



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members
FROM: Nick Tarbet
DATE: October 17, 2023
RE: Northpoint Small Area Master Plan
PLNPCM2022-00687

PROJECT TIMELINE:

Briefing 1: February 21, 2023
Briefing 2: September 5, 2023
Briefing 3: Oct 17, 2023
Set Date: February 21, 2023
Public Hearing: March 7, 2023
Potential Action: TBD

NEW INFORMATION

At the September 5 briefing, the Council discussed the draft Northpoint Small Area Plan. Council Member Petro spoke about the public feedback she received from residents in the area and expressed a desire to move forward with the plan.

That same night many individuals spoke during the general comment portion of the formal meeting about the draft plan. They encouraged the City Council to change the future land use map so more areas are identified for conservation. Some said a Transfer of Development Rights policy could help preserve the land for agriculture / wildlife habitat while allowing property owners the ability to receive market rate compensation for their property.

Council Member Petro is asking the Council to consider moving forward with the Northpoint Small Area Plan in the following manner:

1. Keep the future land use map as currently proposed in the draft Northpoint plan
2. Initiate a zoning amendment that would create a new zone or zoning overlay that will implement the Northpoint Plan vision and goals.
3. State in the text of the Northpoint Plan that:
 - a. Any potential rezones that may come to the City before the new zoning is adopted would be expected to enter into development agreements with the City to implement the vision and goals outlined in the Northpoint plan.



- b. Any annexations into the city that are finalized before the new zoning is adopted would receive the zoning designation of AG (Agricultural).
 - i. Once the new zoning designation is adopted, property owners may submit a rezone petition for that new zoning designation and would go through the standard City process for zoning amendments.

Proposal from constituents:

- A collaboration between groups with a focus on preservation and conservation issues provided an alternative future land use map they would like the Council to consider adopting as part of the plan. The map calls for a greater portion of the area within the small area plan to be identified for the shoreline preservation area, including most of the property east of 2200 West. This group met with
- Council Member Petro to explain their proposed changes to the future land use map. *See Attachment F -Conservation/Preservation Group Proposed Northpoint SAP Map.*
- Additionally, they suggest a buffer of 300 feet along the Jordan River, North of I-215. Currently, the proposed buffer is 100-feet along the Jordan River. Planning staff expressed concerns that a 300-foot buffer could have regulatory taking issues if it did not also include some way to offset the limitation on the property, such as allowing clustering of development on other parts of the property.

The information below (pages 4-11) for the September 5 work session briefing outlines policy questions the Council may wish to review and provide direction to staff on. Some questions were considered and discussed on Sept 5. The questions are outlined here for quick access, please see the memo below for full background on the questions.

POLICY QUESTIONS

1. (New – based on Council Member Petro proposal) Is the Council ready to move forward with adoption of the Northpoint Small Area Plan according to the following steps:
 - a. Keep the future land use map as currently depicted in the draft plan
 - b. Initiate a zoning amendment to create a new zone or zoning overlay that will create zoning to implement the vision and goals outlined in the Northpoint Plan
 - c. State in the text of the Northpoint Plan that any annexations into the city that are finalized before the new zoning is adopted would receive the zoning designation of AG
 - i. Once the new zoning designation is adopted, then property owners may submit a rezone petition for that new zoning designation and would go through the standard City process for zoning amendments.

The following questions were provided for the September 5 work session:

2. Does the Council wish to consider the request to increase the buffer along the Jordan River, north of I-215 from 100 feet to 300 feet?
 - a. Does the Council wish to ask the Administration for their feedback on this request, including if there are changes that would need to be made to the plan to successfully incorporate this request?

3. Future Land Use Map

Currently the draft future land use map calls for the area east of 2200 West to be Transitional Industrial. The Council may wish to consider all the options that have been raised pertaining to the future land use map, including:

- Keep the plan as currently proposed – Light Industrial
- Change the plan to support Residential in addition to Light Industrial in the transitional area
- Change Plan to support Natural Open Space

Which version of the future land use map does the Council support moving forward with?

4. Does the Council wish to initiate a legislative action requesting the Administration draft a zoning amendment to implement the small area plan vision?

5. City Led Annexation (more information in Section 3 below, September 5 Staff Memo)

A large portion of the small area plan is in an unincorporated part of the County. For the past few years property owners in this area have been discussing annexing into the City. In March of this year the City rejected an annexation petition with the intent that the City initiates a more holistic annexation for this area. Some felt it was important to get the small area plan completed before moving forward with the annexation process.

- Does the Council wish to initiate the City-led annexation?
- Does the Council wish to request that the Administration seek Planning Commission input on the zoning consideration for the area?
- Does the Council wish to initiate the annexation for all the unincorporated properties in this area, or to move forward with an incremental approach?

6. Changes made to the draft plan based on Council feedback

During the briefing the Council requested the following changes be made to the draft plan. Planning staff provided the attached memo (*Attachment A*) outlining how the changes were incorporated into the draft plan.

- a. Stronger language throughout the draft plan
 - i. Specific design standards and implementation section were updated by replacing "should be" with "shall be" and "encouraged" with "required".
- b. Business Park Land Use/Zoning:
 - i. Removed Business Park from Vision Map and revised the land use category to be Light Industrial rather than Business Park/Industrial.
- c. Distribution Uses
 - i. Planning staff are seeking further direction from the Council on this issue. To limit distribution uses, an overlay zone could include a specific list of permitted

- and conditional uses that align with the plan, while prohibiting distribution and fulfillment uses.
- ii. Additionally, building gross floor area could be limited to under 150,000 square feet, and building height could be limited to under a specific height (such as 32 feet).
- iii. If the Council could initiate a zoning amendment that would implement these concepts (*see Legislative Action in section 1 above*).
- d. 3200 West development concerns
 - i. The plan was updated to expand on the intent that new development cannot be accessed from 3200 West.
- e. Close or put a gate at 3200 West
 - i. Based on current City policy, staff does not recommend closing 3200 West because the road would likely need to be sold to adjacent property owners.
 - ii. Planning Staff does not recommend gating 3200 West as it could create unforeseen issues for property owners who use the road for access.
- f. Future Land Use Vision Map
 - i. Update to show proposed buffer widths from waterways
 - 1. Jordan River – 100 feet
 - 2. Canals and Drains – 75 feet
 - 3. Rudy Canal – already has a 200 foot no development easement

The following information was provided for the September 5 work session briefing. It is provided again for background purposes.

September 5 Work Session Briefing

The Council last considered the proposed Northpoint Small Area Plan during the March 7, 2023, public hearing. The Council closed the public hearing and deferred action to a future Council meeting. *Section 6 - Public hearing Summary* below outlines public comments made during the meeting.

Since the public hearing, different stakeholders, including property owners, met with some Council Members to discuss their concerns, proposed changes, and how to move forward with the draft plan.

Since it has been almost 6 months since the last Council discussion on the draft plan, the follow up briefing on September 5 will serve as a reorientation to the draft plan and related issues.

In order to get Council Member review and feedback on next steps, the staff report is outlined in the following sections.

Section 1 – Policy Questions

Section 2 – Changes Made to the Draft Plan based on previous Council input

Section 3 - Proposed City-Led Annexation

Section 4 - Related Planning Documents

Section 5 - Public Comments / Requested Changes

Section 6 - Public Hearing Summary

2. Section 1 - Policy Questions

Policy questions are listed in the first and by major category so the Council can review and have them in mind as they read the staff report. *They are included again in their respective sections below.*

- **Future Land Use Map** (more information in Section 2 below)

Currently the draft future land use map calls for the area east of 2200 West to be Transitional Industrial. Properties located in this area of the County are currently zoned Agriculture. This would convert the area to light industrial/manufacturing. The transitional designation is intended to mitigate the impact of those uses on the residential and agricultural uses.

The Council received different requests to change the future land use map, so the area east of 2200 West is identified for agricultural uses or to preserve the area for conservation uses. Other stakeholders requested residential be allowed in this area, in addition to industrial uses, and some have said the current proposed plan is the best option.

Based on the requests from various stakeholders to either amend the plan, or keep the plan as currently drafted, the future land use map and eventual zoning would change depending on the Council's decision. Much of the discussion has focused on the area east of 2200 West.

Options the Council may wish to consider for the area east of 2200 West include:

- Keep the plan as currently proposed – Light Industrial
- Change the plan to support Residential in addition to Light Industrial in the transitional area
- Change Plan to support Natural Open Space

Does the Council support changing the draft plan's future land use map to reflect any of the proposals by various stakeholder groups?

- **Future Zoning** (more information in Section 2 below)

Rezoning properties located within the small area plan boundaries is one way to implement the plan's vision. During the work session briefing the Council asked Planning staff if there could be a limitation on distribution and fulfillment uses.

Additionally, some public feedback suggested the City's current M1 Light Manufacturing zoning district would not sufficiently take into account the unique needs of this area, and a new zoning district or overlay zone is needed to properly implement the vision of the small area plan.

Does the Council wish to initiate a legislative action requesting the Administration draft a zoning amendment to implement the small area plan vision?

- This could be accomplished with either an entirely new zoning district or an overlay. Planning staff could have discretion to move forward with whichever option they think is best.

○ **City Led Annexation** (more information in Section 3 below)

A large portion of the small area plan is in an unincorporated part of the County. For the past few years property owners in this area have been discussing annexing into the City. In March of this year the City rejected an annexation petition with the intent that the City initiates a more holistic annexation for this area. Some felt it was important to get the small area plan completed before moving forward with the annexation process.

- ***Does the Council wish to initiate the City-led annexation?***
- ***Does the Council wish to request that the Administration seek Planning Commission input on the zoning consideration for the area?***

○ **Response to Public Feedback**

Some residents requested the City slow down on the small area plan to give stakeholders time to research and potentially implement a proposed Great Salt Lake Shoreline Heritage Area. Section 5 below goes into more detail about this request.

- ***Does the Council wish to ask the Administration for an update on discussions about the proposed Great Salt Lake Shoreline Heritage Area?***

3. Section 2 - Changes made to the draft plan based on Council feedback

During the briefing the Council requested the following changes be made to the draft plan. Planning staff provided the attached memo (*Attachment A*) outlining how the changes were incorporated into the draft plan.

○ **Stronger language throughout the draft plan**

- Specific design standards and implementation section were updated by replacing "should be" with "shall be" and "encouraged" with "required".

○ **Business Park Land Use/Zoning:**

- Removed Business Park from Vision Map and revised the land use category to be Light Industrial rather than Business Park/Industrial.

○ **Distribution Uses**

- Planning staff is seeking further direction from the Council on this issue. To limit distribution uses, an overlay zone could include a specific list of permitted and conditional uses that align with the plan, while prohibiting distribution and fulfillment uses.
- Additionally, building gross floor area could be limited to under 150,000 square feet¹, and building height could be limited to under a specific height (such as 32 feet).
- If the Council could initiate a zoning amendment that would implement these concepts (*see Legislative Action in section 1 above*).

○ **3200 West development concerns**

- The plan was updated to expand on the intent that new development cannot be accessed from 3200 West.

- **Close or put a gate at 3200 West**

- Based on current City policy, staff does not recommend closing 3200 West because the road would likely need to be sold to adjacent property owners.
- Planning Staff does not recommend gating 3200 West as it could create unforeseen issues for property owners who use the road for access.

- **Future Land Use Vision Map**

- Update to show proposed buffer widths from waterways
 - Jordan River – 100 feet
 - Canals and Drains – 75 feet
 - Rudy Canal – already has a 200 foot no development easement

Policy Questions

- ***Does the Council support changing the draft plan's future land use map to reflect any of the proposals by various stakeholder groups?***
- ***Does the Council wish to initiate a legislative action requesting the Administration draft a zoning amendment to implement the small area plan vision?***

4. Section 3 - Proposed City-Led Annexation

A large portion of the small area plan is in the County. For the past few years property owners in this area have been discussing annexing into the City. In previous attempts the County has expressed the preference for the boundaries of the City and County to be cleaned up in this area. Since much of this area is identified in the City's annexation plan, they felt it made sense for the City to lead any annexation efforts. In March of this year the City rejected an annexation petition with the intent that the City initiates a more holistic annexation for this area.

The City's Recorder's Office has done some initial work on the City led annexation. This included a community open house on May 11th and informational letter distributed to property owners. Additionally, they have worked with the County to verify all requirements are being met to move forward with a potential annexation.

Attachment B - City-Initiated Annexation Update outlines the next steps the City may take if the Council is ready to move forward with the annexation petition. It should be noted that the Council could choose to change the boundaries of the annexation. The entire area depicted does not need to be annexed all at once. But ultimately the goal is to clean up the boundaries between the city and county jurisdiction in this area.

The zoning of properties annexed into the City receive their zoning designation during that process. They do not go through the traditional rezone process. In previous annexation petitions the Council asked staff to send the petition to the Planning Commission for review and a recommendation on the zoning. If the Council initiates an annexation petition for this area, it may wish to ask the Planning Commission to review and provide a recommendation on the zoning considerations.

If the Council is ready to initiate the annexation, staff will work with the Attorney's and Recorder's offices to prepare a resolution which can be adopted at an upcoming Council meeting.

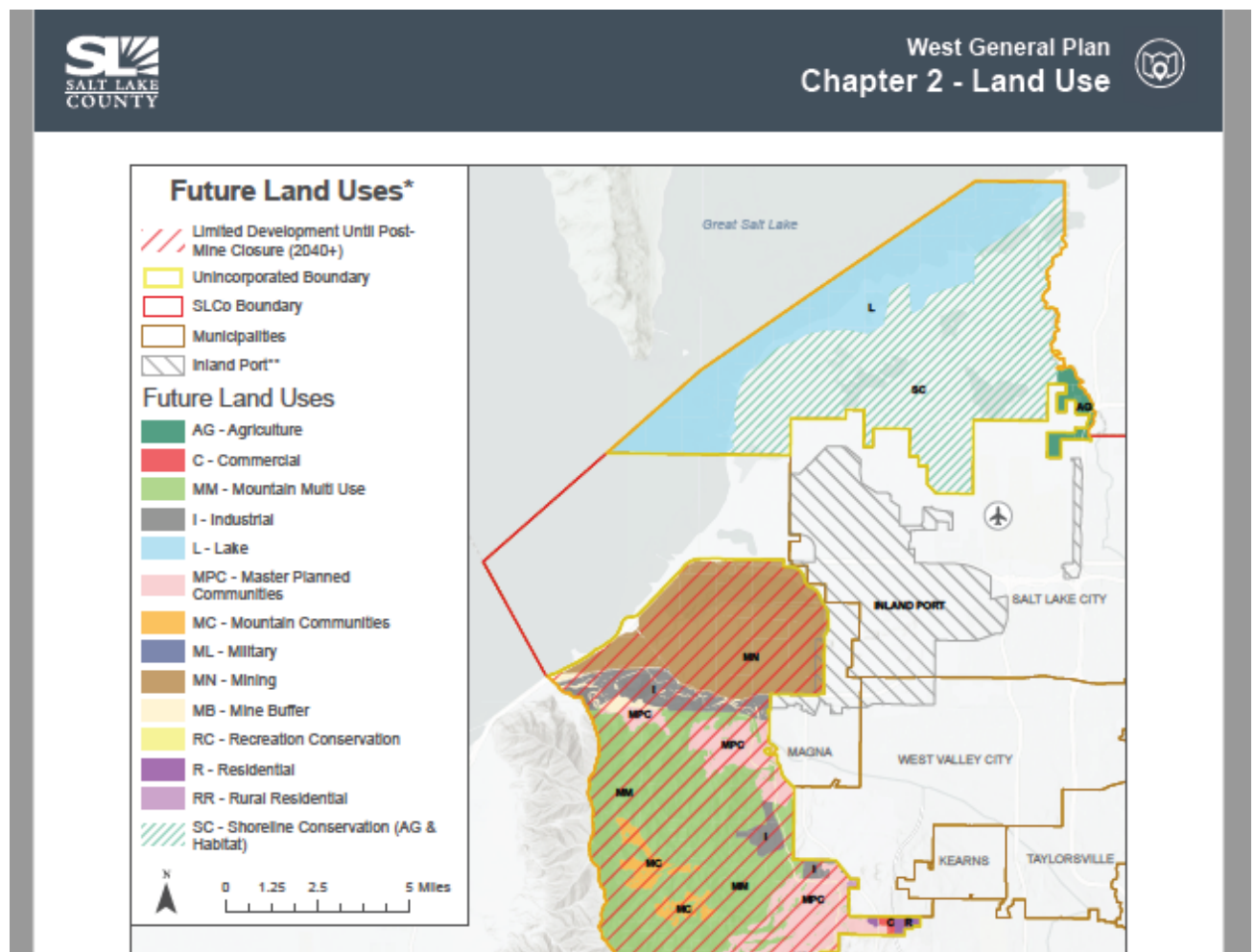
Policy Questions

- ***Does the Council wish to initiate the City-led annexation?***
- ***Does the Council wish to request that the Administration seek Planning Commission input on the zoning consideration for the area?***

5. Section 4 - Related planning documents

During some meetings with stakeholders the Salt Lake County West General Plan was raised for consideration. The West General Plan was approved by the County Council on May 10, 2022. *Attachment C – SL County Future Land Use Map* shows the area identified for potential annexation into Salt Lake City is proposed as agriculture use.

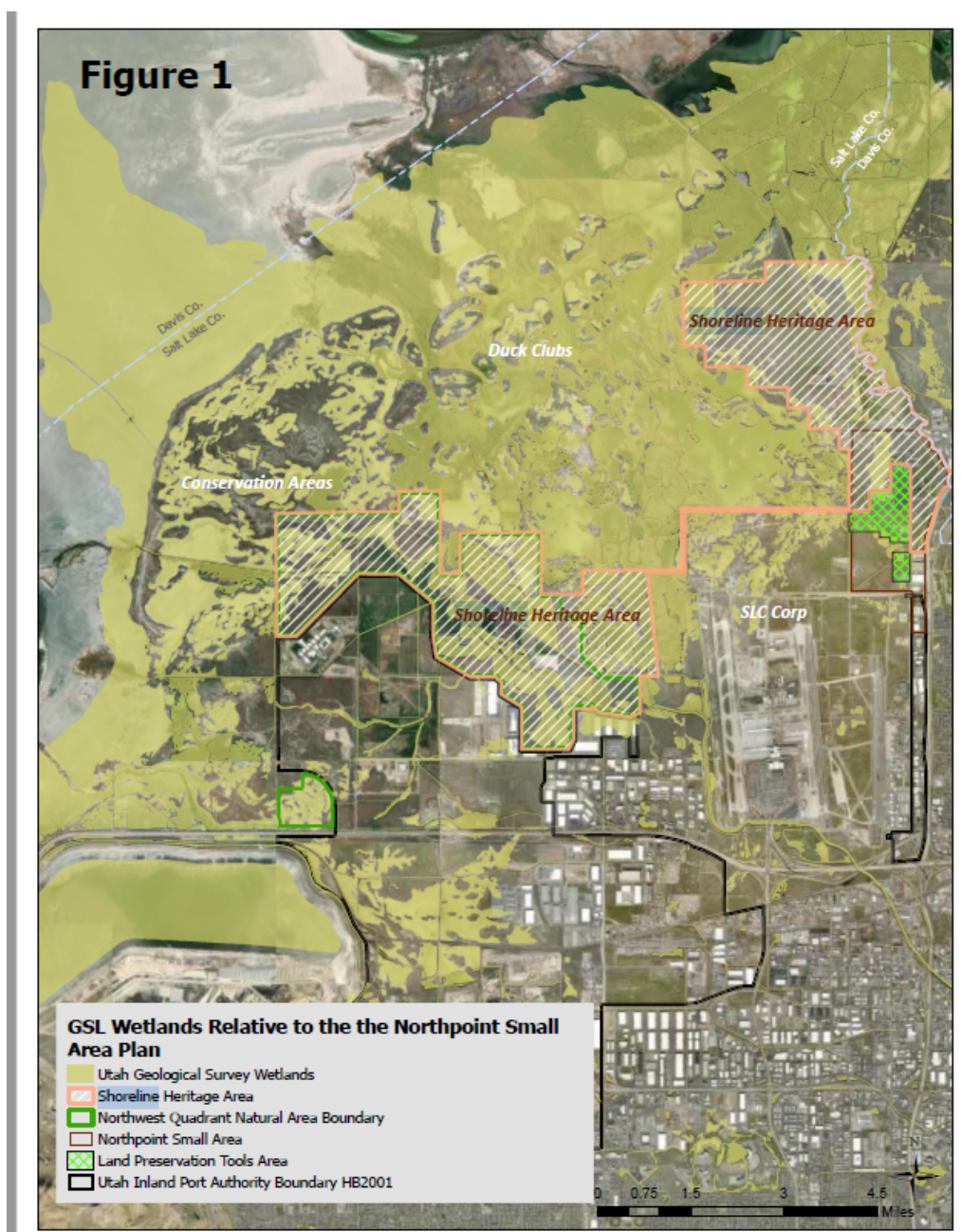
From Attachment C – SL County Future Land Use Map



6. Section 5 - Public Comments, requested changes

Attachment D is a letter submitted to the City and County in advance of the March 7 public hearing. The letter outlines recommended changes to the Northpoint Small area plan in order to *preserve agricultural lands, healthy wildlife habitat, and functioning ecosystems*. The group of stakeholders that submitted this letter also set up some small group meetings with Council Members to go over their concerns.

The letter outlines the concept for a Great Salt Lake Shoreline Heritage Area which is depicted in the map attached to the letter and shown below.



The letter requests the Northpoint Small Area plan be amended so that some of the properties would be preserved and the development rights be transferred to another area of the City. This is a concept known as a Transfer of Development Right (TDR) program.

TDR is a tool identified in the land preservation section of the small area plan. According to the small area plan, page 42:

TDRs are tools that establish areas within a community for preservation (sending zones), and additional growth (receiving zones). Sending zones can be areas of agricultural land, open space, or other properties important to preserve. Receiving zones are areas that the community has designated as appropriate for additional or increased development.

The administration has expressed support to explore the possibility of a Great Salt Lake shoreline preserve. However, at this time it is not clear if that process has started. The Council may wish to ask the Administration if there is an update on the shoreline preservation discussions.

Policy Question

- ***Does the Council wish to ask the Administration for an update on discussions about the proposed Great Salt Lake Shoreline Heritage Area?***

Another comment submitted requested the city update the Airport Flight Path Protection Overlay District (AFPP) because they believe new information suggests it should be updated. The resident who submitted the letter on behalf of a property owner in the Northpoint area said they would pay for the costs to update the overlay district. The letter also suggests residential dwellings could be allowed in this area and the plan would need to be updated to allow residential uses east of 2200 west.

Policy Question

- ***Does the Council wish to ask the Administration/Airport staff for their feedback on the request to update the AFPP?***

7. Section 6 - Public Hearing Summary

The minutes of the public hearing provide a summary of comments made during the March 7, 2023, public hearing. They can be found in Attachment E – March 7 Public Hearing Summary of Public Comments.

Many people spoke both in support and in opposition to the draft plan for a variety of reasons. Some felt the draft plan was ready to be adopted as currently written while others felt it needed more work to ensure environmental issues were adequately addressed.

The following information was provided for the March 7 public hearing. It is provided again for background purposes.

Work Session Summary

At the February 21 work session briefing, Council Members raised questions about the impact future development may have on the residents in the area due to increased traffic, as well as impacts to air quality, and the environment.

Some felt the Plan was a good attempt at balancing and protecting the current residents and the environment, while providing the growth and development that is likely to come. Some expressed concerns the plan was too flexible and asked Planning staff to consider making changes that require the type of development the city wants to see in this area.

Other ideas raised included creating a fund to help residents pay for impacts and damage to their homes and property that may occur due to construction and looking further into the potential to use transfer of development rights in this area. On a related note, in recent weeks the Council office has received many questions and complaints about the traffic impact on 2200west due to the development in the area and 2900 west not being completed.

The Council also discussed some of the implementation strategies they would like to see prioritized such as removing the BP zone, mapping, and increasing the buffers between the wetlands and river, and including stricter language that would keep 3200 west a gravel road.

Council members indicated they would like to have a follow-up work session after the public hearing to go over any potential changes they would like to see included in the draft plan.

The public hearing is scheduled for March 7

The following information was provided for the February 21 briefing. It is provided again for background purposes.

ISSUE AT-A-GLANCE

The Council will receive a briefing about an ordinance that would adopt the Northpoint Small Area Plan. The Northpoint Small Area Plan is a land use plan for the land that is located between the Salt Lake City International Airport and the northern boundary of the city along the 2200 West corridor. In 2020 the Council allocated \$100,000 to update the master plan for this area to help plan for the increased development pressures going on in this area of the city.

The updated plan will provide guidance on existing and anticipated development in the area, as well as annexation-related issues. As part of the plan update, the Salt Lake City Major Streets Plan will be amended to reflect recommended roadway alignments.

The Planning Commission voted to forward a positive recommendation to the City Council (7-2) with the following modifications:

- The limit on distribution land uses be removed.
- The wetland buffer is expanded to up to 300 feet instead of up to 200 feet.

Mayor Mendenhall submitted a letter with the transmittal that recommend the City Council consider Planning Staff's recommendation to limit distribution land uses to prevent the area from becoming primarily a warehouse and distribution center.

The mayor noted in her letter "this could be achieved by limiting the development of such uses [distribution] where they are not currently allowed by zoning. This is a vital step to implementing the city's vision – one that respects the existing residential and agriculture properties, the environment, and wildlife, while allowing for appropriate light-manufacturing development" (*Transmittal letter pages 5-6*).

Key Concepts Identified in the Plan

Pages 2-3 of the transmittal letter outline the key concepts of the plan and potential action items the City can take to implement the plan.

- Identifies appropriate future land use and development characteristics for the area that can coexist with the wildlife habitat and natural environment of the Great Salt Lake, and the operations of the Salt Lake City International Airport.
- Identifies appropriate buffering, building design, and development characteristics to reduce the impacts on residential and agricultural uses, important wildlife habitats, and other uses within the area.
- Recommends design standards to reduce the negative impacts that future land uses may have on air quality, water quality, noise, and light.
- Updates future annexation potential for unincorporated land within Salt Lake County.
- Amends the Major Streets Plan for the area to include a new north-south collector (2900 W), a future airport road going east to west connecting to 2100 North, and to indicate that 3200 West is to remain an unimproved roadway.
- Recommends a Northpoint-specific development code that codifies the recommended design standards and includes incentive-based tools for open space preservation.

Changes to Plan noted by Planning Staff.

Page 4 of the transmittal letter notes planning staff recommends making a few modifications to the draft forwarded by the Planning Commission.

- Page 10: "The Plan Area...is nestled between wetland spillover from the Great Salt Lake..."
 - Deleted the word "spillover" as it implies excess, wasted, low value, and is not an ecological term.
- Page 24: Added "and other contrast mitigation building and landscape features" to the sentence addressing building color and materials. While colors that blend in with the natural surroundings are essential, there may be additional contrast mitigation techniques that are necessary and appropriate in specific areas such as the land close to 3200 West.
- Page 32: Evaluate the Feasibility of Acquiring Sensitive Lands as City-Owned Open Space
 - In addition to lands adjacent to the Jordan River mentioned in the text, open land and wetlands along 3200 W was also added as an area for priority open space preservation.

- Included the notation on the vision map regarding wetland applicability (jurisdictional and non-jurisdictional) on page 35 as well.

Does the Council support including these changes in the final draft of the small area plan?

Policy Questions

Below are some policy questions the Council may wish to consider as you review the draft plan and bring up during the briefing with the Administration.

1. Implementation

- Are there specific implementation steps outlined in the small area plan the Council would like to initiate? *See Implementation section below (page 5) for outline of key items and pages 2-3 of the draft plan for details.*
- Does the Council wish to take steps to ensure future development will abide by development recommendations outlined in the plan, if any petitions come to the city before the zoning changes are adopted?
 - Consider using development agreements for zoning petitions in the process

Does the council wish to support initiating any of the key implementation actions recommended in the master plan?

2. Development Standards

The Plan identifies design standards that could help reduce the negative impacts development may have (*Pages 20-29*).

- Some CMs have mentioned conditions included in the Northwest Quadrant Overlay District ([21A.34.140](#)) may be a good template to consider for development in this area of the city.
- Some of those standards include:
 - Lighting – all lighting shall be shielded to direct light down and away from edges of the property.
 - Roof color – light reflective roofing with minim solar reflective index
 - Landscape – shall consist of native plants, remove noxious weeds,
 - Glass Requirements – use glass design elements to reduce bird collisions.
 - Fencing – see through fence that is 50% open.
- Some have asked about the possibility for the city to require solar panels be included in a future development.
- Additionally, in the NWQ overlay, certain permitted uses are limited.

Do the development standards outlined in the plan successfully address the council's concerns about mitigating the impact of development in this area of the city?

3. The mayor recommended that the City Council consider Planning Staff's recommendation to limit distribution land uses to prevent the area from becoming primarily a warehouse and distribution center. This could be achieved by limiting the development of such uses where they are not currently allowed by zoning.

Does the Council support the Mayor's and Planning staff recommendation to limit distribution uses in this area?

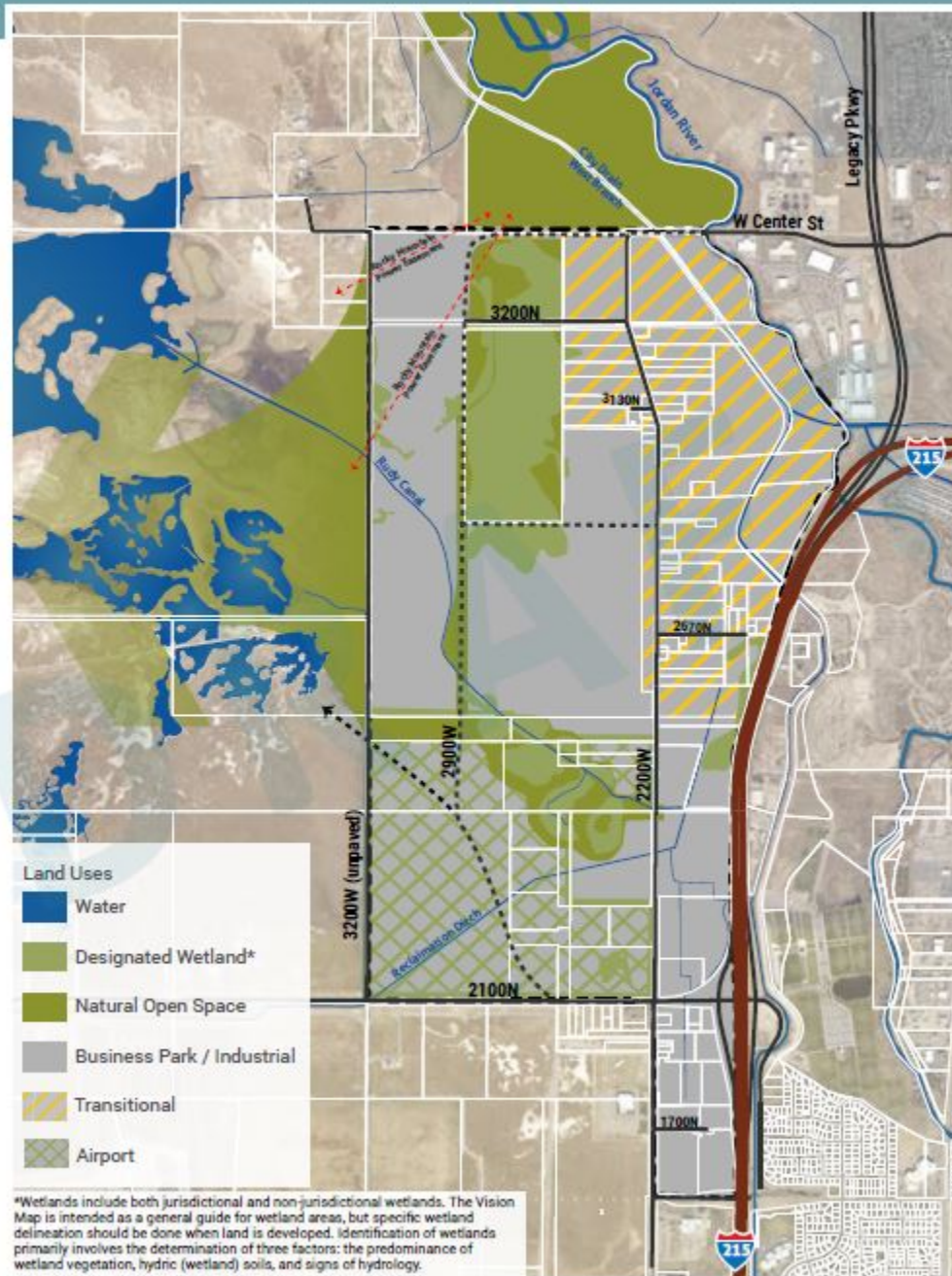
Outline of the Draft Small Area Plan

Land Use Categories

The future land use map includes the categories outlined and shown on the map below.

- Natural Open Space
- Transitional
- Business Park / Industrial
- Airport

NORTHPOINT VISION MAP



Graphic 2.2 | Northpoint Vision Map

Design Standards

The Plan identifies design standards that could help reduce the negative impacts development may have (pages 20-29). These standards include:

- Buffering and setbacks for existing residential uses and wildlife and wetland habitat
- Standards for new development
 - Grading limitation, Fencing / Walls, Dark Sky Lighting,
- Water Conscious Development

- landscaping, stormwater management,
- Airport Conflict Mitigation
 - Noise, land use compatibility
- Visual Design
- Standards for Transitional Areas
 - Industrial land use mitigation - noise, odor air quality, traffic, and loading
- Standards for Natural Open Space
 - Wetland Design Standards – planting, trails / boardwalks,

Implementation (Chapter 3)

The implementation plan identifies three-time sensitive actions that should be prioritized (pages 2-3).

- Services and Infrastructure
 - Evaluate funding solutions to redesign 2200 west and Construct 2900 West
- Natural Environmental / Preservation
 - Evaluate the Feasibility of Acquiring Sensitive Lands as City-Owned Open Space
- Built Environment/Design
 - Adopt Development Code Updates

Additional implementation actions are identified on pages 34-35. These include items such as creating a local utility plan, updating the major streets plan, environmental impact standards, annexation, etc.

Tool Kit

The plan includes a variety of tools that will help implement the small area plan (*pages 38-53*). Some of those tools include land preservation, regulatory, incentive based, land acquisition, and financial.

Public Process

The public process started in summer of 2021 up to the planning commission public hearing on December 14, 2022. During that time the outreach included numerous steering committees, community council meetings, online questionnaire, Council update and Planning Commission briefings.

The full details are outlined on pages three of the transmittal letter and the chronology is on page 11.