(w)	Dwelling, Living quarters for caretaker or security guard, permitted		
(x)	Farm stand, seasonal, permitted		
(y)	Financial institution, permitted		
(z)	Financial institution with drive-through facility, permitted <i>Conditional</i>		(NO payday loan centers)
(aa)	Gas station, permitted		
(bb)	Government facility, conditional <i>Conditional</i>	Government facility, permitted	We may have some government uses in the park.
(cc)	<i>Conditional</i>	Government facility requiring special design features for security	Same as above.
(dd)	Government office, permitted		
(ee)		Greenhouse, permitted	An additional use that may assist with a research tenant
(ff)	Heliport, conditional		
(gg)	Home occupation, permitted		
(hh)	Hotel/motel, conditional		
(ii)	Industrial assembly, permitted		
(jj)	Jewelry fabrication, permitted		
(kk)		Laboratory (medical, dental, optical), permitted	This use supports the research park concept.
(ll)		Laboratory (testing), permitted	Same as above.
(mm)	Large wind energy system, conditional		
(nn)		Laundry, commercial, <i>conditional</i>	Again, may assist with attracting research tenants.
(oo)	Light manufacturing, conditional	Light manufacturing, permitted <i>conditional</i>	This change will facilitate the development and leasing of the project.
(pp)	Meeting hall of membership organization, permitted		
(qq)		Mobile food business	A new concept for

		(operation in the public right of way), permitted	purposes of attracting tenants and allowing their employees to stay within the project during the work day.
(rr)	Mobile food business (operation on private property), permitted		
(ss)		Mobile food court, conditional	Same as above.
(tt)	Municipal service uses, including City utility uses and police and fire stations, conditional		
(uu)	Office, permitted		
(vv)	Open space, permitted		
(ww)		Package delivery facility, permitted <i>conditional</i>	This use is intended to be supportive of the other uses in the research park.
(xx)	Park, permitted		
(yy)	Parking, Commercial, conditional	Parking, Commercial, permitted	We are proposing making this a permitted use.
(zz)		Parking, Park and ride lot, permitted	We believe a park and ride may be needed to integrate the two parks.
(aaa)	Parking, Park and ride lot shared with existing use, permitted		
(bbb)	Performing arts production facility, permitted		
(ccc)		Photo finishing lab, permitted	May assist with research and other tenants
(ddd)	Place of worship, permitted		
(eee)		Printing plant, permitted	Another supporting use for research uses
(fff)		Professional and vocational school (with or without outdoor activities), conditional	To support educational uses that may tie with the research park concept.
(ggg)		Seminary and religious institute, conditional	Same as above.
(hhh)	Radio, television station, permitted		
(iii)	Recreation (indoor), conditional		
(jjj)		Recreation (outdoor), conditional	May assist with attracting a broader array of research

			tenants
(kkk)	Research and development facility, permitted		
(lll)	Restaurant, permitted		
(mmm)	Restaurant with drive-through facility, permitted		
(nnn)	Retail goods establishment, permitted		
(ooo)	Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees, permitted		
(ppp)	School, Professional and vocational, permitted		
(qqq)	Small brewery, conditional		
(rrr)	Solar array, permitted		
(sss)	Storage, accessory (outdoor), permitted		
(ttt)		Store, convenience, permitted	Again, part of creating an "onsite" research park, some food offerings will be needed.
(uuu)		Studio, motion picture, permitted.	This type of use can complement a tenant looking to integrate its businesses.
(vvv)	Theater, live performance, conditional		
(www)	Urban farm, permitted		
(xxx)	Utility, building or structure, permitted		
(yyy)		Vehicle (auto and truck) repair, permitted	As part of integrating the campuses, vehicle repair may be needed and useful.
(zzz)		Vehicle, truck repair (large), permitted	Same as above.
(aaaa)	Utility, transmission wire, line, pipe or pole, permitted		
(bbbb)	Vehicle, automobile rental agency, permitted		
(cccc)	Vending cart, private property, permitted		
(dddd)	Warehouse, permitted		
(eeee)	Wholesale distribution, permitted		



Murray Pkwy Ave

W Winchester St

W Winchester St

Winchester Estates

6400 S

W Winch

6405 S

6405 S

6405 S

6405 S

S190 W

S1140 W

S1090 W

S1040 W

S990 W

S940 W

M068 S

S840 W

S790 W

W 6460 S

W 6440 S

W 6440 S

W 6440 S

Jordan River Parkway Trail

way trail



From: [Scott Rosenlof](#)
To: [Echeverria, Daniel](#)
Subject: BP Overlay Rezone Comments
Date: Thursday, September 5, 2019 12:58:25 PM

Mr. Echeverria,

I am writing to you with my comments following the recent open house providing information regarding the BP Overlay Rezone addressing the zoning amendment request by Ivory Development;

I am a member of the North Point Duck which is directly West of the area being proposed for revisions and I am concerned about the impact this and future developments will have on waterfowl and the wetlands adjacent to this area.

In reference to the "Northpoint Small Area Plan" it does not specifically outline wetlands and waterfowl issues or protections and I am concerned these important issues may be overlooked as the planning moves forward. The need to protect our Great Salt Lake Wetlands is not only important to the migrating waterfowl and other shore birds but also to our citizens and business clean water use.

I don't want to go into a long narrative regarding our valuable resources but I would hope you can see this issue as a major point that needs to be addressed and issues affecting them mitigated as this planning is moving forward

Thank you for your consideration,

Scott A. Rosenlof
6280 Smokey Circle
Taylorsville, Utah 84129
Cell [REDACTED]
[REDACTED]

OUTLINE OF WESTPOINT COMMENTS TO PLANNING COMMISSION REGARDING BP OVERLAY

Put on letterhead. Describe 3 person working committee composed of board members who had previously met with residents along 2200 West and also included a member who works at U of U research park. Explain that time constraints prevented the working committee and the full board from reviewing the “final” wording and therefore is a draft that will be reviewed on Monday so any changes, clarifications can be submitted to the Planning Commission

Purpose Statement: facilitate intra-city integration of research as well as related light manufacturing and other identified uses. Intent to clarify vision and avoid other uses over-powering or distorting the central vision.

Location: our remarks related to the application of the overlay at 2691 N 2200 W. If the city wants to utilize the overlay in other areas and make adjustments to do so then needs to specify the difference in a n area rather than water down the focused intent of the 2200 West overlay

Applicability: At times the BP base and proposed overlay language are not fully congruent. Understand that there ae implications of changes to more fully integrate the two. However need to have overlay contain language that clearly states the impact of the airport overlay restrictions or other concerns which may be known to professional staff but are not clearly delineated in the zoning.

Emphasize the fact that a single zone overlay isn't appropriate for such a large area and that there will be competing land uses that conflict with each other even within the same overlay.

Uses: Primary concerns related to current reality that this is a large piece of property and that the proposed permitted zoning is a “one size fits all” approach that does not distinguish between areas within the 432 acres. Frequently, recommendations and remarks represent a more nuanced approach rather than a fundamental disagreement. This more nuanced approach distinguishes allowable uses depending on the location within the entire land parcel as well as adjacent uses within the property.

See Summary Table IR for specific comments and recommendations.

Major guidelines used in making recommendations regarding land use zoning:

- Uses should enhance and strengthen the overall vision and potential.
- Be deliberate in formulating overlay changes. (Is it needed and why?) Avoid vague generalities which have the potential to divert and distort the purpose.
- Other zoning restrictions should be reflected where possible in the overlay to make it user friendly. Refer to airport overlay and other restrictions used by City.
- Avoid uses which generate additional unnecessary traffic, noise, and pollution. Recognize that area is sensitive and already experiences traffic and pollution concerns prior to any new development.
- Facilitate and encourage broad economic development for the entire community. Development should enable existing community businesses to grow and expand. Don't facilitate new supporting uses at the expense of existing local businesses. Such diversions not only hurt long-time businesses but transfer traffic and pollution away from already developed areas..

Maximum Building Height: along perimeter recommend 40' height within 600 feet of perimeter or something like that. Modify to include multiple heights depending upon location.

Nuisance Impacts: Consider changing the title as "nuisance" term does not reflect the serious mitigation impact of the conditions addressed. Lighting provision should apply to more than just the Western area but along 2200 South and to the Duck club area.

Streets/Public Improvements: All road improvements shall be done on the west side of the roadway (2200 W) and shall not affect the current residents. The 2200 West development comments need more detail as to who is going to absorb the new expansion.

Schedule 1R

**Westpointe Community Recommendations/Comments regarding
Allowed Uses for Subject Property Upon Creation Of BP Overlay Zone**

	Existing Business Park (BP) District (a contained in applicant narrative)	Proposed Changes In BP Overlay (as contained in applicant narrative)	Westpointe Community Council Comments & Overlay Recommendations
(a)	Accessory use, except those that are otherwise specifically regulated elsewhere in this title, permitted		
(b)	Agricultural use, conditional		
(c)	Air cargo terminals and package delivery facility, permitted		
(d)	Alcohol, Brewpub (2,500 square feet or less in floor area), permitted		
(e)	Alcohol, Brewpub (2,500 square feet or less in floor area), permitted		Duplication of (d).
(f)	Ambulance service (indoor), permitted		
(g)	Ambulance service (outdoor), permitted		
(h)	Animal, Kennel on lots of 5 acres or larger, conditional	<u>Not allowed</u>	No stated rationale. An animal kennel is being built in the surrounding area.
(i)	Animal, Veterinary office, permitted		
(j)	Antenna, communication tower, permitted		Environmental concerns. <u>Amend to not allow such uses in the perimeter buffer.</u>
(k)	Antenna, communication tower exceeding the maximum building height in the zone, conditional		Environmental concerns of allowing this exception. . Consider whether this is appropriate given sensitive nature of area.
(l)	Artisan food production, permitted		
(m)		Bus line yard and repair facility, permitted	<u>Remove as an allowable use.</u> Not required for a shuttle system while allowing uses that further increase heavy vehicle traffic and pollution.
(n)	Clinic (medical, dental), permitted		
(o)	Commercial food preparation, permitted		<u>Make conditional use</u> depending on location. May have environmental issues.
(p)	Community garden, permitted		

(q)		Contractor's yard/office, permitted	Concur with change
(r)	Daycare center, adult, permitted		
(s)	Daycare center, child, permitted		
(t)	Daycare, nonregistered home daycare, permitted	<u>Not allowed</u>	Concur with change.
(u)	Daycare, registered home daycare or preschool, permitted		<u>Not allowable use</u> since no homes are allowed in area. Should be consistent with (t)
(v)	Dental laboratory/research facility, permitted		
(w)	Dwelling, Living quarters for caretaker or security guard, permitted		
(x)	Farm stand, seasonal, permitted		
(y)	Financial institution, permitted		<u>Remove as an allowable use.</u> Generates unnecessary traffic/pollution while undermining development of local community businesses.
(z)	Financial institution with drive-through facility, permitted		<u>Remove as an allowable use.</u> Rationale same as above
(aa)	Gas station, permitted		<u>Make a conditional use</u> given environmental concerns and high water table.
(bb)	Government facility, conditional	Government facility, permitted	<u>Maintain as a conditional use.</u>
(cc)		Government facility requiring special design features for security	<u>Remove as an allowable use.</u> Could be used to site immigration detention or similar type of facilities.
(dd)	Government office, permitted		
(ee)		Greenhouse, permitted	Concur. Consistent with area
(ff)	Heliport, conditional		Concern that conflicts with airport flight path protection overlay
(gg)	Home occupation, permitted		<u>Not allowable use</u> since no homes are allowed in area.
(hh)	Hotel/motel, conditional		
(ii)	Industrial assembly, permitted		<u>Make a conditional use</u> as to location. Also consistent with light manufacturing environmental concerns.
(jj)	Jewelry fabrication, permitted		
(kk)		Laboratory (medical, dental, optical), permitted	Concur. An expansion of limited BP dental lab use. Fits research park concept.

(ll)		Laboratory (testing), permitted	Concur. Fits research park concept.
(mm)	Large wind energy system, conditional		Concerns with this use in a migratory bird pathway.
(nn)		Laundry, commercial	<u>Make a conditional use for specific research tenants needs.</u> Not an allowable use when undermines community business development...
(oo)	Light manufacturing, conditional	Light manufacturing, permitted	<u>Maintain as a conditional use.</u>
(pp)	Meeting hall of membership organization, permitted		<u>Remove as an allowable use.</u> Does not fit area. May not be allowed within airport flight path overlay. Potential to generate unnecessary traffic.
(qq)		Mobile food business (operation in the public right of way), permitted	Concur. Alleviates traffic and pollution.
(rr)	Mobile food business (operation on private property), permitted		
(ss)		Mobile food court, conditional	Concur. Same as above.
(tt)	Municipal service uses, including City utility uses and police and fire stations, conditional		Is this prohibited “institutional” use in airport flight path protection overlay?
(uu)	Office, permitted		
(vv)	Open space, permitted		
(ww)		Package delivery facility, permitted	<u>Remove as an allowable use.</u> Generates local traffic and pollution. Not suitable to this area. Similar facility exist or will exist in nearby areas.
(xx)	Park, permitted		
(yy)	Parking, Commercial, conditional	Parking, Commercial, permitted	<u>Remove as an allowable use.</u> Generates local traffic and pollution. Not suitable to this area. Large commercial parking structures recently constructed in nearby area.
(zz)		Parking, Park and ride lot, permitted	<u>Make conditional use.</u> Need? Why have when BP allows?
(aaa)	Parking, Park and ride lot shared with existing use, permitted		

(bbb)	Performing arts production facility, permitted		
(ccc)		Photo finishing lab, permitted	Concur but address possible environmental concerns
(ddd)	Place of worship, permitted		<u>Remove as an allowable use.</u> Does not fit area. Prohibited “institutional” use in airport flight path protection overlay Generates unnecessary traffic.
(eee)		Printing plant, permitted	<u>Allow as a conditional use</u> and address water & environmental concerns.
(fff)		Professional and vocational school (with or without outdoor activities), conditional	Concur. Supports educational mission of research park. Consistent with existing BP but does it conflict with airport flight path overlay?
(ggg)		Seminary and religious institute, conditional	<u>Remove as an allowable use.</u> . Airport flight path overlay conflict. Unnecessary traffic.
(hhh)	Radio, television station, permitted		
(iii)	Recreation (indoor), conditional		
(jjj)		Recreation (outdoor), conditional	Use is consistent with area. Why conditional when BP makes “parks” permitted? .
(kkk)	Research and development facility, permitted		
(lll)	Restaurant, permitted		Make a conditional use that does not generate traffic/ pollution and enhances community. .
(mmm)	Restaurant with drive-through facility, permitted		<u>Remove as an allowable use.</u> Potential to generate unnecessary traffic & pollution. Undermines existing community businesses.
(nnn)	Retail goods establishment, permitted		Does not fit area. Could allow large Walmart. Generates traffic and pollution. Other more specific BP category covers the area need. <u>Remove or make conditional.</u>
(ooo)	Retail, sales and service accessory use when located within a principal building and operated primarily for		

	the convenience of employees, permitted		
(ppp)	School, Professional and vocational, permitted		
(qqq)	Small brewery, conditional		
(rrr)	Solar array, permitted		Concern with this use in migratory bird pathway.
(sss)	Storage, accessory (outdoor), permitted		
(ttt)		Store, convenience, permitted	Concur if conditional use as part of an “onsite” research park.
(uuu)		Studio, motion picture, permitted.	Concur with conditional use that does not generate substantial traffic and pollution.
(vvv)	Theater, live performance, conditional		
(www)	Urban farm, permitted		
(xxx)	Utility, building or structure, permitted		
(yyy)		Vehicle (auto and truck) repair, permitted	<u>Make a conditional use</u> Should not bring in traffic from local community.
(zzz)		Vehicle, truck repair (large), permitted	<u>Remove as an allowable use.</u> Potential to generate unnecessary traffic & pollution. Other available areas more suitable for this use.
(aaaa)	Utility, transmission wire, line, pipe or pole, permitted		
(bbbb)	Vehicle, automobile rental agency, permitted		Need? Lots of others in area. Generates traffic/pollution.
(cccc)	Vending cart, private property, permitted		
(dddd)	Warehouse, permitted		<u>Make a conditional use</u> so that such warehouses do not duplicate what already exists or is planned for Inland Port. Traffic/pollution concerns.
(eeee)	Wholesale distribution, permitted		<u>Make a conditional use</u> so not to duplicate what exists or is planned for Inland Port. Traffic/pollution concerns..



PLANNING DIVISION



Comment Form

Project // BP to M-1 Rezone
Address // 2691 N 2200 West

Name: Kevin D. Allen

Address: 2806 N 2200 W
S.L.C. UT 84116

E-mail: [REDACTED]

(if you would like to be notified of the Planning Commission public hearing)

Comments:

100% IN FAVOR OF M-1 ZONING
would like to see the AG-2 property
RE-zoned M-1

You may submit this sheet before the end of the Open House, or you can provide your comments via the options below.

E-mail: daniel.echeverria@slcgov.com

Mail: Daniel Echeverria
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, UT 84114-5480.

12/6/18

To: SLC Planning Department & City Council,

My Wife and I are residents along 2200 West, North of the airport,

2200 West has been used and traveled by farm equipment (being driven and being hauled), semi loads of cattle, and the big trucks which belong to these businesses for generations, as they belong to the last Centennial Farms in this area. These business and farms have been using this road and lived out here longer than the majority of the other residents on this street. They have a right to be heard and should not be allowed to be pushed out when they have been here the longest.

We are impartial on whether to have BP or M-1 zoning for the proposed area. However, we have a number of concerns and recommendations regarding the impact of any development in the area.

- We would like to have a landscaped berm along the west side of 2200 West, built by the developers, as a buffer between the residents, the road and the development.
- We would like the speed limit enforced.
- 2200 West should be widened and fixed so that the business that are already exist can access their property and to make it safe for all of those driving down the road. It is barely wide enough now for two vehicles.
- We would like to see 2200 West widened westward away from the homes.
- The farmers bridge should be widened so two cars can cross, Bridge improvement should be substantial enough so existing businesses equipment and trucks can cross as well.
- A bike lane should be added if it is kept a bike route. Numerous bike events use 2200 West.
- We feel that both 3300 North and 3200 West should also be improved and widened to add alternate routes and entrances which will alleviate traffic on 2200 West.
- Also, there should be a traffic light at 2100 North as it is a very dangerous intersection already and an increase of traffic will make it worse.

These are some of our thoughts that we feel are reasonable requests, thank you for your time.

Sincerely,
LaVal Drechsel

██████████
3008 North 2200 West
SLC, Ut 84116



FRIENDS of Great Salt Lake

150 South 600 East, Ste. 5D

Salt Lake City, UT 84102

www.fogsl.org

December 7, 2018

To: Salt Lake City Planning Division Attn: Daniel Echeverria (daniel.echeverria@slcgov.com)

Re: Comments from FRIENDS of Great Salt Lake, the Utah Waterfowl Association, and the South Shore Wetlands and Wildlife Management, Inc., to Salt Lake City regarding 2691 North 2200 West Rezone Request

FRIENDS of Great Salt Lake, the Utah Waterfowl Association, and the South Shore Wildlife and Wetlands Management, Inc. submit the following comments to Salt Lake City as it considers a rezoning request for 439 acres of land at 2691 North 2200 West (Ivory Property). The Ivory Property is adjacent to hundreds of acres of critical, productive and sensitive wildlife habitat on the south shore of the Great Salt Lake. This rezone will affect the ecological viability of that area. Conditions should be required of any development in this area to safeguard and maintain the biological integrity of this irreplaceable natural wonder.

FRIENDS of Great Salt Lake (FRIENDS) was founded in 1994. It is a non-profit membership organization whose mission is to preserve and protect the Great Salt Lake ecosystem and its watershed while increasing public awareness and appreciation of the Lake through education, research, advocacy, and the arts. The Great Salt Lake (GSL) is a Public Trust resource that is hemispherically important, ecologically critical and economically significant in that it contributes \$1.3B annually to the State of Utah. In 1992, the Lake was designated a Western Hemispheric Shorebird Reserve Network site because of its extraordinary migratory bird use. As such, FRIENDS works locally, regionally and hemispherically with a variety of stakeholders that include international, federal, state and municipal governments, industries, businesses, scientists, academics, waterfowlers, recreationalists, other nonprofit organizations and interested stakeholders to preserve and protect these unique values. FRIENDS has a vested interest in any action that would impact the health or sustainability of Great Salt Lake, including adjacent land use and wetlands development-related issues and actions. In 2008, FRIENDS was appointed by Governor Jon Huntsman, Jr. to serve on the Great Salt Lake Advisory Council. The purpose of the Council was to review and evaluate the existing management of Great Salt Lake

and recommend improvements to the management and structure as needed. In 2013, on behalf of Envision Utah and the Governor's Office, FRIENDS was asked to serve on the State Water Strategy Advisory Team that drafted the *July 2017 Recommended State Water Strategy* as a tool to help inform the development of Governor Herbert's 50-year Utah Water Plan.

The mission of the Utah Waterfowl Association (UWA) is to preserve and protect Utah's waterfowl and rich waterfowling heritage. The UWA represents the interests of the state's waterfowling community by advocating for policies and legislation that preserves its unique wetland habitats, foremost among them being the Great Salt Lake and its surrounding complex of playas, marshes and mudflats. These habitats annually support 7.5 million migratory birds. The UWA is also committed to the preservation of the state's longstanding waterfowling tradition. This tradition annually contributes over \$90,000,000 to Utah's economy from the Great Salt Lake alone. Among others, its membership includes those who belong to duck clubs, and conservation properties that have saved thousands of acres of habitat and associated water on the south shore of the Great Salt Lake.

South Shore Wetlands and Wildlife Management, Inc. is comprised of landowners in the area north and west of the Salt Lake International Airport who manage their land for wildlife related values and activities and have been doing so, in many instances, for well over 100 years. These lands include private ducks clubs such as the Rudy Reclamation and Sportsmen Club. These property owners have made significant financial and management investments in preserving the land, water and habitat values in the face of constant pressure from water diversions and development.

Ecological Role of the South Shore of the Great Salt Lake

On November 7, 2018, the U.S. Fish and Wildlife Service wrote to the Utah Department of Transportation regarding a new highway in order "*to emphasize the significance of the Great Salt Lake ecosystem as an irreplaceable and unmitigable resource due to its location in an arid region, large size, diversity of habitats for migratory birds, and the sheer number of birds, estimated at 7.5 million per year (UDNR 2013).*" The land adjacent to the Ivory Property forms part of this irreplaceable and unmitigable resource. The USFWS went on to note the sensitivity of these areas by addressing indirect impacts:

We have consistently commented that our greatest concern with the West Davis Corridor is the indirect effect to the wetland and wildlife habitats on the shore lands of the Great Salt Lake. We believe the applicant has underestimated the level and extent of indirect effects to migratory birds by limiting the study area to a 300-foot buffer of the ROW. A variety of factors influence the likelihood for wildlife to use habitat adjacent to roadways. These factors include weed introduction, barriers to movement, visual disturbance, and edge effects. Specific to migratory birds, impacts include lowered occupancy, reduced breeding density, and increased mortality in habitats adjacent to roadways; we previously provided you with a literature review of these impacts in a whitepaper (USFWS 2013). Based on this available science, we expect impacts to extend

over a kilometer (3,900 feet) from roadways for some species, with greater impacts occurring in closer proximity to roads.

The productivity of the Great Salt Lake relies on the ring of playas¹, marshes and sloughs that surround its southern, eastern and northern shoreline. For instance, the Lake annually hosts some 250 species of birds including 75% of the continental population of Tundra Swans, 40% of the continental population of Eared Grebes, 12% of the continental breeding population of American White Pelican (one of the four largest breeding colonies in North America), 27% of the continental breeding population of Cinnamon Teal (the single most important breeding site in North America for this small duck), 52% of the continental population of American Avocets and 50% of the continental population of Wilson's Phalaropes. The GSL hosts more bird life than any other saline lake in North America and possibly the entire Western Hemisphere. These shoreline habitats, such as those adjacent to the Ivory Property, play a disproportionately large role in sustaining these bird populations. Without them, the Lake would, ecologically speaking, be a thin shadow of its current self.

These habitats are under the greatest threat along the south shore of the Great Salt Lake. Most of them have already been lost under varying types of development or are deeply impaired by their proximity to development.

This amazing natural resource has only survived on the south shore because most of the land was preserved for wildlife by waterfowlers beginning around 1900. Duck hunting became very popular at that time leading to the creation of many duck clubs on the south shore. These clubs have nurtured and protected these landscapes for over 100 years despite development pressures, water diversions and drainage schemes. They remained committed to this objective despite the fact that for much of the past 100 years, wetland filling and destruction was seen as the enlightened thing to do. As a result, the southern shore of the GSL remains a rich and vital habitat though one that is seriously threatened.

The Rudy Reclamation and Sportsmen Club (Rudy Property) is a lynchpin habitat on the south shore of the Great Salt Lake. Its loss or degradation would be a catastrophic loss to a section of the Lake that has already lost much of its original habitat and ecological resilience. At some point, a critical mass of south shore habitat will no longer exist, reducing the remainder to little more than an ecologically hollow vestigial remnant. The Rudy Property, including its playa areas near 3200 West, currently both provides important primary habitat as well as forms a bulwark protecting significant stretches of the Great Salt Lake ecosystem. For over 100 years, the Rudy Property has shown firm dedication to the perpetuation of this resource and the way of life that surrounds it. The playas and alkali knolls immediately adjacent to the Ivory Property are vital nesting and migratory habitat to dozens of bird species. As noted by the USFWS, these species are sensitive to high levels of development, traffic and artificial light.

¹ A playa is a shallow natural basin that may only have water occasionally after rainstorms or snowmelt. Its seeming ephemeral nature belies its productivity for dozens of species of shorebirds, raptors and waterfowl. They are among the most sensitive, rich and endangered habitats around the lake. On the south shore in particular, they are nearly all lost to pavement and buildings.

Salt Lake City has Championed Protection of South Shore Natural Values in its Northwest Quadrant and Inland Port Planning Efforts – The Rezone Area is Equally Critical

At various times, Salt Lake City (City) has undertaken efforts to plan for the development of the Northwest Quadrant (NWQ). When Suburban Land Reserve acquired a large portion of the NWQ, the City once again acted to guide and manage the development of the area. A key component of the eventual plan was the creation of a Natural Area that arced across the northern margin of the NWQ. This was intended both to preserve the environmentally sensitive and low lying areas within the Natural Area as well as to provide an essential buffer to the adjacent migratory bird habitats/production areas. Other conditions were also incorporated to reduce the development's impact on surrounding wetland complexes and its bird life. These key features were carried over into planning and zoning for the Inland Port.

State Legislative Recognition of the Importance of the South Shore Natural Values

Utah has recognized the value of these privately managed areas by enacting legislation to protect them from the effects of development. They are classified as “migratory bird production areas.” Utah Code Ann. 23-28-101, *et seq.* These Migratory Bird Production Areas (MBPAs) include the Rudy Property, various duck clubs, the Audubon Gilmore Sanctuary and the Inland Sea Shorebird Reserve. As such, they are entitled to certain protections and their traditional activities cannot be prohibited. Moreover, the Act contemplates that if development occurs adjacent to an MBPA, the adjacent landowner cannot complain of or alter the management of the MBPA.

Specific Considerations Relating to the Rezoning Request

1. **Buffer, Open Space and Berm:**
 - a. There should be a buffer between development and 3200 West. Thousands of pairs of shorebirds, waterfowl and raptors nest on the Rudy Property, including by the playas adjacent to 3200 West. Noise, lighting, increased traffic and other activity might drive them from their nests. While a berm will be an important component of buffering, a spatial buffer is equally important to reduce proximity to lighting, noise, traffic and structures. The City should limit development to no closer than 1,000 feet to 3200 West.
 - b. As quoted above, the U.S. Fish and Wildlife Service has recently reminded the State of the serious nature of these indirect impacts in the context of the West Davis Corridor and that the impacts extend up to 3,900 feet.
 - c. **A naturally landscaped berm along the west side of the Ivory Property to mitigate the noise and visual disturbance should be required. This should be at least 30' high. A sound wall right on the margin of playas would be unnatural.**
2. **Surface Water Quantity and Quality:**
 - a. The Rudy Property playas and other areas receive water from a canal crossing the Ivory Property. There is also an irrigation ditch along the west side of 3200 West

that provides water to the Rudy Property. Development should not diminish or relocate current flows to the Rudy Property or other wetlands.

- b. Water used on the Ivory Property and storm water should not be diverted away from the wetlands. Water should be managed in a way (including treatment) that will require it to transit through the migratory bird production areas as it does now.
 - c. Surface water and ground water should be protected from pollution. Trash, fill, industrial chemicals, fuel and other waste should not be allowed to enter water moving to the wetlands. Storage of oil, gas and other liquids should not be permitted where a leak may occur into wetlands or waterways that lead to wetlands. An incident response plan should be required.
3. 3200 West Should Not Be Paved or Expanded: This road should not be expanded or paved where it is next to the Rudy Property. Extensive traffic with its associated movement, noise and light would be disruptive. As noted by the USFWS, these impacts to bird life extend up to 3,900 feet.
 4. No Impairment of MBPA Activities: The MBPA Act focuses on the preservation of these areas, in part, by protecting the management activities that occur on them. As a result, development that would be incompatible with habitat management, hunting and related activities should not be allowed.
 5. Location of High Impact Development Away From Wetlands and MBPAs: Very noisy uses, higher buildings, buildings with many windows, or uses that require extensive lighting should be distant from 3200 West. Closer to 3200 West, the uses should be more compatible with the sensitive areas to the west.
 6. Lighting: Best practices for bird friendly lighting should be required, particularly close to 3200 West. This should include lighting that is close to 3200 West being lower in height and pointing downward. Additionally, the illumination of buildings at night, and in the early morning and evening creates conditions that are particularly hazardous to nighttime migrating birds.
 7. Structure Height: Buildings, wires, antennae, and other structures should be limited to 50 feet.
 8. Utility and Transportation Corridors: Development that requires a utility corridor, power lines, road or access through or adjacent to MBPAs and similar areas should be modified, changed in location or not be permitted. Such corridors should avoid those areas as they create bird hazards and are directly incompatible with uses on an MBPA.
 9. Noise: Development that is particularly noisy should not be close to playas and 3200 West.
 10. Landscaping: Plant species that might become invasive in the wetland areas should be prohibited.
 11. Mosquito and Bug Abatement: Higher levels of insect abatement will suppress macro-invertebrate populations that are essential for many bird species.
 12. Bird –Friendly Building Design: Best practices should be required. Buildings adjacent to 3200 West should not have west facing or reflective windows. An excellent reference for

specific design details is *Bird-Friendly Building Guidelines* published by New York City Audubon, 2015. www.nycaudubon.org

13. Air Pollution: Industries that emit toxic fumes should not be allowed.

Respectfully,

A handwritten signature in black ink that reads "Lynn E. de Freitas". The signature is written in a cursive style with a large initial 'L' and 'F'.

Lynn E. de Freitas, Executive Director

FRIENDS of Great Salt Lake

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The mission of FRIENDS of Great Salt Lake is to preserve and protect the Great Salt Lake ecosystem and to increase public awareness and appreciation of the Lake through education, research, advocacy, and the arts.

December 18, 2018

Salt Lake City Planning Commission
P.O. Box 145476
Salt Lake City, UT 84114-5476

Sent vial e-mail
% Daniel Echeverria, Senior Planner
Planning Division
Salt Lake City Corporation
(daniel.echeverria@slcgov.com)

Re: **Rezone application for 439 acres at 2691 North 2200 West, Salt Lake City**

Dear Members of the Salt Lake City Planning Commission:

We are members of the conservation community, including National Audubon Society, owners and managers of nearly 3000 acres of wetlands of the south shore of Great Salt Lake, and Great Salt Lake Audubon, the local chapter of citizens concerned with birds of Great Salt Lake. We have worked closely with Salt Lake City Planning Division for the last 15 – 20 years or more regarding the Northwest Quadrant Master Plan, zoning amendments, and conditional use permitting process over establishing protections for the nearly 20,000 acres of managed wetlands from future land use development of the adjacent area. The rezone application for 439 acres at 2691 North 2200 West, Salt Lake City (The Parcel) lies directly east and adjacent to these 20,000 acres of wetlands and important uplands along 3200 W, just north of the Salt Lake City International Airport.

The Parcel is in close proximity to major wetland habitat of Great Salt Lake, and **regardless whether future development of The Parcel is permitted under the existing Business Park Zoning or M-1 as requested, it is critical that the potential direct and indirect impacts of The Parcel's future use on Great Salt Lake, its wetlands and birds be taken into consideration and mitigated.** Additionally, development of the Parcel may set a precedent for other developable land in the immediate vicinity, which could have long-lasting effects for Great Salt Lake habitats and wildlife as well. The Planning Commission has an important opportunity to ensure that development of The Parcel is undertaken in a way that mitigates those impacts resulting from a carefully thought-out planning process.

Without a carefully planned approach, development in the area could be potentially ecologically damaging. Consequently, this letter explains the negative development related impacts that could affect these highly productive and globally important wetlands and provides suggestions for reducing those impacts. If a rezone to M-1 provides for re-evaluation of permitted conditional uses with respect to negative impacts to the nearby wetlands and wildlife described below, we encourage it. We also request that impact mitigation planning is required as part of the permitted conditional use process.

Great Salt Lake wetlands provide hemispherically and globally important bird habitat as they are designated Important Bird Areas (IBA) and Global IBA by National Audubon Society and BirdLife International, respectively, and they are recognized by the Western Hemispheric Shorebird Reserve Network (WHSRN). Birds migrate to the lake and its wetlands by the millions to feed, rest, and for some, to breed before moving to northern destinations or returning southward.

Considerable focus on the effects of the proximity of development adjacent to globally important Great Salt Lake wetlands and wildlife went into the Northwest Quadrant Master Plan. We believe that protections laid out in the Northwest Quadrant should be looked upon as a model for protections from development of The Parcel to those same wetlands. The September 3, 2015 draft the Northwest Quadrant Master Plan reflected a healthy respect for the importance of Great Salt Lake as a globally important habitat for the millions of birds that use it. The plan's 4th goal (provided below) outlines protective strategies that we recommend:

“GOAL 04: Protect Global Flyways

Plan Salt Lake initiatives supported by this action: **Natural Environment**

- Preserve natural open space and sensitive areas to sustain biodiversity and ecosystem functions.

Policy NA-4.1. Require appropriate buffers for development that is adjacent to natural lands.

Policy NA-4.2. Encourage the protection of the natural areas as a critical location of the global flyway for migratory birds. A flyway is the route between breeding and wintering areas.

- Continue to work at local, regional, and international levels to protect ecosystems along flyways.
- Support a collaboration of mechanisms for flyway conservation, both regionally and globally.
- Discourage loss and degradation of high-functioning Great Salt Lake wetlands within the Northwest Quadrant.
- Incorporate bird-friendly building design guidelines for the areas where development is allowed.”

Establishing a buffer between highly productive wetland areas and adjacent land use

Disturbances inherent with uses associated with Business Parks and M-1 light industrial approved uses will have detrimental effects on birds and their habitat in the immediately adjacent and neighboring wetlands to The Parcel. The following excerpt from the Functional Assessments of Wetlands and Wildlife in the Salt Lake County Shorelands SAMP Area describes the sensitivity of different wetland-associated birds and their varying behavioral responses to varying degrees of disturbance (Hoven et al. 2006). The wildlife functional assessment in the SAMP provided a scientific basis for the Natural Area (non-developable) that is now part of the Northwest Quadrant / Inland Port zoning.

“Waterbirds [including shorebirds, wading birds and waterfowl] associated with wetlands are generally sensitive to human activity, disturbance, and physical infrastructure. The degree of sensitivity and its consequences varies by species (Klein 1993; Rodgers and Smith 1995) and even individuals (Runyan and Blumstein 2004), depending on disturbance type, frequency, and duration, particularly when combined with annual life cycle considerations. For example, waterbirds are generally more sensitive when nesting than when migrating ... (Rodgers and Schwikert 2002). Activities such as a human approaching on foot ..., human-induced noise, or a vehicle driving nearby can cause short-term disturbances to waterbirds that range from the seemingly benign

(e.g., taking flight, modifying behavior, disruption of foraging, etc.) to disruptive (e.g., abandoning nests, young, or entire nesting colonial sites). ... [T]he cumulative influence of repeated, seemingly benign disturbances has strong potential to become disruptive in the long term. ...

Generally, the thresholds at which such long-term or permanent disruption happens are poorly understood for most waterbirds. Nonetheless, we know that the development of human infrastructure facilities has the potential to render adjacent wetlands less productive and even unusable by some sensitive waterbirds after a certain threshold has been exceeded. Examples of these developments include roads, houses, urbanization, outbuildings, trails, recreation sites, commercial structures and storage, and air transportation facilities. Habitat fragmentation and loss resulting from infrastructure development have been documented to significantly increase mortality and decrease food intake and energy reserves in some species of non-nesting shorebirds (Durell et al. 2005).

Human activity buffers (i.e., activity protection zones) and human infrastructure setback distances have been used to prevent future disturbance in areas where waterbird habitat and human development were likely to intersect, and zones and setback distances have been established for many waterbirds based on scientifically derived disturbance criteria (cf. cf. Rodgers and Smith 1995; Rodgers and Schwikert 2002)."

While establishment of an adequate human infrastructure setback distance is unlikely due to The Parcel size and the pre-existing infrastructure (3200 W), there are other modifications to a human activity buffer and mitigation actions (listed in more detail below) that can help reduce negative impacts relevant to bird species. For example, a large earthen berm with a sound barrier installed on top (eg., a sound barrier wall) located between the outer, western region of The Parcel (zoned either as Business Park or M-1 light industrial) would diminish the impacts of various disturbances to the birds and their habitat. Requirement of this barrier would help protect wetland-associated birds from visual and noise disturbances. Additionally, requiring higher impact activities (see discussion on disturbances below) to be located further away from adjacent wetlands, can help reduce impacts. Furthermore, to the degree that it would be possible, it would be helpful to develop a natural areas boundary for this area, similar to which was developed in the Northwest Quadrant Plan.

Discussion on disturbances to birds and their habitat

Example disturbances associated with a Business Park or M-1 light industrial zoning to wetland-associated birds include (but not limited to): noise and motion associated with increased traffic, industrial machinery, trucks and other heavy equipment; noise and motion associated with rail freight and repair; noise and presence of humans; and lighting at night.

Other disturbances associated with a Business Park or M-1 light industrial zoning are related to fatal bird collisions with tall structures, buildings with reflective glass, or other reflective surfaces such as solar panel arrays. Additional disturbances to birds and their habitat are related to stormwater and air pollution, as well as attractants (e.g., food waste) for invasive animals that may prey on birds and eggs, and the introduction of invasive plants.

Background on bird-friendly buildings and planning:

Tall structures such as cranes, communication towers, power transmission lines, guy wires, commercial wind turbines, solar power towers, grain elevators, and buildings produce unfamiliar obstacles and pose life-threatening risk to birds. Up to 80% of birds migrate at night and most of these structures are not visible to birds. These tall structures should not be permitted in The Parcel area as they can be lethal to migrating birds. Even worse, lit structures act as a beacon, attracting birds, which subsequently collide with the structure (or other birds) or circle the light and fall from exhaustion because they are unable to break away (Manville 2009). Because Great Salt Lake and its wetlands attract millions of birds during spring and fall migration, the proximity of The Parcel to the lake and its wetlands should be taken into consideration for permitted and conditionally permitted uses that would negatively affect migrating birds. Most collisions with buildings occur in the daytime and are usually with reflective glass. Collisions that occur at night are usually associated with birds circling brightly lit structures and consequent collision with guy wires, other structures, and other birds (Sheppard 2011).

Lighting

Use of lighting systems that are energy and cost efficient, while ensuring safety and security and protects wildlife are possible. Artificial light at night is detrimental to the health of humans and wildlife, particularly blue light emission thus low impact lighting should be implemented. As listed in IDA's LED guide in choosing recommended lighting systems (<https://www.darksky.org/our-work/lighting/lighting-for-citizens/led-guide/>):

- “Always choose fully shielded fixtures that emit no light upward
- Use “warm-white” or filtered LEDs (CCT < 3,000 K; S/P ratio < 1.2) to minimize blue emission
- Look for products with adaptive controls like dimmers, timers, and motion sensors
- Consider dimming or turning off the lights during overnight hours
- Avoid the temptation to over-light because of the higher luminous efficiency of LEDs.
- Only light the exact space and in the amount required for particular tasks”

Bird-friendly buildings

Collision with glass and other reflective surfaces is known to kill hundreds of millions of birds annually, a figure that is believed to be conservative (Sheppard 2011). Mortality from colliding with glass is indiscriminant of health and age, and strikes individual birds of thriving populations as well as those from declining populations. Buildings with reflective glass are the most lethal threat to birds in the United States, yet almost all collisions are avoidable (Sheppard 2011). We recommend implementing bird-friendly design conditions – regardless of final zoning allocation. The following from Sheppard (2011) summarizes a bird-friendly building:

- “At least 90% of exposed façade material from ground level to 40 feet (the primary bird collision zone) has been demonstrated in controlled experiments to deter 70% or more of bird collisions
- At least 60% of exposed façade material above the collisions zone meets the above standard
- There are no transparent passageways or corners, or atria or courtyards that can trap birds

- Outside lighting is appropriately shielded and directed to minimize attraction to night-migrating [birds]
- Interior lighting is turned off at night or designed to minimize light escaping through windows
- Landscaping is designed to keep birds away from the building's façade
- Actual bird mortality is monitored and compensated for (e.g., in the form of habitat preserved or created elsewhere, mortality from other sources reduced, etc.)"

Water Quality

The Rudy Drain flows diagonally through The Parcel before entering into adjacent wetlands. Another irrigation ditch flows along the western edge of The Parcel – both providing important source water to wetlands in the vicinity. Runoff from parking lots and buildings carrying oil, antifreeze and other pollutants, fertilizers and herbicides from adjacent vegetation, wastewater from wash areas, etc. may collect in the Rudy Drain and irrigation ditch if not properly managed and monitored.

Pulses of stormwater flows during the nesting season can also have devastating effects on the birds. The following excerpt from the Utah State Correctional Facility Site Assessment Report (Sorensen et al. 2016) discusses the ecological issues of improperly managed stormwater near sensitive wetlands of Great Salt Lake and presents solutions:

“One of the primary concerns with respect to impacting adjacent sensitive ecological areas is degraded water quality related to stormwater runoff from the USCF site. Stormwater is water that collects from impervious surfaces (roads, rooftops, parking lots, etc.) during precipitation events. How stormwater runoff is managed will directly influence the quality of water being dispersed to adjacent ecologically sensitive areas. Further, water quality degradation is directly related to the amount of increase in impervious surfaces and proximity of those impervious surfaces to ecologically sensitive areas (Brabec et al. 2002). If not managed properly, runoff can be a significant source of heavy metals, hydrocarbons, and other pollutants that will be transported into the ecologically sensitive areas (Yang and Li 2010; Virginia Cooperative Extension 2015).

An additional concern related to stormwater is that the intermittent storm-related flows are amplified relative to natural hydrological cycles. The amplification is due to reduced permeable surfaces that ordinarily would attenuate flows naturally. The increased, irregular flows could directly affect birds in adjacent ecologically sensitive areas. Because hydrologic condition and vegetative cover of South Shore wetlands change between the time of arrival of birds through nesting and brood rearing periods, breeding birds need to select nesting sites in a predictive manner (Conway et al. 2005). Some birds select nesting sites that are slightly higher than typical spring runoff levels to protect eggs from being inundated by water and to be situated in close proximity to water for food and water sources for their young (e.g., nest site selection for Snowy Plovers was positively influenced by percent surface water availability among other factors, Saalfeld et al. 2011). Many species place nests on islands or piles of vegetation or other debris, effectively creating a miniature island, to protect from predation and provide good access to food and water. Artificially enhanced flooding from impervious surfaces during storm events can quickly raise water to high levels, potentially flooding nests, which drown developing embryos and put nestlings at risk.

... [Rather than install retention basins, which would likely propagate mosquitoes, there are alternatives] that reduce the volume of runoff and improve water quality. Potential options include, but are not limited to use of: green-roofing, consisting of a waterproofing membrane, soil and vegetation overlying a traditional roof; vegetated swales; and pervious surfaces for light-traffic roads, parking lots and walkways (provided underlying soils have an infiltration capacity of >0.5 in/hr.). Note that design engineers should analyze the additional load related to green roofing and its impact on other load bearing criteria (e.g., snow, seismic; and intentional rainwater retention; GSA 2011).”

Air Quality

Although M-1 activities may be considered typically non-emission uses, we are concerned that increase activity of diesel motors from trucking and heavy equipment traffic will increasingly contribute to poor air quality – both locally and regionally, which is bad for human and wildlife health.

Nuisance insects

Wetlands are notorious for hosting biting insects, which likely could become an issue when human activities are planned in their vicinity. Insects, particularly in the aquatic larval form, are a vital food source for many birds and are part of the natural ecosystem. We are concerned that placing human activity so close to the wetlands will be cause for complaints and concerns for biting insects that occur in their natural habitat. Permitted uses in Business Park or M-1 light industrial that will include activity or increased presence of humans outside or in parking areas should be located furthest away from wetlands adjacent to The Parcel.

Invasive species

Minimizing the potential of introducing invasive plant species is critical for protecting adjacent high quality wetland habitat. From Sorensen et al. (2016), we recommend consideration of the following actions:

- “Landscape ... using plants native to the Shadscale-Dominated Saline Basins ecoregion of Utah to align with the site’s context and increase the likelihood that the landscaping survives installation and thrives under local climatic and soil conditions. This will save money on maintenance and management.
- Design landscaping to protect adjacent habitat areas. In addition to aesthetics, plant selections and placement should consider functional value to the surrounding ecosystem, including erosion/dust control, filtration of stormwater runoff, and water conservation (use of drought-resistant plants).
- All plants on the landscaping list and plantings should be inspected for the presence of invasive plant material prior to instillation.”

Attraction of invasive fauna are also a concern that can be somewhat mitigated. Invasive species such as raccoon, skunk, and red fox are all predators of birds and / or bird eggs, which if drawn to The Parcel, will easily expand out into the adjacent wetlands and pose major threats to nesting birds. Use of animal-proof solid waste containers, removal of solid waste regularly, and keeping area around waste containment clean will discourage animal attraction.

Summary

Many of these disturbances can be mitigated to a degree, which would greatly decrease potentially harmful impacts to certain bird populations. The links provided in the references below give a thorough background of the issues associated with bird collisions, lighting, stormwater, invasive species, etc., and provide a variety of mitigation solutions that are relevant for Business Park and M-1 light industrial zoning adjacent to ecologically sensitive wetlands of Great Salt Lake.

We appreciate your consideration of our concerns and the opportunity for additional input and transparent discussions.

Sincerely,

Heidi M. Hoven, PhD
Gillmor Sanctuary Assistant Manager, National Audubon Society

Heather Dove
Great Salt Lake Audubon President

Wayne Martinson
Great Salt Lake Audubon Conservation Committee

References

Hoven, H., B. Brown, C. Chatfield, B. Nicholson, and S. Martin. 2006. Functional Assessments of Wetlands and Wildlife in the Salt Lake County Shorelands SAMP Area; SWCA, Salt Lake City, 160 pages.

IDA's LED Guide. The Promise and Challenge of Led Lighting: A Practical Guide. International Dark-Sky Association; Accessed on line 12.7.18: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/led-guide/>

Manville, A.M., II. 2009. Towers, turbines, power lines, and buildings – steps being taken by the U.S. Fish and Wildlife Service to avoid or minimize take of migratory birds at these structures. In C.J. Ralph and T.D. Rich (editors). Proceedings 4th International Partners in Flight Conference, February 2008, McAllen, TX. Accessed on line 12.06.2108: [Google Scholar](#).

Sheppard, C. 2011. Bird-Friendly Building Design. American Bird Conservancy, The Plains, VA, 60 pages. Accessed on line 12.06.2018: https://abcbirds.org/wp-content/uploads/2015/04/Bird-friendly_Building_Guide_WEB.pdf

Sorensen, E., H. Hoven, T. Homayoun, J. Eckles, S. Senner, and B. Truty. 2016. Utah State Correctional Facility Site Assessment Report; National Audubon Society, 58 pages. Available on line: <https://newutahstateprison.utah.gov/wp-content/uploads/2017/05/Utah-State-Correctional-Facility-Site-Assessment-Report.11.16.16.pdf>



Comments of North Point Duck Club to Ivory Development

Request for Rezone of 2691 North 2200 West

The North Point Duck club (“North Point”) has been in existence since the early 1900’s. The more than 1,800 acres of wetland marshes, playas and waterways have been continually managed for over a century for the benefit of its members and thousands of migratory birds that utilize these very important wetland complexes annually. North Point appreciates the opportunity to provide these comments to the requested rezone of 439 acres at 2691 North 2200 West, Salt Lake City (the “Parcel”) which is in relative close proximity to the North Point lands. In addition to the specific comments in this letter, we ask the city to carefully consider the long history of the adjacent duck clubs, the heritage they have fostered, and the tremendous value of these lands for wildlife and water quality, all at the expense of the members who have special connection with these lands, and minimize or eliminate potential conflicting land uses that will occur with this development.

General Comments

The Rudy Duck club that is directly adjacent to the proposed development has provided thoughtful comments that included the history of the area and its significance to the state of Utah and particularly the south shore of the Great Salt Lake; the value of these areas for wildlife, especially to migratory birds; the efforts already undertaken by Salt Lake City in a similar context with the planning and development of the Northwest Quadrant; and the state’s recognition of these areas, as codified through the legislation that created migratory bird production areas. Rather than reiterate those points in these comments, the North Point echoes those points and incorporates them herein along with additional issues for reconsideration.

Specific Considerations Relating to the Rezoning Request

1. **Set Back and Open Space:** Disturbance that arises from development has a significant indirect impact to wetlands and wildlife. The impacts of Legacy Highway for example is a clear example of the impact development has on adjacent lands such as Farmington Bay Wildlife Management Area. The impacts of this development will literally be

directly adjacent to wetlands and will have a impact adjacent marshes and the wildlife that depend on them. Given those impacts, we ask the city to carefully consider a meaningful buffer. We suggest that consideration be given to terminating 3200 West as a public thoroughfare at the Rudy Duck Club's southeastern boundary, using that location as the point of ingress and egress eastward in to the development. The same action should also be taken on 3300 North at or near the location where the transmission lines cross that road and have all points of ingress and egress to the developed property enter at that location. This would eliminate traffic from the development on both of those roads along the boundary of the Rudy Duck Club and considerably eliminate disturbance. If those two existing roads are improved and developed there will also be an issue with the entry gate used by the clubs and traffic issues that would have to be addressed.

2. Buffer: Noise, lighting, increased traffic and other activities should be quantified and minimized to the extent possible. The suggestion in paragraph 1 would go a long way to minimize that impact, but consideration of a berm and lighting should also be given.
3. No effect on traditional MBPA activities: Compatibility with existing uses is one of the policy mandates of the MBPA Act. Development that would be incompatible with (by restricting, limiting or precluding) wildfowl management, hunting and associated activities should modified, changed in location or not be permitted.
4. Utility corridors: There are significant high voltage power line corridors that cross through the property proposed for development. Development is not allowed under these power lines. This land could be used as part of a buffer and open space and could be used in connection with the suggestion in paragraph 1 above. While we do not know the feasibility of a land trade, we are aware there is a parcel within the land proposed to be developed that is owned by the University of Utah. We recognize that this land is covered by a large playa but the development would render the wildlife values irrelevant and lost if surrounded by development. We would support a trade of that land, if parties were willing, for an equivalent parcel directly to the west. This would create the appropriate buffer and could be enhanced for wildlife purposes. This parcel would then contain most of the power line corridor and the traded parcel to the east could potentially be more effectively developed thereby benefitting the developer. To the extent wetlands need to be mitigated, additional land could devoted for that purpose to the south of that parcel extending to the south to Rudy Duck Club property boundary which is likely encumbered already be existing wetlands.

Thank you for the opportunity to provide these comments. We are look forward to discussing these issues further and to collaborate with the city and the developers to ensure this area is developed in best manner possible taking into account all of the competing land uses.

Sincerely,

R. Jeff Richards

North Point Duck Club



PLANNING DIVISION



Comment Form

Project // BP to M-1 Rezone
Address // 2691 N 2200 West

Name: Denise Payne

Address: 2848 No 2200W
SLC UT 84116

E-mail: [REDACTED]

(if you would like to be notified of the Planning Commission public hearing)

Comments:

Why don't you change it to open space.
Don't we have enough pollution?
Not to mention Inland Port - just add on
out there.

At least use 3200 West as the access
not our residential street.

Let's have public input at a meeting
w/ Planning + City Council

You may submit this sheet before the end of the Open House, or you can provide your comments via the options below.

E-mail: daniel.echeverria@slcgov.com

Mail: Daniel Echeverria
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, UT 84114-5480.

P. O. Box 180
Salt Lake City, Utah 84110-0180

Scott Ross Wangsgard
Director/Officer

Telephone: (801) 578-3510
Facsimile: (801) 521-3301
e-mail: srw@srwlc.com

December 6, 2018

Via U.S. Mail and Email: Daniel.echeverria@slcgov.com

Daniel Echeverria
Senior Planner
PLANNING DIVISION
Salt Lake City Corporation
P.O. Box 145480
Salt Lake City, UT 84114-5480

Re: *Comments of Rudy Reclamation and Sportsman's Club to Ivory Development's Request for Rezone of 2691 North 2200 West*

Dear Mr. Echeverria:

Rudy Reclamation and Sportsman's Club, preserving over 1,800 acres of critical wildlife habitat since 1909, submits the following comments regarding the requested rezone of 439 acres at 2691 North 2200 West, Salt Lake City (the "Parcel"). The Parcel extends to the west and is literally right across the street (3200 West) from properties owned by Rudy Reclamation and Sportsman's Club, which contains some of the most sensitive, productive and ecologically important wetland complexes remaining on the south shore of the Great Salt Lake. See aerial at Attachment A.

Both nature and heritage combine in the lands surrounding the Parcel. As explained below, these values have been recognized in the City's prior planning efforts, reaffirmed by the State of Utah in the Migratory Bird Production Area Act, *see, Utah Code Annotated, §§23-28-101 et seq.*, and should be reflected in any decision on rezoning. We ask that any development be cautiously managed in a way that fully protects critical wildlife areas.

**History and Significance of the South Shore of the Great Salt Lake
Including the Rudy Property**

The Great Salt Lake is a cardinal feature of the Salt Lake Valley and the City's namesake. The Great Salt Lake ("GSL"), at its average elevation of 4,200' above sea level, covers about 1,700 square miles. It provides respite and nutrition to seemingly untold numbers of migratory fowl. The lake annually hosts millions of birds (some 250 species) including 75% of the continental population of tundra swans, 40% of the continental population of eared grebes, 12% of the continental breeding population of American pelican (one of the four largest breeding colonies in North America), 27% of the continental breeding population of cinnamon teal (the single most important breeding site in North America for this small duck), 52% of the

continental population of American Avocets and 50% of the continental population of Wilson's Phalaropes. The GSL hosts more bird life than any other saline lake in North America and possibly the entire Western Hemisphere. If it were lost, several bird populations in the western half of North America would risk collapse and the effects would be felt as far as South America.

Critical to this bird life is the fertile crescent of freshwater marshes and adjacent salt-loving vegetated mudflats and that curve roughly from Saltair on the south to the Promontory Peninsula on the north. The habitat in this crescent plays an outsize part in preserving the lake's critical wildlife role. Without it, the lake would be wholly unsuitable for sustaining the overwhelming majority of bird life.

In the Salt Lake Valley, the fertile crescent historically extended south along the Jordan River and in a succession of lakes, sloughs and playas¹ that ended around 2700 South. Most of those in Salt Lake County south of I-80 or east of Redwood Road are long since lost to memory and buried under refineries, rail yards, the airport and houses. What is left is largely concentrated north and west of the Salt Lake International Airport. Without it, the south shore would become a comparatively sterile area and the lake would lose a large portion of its wildlife value.

This south shore area has only survived because of the tenacious stewardship and perseverance of its owners over many decades. As the 20th century opened, duck hunting became all the rage locally and groups of waterfowlers began to acquire land north, west or south of the City. The duck clubs were credited with preserving, enhancing and creating habitat on the south shore. Characteristic of what many observers noted, one reporter wrote: "The advent of the duck club, an organization hardly known a couple of years back, is doing wonders for the game in this state. Nearly all of the available duck shooting grounds [by Salt Lake City] are now controlled by some one or other of these clubs and the club members are doing more to protect the nests, the young and the ducks out of season than the law itself." SLH, September 25, 1904.

It is important to remember that in that era in our nation, draining marshes and building over playas was almost considered a duty. Reflecting this attitude, there was a steady stream of proposals to dewater or plow under all the land north and west of the City. Although extensive wetland areas were incrementally lost over the years, many of Utah's citizens chose instead to acquire this land, on the margins of the state's largest city, for its wildlife values and to nurture and preserve it in the face of development pressures. Because their dedication has persevered over the past century, we have a natural realm on the south shore that is vibrant, productive and irreplaceable. Waterfowlers and the owner-managers of these areas simply wish to keep it that way.

¹ A playa is a dry shallow basin much of the year and is favored habitat for many bird species. Also, as the lake gets bigger, the usual marshes are submerged and the playas become even more important as the new fringe wetlands. Most playas associated with the south shore are gone, except those located on Rudy Reclamation, some other duck clubs and two other private preserves.

Rudy Property: From its inception in 1909, Rudy Reclamation played a prominent role in these efforts. Rudy Reclamation has shown steadfast dedication to the perpetuation of a marvelous environmental resource and the way of life that surrounds it. The Rudy Property is an absolutely essential component of the remaining south shore habitat. Several hundred acres of playas and alkali knolls are immediately adjacent to the Ivory Property. This area is vital nesting and migratory habitat to dozens of bird species, most of which do not tolerate high levels of development, traffic and artificial light according to the United States Fish and Wildlife Service. (See 2.b below) We have included as Attachment B a list of species using the Rudy playa area that was prepared by Ella Sorenson, National Audubon Society's leading authority on GSL bird life.

Salt Lake City has Recognized the South Shore Natural Values in its Northwest Quadrant and Inland Port Planning Efforts

At various times, the City has undertaken efforts to plan for the development of the Northwest Quadrant. While the Parcel is not in the common boundaries of the NWQ or Inland Port, it shares the same values that were important features of planning in that area. A key component of the eventual plan was the creation of a Natural Area that arced across the northern margin of the NWQ. The Natural Area reflected a consensus agreement of the NWQ landowners, City, NGOs and surrounding landowners. This was intended both to preserve the environmentally sensitive and low lying areas within the Natural Area as well as to provide an essential buffer to the adjacent Migratory Bird Production Areas. Other design features were also incorporated to reduce the development's impact on surrounding wetland complexes. These were largely incorporated into Inland Port planning and zoning. **The Ivory development will be far closer to critical GSL habitat than the Inland Port will be.**

Taken as a whole, the City has repeatedly affirmed the value of these habitats and the need to protect them.

State Legislative Recognition of the Importance of the South Shore Natural Values

The State has also recognized the value of these privately managed areas by enacting legislation that provides them with various protections and classifies them under Utah law as "Migratory Bird Production Areas" ("MBPAs") Utah Code Ann. 23-28-101, *et seq.* On the south shore, these MBPAs include Rudy Reclamation, various duck clubs, the Audubon Gillmor Sanctuary and the Inland Sea Shorebird Reserve. As such, they are entitled to certain protections and their traditional activities cannot be prohibited. Moreover, the Act contemplates that if development occurs adjacent to an MBPA, the adjacent landowner cannot complain of or alter the management of the MBPA.

Further, each version of the Inland Port legislation incorporated policy language and explicit mandates to consider the importance of south shore habitats when planning or making

development decisions. While the Parcel is not within the Inland Port, the legislation reflects the need to safeguard wetland areas generally and MBPAs specifically.²

Taken as a whole, the State has repeatedly affirmed the value of these habitats and the need to protect them.

Specific Considerations Relating to the Rezoning Request

1. Location of high impact development away from wetlands and MBPAs: High impact uses such as rail lines, rail yards, high structures, heavy industry, and natural resource storage should be distant from 3200 West. Development in the portion of the Parcel close to 3200 West should be reserved for uses that are most compatible with uses on surrounding land.
2. Set Back and Open Space:
 - a. Given the sensitivity of the wetland areas and the species dependent on them, there should be a buffer between development and 3200 West. While the berm described in paragraph 9 below will help ameliorate impacts it cannot fully compensate for the effects of proximity of lighting, noise, activity, increased traffic and structure height. The City should consider limiting development to the eastern side of the existing power lines on the Parcel but never closer than 1,000 feet to 3200 West. Please remember that thousands of pairs of shore birds, waterfowl and raptors nest on the Rudy Reclamation property, including by the playas adjacent to 3200 West. Noise, lighting, increased traffic and other activity might drive them from their nests. Nesting habitat on the south shore is limited and precious.
 - b. The U.S. Fish and Wildlife Service has recently reminded the State of the serious nature of these indirect impacts in the context of the West Davis Corridor. As noted in the November 7, 2018 letter, a copy of which is attached hereto as

² 11-58-202(1)(a): The port's business plan is to include "an environmental sustainability component, . . . incorporating policies and best practices to meet or exceed applicable federal and state standards, including: . . . (ii) strategies that use the best available technology to mitigate environmental impacts from development".

11-58-203(1)(c): "respect and maintain sensitivity to the unique natural environment of areas in proximity to the authority jurisdictional land". (f): "promote and encourage development and uses that are compatible with or complement uses in areas in proximity to the authority jurisdictional land".

11-58-403(4)(d)(ii)(A)[relating to appeals]: "any environmental impact the proposed development will have, including on air quality, surface water, and ground water; and (B) how the land use applicant proposes to mitigate any impacts, including the extent to which the proposed development will apply the best available technology or systems to mitigate any environmental impacts of the development; (III) the potential impact of the proposed development on abutting property owners or on a **migratory bird production area**, as defined in Section 23-28-102, and how the land use applicant proposes to mitigate those impacts;" (emphasis added)

Attachment C, these serious impacts to birds and their habitat extend far beyond the 300' to which the State was hoping to limit its responsibility. The same effects will occur with this development. The letter reads in part:

We have consistently commented that our greatest concern with the West Davis Corridor is the indirect effect to the wetland and wildlife habitats on the shore lands of the Great Salt Lake. We believe the applicant has underestimated the level and extent of indirect effects to migratory birds by limiting the study area to a 300 foot buffer of the ROW. A variety of factors influence the likelihood for wildlife to use habitat adjacent to roadways. These factors include weed introduction, barriers to movement, visual disturbance, and edge effects. Specific to migratory birds, impacts include lowered occupancy, reduced breeding density, and increased mortality in habitats adjacent to roadways; we previously provided you with a literature review of these impacts in a whitepaper (USFWS 2013). Based on this available science, we expect impacts to extend over a kilometer (3,900 feet) from roadways for some species, with greater impacts occurring in closer proximity to roads.

3. Surface water flow:

- a. One of Rudy Reclamation's main water sources transits the Parcel. This supplies water to playas near to 3200 West and other wetlands in that area.
- b. There is also a small irrigation canal along the west side of 3200 West that provides water to the playas on the Rudy property.
- c. Water that is used on the proposed development site or stormwater should not be diverted away from the wetlands. Water should be treated in a location and way that will require it to transit through the migratory bird production areas. Proposals to send the water elsewhere should not be permitted. This would bypass almost all of the wetlands.
- d. Development should not diminish or relocate current flows to Rudy Reclamation or other wetlands. The wetlands require a flow of water for inundation and to avoid stagnation and excessive salinity.

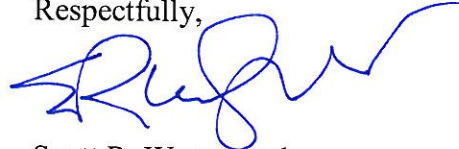
4. Surface water quality: Surface water and ground water should be protected from leaks, discharges and fugitive dust. Waste, trash, debris, fill or other materials and substances should not be allowed to enter either of the water conduits described in paragraphs 3.a and 3.b above. Storage tanks, oil and gas transfer and other liquids should not be permitted where a leak may occur into wetlands or waterways that lead to wetlands. An incident response plan should be required.

5. No effect on traditional MBPA activities: Compatibility with existing uses is one of the policy mandates of the MBPA Act. Development that would be incompatible with (by restricting, limiting or precluding) wildfowl management, hunting and associated activities should be modified, changed in location or not be permitted.
6. Light pollution: Lighting should incorporate best practices for bird friendly lighting, particularly in the areas close to 3200 West. Also, lighting close to 3200 West should be lower in elevation than the berm referenced in paragraph 9 below.
7. Building Height: Buildings and other structures such as antennae, guy wires or smoke stacks should be limited to 50 feet.
8. Utility and transportation corridors:
 - a. Development that requires a utility corridor, power lines, road or access through or adjacent to MBPAs and similar areas should be modified, changed in location or not be permitted. Such corridors should avoid those areas. They are directly incompatible with and do not complement uses on MBPAs.
 - b. 3200 West should not be expanded or paved where it is next to Rudy Reclamation due to the impact it will have on adjacent habitat.
9. Noise pollution:
 - a. Development should minimize noise disruption. Development that is likely to have considerable noise should be sited away from wetland areas.
 - b. **A noise/visual barrier between development and Rudy Reclamation should be required. This should take the form of a 30' high berm landscaped to appear natural. Playas are directly adjacent to 3200 West and a traditional sound wall would appear unnatural and be disruptive to the bird species that use the playas.**
10. Bug abatement: In conjunction with development, higher levels of mosquito abatement will be requested. Also, more toxic pesticides may be needed for deer flies and other biting insects. Both of these will adversely affect the macroinvertebrates that form the nutritional backbone of the marshes for many bird species. Alternatives should be explored regarding this issue.
11. Bird friendly design: Best practices should be required. For instance, the buildings adjacent to 3200 West should not have west facing windows. Also, guy wires on towers should be avoided.

12. Air Pollution: Industries and activities that would emit toxic fumes (ex. medical waste incinerators) should not be permitted.
13. Invasive species: Plant species that might become invasive in the wetland areas should be avoided.
14. Trespass prevention: Fencing, gates or other barriers should be considered to minimize the risk of trespass.
15. Access preservation: Access for the owners and users of the MBPAs and similar areas should be preserved.

We would welcome the opportunity to meet with Planning Department staff or others to explain these comments and the purpose for them. Please contact Scott Wangsgard at (801) 578-3510 or srw@srwlc.com to arrange a meeting or to request additional information.

Respectfully,



Scott R. Wangsgard
Director/Officer

Attachments

ATTACHMENT A



3300 North

3200 West

ATTACHMENT B

Birds Occurring on Dry-Shallowly Flooded Mudflats, Wet Meadows and Adjacent Uplands of Rudy Duck Club

Abundance Code

C - Common: likely to be seen

U - Uncommon: present in low number but not always seen

R - Rare: seen only a few times per year

Status Code

P - Permanent: year round resident

S - Summer: present during nesting season

W -Winter: December through February

T - Transient: migrant in spring or fall

Common Name	Abundance & Status
SWANS, GEESE & DUCKS	
Canada Goose	CS,RW
Gadwall	CS,RW
American Wigeon	CT
Mallard	CS, RW
Blue-winged Teal	US
Cinnamon Teal	CS
Northern Shoveler	CT,RW
Northern Pintail	USCT,RW
PHEASANTS AND QUAIL	
Ring-necked Pheasant	CP
GOATSUCKERS	
Common Nighthawk	UT
PIGEONS & DOVES	
Mourning Dove	CS
RAILS, COOTS & CRANES	
American Coot	CP

Common Name	Abundance & Status
Sandhill Crane	UT

PLOVERS & SANDPIPERS

Black-necked Stilt	CS
American Avocet	CS
Black-bellied Plover	UT
Snowy Plover	CS
Semipalmated Plover	UT
Killdeer	CP
Whimbrel	RT
Long-billed Curlew	CS
Marbled Godwit	CT
Sanderling	RT
Dunlin	RT
Baird's Sandpiper	CT
Least Sandpiper	CT
Western Sandpiper	CT
Short-billed Dowitcher	RT
Long-billed Dowitcher	CT
Wilson's Snipe	US
Spotted Sandpiper	RS,CT
Solitary Sandpiper	RT
Greater Yellowlegs	CT
Willet	CS
Lesser Yellowlegs	CT
Wilson's Phalarope	US,CT
Red-necked Phalarope	CT
Red Phalarope	RT

GULLS, TERNS & ALCIDS

Bonaparte's Gull	UT
Franklin's Gull	CS
Ring-billed Gull	CW
California Gull	CP
Herring Gull	RW
Forster's Tern	CS

Common Name	Abundance & Status
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BITTERNs & HERONS

Great Blue Heron	CS,RW
Great Egret	RS
Snowy Egret	CS
Cattle Egret	UT
Black-crowned Night-heron	CS,RW

IBISES

White-faced Ibis	CS
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VULTURES

Turkey Vulture	CS
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HAWKS

Bald Eagle	RS,UW
Northern Harrier	CP
Swainson's Hawk	US,CT
Red-tailed Hawk	CP
Rough-legged Hawk	CW
Ferruginous Hawk	RS
Golden Eagle	UP

OWLS

Barn Owl	UP
Burrowing Owl	CS
Short-eared Owl	CP(Erratic)

FALCONS

American Kestrel	CP
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Common Name	Abundance & Status
Merlin	UW
Peregrine Falcon	UP
Prairie Falcon	RS
SHRIKES	
Loggerhead Shrike	CP
Northern Shrike	RW
JAYS & CROWS	
Black-billed Magpie	CP
American Crow	UP
Common Raven	CP
LARKS	
Horned Lark	CP
SWALLOWS	
Tree Swallow	CT
Violet-green Swallow	UT
Northern Rough-winged Swallow	UT
Bank Swallow	CT
Cliff Swallow	CS
Barn Swallow	CS
PIPITS	
American Pipit	CT
SPARROWS	
American Tree Sparrow	CW

Common Name	Abundance & Status
Savannah Sparrow	CS
Song Sparrow	CP
BLACKBIRDS & ORIOLES	
Red-winged Blackbird	CP
Western Meadowlark	CP
Yellow-headed Blackbird	CS
Brewer's Blackbird	UP
Brown-headed Cowbird	CP

ATTACHMENT C



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/ES/UT
06E23000-2017-CPA-0071

Utah Ecological Services Field Office
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119

NOV 07 2018

U.S. Army Corps of Engineers
Utah Regulatory Office
Attn: Matt Wilson
533 West 2600 South, Suite 150
Bountiful, Utah 84010

Subject: Draft Mitigation Plan for the West Davis Corridor transportation project

Dear Mr. Wilson:

We reviewed the Draft Mitigation Plan dated October 12, 2018, for the Department of the Army Standard Permit SPK-2007-01985 West Davis Corridor Project. The Utah Department of Transportation (the Applicant; UDOT) proposes to construct the West Davis Corridor (WDC), a four-lane divided highway with a 250-foot right-of-way (ROW) width from I-15 in Farmington to Antelope Drive in Syracuse in Davis County, and a two-lane limited-access highway with a 146-foot ROW width from north of Antelope Drive to 1800 North in Davis County. The Applicant will fill approximately 46.72 acres of wetlands and approximately 1,000 linear feet of surface waters to construct and operate the project. We offer the following comments for your review and consideration.

General Comments

The WDC will traverse and border some of the last undeveloped and unprotected habitats on the eastern shore of the Great Salt Lake. The roadway will permanently impact this habitat, and leave adjacent areas vulnerable to future development. In letters to you dated November 1, 2017, and February 2, 2018, we provided comments to emphasize the significance of the Great Salt Lake ecosystem as an irreplaceable and immitigable resource due to its location within an arid region, large size, diversity of habitats for migratory birds, and the sheer number of birds, estimated at 7.5 million per year (UDNR 2013). We do not believe the Applicant has proposed mitigation commensurate with the level of impact to this ecosystem. Please see further comments below.

You published the Public Notice for the West Davis Corridor project on July 21, 2017. However, the current October 12, 2018, mitigation plan is substantially more robust and complex.

There is great public interest in the Great Salt Lake ecosystem, and the loss of aquatic function and value from the WDC will be substantial (see our previous comments submitted to the Applicant for the Draft and Final Environmental Impact Statements (August 14, 2013 and March 6, 2017), as well as comments submitted to you regarding the Clean Water Act Section 404 permit application). Due to the level of impacts and complex nature of the mitigation plan, we recommend that you release an updated Public Notice for the West Davis Corridor project that includes the Draft Mitigation Plan. The public should have an opportunity to review and provide recommendations to help ensure that the mitigation plan provides adequate compensatory mitigation for direct, indirect and cumulative impacts to aquatic resources, including wildlife.

Compensatory Mitigation for Direct and Indirect Impacts to Wetlands

For purposes of evaluating the impacts of the project, UDOT established a 300-foot buffer of the project right-of-way (ROW) within which they expect indirect impacts to aquatic resources such as decreased water quality, changes to hydrology, and effects to wildlife (edge effects, habitat fragmentation, and barrier effects). The Applicant then selected 12 groups of parcels to be used for mitigation of the impacts identified in the permit application. It is UDOT's intent to purchase these parcels and coordinate with long-term managers to record legally binding deed restrictions. Uplands and wetlands on the parcels will be managed for enhancement, rehabilitation, re-establishment, or establishment.

However, in assigning credit to the selected mitigation parcels, UDOT did not consider reduced habitat function and value associated with proximity of the mitigation parcels to the WDC. Of the 12 groups of parcels identified in the mitigation proposal, eight (groups A,B,C,D,E,F,M and N) are located either within or adjacent to a 300-foot buffer of the project ROW. We recommend UDOT re-evaluate the mitigation credit associated with these parcels to account for proximity to the project ROW.

We have consistently commented that our greatest concern with the West Davis Corridor is the indirect effects to the wetland and upland wildlife habitats of the shore lands of the Great Salt Lake. We believe that the Applicant has underestimated the level and extent of indirect effects to migratory birds by limiting the study area to a 300 foot buffer of the ROW. A variety of factors influence the likelihood for wildlife to use habitat adjacent to roadways. These factors include weed introduction, barriers to movement, visual disturbance, and edge effects. Specific to migratory birds, impacts include lowered occupancy, reduced breeding density, and increased mortality in habitats adjacent to roadways; we previously provided you with a literature review of these impacts in a whitepaper (USFWS 2013). Based on this available science, we expect impacts to extend over a kilometer (3,900 feet) from roadways for some species, with greater impacts occurring in closer proximity to roads.

In order to ensure the mitigation proposal fully compensates for indirect effects to wildlife, we recommend UDOT increase the study area for indirect effects beyond 300 feet. Where additional mitigation credit may be required to offset indirect impacts beyond 300 feet of the project right-of-way, we recommend UDOT purchase parcels contiguous to parcel groups A-N for preservation credit.

Finally, in light of available science indicating that indirect impacts may extend far beyond 300 feet of the project ROW, we request written rationale for final selection of an indirect effects study area. We further recommend that you document this rationale in your permit decision.

We appreciate the opportunity to comment on the Draft Mitigation Plan. We are available for further discussion about our recommendations. If we can be of further assistance, please contact Amy Defreese, Supervisory Fish and Wildlife Biologist at (385) 285-7913, or email: amy_defreese@fws.gov.

Sincerely,



Larry Crist
Utah Field Supervisor

cc: EPA – Karen Hamilton (by email)
UDWR – Pam Kramer (by email)
UDOT – Randy Jefferies (by email)
URMCC – Richard Mingo (by email)
TNC – Elizabeth Kitchens and Chris Brown (by email)

REFERENCES

Utah Department of Natural Resources. 2013. Great Salt Lake Ecosystem Program. [web page]
<http://wildlife.utah.gov/gsl/birds/index.php> [May 14, 2013]

U.S. Fish and Wildlife Service. 2013. Indirect Effects of Roads to Wildlife. Unpublished Report.
May 23, 2013. West Valley City, Utah. 25 pp.



PLANNING DIVISION



Comment Form

Project // BP to M-1 Rezone
Address // 2691 N 2200 West

Name: Nichole Solt

Address: 2610 N 2200 W
SLC, UT 84116

E-mail: [REDACTED]

(if you would like to be notified of the Planning Commission public hearing)

Comments:

If zoned commercial I would like like to
see open space incorporated in the zoning plans.
Current space is already a nice open space
with wildlife and a current place for bird migration.
With the inland port coming I would like to see
as much open space preserved for the future.

You may submit this sheet before the end of the Open House, or you can provide your comments via the options below.

E-mail: daniel.echeverria@slcgov.com

Mail: Daniel Echeverria
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, UT 84114-5480.

Please provide any comments by November 31. 141

January 13, 2019

Daniel Echeverria
Salt Lake City Senior Planner

Via email: Daniel.echeverria@slcgov.com

Re: Comments on 2691 N 2200 W Rezone

Dear Mr. Echeverria,

Utah Audubon Council submits for your consideration the following comments regarding the proposed rezoning of property at 2691 N 2200 W from BP to M-1.

Due to the proximity of this property to duck clubs and wetlands habitat for waterfowl and other birds, and in order to minimize and mitigate impacts, it is important for the City to require that certain conditions be placed upon the development of the property in question.

The conditions we propose are similar to those that the City incorporated into the Master Plan and conditional use requirements for the Northwest Quadrant: dark skies lighting and bird-safe building design requirements.

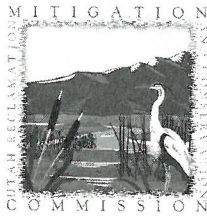
We also propose that the City hold off on rezoning the portion of the property north of 3300 North pending receipt of more specific plans from the developer and an opportunity for the public to review those plans. This lack of information about site specific plans for the development also applies to the rest of this large property, but our concerns about the northern most parcel are that it could impinge further upon the wetlands and could lead to development of properties even further to the north. This should not be done hurriedly or haphazardly. In fact, the City may wish to consider zoning this area in a similar fashion to that of the section of the Northwest Quadrant to the north of the prison/inland port properties, with a less intense zoning overlay to buffer the natural areas.

Thank you for your consideration of these proposals.

Sincerely,

Steve Erickson, Policy Advocate
Utah Audubon Council
c/o 444 Northmont Way
Salt Lake City, UT 84103





May 2, 2019

Mr. Daniel Echeverria, Senior Planner
Planning Division
451 South State Street, Room 406
P.O. Box 145480
Salt Lake City, Ut 84114-5480

Subject: Petition PLNPCM2018-00865 for 439 acres at 2691 North 2200 West, Salt Lake City

Dear Mr. Echeverria:

The Utah Reclamation Mitigation and Conservation Commission (Commission) is submitting this letter of concern for the subject petition for a zoning map amendment on the parcel located at 2691 North 2200 West from BP, Business Park to M-1, Light Manufacturing.

The Commission has supported the National Audubon Society in the establishment and management of the South Shore Ecological Reserve, located on the south and east shore of the Great Salt Lake. This Reserve protects vast areas of wetlands and associated wildlife.

We are concerned with the potential piecemeal impacts that the petition to amend the zoning map to Light Manufacturing could have on wetlands and wildlife resources. These impacts are related to the potential lack of open space and buffer areas and increase in lighting, traffic and noise associated with the Light Manufacturing zone. While this one request may seem well removed from our direct ownership interests further west, in light of the existing and other planned development in the area, we encourage Salt Lake City to carefully consider the potential indirect and cumulative impacts of such zoning amendments on those diminishing wetlands resources that are vital to the Great Salt Lake Ecosystem.

The Commission is an Executive branch agency of the federal government, authorized under the Central Utah Project Completion act of 1992. If you have any questions related to this letter, please contact Maureen Wilson at mwilson@usbr.gov or at the phone number above.

Sincerely,



Mark A. Holden
Executive Director

cc: National Audubon Society, Ella Sorensen



PLANNING DIVISION



Comment Form

Project // BP to M-1 Rezone
Address // 2691 N 2200 West

Name: Laura Webb

Address: 2110 N. Salt Lake City, UT
2070 N. 84116

E-mail: [REDACTED]

(if you would like to be notified of the Planning Commission public hearing)

Comments:

I feel this is Salt Lakes Last Farm & Wildlife Residence area. I believe it would be better to develop as is on the zoning BP & Not change to M2. I feel it would be safer to develop as equestrian property & small farm plots then more empty warehouse & machine shops. If a plane did crash in this area it would kill less people & families than 24hr workers in a warehouse. You can always have people sign waivers for noise & life loss from airplanes. I also see a lot of wildlife would be displaced - migration IBIS, & White Cranes, Starlings etc. I would look near from airplanes as I like 100 foot easement Not 30 feet under M2

equestrian farm

You may submit this sheet before the end of the Open House, or you can provide your comments via the options below.

E-mail: daniel.echeverria@slcgov.com

Mail: Daniel Echeverria
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, UT 84114-5480.



TO: Daniel Echeverria, SLC Planning and Members of the Salt Lake City Council)

FROM: Westpointe Community Council which includes the residents along 2200 West.

SUBJECT: Official Community Council and Residents of 2200 West comments regarding Ivory Homes development request for zoning amendments to 439 acres at 2691 N 2200 W. (PLNPCM2018-00865)

During the Westpointe Community Council meeting (11/14/18), Daniel Echeverria (SLC Planning) presented on the proposed petition for re-zoning amendments for property at approx. 2691 N. 2200 W. The request by Ivory Development would rezone the 439 acres along 2200 W3rd from BP (Business Park) to M-1 (Light manufacturing). In attendance were an estimated 35 residents of 2200 West in addition to 15 other community council residents and city officials. A lively conversation ensued. Comments and concerns were documented and are included in this document.

As a result, we request that SLC Planning Department and members of the Salt Lake City Council work with the potential new land owners/developers to devise a development contract that sets forth conditions and details of responsible use and development of the subject property which address the following concerns and recommendations.

Noise and Traffic Concerns

- Limit the hours of truck operations.
- Greatly reduce or eliminate increased traffic resulting from this development in the nearby residential area by following the Salt Lake City Master Street Plan.
- Divert a majority of development traffic to newly improved and widened 3200 West and 3300 North facilitating alternative development access that will bypass the residential area on 2200 West.
- add speed bumps to the 2200 W. residential area *Limit the weight of vehicles in this area.

Space and Frontage Issues

- Require 20% open space and at least 100-foot buffer zones.
- No or minimal loss of residential frontage. Any frontage loss should be accommodated on the developer's side of the street.
- This is an area at high risk of wild fires. When developers only improve one side of the road, the other side often becomes a fire-hazard. Heavier traffic compounds this risk. Improve both sides of the street at same time (see below).
- Recommend that developers pay for street upgrades and curb/gutter and other improvements on both sides of the road
- Recommend that City fronts the cost of road/curb & gutter improvements to be reimbursed by developers as each property is developed. This is a more efficient, safer and less costly approach. Currently, the City has been widening/improving 2200 west in segments as new development occurs. This strategy results in a disjointed, patchwork approach with heavy traffic on segments of narrow streets followed by wider streets with overgrown sidewalks that go nowhere.

Environmental Concerns

- Require environmentally sustainable construction and building operation.
- Rezoning must meet M-1 conditional use with all mitigation provisions approved by Salt Lake City Council for M-1 development within the Inland Port Authority. This includes requirements for a complete environmental impact and mitigation plan.

Please contact Terry Thomas (801-718-4409) or Dorothy Owen (801-503-7850) with any questions, comments, or further information.

ATTACHMENT H: Property Photographs



View of wetlands on the Rudy Duck Club property along 3200 West (looking west)



Panoramic view of the subject property from 3200 West (looking east near middle of the site)



Panoramic view of the subject property from 3200 West (looking east near south end of site)



Panoramic view of the subject property from 3200 West (looking east at the south end of the site). Airport owned property is surrounded by barbed wire fence.



View of the power line corridor that runs north-east through the site (looking north-east into the site)



View down 3200 West, looking south toward the airport (Airport tower visible in distance on the right)



Panoramic view of the Rudy Duck Club property from 3200 West (looking west from near middle of the site)



View of agricultural use adjacent to the north-west corner of the site (looking north-west from 3200 West)



Panoramic view of residences along 2200 West (looking east from near middle of the site)



View looking north from center of 2200 West next to the south end of the subject property. Subject property on the left, residences in AG-2 zone on the right. (Credit: Google Street View, 2019)



View looking north from center of 2200 West near the south end of the subject property. Subject property on the left, residences in AG-2 zone on the right. (Credit: Google Street View, 2019)

ATTACHMENT I: City Department Review Comments

Transportation

The Transportation Division would not be opposed to the rezone.

Planning Staff Note: *In conversations with Transportation it has been noted that a Transportation Impact Study (“traffic study”) would be required with the subdivision of the property.*

Engineering

No objections. To develop a large acreage like this, the developer is likely to submit a subdivision plat. I can answer questions regarding the public improvements in 2200 West and Subdivision Improvement Construction Agreement if the developer desires.

Public Utilities

(Planning Staff Note: The below comments from Public Utilities concern what would be required when the property is developed.)

- Water service is available but is significantly undersized to serve Light Industrial Uses and is not sufficient to provide fire flows. Water mains will need to be installed in 2200 West connecting from the south as well as upsizing the connection from the east under I-215.
- There is not currently sewer service to this property. Sewer service will need to be installed and will include sewer lift stations.
- Drainage is a very poor in this area. There is a private drainage ditch running through the property. Much of the site may require on site retention.
- There are potential jurisdictional wetlands on the property. Wetland determination will need to be performed and coordinated with the US Army Corp Engineers.
- A Utility master plan will be required for subdivision plat
- Storm water detention is required for this project. The allowable release rate is 0.2 cfs per acre. Detention must be sized using the 100 year 3 hour design storm using the farmer Fletcher rainfall distribution. Provide a complete Technical Drainage Study including all calculations, figures, model output, certification, summary and discussion.
- Applicant must provide fire flow and culinary water demands to SLCPU for review. The public water system will be modeled with these demands. If the demand is not adequately delivered, a water main upsizing will be required at the property owner’s expense. Required improvements on the public water system will be determined by the Development Review Engineer. New water mains must cross the entire frontage of the property. A plan and profile and Engineer’s cost estimate must be submitted for review. The property owner is required to bond for the amount of the approved cost estimate.
- Storm water treatment is required prior to discharge to the public storm drain. Utilize storm water Best Management Practices (BMPs) to remove solids and oils. Green infrastructure should be used whenever possible. Sand/oil separators are commonly used to treat storm water runoff from uncovered parking areas. Applicant must provide sewer demand calculations to SLCPU for review. The expected maximum daily flow (gpd) from the development will be modeled to determine the impacts on the public sewer system. If one or more reaches of the sewer system reach capacity as a result of the development, sewer main upsizing will be required at the property owner’s expense. Required improvements on the public sewer system will be determined by the Development Review Engineer. A plan and profile and Engineer’s cost

estimate must be submitted for review. The property owner is required to bond for the amount of the approved cost estimate.

- All utility design and construction must comply with APWA Standards and SLCPU Standard Practices.

Utilities cannot cross property lines without appropriate easements and agreements.

- Public Utility permit, connection, survey and inspection fees will apply.
- Covered parking area drains and work shop area drains are required to be treated to remove solids and oils prior to discharge to the sanitary sewer. These drains cannot be discharged to the storm drain. Use a sand/oil separator or similar device. A 4ft diameter sampling manhole must be located downstream of the device and upstream of any other connections.

Please submit site utility and grading plans for review. Other plans such as erosion control plans and plumbing plans may also be required depending on the scope of work. Submit supporting documents and calculations along with the plans.

- Street lights will be required near the curb cuts evenly spaced between 300 feet depending on photometric design along the street frontage.

Fire

Due to the size of the of the development there will be a minimum of two fire department access roads to it. Buildings of this occupancy classification which are typically greater than 30 feet in height, provided with automatic fire sprinkler, and fire alarm systems are constructed. These structures are required to be provided with fire hydrants and fire department access roads before construction. The basic fire department access roads are 20 ft. clear width, 13 ft. 6 in. clear height, with roads capable to withstand 80,000 pound loads, turning radius of 45 ft. outside and 20 ft. inside. the width of the road way for fire hydrants placed at the street is 26 ft. for 20 feet on both sides of the fire hydrant. When structures are greater than 30 ft. in height then an additional fire department access roads is required called aerial apparatus access road which requires a this roadway to be measured from the face of the structure a minimum of 15 ft. and no greater than 30 ft. from the building to the roadway. No utility lines shall be placed between the building and road as well as over the aerial apparatus access road for 40 feet on either side of the structure.

Below are code references to the subdivision.

- D104.1 Buildings exceeding three stories or 30 feet in height.
- Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.
- D104.2 Buildings exceeding 62,000 square feet in area.
- Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m2) shall be provided with two separate and approved fire apparatus access roads.
- Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m2) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.
- D104.3 Remoteness.
- Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

Building Services (Zoning)

No concerns.

Business Park-I Overlay Zoning Amendment

Airports

Like the prior proposal, this property located at approximately 2691 N 2200 W. This address is in the Salt Lake City's airport influence zone "A" and is an area exposed to very high levels of aircraft noise, and having specific height restrictions. This location should be analyzed for height restriction based on FAA Code of Federal Regulations Part 77. The underlying Salt Lake City Zoning may have a more restrictive height restriction. Salt Lake City requires an aviation easement for new development in this zone. The owner or developer should contact me at the address or email below, to complete the aviation easement if one does not already exist for this location.