



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Aaron Barlow, Principal Planner, aaron.barlow@slcgov.com or 801-535-6174

Date: June 29, 2020

Re: PLNPCM2019-00655 – Conditional Use – Moon Lake Farms Industrial Hemp Processing and Cultivation

CONDITIONAL USE

PROPERTY ADDRESS: 2601 North 2200 West

PARCEL ID: 08-16-200-001-0000

MASTER PLAN: [Northpoint Small Area Plan](#)

ZONING DISTRICT: BP Business Park District

REQUEST: Moon Lake Farms, applicant, has requested Conditional Use approval to establish industrial hemp cultivation and processing uses at 2601 North 2200 West. These uses are considered Agricultural and Light Manufacturing uses, which are Conditional Uses in the Business Park (BP) district. Both operations are regulated by the Utah Department of Agriculture and Food.



RECOMMENDATION: Based on the information in this staff report, planning staff recommends that the Planning Commission approve the proposed conditional use project subject to complying with all applicable regulations and the conditions of approval listed below.

1. *Any modifications to the approved plans after the issuance of a building permit must be specifically requested by the applicant and approved by the Planning Division prior to execution.*
2. *The applicant shall comply with all other department/division requirements.*
3. *The applicant shall comply with all regulations for industrial hemp cultivation and processing established by the Utah Department of Agriculture and Food.*

ATTACHMENTS:

- A. [Vicinity Map & Aerial](#)
- B. [Property Photos](#)
- C. [Site Plan & Elevations](#)
- D. [Additional Applicant Information](#)
- E. [Existing Conditions & Zoning Requirements](#)
- F. [Analysis of Standards](#)
- G. [Public Process and Comments](#)
- H. [Department Comments](#)

PROJECT DESCRIPTION:

This is a request for Conditional Use approval to establish industrial hemp processing (a light manufacturing use) and cultivation (an agricultural use) on the property located at 2601 North 2200 West. These uses meet the definition of Agricultural and Light Manufacturing uses, which are Conditional Uses in the Business Park (BP) district. The Utah Department of Agriculture and Food regulates both of these operations.

Moon Lake Farms, the applicant, would like to begin cultivating and processing industrial hemp on the subject property. The proposed hemp cultivation component meets the definition of agricultural use—which requires conditional use approval in the Business Park (BP) district—and would take place both indoors and outdoors on the property. The outdoor operations involve growing crops within 200-gallon fabric bags that will sit above ground, irrigated via drip system. A proposed steel-frame greenhouse structure will house all indoor operations. A proposed site plan, included with this report, shows that the proposed 109,114 square-foot greenhouse, will sit toward the rear of the lot and set back approximately 957 feet from 2200 West.

The proposed hemp processing component meets the definition of a light manufacturing use—which also requires conditional use approval—and would fill approximately 4,000 sf of the greenhouse structure. The proposed hemp processing will likely involve freezing or air drying, curing, pressing, extracting, and heating the industrial hemp and converting it into various forms including tablets, capsules, concentrated oils, sublingual and topical preparations, or a gelatinous cube or lozenge. The processing operations would also involve the packaging of the end products for the final consumer.

Along with the above proposed uses, the applicant is working to obtain a license from the State of Utah to cultivate and process medicinal cannabis on the lot—a permitted use in the BP Business Park District. The Utah Department of Agriculture and Food regulates the cultivation and production of both [industrial hemp](#) and [medicinal cannabis](#).

BACKGROUND INFORMATION:

The applicant originally intended to grow cannabis and manufacture cannabis related goods on the subject property as a State licensed Cannabis Production Facility. The applicant was in the process with the State for approval to grow and process cannabis and they determined that if they did not receive a license from the State for that use, they would grow hemp and produce hemp related products.

While the applicant was applying with the State, they approached the City and asked if the proposed cannabis and hemp uses were allowed on the property. At that time, the City's zoning code did not address these uses specifically. The State had recently passed laws related to the medicinal cannabis act that required cities to allow state licensed cannabis production facilities in at least one industrial or manufacturing zone and at least one agricultural zone. Since the subject property is zoned Business Park, the City determined that the cannabis-related uses were not permitted, but the hemp-related uses—considered agricultural and light manufacturing—could be permitted by conditional use.

As a result of the City's interpretation, the applicant then submitted a petition to rezone the subject property to M-1 Light Manufacturing to allow cannabis related uses on the property and also submitted a conditional use application for the hemp related uses in case they did not receive a license from the state for the cannabis production facility. Soon after the applicant submitted their applications, the City initiated its own petition to address medicinal cannabis uses. The applicants were advised to put their petitions on hold and work with the City to add the BP zone to the list of zoning districts that would allow Cannabis Production Facilities. The applicant did so, and the zoning regulations were eventually modified to allow cannabis-related uses in the BP zone. Since the applicant was not selected by the State to receive the limited number of Cannabis Production Facility licenses, they have decided to resume this conditional use application for agricultural use to grow hemp and light manufacturing use to produce hemp-related products.

KEY CONSIDERATIONS:

The key considerations listed below have been identified through the analysis of the project, neighbor and community input, and department review comments.

Consideration 1: Urban Farm Use Versus Agricultural Use

In the Table of Permitted and Conditional Land Uses for Special Purpose Districts ([Section 21A.33.070](#)), Agricultural Uses are a conditional use, while Urban Farms are a permitted use. This request is an agricultural use since it does not meet the definition of an Urban Farm:

URBAN FARM: A farm where food is cultivated, processed and distributed in or around a residential or commercial area. Urban farming is generally practiced for income earning or food producing activities.

Since the proposed use is not food cultivation, it falls under the definition of an agricultural use. Additionally, the applicant's proposal includes a 109,114 square-foot greenhouse. Agricultural uses include "...structures for carrying out farming operations..." while urban farming does not explicitly say so; agricultural use is a better fit:

AGRICULTURAL USE: The use of a tract of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, general farming uses and necessary accessory uses, including the structures necessary for carrying out farming operations and the sales of food products and agricultural goods grown on site; provided, however, such agricultural use shall not include the following uses: the feeding of garbage to animals, the raising of poultry or furbearing animals as a principal use, or the operation or maintenance of commercial stockyards, or feed yards, slaughterhouses or rendering facilities.

Consideration 2: Master Plan Compatibility and Neighborhood Impact

The Northpoint Small Area Plan specifically suggests that "[d]ue to the long-range time frame for business park development to occur, agricultural uses, such as grazing, should be allowed to continue and expand on properties which are proposed for future business park development" (pg. 7). The proposed agricultural use is compatible with the goals of the Northpoint plan.

Consideration 3: Neighborhood Impact

At the time of the original submittal in Summer of 2019, the applicant requested both a conditional use application and an application to rezone the property from BP Business Park to M-1 Light Manufacturing. During the early engagement process, nearby residents and property owners were open to the cultivation and processing of both medicinal cannabis and industrial hemp but expressed concerns about the potential impacts to the neighborhood if the property was rezoned to a manufacturing district. While the application to rezone the property has since been withdrawn, approving industrial hemp cultivation and production will not have a significantly greater impact than adjacent uses within the same district and is in line with the neighborhoods established agricultural character.

DISCUSSION:

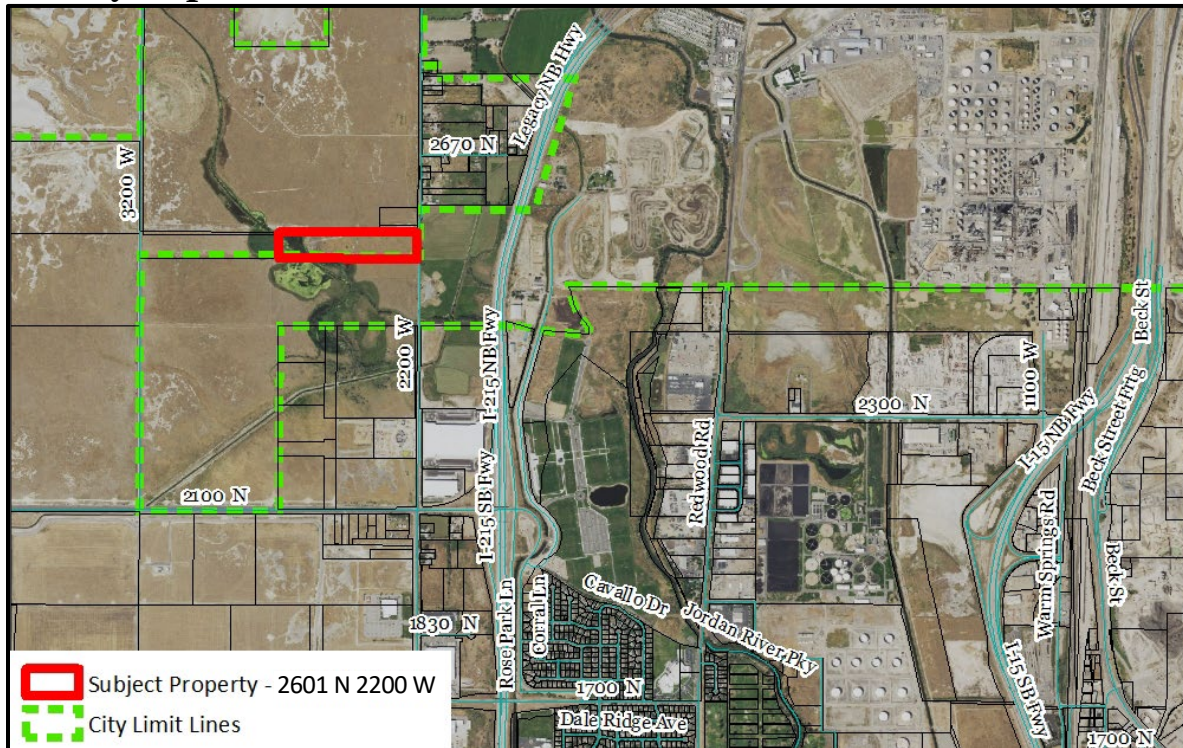
The proposal complies with the standards for conditional use approval. The proposed use is compatible with the neighborhood's agricultural character and will likely not have any greater impact than the existing permitted urban farm use and medicinal cannabis related uses. After analyzing the proposal and the applicable standards, Planning Staff is of the opinion that there are no impacts to adjacent properties or public ways that need to be mitigated. Therefore, Planning Staff would recommend that the request is approved.

NEXT STEPS:

If the conditional use is approved, the applicant will be required to comply with all other department/division requirements and obtain all necessary building permits for the project.

ATTACHMENT A: VICINITY MAP & AERIAL

Vicinity Map



Zoning Map



ATTACHMENT B: PROPERTY & VICINITY PHOTOS



View of entrance to subject property, facing west



View of subject property's front property line, facing south; adjacent property to south is located outside City's municipal boundaries



Entrance drive of subject property, facing west



Subject Property from front fence, facing southwest



Front of subject property, facing northwest; note utility structures on adjacent property to the north



View of subject property, facing northwest; note additional structure on adjacent property to the north



Adjacent property to the north, facing west



Property located immediate across the street from subject property, facing southeast



Homesteads on agricultural lots located northeast of subject property



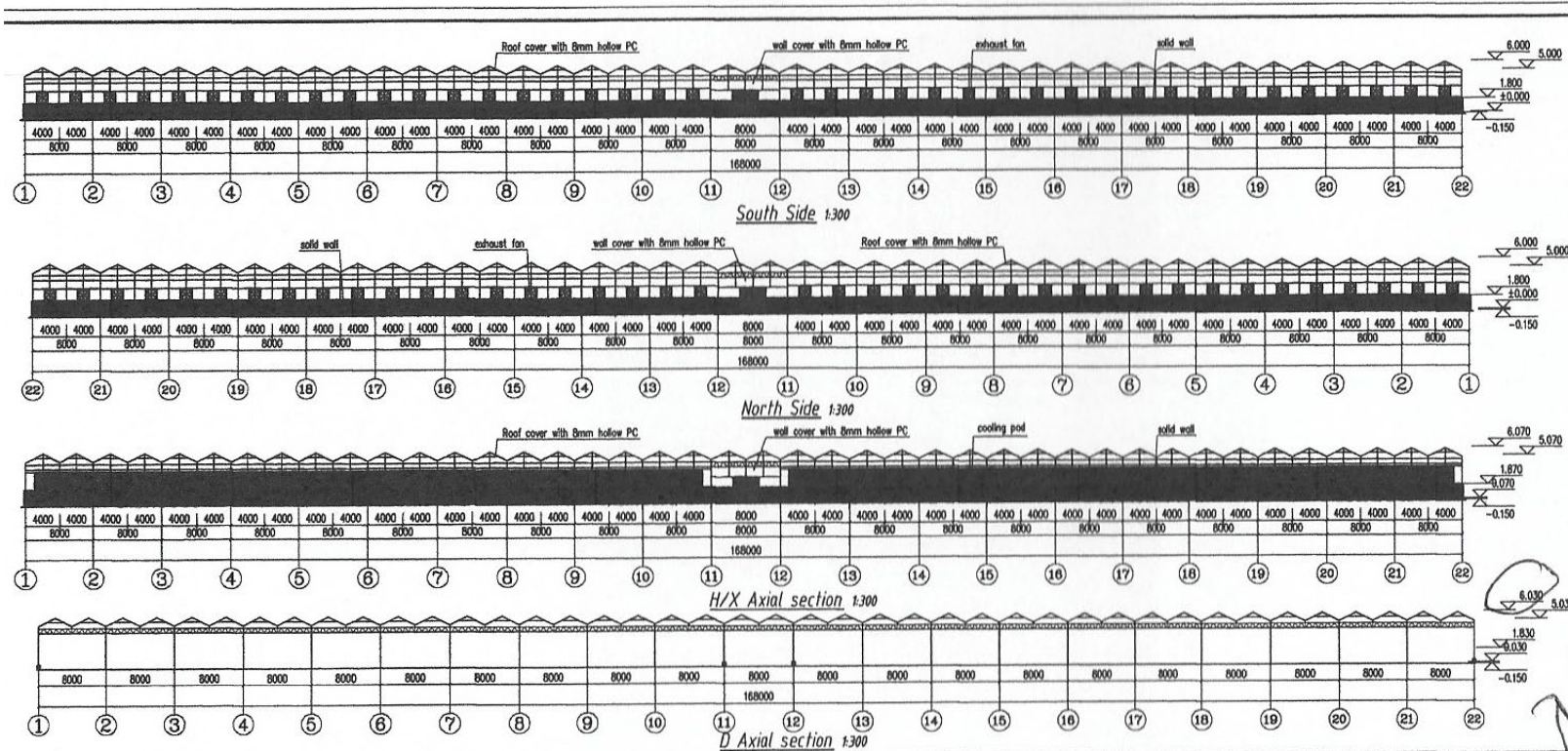
Adjacent property to the south, facing southwest; this lot is located outside of SLC municipal boundaries

Site Plan



Elevations

measured in meters



169 meters total length

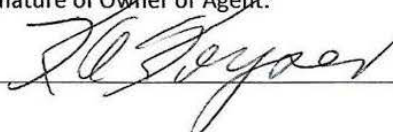
Height

ATTACHMENT D: APPLICANT INFORMATION



SALT LAKE CITY PLANNING

Conditional Use

OFFICE USE ONLY			
Project #:	Received By:	Date Received:	Zoning:
Project Name: Moon Lake Farms 2601 S. 2200 N. Salt Lake City Utah 84116			
PLEASE PROVIDE THE FOLLOWING INFORMATION			
Request: Conditional Use: Agriculture Use, Light Manufacturing			
Address of Subject Property: 2601 North 2200 West Salt Lake City Utah 84116			
Name of Applicant: Kyndgrowz LLC dba Moon Lake Farms		Phone: 801.824.1549	
Address of Applicant: 1667 Mohawk Way Salt Lake City Utah 84108			
E-mail of Applicant: keith@moonLakeFarms.com		Cell/Fax: 801.824.1549	
Applicant's Interest in Subject Property: <input type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Architect <input checked="" type="checkbox"/> Other: Tennant, Owner Agent			
Name of Property Owner (if different from applicant): Blaine & Annette Overson			
E-mail of Property Owner: oversonrealty@comcast.net		Phone: 801.824.1549	
Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.			
AVAILABLE CONSULTATION			
Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.			
WHERE TO FILE THE COMPLETE APPLICATION			
Mailing Address: Planning Counter PO Box 145471 Salt Lake City, UT 84114		In Person: Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700	
REQUIRED FEE			
Filing fee of \$776			
Plus additional cost of postage for mailing			
SIGNATURE			
If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.			
Signature of Owner or Agent: 		Date: 7/2/2019	

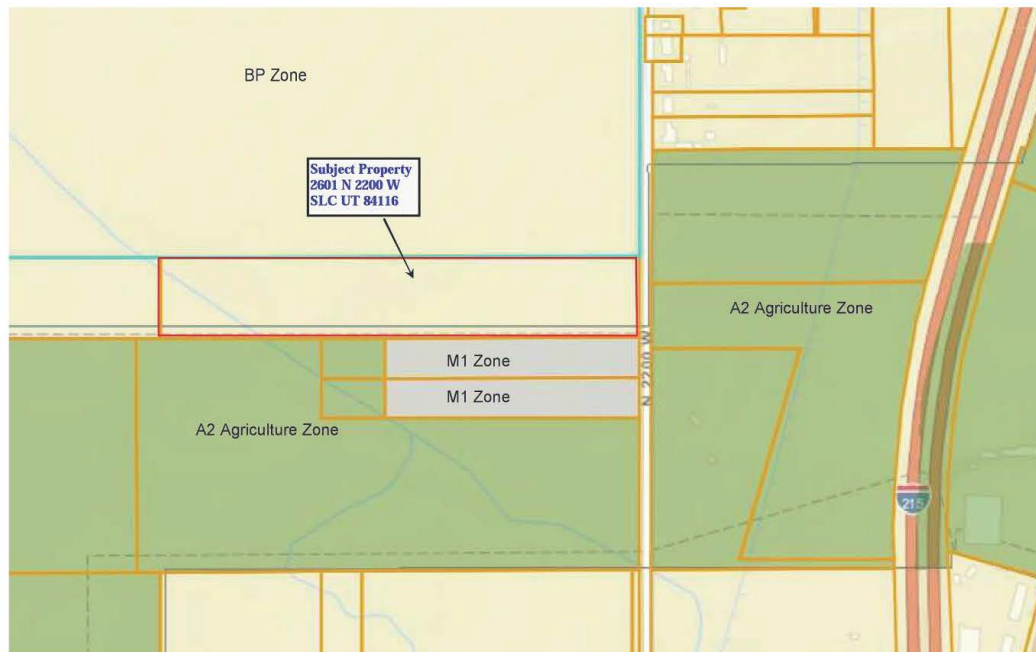
Updated 7/1/19

SUBMITTAL REQUIREMENTS

1. Project Description Written description of your proposal

Property Location & Abutting Zoning Subject property is 14.75ac more or less. The North and West (rear) abutting properties are located in SLC boundaries, zoned BP Business Park. The South property line abuts two properties both located within SL County boundaries. Approximately ½ of the South abutting property is zoned M1 Light Industrial, the remaining property is zoned A2 Agricultural. The subject property contains approximately 330ft frontage along 2200 West. The property directly across the street is located in SL County, zoned A2 Agricultural.

Salt Lake County & SL City Zoning Combined Map



Current Use The property is zoned BP, where Urban Farm is a permitted use. Moon Lake Farms has an issued business licence to operate an Urban Farm including “*cultivation of all lawful agricultural crops pursuant to Utah Code Title 4. Utah Agricultural Code*”. This includes medical cannabis.

Proposed Conditional Use: Agricultural Use, Light Manufacturing

Proposed Agricultural Use Agricultural Use is a conditional use in the BP Zone. The definition of Agriculture Use includes “general farming uses and necessary accessory uses, including the structures necessary for carrying out farming operations...”

“AGRICULTURAL USE: The use of a tract of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, general farming uses and necessary accessory uses, including the structures necessary for carrying out farming operations and the sales of food products and agricultural goods grown on site; provided, however, such agricultural use shall not include the following uses: the feeding of garbage to animals, the raising of poultry or furbearing animals as a principal use, or the operation or maintenance of commercial stockyards, or feed yards, slaughterhouses or rendering facilities.” See Salt Lake City Municipal Code 21A.62.040: DEFINITIONS OF TERMS

Moon Lake Proposed Agricultural Operations Applicant Moon Lake Farms is currently licensed to operate an urban farm and crop cultivation on the subject 14.75ac property. Moon Lake seeks Conditional Use approval for Agriculture Use to cultivate all lawful crops per Utah Code Title 4; Utah Agricultural Code, including indoor cultivation. Moon Lake has applied for a licence to cultivate medical cannabis on the subject property, however the legislature has limited the number of licenses to 10 in the state of Utah. If applicant obtains licensing from the Department of Agriculture and Food, this would include indoor cultivation and processing of Medical Cannabis. Applicant believes crop cultivation indoor and in greenhouses on an area subordinate in size to the 14.75ac farm is included in the definition of Agriculture Use as follows:

General farming use; Necessary accessory us;

A structure necessary for carrying out farming operations. A greenhouse for indoor crop production is a general farming use. The Utah outdoor growing season is short, typically June to September. The short growing season requires 6-8 weeks of indoor propagation for many plants. Propagation is often started in February so plants are sufficiently developed to be more productive during the June-September growing season. Without indoor crop production many plants simply could not be grown in Utah. For these reasons, in Utah, a greenhouse is: (1) a general farming use; (2) a necessary accessory use; and (3) a structure necessary for carrying out farming operations.

Accessory Use Salt Lake City zoning defines *Accessory Use* as:

“ACCESSORY USE: A use that:

- A. Is subordinate in area, extent and purpose to, and serves a principal use;
- B. Is customarily found as an incident to such principal use;
- C. Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- D. Is, except as otherwise expressly authorized by the provisions of this title, located on the same zoning lot as such principal use; and
- E. Is under the same ownership or control as the principal use.”

A. **Subordinate in area, extend and purpose and serves a principal use** The proposed indoor cultivation comprises 18% of the 14.75 acre Urban Farm and is thus subordinate in area, extent and purpose. Further, indoor crop production serves a “principal use” to agricultural use, which is:

- i. **crops growing in the open,**
- ii. **general farming uses**
- iii. **structures necessary for carrying out farming operations**

- B. **Is customarily found as an incident¹ to such principal use.** Greenhouses are customarily found as incident (an accompaniment) to agricultural use (crops grown in the open, general farming uses)
- C. **Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use.** Greenhouses contribute to *comfort, convenience & necessity* of those working at or serviced by the principal use (crops grown in the open, general farming uses)
- D. **Is located on the same zoning lot as such principal use.** All of the subject property is located on the same zoning lot as the principal use.
- E. **Is under the same ownership or control as the principal use.** Ownership and Control of the subject property is the same as the principal use.

Proposed Conditional Use: Light Manufacturing (processing) Light Manufacturing is a conditional use in the BP zone. Applicant Moon Lake Farms seeks conditional use to process all lawful crops per Utah Code Title 4 Utah Agricultural Code on the subject property, including medical cannabis and industrial hemp. Moon Lake has applied for a licence to cultivate medical cannabis on the subject property, however the legislature has limited the number of licenses to 10 in the state of Utah. Moon Lake may also apply for licensing to cultivate and process industrial hemp on the property. If licensed, Moon Lake proposes to process on site. Processing of medical cannabis and industrial hemp requires inspection, licensing and regulation by the Utah Department of Agriculture and Food and the Utah Department of Health. Construction of processing facilities would be by building permit through Salt Lake City. Examples of cannabis

¹Incident, adjective: “occurring or likely to occur especially as a(n) ... accompaniment”
<https://www.merriam-webster.com/dictionary/incident>

processing include drying, curing and packaging cannabis flower in blister packaging; pressing fresh cannabis material into an oil which is then diluted with other carrier oils (example grape seed oil, coconut oil), decarboxylating, filtering, then formulated to a specific concentration of cannabinoid, then bottled & packaging or further processed into a tablet, capsule, concentrated oil, liquid suspension, topical preparation, or a gelatinous cube.

1. Conditional Use Information

- a. **Q:** If applicable, what is the anticipated operating/delivery hours associated with the proposed use

Response: Anticipated operating hours are daylight hours. There will be no retail operations or customer traffic at the location.

- b. **Q:** What are the land uses adjacent to the property (abutting and across-the-street properties)

Response: **North:** SLC Zone BP Business Park

West: SLC Zone BP Business Park (rear)

South: SL County A2 Agriculture; M1 Light Industrial

East: (across 2200 West) SL County, A2 Agricultural

See map attached above

- c. **Q:** How many employees are expected to work on-site during the highest shift

Response: 2019: 3; 2020: 11

- d. **Q:** If applicable, how many seats will be provided as part of the conditional use

Response: N/A

- e. **Q:** Have you discussed the project with nearby property owners? If so, what responses have you received?

Response: We have contacted neighboring property owners but received no response.

2. Minimum Plan Requirements One paper copy (24" x 36") of each plan and elevation drawing

- a. A digital (PDF) copy of each plan and elevation drawing One 11 x 17 inch reduced copy of each plan and elevation drawing

See attached Ex. A Below

3. **Site Plan** - See attached **Ex. B Below**

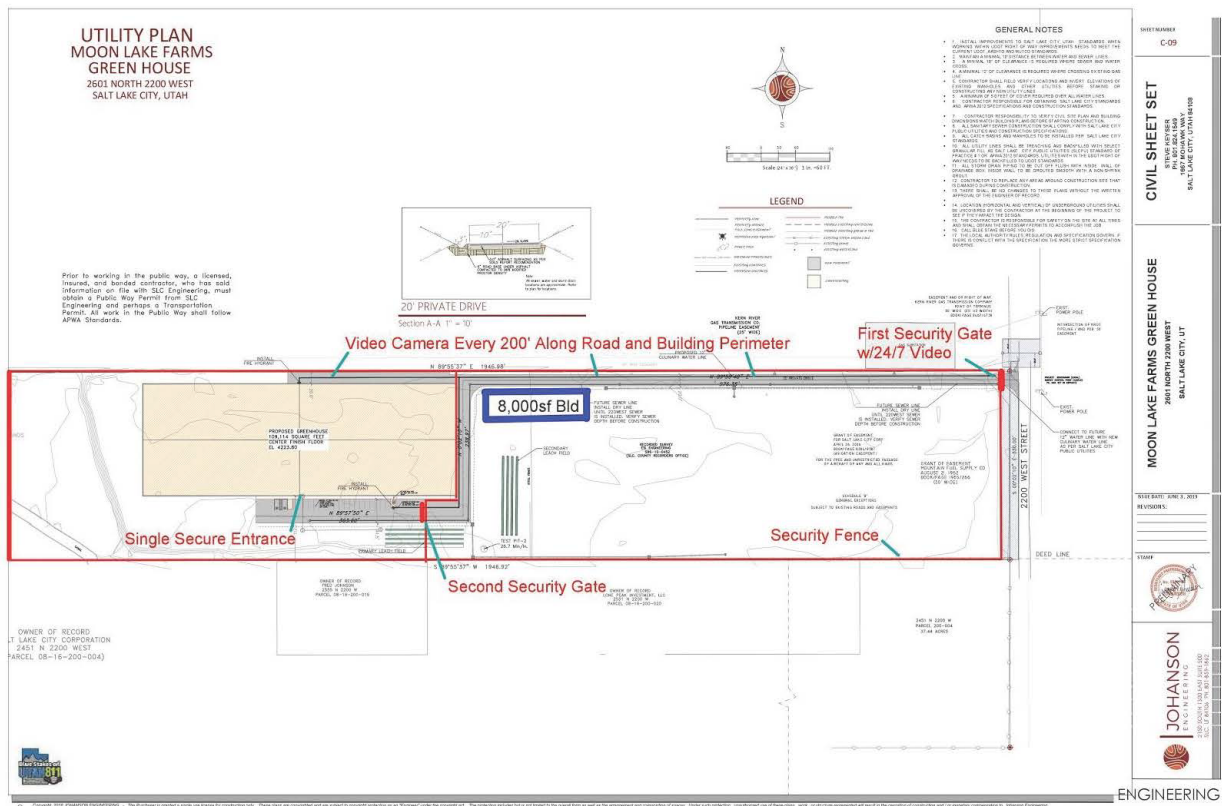
4. **Elevation Drawing** (if applicable) Detailed elevation, sections and profile drawings with dimensions drawn to scale Type of construction and list the primary exterior construction materials Number, size, and type of dwelling units in each building, and the overall dwelling unit density

Response: N/A

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

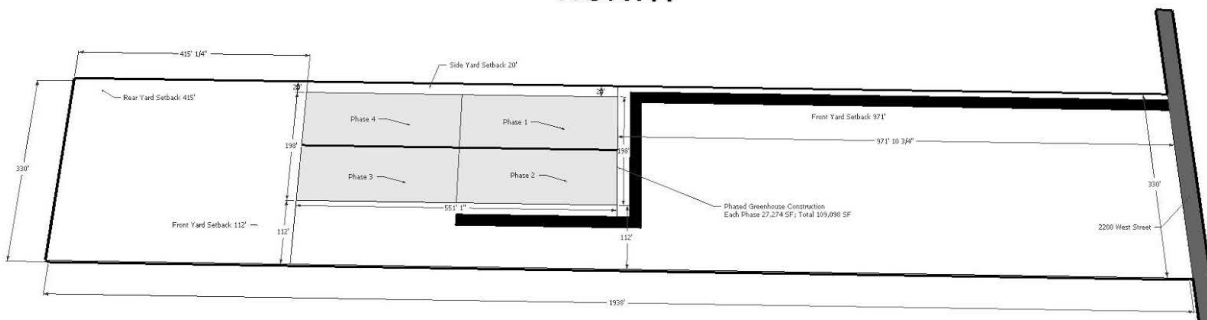
Keith Keyser I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Ex. A



Ex. B

NORTH ^



ATTACHMENT A

STATE OF UTAH } } ss COUNTY OF SALT LAKE }

We, Blaine F. Overson and Annette H. Overson being duly sworn, depose and say that We are the owners of the property located at: 2601 North 2200 West, (Tax Parcel #08-16-200-001) in the City of Salt Lake, County of Salt Lake, State of Utah, (the "Property")

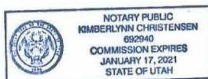
Our signature below attests that we authorize Kyndgrowz LLC, DBA Moonlake Farms, managers Keith Keyser Utah Drivers Lic. # 172105136 and Cody Johnson, Utah Drivers Lic. # 148357581 to act as our authorized agent to make all applications for conditional use, building permits, rezoning, business licensing and any and all other permits necessary for Kyndgrowz LLC to construct and operate a 100,000 SF greenhouse on the Property.

Property Owner

Blaine F. Overson
Blaine F. Overson

Property Owner

Annette H. Overson
Annette H. Overson



Subscribed and sworn to me this 6 day of MAY, 20 19.

Kimberlyn Christensen (Notary)

Residing in Salt Lake County, Utah

My commission expires: 1/17/2021



5/3/2019

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ATTACHMENT E: ZONING ORDINANCE REQUIREMENTS

SALT LAKE CITY ZONING ORDINANCE PROVISIONS

21A.32.030: RP RESEARCH PARK DISTRICT:

21A.32.030.A: 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.

Zoning Requirements – BP Business Park District

Zoning Standard	Required	Existing/Proposed	Status
Min Lot Area	20,000 sq. ft.	38,000	Complies
Min Lot width	100'	213'	Complies
Maximum Building Height	60' in height	20'	Complies
Front Yard Setback	30' minimum	957'	Complies
Interior Side Yard	20' minimum	20'	Complies
Rear Yard	25' minimum	Not provided (rear setback is at least 700')	Complies
Maximum building coverage	40% of lot area	17% 2.5 acres/14.75 acres	Complies

21A.34.040: AFPP AIRPORT FLIGHT PATH PROTECTION OVERLAY DISTRICT:

21A.34.040.A:

Purpose Statement: It is determined that a hazard to the operation of the airport endangers the lives and property of users of the Salt Lake City International Airport, and the health, safety and welfare of property or occupants of land in its vicinity. If the hazard is an obstruction or incompatible use, such hazard effectively reduces the size of the area available for landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Salt Lake City International Airport and the public investment. Accordingly, it is declared:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Salt Lake City International Airport;
2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
3. That the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

21A.34.040.V.1:

1. Airport Influence Zone A: The following uses are incompatible in this zone and are prohibited:
 - a. Residential uses;

- b. Commercial uses, except those constructed with air circulation systems and at least twenty five (25) dBs of sound attenuation;
- c. Institutional uses such as schools, hospitals, churches and rest homes;
- d. Hotels and motels, except those constructed with air circulation systems and at least thirty (30) dBs of sound attenuation in sleeping areas and at least twenty-five (25) dBs of sound attenuation elsewhere.

ATTACHMENT F: ANALYSIS OF STANDARDS

21A.54.080 – Standards for Conditional Use

Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;

Analysis: The property is located in the BP Business Park zoning district. Per Section 21A.33.030 – Table of Permitted and Conditional Uses for Commercial Districts of the Zoning Ordinance, Light Manufacturing and Agricultural uses in the BP Business Park require conditional use approval.

Finding: The proposal complies with the applicable provisions of the Salt Lake City Zoning Ordinance. It is allowed in the zone through the conditional use process and complies with all City requirements for such a facility.

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

Analysis: The character of the surrounding neighborhood is primarily agricultural. There are also some homestead-type residential properties and some light manufacturing/warehouses within the vicinity of the subject property. While the proposed greenhouse and processing building is relatively large (109,114 square feet), it is set back from 2200 West by over 900 feet. Additionally, greenhouses and on-site agricultural processing facilities are commonly found on agricultural sites. While large, the proposed facility should be compatible with the existing surrounding neighborhood. Finally, the proposed use is compatible with the Flightpath overlay district requirements and will not interfere with overhead aircraft traffic.

Finding: Staff finds that the use and the scale and intensity of development will be compatible with surrounding uses.

3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and

Analysis: The Northpoint Small Area Plan encourages agricultural land uses on both sides of 2200 West to preserve the agricultural character of the neighborhood and to avoid negative noise exposure from aircraft flying overhead. In addition, while the property is zone BP and the proposed future land use is also business park related, the plan notes that “[d]ue to the long-range time frame for business park development to occur, agricultural uses, such as grazing, should be allowed to continue and expand on properties which are proposed for future business park development. Therefore, the zoning ordinance should be amended to allow agricultural uses on land zoned Business Park” (pg. 7).

Finding: Allowing the proposed cultivation and processing of industrial hemp conforms with expectations laid out in the Northpoint Small Area Plan.

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions (please refer to Detrimental Impacts Chart on the next page for details).

21a.54.080B – Detrimental Effects Determination

In analyzing the anticipated detrimental effects of a proposed use, the planning commission shall determine compliance with each of the following:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it is located	Complies	Agricultural uses and light manufacturing uses are permitted with planning commission conditional use approval in the BP Business Park district.
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps	Complies	The Northpoint Small Area Plan specifically recommends agricultural uses in areas zoned BP until the area is more fully developed with necessary public utilities.
3. The use is well-suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area	Complies	All adjacent property is either vacant or used for agricultural purposes. The proposed use is well-suited to the character of the site and the neighborhood.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	The nearest structures to the subject property are homestead residences on agricultural property and manufacturing/warehouses. However, all adjacent property is either vacant or used for agricultural purposes. The proposed uses and related structures do not conflict with the agricultural character of the neighborhood.
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows	Complies	A single access point is proposed with this application. No significant grading (outside of normal work related to driveway installation) is proposed.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	The lot is separated from other non-agriculture uses. Additionally, the proposed parking area is set back over 900 feet from the front property line. No adverse impacts on adjacent property from motorized, non-motorized and pedestrian traffic is anticipated.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	2200 West is not a pedestrian-centric street and the surrounding neighborhood is not equipped to support pedestrians. No bicycle parking is proposed but is recommended.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	Agricultural uses are common in this neighborhood. Allowing another industrial hemp cultivation and processing will likely not significantly change the subject property's current impact on 2200 West.
9. The location and design of off-street parking complies with applicable standards of this code	Complies	There are 21 proposed parking spaces. Only one space per three employees is required for general manufacturing and no parking is required for agricultural uses. The proposal appears to meet. Proposed parking appears to meet required design standards.
10. Utility capacity is sufficient to support the use at normal service levels	Complies	Public Utilities have addressed concerns that there are currently no water or sewer or drainage services to this property. In fact, the current utility capacity would not support other uses that are currently allowed by-right in the BP district. And that significant improvements will be required before a building permit and any water use can be permitted. The applicant has submitted utility plans with their building permit application.
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts	Complies	The property is adjacent only to other agricultural uses. There are no foreseeable use conflicts with adjacent properties.

12. The use meets City sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke	Complies	The subject property is within the Airport Flight Path Protection Overlay District. An agricultural use is not going to have any more impact on the surrounding environment (or the greater regional environment for that matter) than the airport or any nearby manufacturing uses already established.
13. The hours of operation and delivery of the use are compatible with surrounding uses	Complies	The applicant has stated that no retail-type uses are proposed to be established. As an agricultural use, the hours of operation and traffic impacts are expected to be compatible with surrounding uses (which are primarily agricultural).
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	Any signs and lighting will be confined to that necessary to provide safety on the site including for adequate security while being minimized in order to not impact adjacent properties.
15. The proposed use does not undermine preservation of historic resources and structures	Complies	There are no historic resources or structures on this site or in the surrounding area.

Finding: In analyzing the anticipated detrimental effects of the proposed use, Planning Staff finds that the request complies with the criteria listed above.

ATTACHMENT G: PUBLIC PROCESS AND COMMENTS

Public Notice, Meetings, Comments

The following is a list of public input opportunities related to the proposed project:

- Notice of the project and request for comments sent to the Westpointe Community Council Chair on August 8, 2019, in order to solicit comments.
- Staff sent an early notification announcement of the project to all residents and property owners living within 300 feet of the project site on August 8, 2019 providing notice about the project and information on how to give public input on the project.
- Staff held an open house on the proposed conditional use and the proposal to rezone the property concurrently.
 - The 45-day recognized organization comment period expired on September 23, 2019.

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on: July 9, 2020
- Public hearing notice sign posted on the property: July 9, 2020
- Public notice posted on City and State websites & Planning Division listserv: July 9, 2020

Public Input:

The Westpointe Community Council Chair did not ask staff to attend a meeting to present the project. Comments received at the open house were generally supportive of the proposed use, but not supportive of rezoning the property to M1.

ATTACHMENT H: DEPARTMENT REVIEW COMMENTS

The following comments from other reviewing departments were submitted in relation to the proposal:

Public Utilities – Brad Stewart

There are currently no water or sewer or drainage services to this property. There is a Private canal that runs through the southwest corner of the property. Significant improvements will be required before a building permit and any water use can be permitted.

Engineering – Scott Weiler

No comments

Transportation – Michael Barry

No objections to the proposal

Fire – Edward Itchon

At the time of a building permit additional items may be required. These items may include fire protection systems, additional fire flows, etc.

Zoning – Alan Michelsen

1. Fully dimensioned floor plans and elevation plans are required to verify compliance with parking calculations, impact fee calculations, Chapter 21A.33 (permitted/conditional uses) and maximum building height requirements for the B-P or M-1 Zone.
2. Applicant will need to identify any outdoor storage areas including vehicle and equipment storage. Under the current BP zone, all outdoor storage areas shall be hard-surfaced, screened by a solid fence and approved through the site plan review process. Outdoor storage of goods and materials shall not be stacked taller than the solid fence. If the property is rezoned to M-1 screening of outdoor storage is not required and the applicant may apply for a special exception for vehicle and equipment storage in a non-hard-surfaced area of the lot under the provisions of 21A.44.020.F.9.
3. Parking calculations shall be documented on the plans and show compliance with the following:
 - a. Document minimum parking calculations for each principal building and/or use. See Zoning Ordinance Table 21A.44.030.G.
 - b. Document maximum parking provided, not to exceed 125% of the minimum required parking as per 21A.44.030.H.1. (Maximum parking is not required if rezoned to M-1).
 - c. Document required and provided number of accessible parking stalls as per 21A.44.020.D.
 - d. Document required and provided number of bicycles stalls as per 21A.44.050.B.3.
 - e. Document required and provided number of loading berths as per table 21A.44.080.
 - f. Show the location of bicycle racks as per 21A.44.050.B.4 and provide a rack detail that meets the bicycle rack design standards as per 21A.44.050.B.5.
 - g. Parking and maneuvering areas shall be dimensioned and show compliance with 21A.44.020.E.
 - h. Control Curbs (6" poured concrete) are required for driveways and parking/maneuvering areas adjacent to required landscaping areas.
4. For the B-P zone, as per 21A.32.030.G, a minimum 30 feet landscape front yard setback is required with 20 feet side yard setbacks and a 25 feet rear yard setback, with a minimum 8 feet wide landscape yards provided along the side and rear yards. If the property is rezoned to M-1, the front yard is reduced to 15 feet, with no side or rear yard setbacks or landscaping required.
5. All gates and fencing (existing and proposed) shall comply with 21A.40.120.
6. Landscape plans shall show compliance with the following.
 - a. The location, quantity, size, and name (both botanical and common) of all proposed trees and plants.
 - b. Front, side and rear yard landscaping as per 21A.32.030.G and 21A.48.090. Side and rear yard landscaping is not required if rezoned to M-1.
 - c. Perimeter parking lot landscaping where parking lots are located closer than 20 feet to a property line as per 21A.48.070
 - d. Parking strip trees and landscaping as per 21A.48.060 if curb and gutter are required and/or provided.
 - e. Interior parking lot landscaping as per 21A.48.070.B.

- f. A water efficient irrigation plan with plants grouped by hydro-zones as outlined in 21A.48.055.D and using Salt Lake City Landscape BMP's for Water Resource Efficiency and Protection. <http://www.slcdocs.com/utilities/PDF%20Files/Conservation/SLC%20Landscape%20BMPs-4.pdf>
- g. Provide landscape summary data in the following classifications:
 - i. Total square feet area of parking lot.
 - ii. Total square feet area of interior parking lot landscaping required/provided based on 5% of the parking lot.
 - iii. Total number of interior parking lot trees required/provided based on one tree per 120 sq. ft.
 - iv. Dimension of perimeter parking lot landscape yards and total number of trees and shrubs required as per 21A.48.070.
 - v. If curb and gutter are provided, then document the dimension of street frontage and total number of parking strip trees required/provided based on one tree per 30 ft. of lot width and document the square feet area of the parking strip and the total percentage of living ground cover (33% minimum).
- 7. Refuse Control:
 - a. Show a dumpster location on the site plan and provide a dumpster enclosure detail for a 6 feet high solid fence and solid gate.
 - b. On the site plan show the location of a recycling collection station as per 21A.36.250.D and 21A.36.250.I and provide screening as per 21A.36.250.J.

Building – Todd Christopher

While the use of this property is not a Building Code concern, the uses performed within any structures on the property are. The actual use of the greenhouse structures is unclear based upon the current permit application (BLD2019-05190), this conditional use request, and the administrative interpretation (PLNZAD2019-00645). Regardless, whether or not it is determined that a building permit will be required for the greenhouse structures, mechanical, plumbing and electrical permit applications will be required to be reviewed and approved before related work may be performed.