
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: April 23, 2010

SUBJECT: Petition PLNPCM2009-00902 Utility Box City Code Amendments
A request to modify Chapter 21A.40.160, Utility Box Regulations
of the Salt Lake City Zoning Ordinance

AFFECTED COUNCIL DISTRICTS: Citywide

STAFF REPORT BY: Nick Tarbet

**ADMINISTRATIVE DEPT.
AND CONTACT PERSON:** Community Development Department, Planning Division
Ray Milliner, Principal Planner

ATTACHMENTS

- The May 6, 2008 Council staff report is attached for additional background.
- Pictures provided by Sugarhouse Community Council.
- Pictures provided by Rocky Mountain Power.

KEY ELEMENTS:

- A. In July of 2008, the City Council adopted amendments to Section 21A.40.160, redefining the regulations for the placement of a ground mounted utility box on both private and public property. These regulations included design criteria and requirements for processing them. As part of the approval, the Council requested that Planning Staff further refine the regulations, and return with suggested improvements as a second phase.
- B. An ordinance has been prepared for Council consideration to redefine the zoning regulations for placement of ground mounted utility boxes on both private and public property.
1. The ordinance places all review of utility boxes under the jurisdiction of the Planning Commission.
 - a. Currently, utility boxes can be reviewed as a routine and uncontested matter (boxes under a defined size), or a conditional use (boxes over a defined size), thereby placing certain boxes under the jurisdiction of the Board of Adjustment (routine and uncontested matters) and others under the jurisdiction of the Planning Commission (conditional uses).
 - b. The proposed ordinance would allow all boxes as a permitted use, regardless of size and zoning district, if they are located in a given area (see item 3a. below).
 - c. The proposed ordinance eliminates the requirement that applicants obtain signatures from adjacent property owners as part of the routine and uncontested matter process.
 - d. Utility boxes in the public way will still go through the conditional use process (see item 3b. below).

- e. When a box is processed as a conditional use (for example, a box in the public way), the public will still receive notice - all conditional uses require notice of adjacent property owners within 300 feet of the use location.
2. **Definition;** "Ground mounted utility boxes" shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground mounted facilities and associated equipment used for the transmission or operation of underground public utilities.
 3. Planning staff recommends utility boxes be processed through two methods: Allowed and Conditional Use.
 - a. **Allowed** - The following uses are proposed to be permitted:
 - i. Subterranean utility boxes located entirely on private property.
 - ii. Utility boxes located entirely within an enclosed building or structure.
 - iii. Ground mounted equipment required to serve a single commercial customer located behind minimum setback or within 5 feet of a building.
 - iv. Utility boxes for essential public uses such as traffic control boxes, installed by or with permission of Salt Lake City Corporation.
 - v. Ground mounted utility boxes located within the front-line public utility easement or on private property within a private easement that is mutually acceptable to both the property owner and the utility. The equipment shall not be located within 2 feet of the sidewalk.
 - b. **Conditional Use** - All utility boxes not allowed as permitted uses would be reviewed as an **administrative conditional use** (primarily those in the front yard without an easement, or in the public right-of-way without an easement) subject to the following criteria:
 - i. **Location:** Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.
 - ii. **Spacing:** Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The Planning Director may limit the number of boxes allowed on a specific site to meet this standard.
 - iii. **Setbacks:** The Planning Director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.
 - iv. **Screening:** To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and City rights-of-way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.
 - v. **Design:** Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.
 - vi. **View:** The location shall not block views within sight distance triangles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.
 - vii. **Certificate of Appropriateness:** Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District," of this title shall require certificate of appropriateness review and approval with respect to location and screening-materials.
- C. The public process included review by the Zoning Amendment Project task force on August 10, 2009. The project was reviewed at an open house on July 16, 2009. No public comments were received.

1. The Planning Commission held a public hearing on October 28, 2009 and again on November 18, 2009. During the October hearing the Planning Commission asked staff to further investigate the following:
 - a. To prevent a residential lot from being purchased to be used for utility equipment, should language limiting the size of boxes allowed on each property be created?
 - b. Should language be created that requires boxes to be spaced so as to limit clustering in a certain area?

Staff recommended against putting a size regulation because the definition of a utility box was sufficiently different from that of a substation. They also recommended against limiting the number of boxes which could be placed together because there could be instances where it would be preferred for the boxes to be clustered to lessen the impact to the surrounding area.

2. The Commission passed a motion to forward a positive recommendation to the City Council. The vote was unanimous.
 3. Public concerns which were brought up include: nuisance issues created by the utility boxes such as graffiti, litter being left behind by maintenance crews and vehicle idling. Many are concerned that the streamlining of the process will remove the ability for the public to comment and recommend other possible locations which might better suit the neighborhood. Some are concerned about potential property value reduction, while others would like the City to encourage the utility companies to find better ways to screen the boxes or to underground the boxes entirely.
 4. The Planning staff report provides findings for the Zoning Ordinance Section 21A.50.050 - Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found on pages 5-6 of the Planning staff report.)
- D. Staff investigated the possibility of leaving the size designations of boxes in the definition proposed for these structures. However, they found that the creation of a size limitation on boxes would not be an effective mitigation tool, therefore, they are recommending that the size of the box not be a contributing factor of review for the following reasons:
- a. Extremely large utility structures such as a substation or maintenance structure are defined in the Zoning Ordinance as Public/Private Utility Buildings and Structures, and are subject to a separate review.
 - b. Many of the larger boxes are located in the industrial zones; an area that does not necessitate as much review as residential areas.
 - c. Most boxes proposed in residential areas are of a similar size and shape, as the industry has a standard box that is used throughout the neighborhoods. Therefore, most boxes would either be permitted or conditional depending on the size determined. If they are in the public way, they will be processed as an Administrative Conditional Use and will go through a process that includes public notification. These decisions can also then be appealed to the Planning Commission.
- E. Planning staff was asked to research regulations of other cities.
1. Ogden: No regulation
 2. Provo: No regulation
 3. Sandy: Boxes must be 5 feet from front property line
 4. Park City: No regulation
 5. Murray: No regulation
 6. Cottonwood Heights: No regulation

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The Council may wish to request the Administration further explore establishing specific criteria or conditions for utility boxes allowed as a permitted use, similar to what has been established for a conditional use. Under the current proposal, if a utility and property owner come to an agreement and locate a utility box in that owner's front yard, there is no process for notification, screening, mitigation, etc, even though that box it has the potential to negatively impact surrounding property owners (for example - views from adjacent front yards), as well as the overall streetscape.
- B. In order to mitigate the impact utility boxes have on neighborhoods, the Council may wish to consider adding a provision that the location of utility boxes be identified through the site plan review process, so that location of utilities can be identified at the beginning phases of design, and not after the project is constructed.
 - 1. Site plan review is required prior to issuance of building permits and other city approval processes. The current zoning regulations outline the process and criteria for site plan review. Chapter 21A.58 – Site Plan Review Purpose Statement notes the intent of these site plan review regulations is to promote the safe and efficient use of land, to contribute to an orderly and harmonious appearance in the city and to further enhance the value of property. This process is intended to supplement the review and administrative procedures which are carried out under this title or other city ordinances and regulations. The site plan review process is intended to help ensure that newly developed properties and redeveloped properties are compatible with adjacent development and that traffic, public safety, overcrowding, and environmental problems are minimized to the greatest extent possible. More specifically, the purpose of the site plan review process is to provide for a review of:
 - a. A project's compatibility with its environment and with other land uses and buildings existing in the surrounding area;
 - b. The quantity, quality, utility, size and type of a project's required open space and proposed landscaping improvements;
 - c. The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;
 - d. The quantity, quality, utility and type of a project's required community facilities; and
 - e. The location and adequacy of a project's provision for drainage and utilities. (Ord. 26-95 § 2(29-1), 1995)

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's paperwork notes the following relating to City policies and Master Plans. While no adopted master plans for Salt Lake City specifically refer to ground mounted utility installations, some of them, such as the Capitol Hill Master Plan and the Central Community Master Plan, call for well-maintained and adequate public utilities, buildings and facilities that are compatible with the surrounding area. In residential and other potentially high-impact districts, the proposed text amendment ensures that all high impact utility boxes are reviewed for their compatibility and impact on the surrounding area. Building permits would still be required for all installations, regardless of size of district.
- B. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is

pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

- C. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
 - 1. Is aesthetically pleasing;
 - 2. Contributes to a livable community environment;
 - 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 - 4. Forestalls negative impacts associated with inactivity.

- D. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Policy concepts include:
 - 1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
 - 2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
 - 3. Ensure that building restoration and new construction enhance district character.
 - 4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
 - 5. Treat building height, scale and character as significant features of a district's image.
 - 6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

- E. The City's Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, architectural designs compatible with neighborhoods, public and neighborhood participation and interaction, accommodating different types and intensities of residential developments, transit-oriented development, encouraging mixed-income and mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.

- F. The City's Transportation Master Plan includes general policy statements summarized below:
 - 1. Focus on ways to transport people, not on moving vehicles at the expense of neighborhoods.
 - 2. Support transportation decisions that increase the quality of life, not necessarily the quantity of development.
 - 3. Support the creation of linkages (provisions and incentives) to foster appropriate growth in currently defined growth centers.
 - 4. Support public/private partnerships in which all who benefit from capital improvements participate in funding those improvements.
 - 5. Consider impacts on neighborhoods on an equal basis with impacts on transportation systems.
 - 6. Give all neighborhoods equal consideration in transportation decisions.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning and master plan amendments. Key dates are listed below. Please refer to the Administration's chronology for details.

July 16, 2009 Petition reviewed at Public Open House.

August 10, 2009 Petition reviewed at “ZAP” task force meeting.

October 14, 2009 Planning Commission hearing notice was published in the paper and notices were mailed to adjacent property owners.

October 28, 2009 Planning Commission held public hearing, provided staff direction.

November 18, 2009 Planning Commission held public hearing and voted unanimously to forward a positive recommendation to the City Council.

December 9, 2009 Planning Commission ratified minutes for November 18, 2009 meeting.

December 9, 2009 Staff requests ordinance from City Attorney’s office.

December 17, 2009 Staff received draft of proposed ordinance from City Attorney’s Office.

March 18, 2010 Transmittal received in Council Office.

cc: David Everitt, Karen Hale, Holly Hilton, Bianca Shreeve, Ed Rutan, Lynn Pace, Paul Nielson, Jeff Niermeyer, Tom Ward, Rick Graham, Frank Gray, Mary De La Mare-Schafer, Wilf Sommerkorn, Pat Comarell, Cheri Coffey, Joel Paterson, Ray Milliner, Tim Harpst, Kevin Young, Craig Spangenberg, Randy Isbell, Lex Traughber, Orion Goff, Les Koch, Larry Butcher, City Council Liaisons, Mayor Liaisons.

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: May 6, 2008

SUBJECT: Petition No. 400-06-35 - A request by the Salt Lake City Planning Commission to allow certain utility installations to be handled as Routine & Uncontested Matters in all residential zoning districts, the Neighborhood Commercial District, the Mixed Use District, the Mobile Home Park District, and the Open Space District, and to allow utility installations as permitted uses in all other zoning districts.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: City-wide

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development
Everett Joyce, Senior Planner & Nick Britton, Principal Planner

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

NEW INFORMATION:

- A. The Administration has forwarded a new ordinance for Council Consideration that handles Utility Box Installations in a slightly different manner from the previous proposal that was reviewed on April 8th (see Memo from Administration, dated April 28, 2008, attached).
- B. The new proposal defines three categories of ground-mounted utility boxes:
 1. Small - equal to or less than 15 cubic feet in volume, no higher than 48" (4 ft).
 2. Medium - between 15 and 40 cubic feet in volume, no higher than 60" (5 ft).
 3. Large - greater than 40 cubic feet in volume, no higher than 72" (6 ft).
- C. The proposed ordinance establishes standards and requirements for each of these categories, based on the zoning district:
 1. Residential Districts, Neighborhood Commercial (CN), Mixed Use (MU), Mobile Home Park (MH), and Open Space (OS) districts:
 - a. Small boxes are considered routine and uncontested matters subject to the following standards:
 - Screening - screening materials are provided in a matter that minimizes the visual impact of the installation but also addresses Crime Prevention Through Environmental Design (CPTED) principles.
 - Location - location of the installation does not block views within sight distance triangles, minimizes blocking views from and of the principle adjacent structure, and are located near clusters of other boxes whenever possible.
 - b. Medium boxes are considered routine and uncontested matters in the above zoning districts when they are located within an existing parking lot or within the lot of an existing commercial or institutional use (these boxes are also subject to screening and location standards outlined above). If boxes are not located in an existing parking lot or an existing commercial/institutional use, they are handled as conditional uses.
 - c. Large boxes are not permitted.

2. Commercial, Downtown, Gateway, and Special Purpose Districts not mentioned above (Research Park, Business Park, Foothills Protection, Agricultural, Public Lands, Institutional, Urban Institutional, Extractive Industries):
 - a. Small and medium boxes are considered permitted uses.
 - b. Large boxes are considered routine and uncontested matters, subject to the screening and location standards listed above.
 3. Manufacturing Districts – all boxes are considered permitted uses (*this is currently what is allowed per the zoning ordinance*).
 4. Historic Preservation Overlay District – any box within an Historic Preservation Overlay District shall require Administrative Certificate of Appropriateness review and approval.
 5. No utility boxes are permitted in the Natural Open Space (NOS) zoning district.
- D. The proposed ordinance contains an intent statement regarding screening, which reads as follows: **<confirm text with revised ordinance>** “The intent of the screening standards are to minimize negative visual impact while giving consideration to maintenance access and general safety standards.”
- E. It should be noted that the routine and uncontested process requires the signatures of abutting property owners. The utility companies would have to work with these property owners to find a satisfactory solution to screening and location in order to obtain the necessary signatures.
- F. Both Rocky Mountain Power and Qwest were given copies of this latest proposal on Thursday, May 1. As of the deadline for this staff report, neither have provided comments. It should be noted that the boxes that Qwest was proposing for it’s upcoming installation needs would fit into the “small” category.
- G. It is the opinion of the Attorney’s office that the process outlined in this new ordinance would not need to go back to the Planning Commission for review.
- H. The Council may wish to discuss this new proposed ordinance, identifying any issues to address that may still be outstanding.

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance to allow utility installations as routine and uncontested matters in certain zoning districts, and to establish criteria and standards for these installations in particular zoning districts.
2. **["I move that the Council"]** Not adopt an ordinance to allow utility installations as routine and uncontested matters in certain zoning districts, and to establish criteria and standards for these installations in particular zoning districts..

The following information was provided previously for the Council Work Session on April 8, 2008. It is provided again for your reference.

KEY ELEMENTS:

- I. An ordinance has been prepared for Council consideration to amend the Salt Lake City Zoning Ordinance to clarify and simplify the process by which utility installations are handled by the Planning Division. The ordinance would:

1. Allow utility installations equal to or less than 50" high x 61" deep x 68" wide (4.2 feet high x 5.1 feet deep x 5.7 feet wide - 122 cubic feet in volume) to be considered as routine and uncontested matters in ALL residential zoning districts, the Neighborhood Commercial (CN), Mixed Use (MU), Mobile Home Park (MH), and Open Space (OS) Districts. ****see item B for updated information on sizes****
 - a. Any utility installation larger than the aforementioned dimensions in the aforementioned zoning districts would be considered as a conditional use.
 - b. Utilities are currently exempted from the Council's recently-enacted conditional use regulations.
 - c. Previously all utility installations in these zoning districts were handled as conditional uses.
2. Allow utility installations in all other zoning districts, except Natural Open Space (NOS), as a permitted use. Currently utility installations in some of these zoning districts are handled as conditional uses (see C.5.).
3. Include utility installations as an allowed obstruction in required front, corner, side, and rear yards. Previously utility installations were not mentioned at all on this table of allowed obstructions. This amendment is an attempt to codify in the zoning ordinance what is the practice, which is that they are allowed as obstructions in required yards, with specific conditions as defined by staff.
4. *Continue* to exempt all utilities/installations owned and operated by a governmental entity or public utility. Utilities that are installed by a private entity and then turned over to a governmental entity would not be exempt.

J. **New Information/possible ordinance changes**

1. Council Staff had initially checked in with Council Members regarding this ordinance due to the large increase in size of boxes that would be permitted (10 cubic feet in volume to 122 cubic feet). Council Members did have concerns regarding the large size proposed and directed staff to continue to work on the issue to try and identify alternatives or solutions to mitigate the potential negative impacts of the large sizes proposed.
2. Since then, both Qwest and Rocky Mountain Power have contacted Council Staff, and have informed staff that smaller dimensions than those in the current ordinance would still be beneficial, and that they would like the Council to consider adopting an ordinance with a smaller size increase.
3. As such, the Council may wish consider this same ordinance, with *15 cubic feet in volume* in place of the existing size limitations. This would accommodate current boxes proposed by Qwest (44" high x 36" wide x 14" deep - 3.6' high x 3' wide x 1.2' deep) as well as Rocky Mountain Power's single-phase sectionalizing cabinets (33" high x 36" wide x 22" deep or 2.75' high x 3' wide x 1.8' deep).
4. The Council may also wish to add language requiring screening and/or consideration of neighborhood aesthetics in site placement.
5. Staff can request the Attorney's Office make these changes prior to the public hearing, currently scheduled for April 15.
6. The Council may also wish to incorporate regulation of these installations into the overall review of all conditional uses in residential zones. The Council could request further regulations including:
 - a. Size allowances when in a more compatible area (parking lot, institutional use, etc.)
 - b. Increased screening requirements when located in a residential district.

K. The Administration's transmittal notes the following:

1. The goal of the proposed ordinance is to clarify and standardize the process for utility installations. The proposed amendment identifies which zoning districts should permit utility installations outright and which zoning districts should require a process to approve them, based on an assessment by Planning Staff which districts have the greatest potential for negative impacts.
2. The proposed amendment broadens the number of zoning districts in which utility installations are permitted uses, based on the policy assumption that utility installations in commercial districts do not have a significant negative impact and therefore do not necessitate the level of review required in other zoning districts.
3. The current process for utility installations follows 1 of 3 possible scenarios:
 - a. Exempt Installations (*used less often*):
 1. installed below or at grade; or
 2. less than 20 square feet horizontally if above grade; or
 3. less than 10 cubic feet in volume if above grade; or
 4. less than 3 feet above grade.
 - b. Special Exception (*hardly used, as it would have to meet all of the following criteria*) – special exceptions have an 85 ft notice requirement:
 1. Be installed on private property;
 2. Be installed below grade;
 3. not be installed in a public utility easement;
 4. serve properties outside the immediate subdivision; and
 5. be greater than 24 inches in cross-section.
 - c. Conditional Use (*the vast majority of utility installations are currently handled as conditional uses, and are processed at the Administrative Hearing level, with an appeal going to the Planning Commission*). Conditional uses have a 300 ft notice requirement.
4. The following are zoning districts where utility installations are currently permitted outright and are proposed to continue to be permitted outright (with no stated size regulations):
 - a. Corridor Commercial (CC)
 - b. Community Shopping (CS)
 - c. General Commercial (CG)
 - d. Transit Corridor (TC-75)
 - e. Airport District (A)
5. The following are zoning districts where utility installations are currently always handled as conditional uses, and are proposed to be permitted outright (with no stated size regulations):
 - a. Downtown Districts (D-1, D-2, D-3, D-4)
 - b. Commercial Districts: (CB), (CSHBD)
 - c. Gateway Mixed Use District (G-MU)
 - d. Special Purpose Districts: Research Park (RP), Business Park (BP), Foothills Protection (FP), Agricultural Districts (AG, AG-2, AG-5, AG-20), Public Lands Districts (PL, PL-2), Institutional (I), Urban Institutional (UI), Extractive Industries (EI)
6. The following are zoning districts where utility installations are currently handled as conditional uses, and are proposed to be permitted as “routine and uncontested matters” (with the size limitations referenced in **A.1**):
 - a. All residential districts (except SR-2)
 - b. Neighborhood Commercial (CN)
 - c. Open Space (OS)

- d. Mobile Home Park (MH)
 - e. Mixed Use (MU)
7. Utility Installations are not currently and are not proposed to ever be allowed in the Natural Open Space (NOS) district.
 8. **Attached** are the tables of permitted and conditional uses for all zoning districts referenced above, as it relates to utility installations, and the changes that are proposed.
 9. A "Routine and Uncontested" matter is a process by which applications are handled administratively if the applicant has received signatures from all property owners that about the subject property.
 - a. The signatures waive the public hearing and the Planning Staff reviews the application to ensure compliance with Ordinance criteria.
 - b. If the applicant does not gain the signatures necessary, it would become a special exception and would be forwarded to an administrative hearing or the Board of Adjustment.
 - c. A special exception has an 85 ft notice requirement, as opposed to a conditional use, which has a 300 ft notice requirement.
 10. The proposed size limitation (50" high x 61" deep x 68" wide *4.2 feet high x 5.1 feet deep x 5.7 feet wide*) for a routine an uncontested matter in the above districts is greater than the sizes in the current ordinance which would exempt a utility installation from review. Using the same units of measure as a comparison, under the proposed ordinance, a utility installation in the above districts would be processed as a routine and uncontested matter if it was equal to or less than 29 square feet horizontally, 120 cubic feet in volume, and/or 5.67 feet high.
 11. All installations, regardless of zoning district or other process, would require approval from the Permits Office.
 12. Utility installations in the zoning districts mentioned in numbers 4 and 5 (predominantly downtown, commercial, and mixed use districts), will only be required to get approval from the Permits Office and will not include any additional community input. Planning Staff communicated to Council Staff that the vast majority of these applications in these zoning districts are approved and generate minimal controversy.
- L. This action was initiated by the Planning Commission, at the request of the Planning Division.
- M. All necessary departments and divisions reviewed the proposed text amendment. No negative comments were received, although the Fire Department did suggest that the applications be handled with review and input by the community council and/or the Development Review Team.
- N. The Public Process included the following:
1. The Planning Division held an open house on November 13, 2006. No comments were received.
 2. The Planning Commission held a hearing on January 24, 2007. No comments were received from the Community Councils or the general public. The Planning Commission voted unanimously to forward a positive recommendation regarding the proposed text amendment. The following items were noted at the hearing:
 - a. The Planning Division rarely, if ever, receives a request for a utility installation larger than the maximum size for a routine and uncontested matter under the proposed ordinance.
 - b. Planning Staff noted that residential utility installations have been highly contested in the past, and indicated that under the proposed ordinance,

these conflicts would not necessarily be mitigated. They would however, be identified.

MATTERS AT ISSUE:

- A. The Council may wish to consider changes to the proposed ordinance outlined in **Key Elements item B**.
- B. The Council may wish to ask the Administration what is the policy basis for including utility installations as an allowed obstruction in required yards.
- C. "Private/Public Utility Buildings and Structures" would be added as a category to the table of allowed obstructions in required yards, and is proposed to be allowed in Front, Corner, Side, and Rear Yards. The Council may wish to discuss this further with the Administration. Planning staff has indicated that utility installations have in the past been allowed as obstructions despite not being explicitly stated as an allowed obstruction in the zoning ordinance.
- D. The Council may wish to ask the Administration about allowing utility installations as a permitted use in the Institutional (I) zoning district. Schools are included in this zone, and a recent petition for a cell phone tower on top of an elementary school generated some discussion in the community. The cell phone tower was approved as a conditional use through an administrative hearing, where additional requirements were placed on the applicant to alleviate some of the concerns raised by the community council. The Council may wish to inquire with the Administration what, if any, opportunity there will be for community comment if this text amendment is passed, and utility installations become permitted outright.
- E. The Council may wish to ask the Administration about zoning districts that are suggested to have utility installations that are permitted outright, where there may be a chance for impact on residential units or other negative impacts (G-MU, TC-75, CSHBD, FP)? The Council may wish to ask if there is a policy basis for not applying the same or similar standards for allowing utility installations as are applied in the MU zone (to allow surrounding property owners an opportunity for a process). The Administration has indicated that their delineation in terms of permitted outright, or permitted with size limitations, were zones which were either primarily residential or almost always abutted residential (CN), should have a greater process to overcome than zones which are primarily commercial or other non-residential.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. Most of the master plans in Salt Lake City encourage public utilities to be placed under ground whenever possible. None of the City's Master Plans address a policy for size or location of private utility installations.
 - 1. The Capitol Hill Master Plan (2001), encourages the following goal: "provide well maintained public utilities, buildings and facilities which are visually compatible with the surrounding area, provide adequate service, and environmentally safe".
 - 2. The Central Community Master Plan (2005) encourages the provision and maintenance of "dependable infrastructure, public facilities and utilities that ensure adequate services and a safe environment in the community."

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- September 26, 2006 Petition initiated by the Planning Commission
- November 13, 2006 Open House held
- January 24, 2007 Planning Commission Hearing
- February 8, 2007 Ordinance received from City Attorney's Office
- June 19, 2007 Transmittal received in Council Office

cc: David Everitt, Esther Hunter, Lyn Creswell, Ed Rutan, Lynn Pace, Melanie Reif, Tim Harpst, Mary De La Mare-Schaefer, Cheri Coffey, Kevin LoPiccolo, Nick Britton, Orion Goff, Larry Butcher, Barry Esham, Janice Jardine, Russell Weeks

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Utility Installations as Routine and Uncontested Matters

Single Phase Pad Mount Transformer 15Kv

25" H X 46" W X 30" D

Plus inches for base



This equipment reduces high voltage to low voltage

6/13/08

Single Phase Sectionalizer Cabinet 15Kv

37"H X 37"W X 22"D

Plus inches for base



This equipment is used as a junction box for several primary conductors

3713708

Three Phase Pad Mount Transformer 15Kv

Lg 73"H X 68"W X 46"D
Sm 60"H X 72"W X 46"D



This equipment reduces high voltage to low voltage



Three Phase Pad Mount Transformer 15Kv

Lg 73"H X 68"W X 46"D

Sm 60"H X 72"W X 46"D



This equipment reduces high voltage to low voltage

W/ 308

 **ROCKY MOUNTAIN
POWER**
A DIVISION OF PACIFICORP

Three Phase Sectionalizing Enclosure

37" H X 66" W X 22" D

Plus inches for base

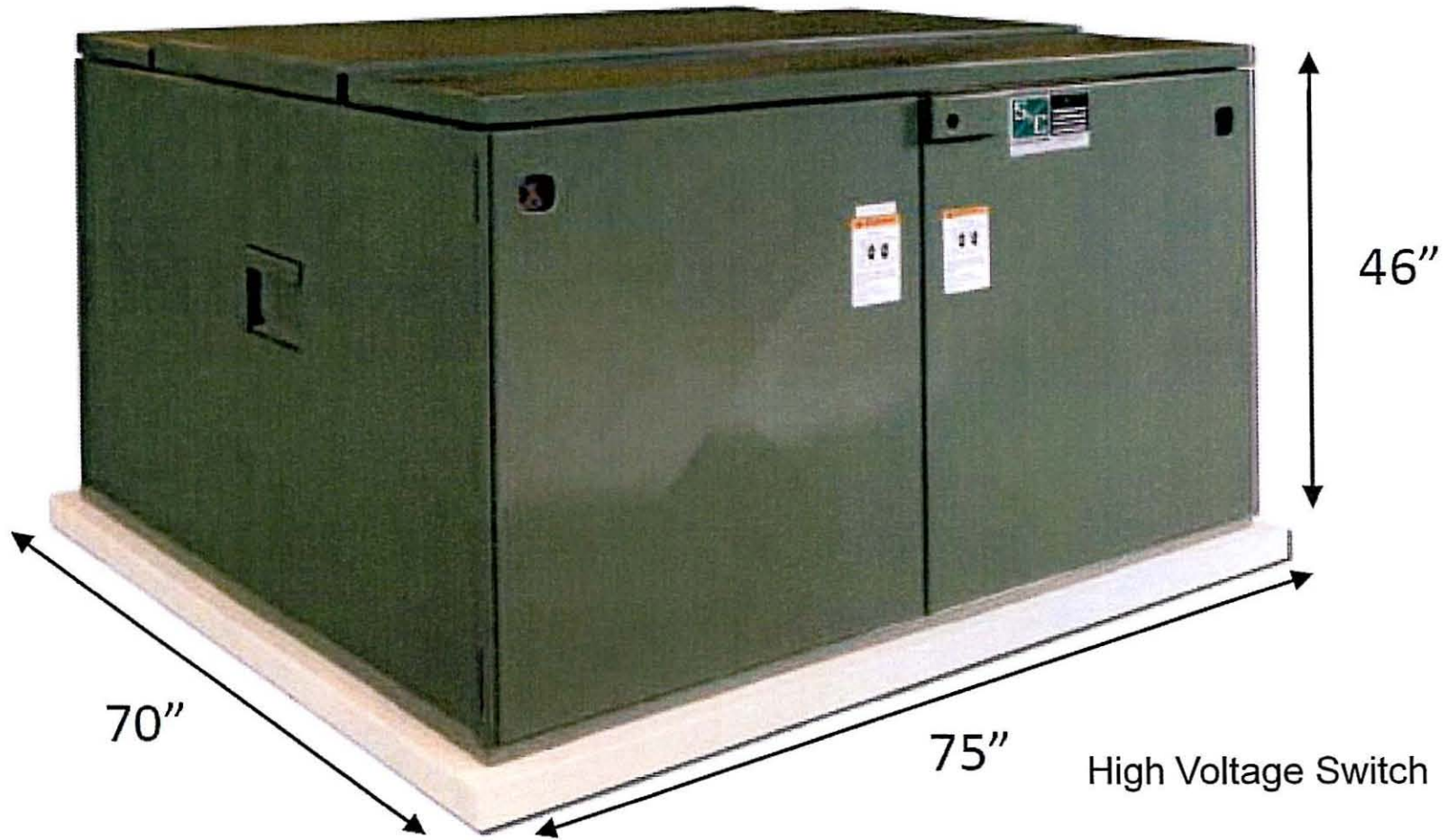


High Voltage Junction Equipment

371305

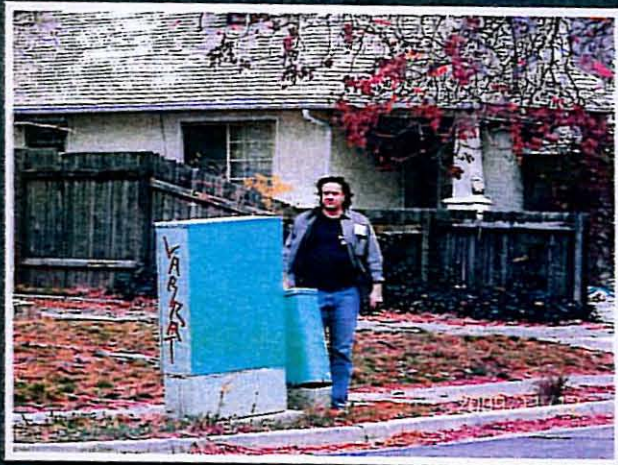
 **ROCKY MOUNTAIN
POWER**
A DIVISION OF PACIFICORP

15 kV PME Pad-Mounted Gear



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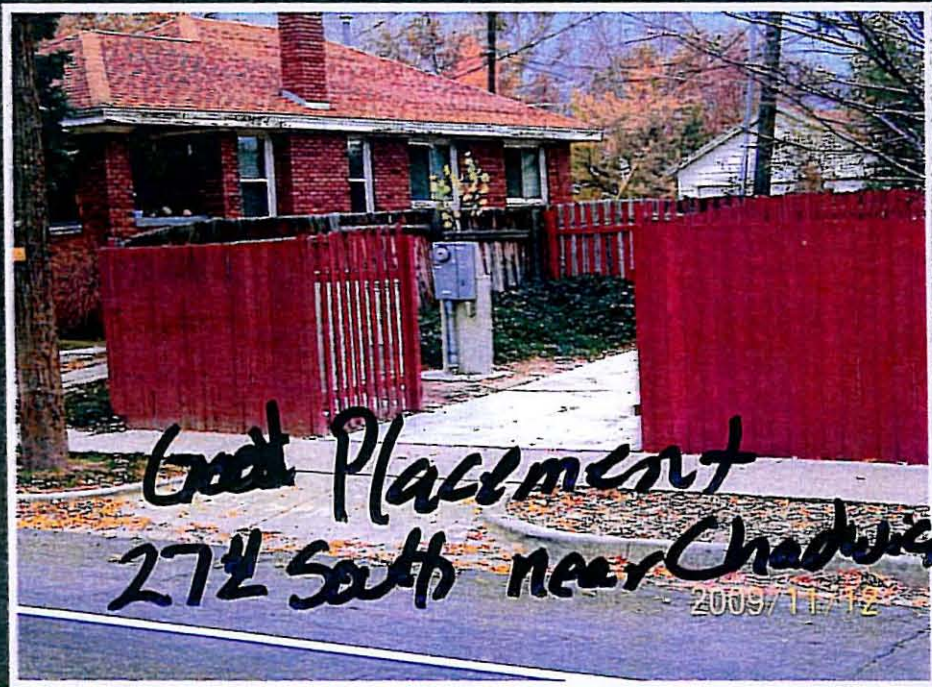
about
away
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1700 S. 900 East



1700 S. 900 East
2009-00967



Good Placement
27 1/2 South near Chadwick

Grasbi

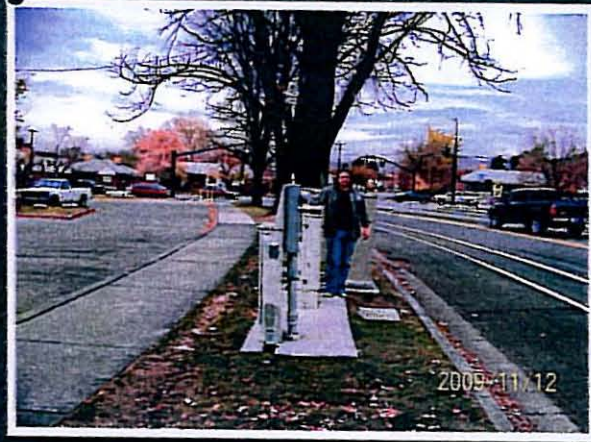


17 1/2 South 17 1/2 East



Grasbi

Example of New Placement (1000 sq. ft.)
© Highland
U.S.



Examples of Cleanup. Prior to part job on New Box

2713 South Imperial



6/25/11 reported stolen
came & repainted the other side!

SCANNED TO: *mayor*
SCANNED BY: *Ray*

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

DATE RECEIVED
R. BECKER
MAYOR
MAR 17 2010
By *Ray*

*3/17/2010
2:30 PM*

FRANK B. GRAY
DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

COUNCIL TRANSMITTAL

[Signature]

David Everitt, Chief of Staff

Date Received: 3/17/2010

Date Sent to City Council: 3/18/2010

TO: Salt Lake City Council
JT Martin, Chair

DATE: March 16, 2010

FROM: Frank Gray, Community & Economic
Development Department Director

[Signature]

RE: Petition # PLNPCM2009-00902 Utility Box City Code Text Amendments

STAFF CONTACTS: Ray Milliner, Principal Planner (801) 535-7645 or
ray.milliner@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public
Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION

Issue Origin

In July of 2008, the City Council adopted amendments to Section 21A.40.160, redefining the regulations for the placement of a ground mounted utility box on both private and public property. These regulations included design criteria and requirements for processing them. As part of the approval, the Council directed staff to further refine the regulations, and return with suggested improvements as a second phase.

Analysis

There are a number of significant changes proposed in this chapter, as well as general fine tuning designed to clarify language and facilitate understanding and application of the regulations. Below is a summary of the changes proposed, with a brief analysis of the rationale for the amendment.

451 SOUTH STATE STREET, ROOM 404

P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486

Petition # PLNPCM2009-00902 Utility Box City Code Text Amendments



Chief among the proposed changes is the placement of the process under the jurisdiction of the Planning Commission. Currently utility boxes can be reviewed as a routine and uncontested matter, or a conditional use, thereby placing certain boxes under the jurisdiction of the Board of Adjustment (routine and uncontested matters) and others under the jurisdiction of the Planning Commission (conditional uses). The proposed amendments will place all review of utility boxes under the jurisdiction of the Planning Commission. This eliminates the requirement that applicants receive signatures from adjacent property owners as part of a routine and uncontested matter. Nonetheless, the public will still receive notice as all conditional uses require notice of adjacent property owners within 300 feet of the use location.

The Planning Commission modified the language that defines ground mounted utility boxes. Language includes:

A. **Definition:** "Ground mounted utility boxes" shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground mounted facilities and associated equipment used for the transmission or operation of underground public utilities.

The Commission investigated the possibility of leaving the size designations of boxes in the definition proposed for these structures. Nevertheless, the Commission is recommending that the size of the box not be a contributing factor of review for the following reasons:

1. Extremely large utility structures such as a substation or maintenance structure are defined in the Zoning Ordinance as Public/Private Utility Buildings and Structures, and are subject to a separate review.
2. Many of the larger boxes are located in the industrial zones; an area that does not necessitate as much review as residential areas.
3. Most boxes proposed in residential areas are of a similar size and shape, as the industry has a standard box that is used throughout the neighborhoods. Therefore, most boxes would either be permitted or conditional depending on the size determined.

As a result, staff finds that the creation of a size limitation on boxes would not be an effective mitigation tool in the review of utility boxes.

Allowed

There are certain situations where the requirement that a utility box be processed as a conditional use is cumbersome and contrary to the purpose of the goal of the ordinance, which is to mitigate the visual, environmental and physical impacts of the boxes on neighboring residents. To eliminate this issue, the Planning Commission is proposing to feature the following uses as permitted, meaning they would only need to receive a building permit as required by the International Building Code:

1. Subterranean utility boxes located entirely on private property.
2. Utility boxes located entirely within an enclosed building or structure.

3. Ground mounted equipment required to serve a single commercial customer located behind minimum setback or within 5 feet of a building.
4. Utility boxes for essential public uses such as traffic control boxes, installed by or with permission of Salt Lake City Corporation.
5. Ground mounted utility boxes located within the front-line public utility easement or on private property within a private easement that is mutually acceptable to both the property owner and the utility. The equipment shall not be located within 2 feet of the sidewalk.

The rationale for recommending that boxes meeting the above criteria be listed as permitted uses is based on the following:

- The general purpose of this regulation is to mitigate the visual impact of the boxes on surrounding neighborhood. The visual impacts of subterranean boxes and boxes located within an enclosed building have been eliminated by virtue of their being enclosed.
- Boxes located within the buildable area should be allowed no differently than any other type of mechanical equipment such as an air conditioner or heating unit.
- Location options for a public necessity, such as a traffic control box, are limited and many times the health, safety and welfare need for the box outweighs the visual impacts.
- Ground mounted equipment used for transmission or distribution generally is associated with the undergrounding of power lines and cables. Above ground power lines are an allowed use in the City (State Law requires it). If a person or entity would like to place power lines below ground one must do so at one's own cost. As a result, the requirement that a box receive a conditional use approval increases the time necessary and the cost of undergrounding utilities, and encourages applicants to simply leave the utilities above ground. Generally, the visual impact of the above ground power lines is greater than that of the transmission boxes.

Conditional Use

All utility boxes not featured as permitted uses would then be reviewed as an administrative conditional use (primarily those in the front yard without an easement, or in the public right-of-way without an easement). In response to the Commission concern that many boxes would be clustered and become unsightly, staff has proposed a new standard limiting the visual and environmental impact of the boxes. No specific spacing requirement is provided, as there may be situations when the clustering of a number of boxes is appropriate. Staff is recommending the criteria featured below:

1. **Location:** Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.
2. **Spacing:** Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The Planning Director may limit the number of boxes allowed on a specific site to meet this standard.
3. **Setbacks:** The Planning Director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent

- property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.
4. **Screening:** To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and City rights-of-way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.
 5. **Design:** Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.
 6. **View:** The location shall not block views within sight distance triangles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.
 7. **Certificate of Appropriateness:** Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District," of this title shall require certificate of appropriateness review and approval with respect to location and screening materials.

Applications requiring a conditional use may include (but are not limited to) placement of a box in the front yard setback of a private lot, or a box in the public right-of-way with no easement.

Master Plan Considerations

While no adopted master plans for Salt Lake City specifically refer to ground mounted utility installations, some of them, such as the Capitol Hill Master Plan and the Central Community Master Plan, call for well-maintained and adequate public utilities, buildings and facilities that are compatible with the surrounding area. In residential and other potentially high-impact districts, the proposed text amendment ensures that all high impact utility boxes are reviewed for their compatibility and impact on the surrounding area. Building permits would still be required for all installations, regardless of size of district.

PUBLIC PROCESS:

This application was reviewed by the Zoning Amendment Project task force on August 10, 2009. Summary notes are attached as exhibit B.

The project was also reviewed at an open house on July 16, 2009. No public comments were received.

Staff has also met a number of times with representatives from Rocky Mountain Power, and Qwest Corporation (the two entities impacted the most by these regulations). They have provided technical input regarding the manner in which the boxes are installed and the locations necessary to effectively provide the service.

Staff has received comments from members of the Sugar House Community Council, who have expressed concerns regarding the maintenance and upkeep of the boxes after they have been installed. They specifically state that they have had significant impacts from maintenance vehicles, graffiti and a general lack of maintenance of the boxes (letter included as exhibit C).

The Planning Commission held a public hearing on October 28, 2009 and again on November 18, 2009. The Commission passed a motion to forward a positive recommendation to the City Council. The vote was unanimous.

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 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." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 5 of the November 18, 2009 Planning Commission Staff Report (see Attachment 5.B.).

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 - 5.C. PLANNING COMMISSION MINUTES**
- 6. OPEN HOUSE INFORMATION**
- 7. PUBLIC COMMENT RECEIVED AT OR AFTER THE PLANNING COMMISSION PUBLIC HEARING**
- 8. ORIGINAL PETITION**

1. Chronology

PROJECT CHRONOLOGY
Petition #PLNPCM2009-00902

- July 16, 2009 Petition reviewed at Public Open House.
- August 10, 2009 Petition reviewed at "ZAP" task force meeting.
- October 14, 2009 Planning Commission hearing notice was published in the paper and notices were mailed to adjacent property owners.
- October 28, 2009 Planning Commission held public hearing, provided staff direction.
- November 18, 2009 Planning Commission held public hearing and voted unanimously to forward a positive recommendation to the City Council.
- December 9, 2009 Planning Commission ratified minutes for November 18, 2009 meeting.
- December 9, 2009 Staff requests ordinance from City Attorney's office.
- December 17, 2009 Staff received draft of proposed ordinance from City Attorney's Office.

2. Ordinance

SALT LAKE CITY ORDINANCE
No. ____ of 2010
(An ordinance amending section 21A.40.160 of the
Salt Lake City Code concerning ground-mounted utility boxes)

An ordinance amending section 21A.40.160 (Zoning: Accessory Uses, Buildings and Structures: Ground Mounted Utility Boxes) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00902.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on November 18, 2009 to consider a request made by the Salt Lake City Council (“City Council”) (petition no. PLNPCM2009-00902) to amend section 21A.40.160 of the *Salt Lake City Code* to revise regulations regarding ground-mounted utility boxes; and

WHEREAS, at its November 18, 2009 hearing, the Planning Commission voted to transmit a positive recommendation to the Salt Lake City Council (“City Council”) on said application; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City’s best interests,

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending text of *Salt Lake City Code* section 21A.40.160. That section 21A.40.160 of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: Ground Mounted Utility Boxes), shall be, and hereby is, amended to read as follows:

21A.40.160: GROUND MOUNTED UTILITY BOXES:

- A. Compliance With Regulations Required; ~~Exception:~~ All ground mounted utility boxes shall be subject to the following regulations unless exempted within section 21A.02.050, "Applicability", of this title or where limited by other provisions of this title.

B. ~~Definition; Dimensions; District Requirements:~~ "Ground mounted utility boxes" shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground mounted facilities and associated equipment ~~such as condensing units and generators that directly serve the property or local area in which the facility is placed, that are not primarily for transmission or distribution to other locations, or otherwise are customarily found in such areas~~ used for the transmission or operation of underground public utilities.

~~1. Ground mounted utility boxes are separated into three (3) tiers: small, medium and large.~~

~~a. Small ground mounted utility boxes are less than fifteen (15) cubic feet in volume with a limit of forty eight inches (48") in height.~~

~~b. Medium ground mounted utility boxes are equal to or greater than fifteen (15) cubic feet in volume and equal to or less than forty (40) cubic feet in volume with a limit of sixty inches (60") in height.~~

~~c. Large ground mounted utility boxes exceed forty (40) cubic feet in volume with a limit of seventy two inches (72") in height.~~

~~2. Residential districts and neighborhood commercial (CN), mixed use (MU), mobile home park (MH), and open space (OS) districts are subject to the following requirements:~~

~~a. Small ground mounted utility boxes shall be considered routine and uncontested matters as outlined in chapter 21A.14 of this title, subject to the following standards:~~

~~(1) Screen Standards: The intent of these screening standards is to minimize negative visual impacts while taking into consideration maintenance, access, and public safety.~~

~~(A) Screening materials are to be provided in a manner that minimizes the visual impact of the utility installation but also addresses crime prevention through environmental design (CPTED) principles of maintaining views of the subject area from public locations such as sidewalks and streets.~~

~~(B) Solid or opaque screening materials are permitted when part of an existing design element of the site.~~

~~(2) Location Standards:~~

~~(A) Location does not block views within sight distance angles of sidewalks, driveways and intersections.~~

~~(B) Located to minimize blocking views from and of the principal structure(s).~~

~~(3) Signatures Required: The zoning administrator shall require the signatures of all abutting property owners, including property owners across the street, in the regular process for considering any routine and uncontested matters relating to small ground mounted utility boxes.~~

~~(4) Community Council Notification: The affected community council will be notified of the request and of the administrative hearing, if applicable.~~

~~b. Medium or large ground mounted utility boxes shall be processed as conditional uses subject to chapter 21A.54 of this title.~~

~~3. Commercial, downtown, manufacturing, gateway and special purpose districts other than those listed in subsection B2 of this section shall be subject to the following requirements:~~

~~a. Small ground mounted utility boxes shall be considered permitted uses.~~

~~b. Medium or large ground mounted utility boxes when located on private property in commercial, downtown, gateway, manufacturing, and some special purpose districts (all except natural open space, mixed use, mobile home park, and open space districts) shall be considered routine and uncontested matters as outlined in chapter 21A.14 of this title, and shall be subject to the screening, location, and administrative review standards of subsections B2a(1) through B2a(3) of this section.~~

~~4. All ground mounted utility boxes not subject to subsections B1, B2 and B3 of this section shall be processed as conditional uses subject to chapter 21A.54 of this title.~~

~~5. In addition to subsections B2a and B3 of this section, any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening.~~

C. Allowed Use: Ground mounted utility boxes proposed as follows, shall be allowed in all zoning districts.

1. Subterranean utility boxes located entirely on private property.
2. Utility boxes located entirely within an enclosed building or structure.
3. Ground mounted equipment required to serve a single commercial customer located behind minimum setback or within 5 feet of a building.
4. Utility boxes for essential public uses such as traffic control boxes, installed by or with permission of Salt Lake City Corporation.
5. Ground mounted utility boxes located within the front-line public utility easement or on private property within a private easement which is mutually acceptable to both

the property owner and the utility. The equipment shall not be located within 2 feet of the sidewalk.

D. Conditional Use: Conditional use review is required for all ground mounted utility boxes not specifically addressed in sections D of this chapter. Applications shall be reviewed administratively by the Planning Director or an assigned designee subject to the following criteria.

1. Location: Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.
2. Spacing: Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The Planning Director may limit the number of boxes allowed on a specific site to meet this standard.
3. Setbacks: The Planning Director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.
4. Screening: To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and City rights-of-way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.
5. Design: Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.
6. View: The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.
7. Certificate of Appropriateness: Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening materials.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,

2010.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010.

Published: _____.

HB_ATTYS-#11391-v1-Ordinance_-_Ground_Mounted_UTILITY_Boxes.DOC

3. City Council Public Hearing Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petition PLNPCM2009-00902, a request by the City Council for a text amendment modifying Chapter 21A.40.160, Utility Box Regulations of the Salt Lake City Zoning Ordinance. The purpose of the amendment is to streamline the process of approvals, to clarify the intent of certain sections and to revise the standards and factors necessary for conditional use approval.

The amendments are City wide.

As part of its review, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone who would like to address the City Council on this issue will be given an opportunity to speak. The hearing will be held:

Date:

Time: 7:00 p.m.

Place: Room 315 (City Council Chambers)*

Salt Lake City and County Building

451 S. State Street

Salt Lake City, UT

*Please enter building from east side.

If you have any questions relating to this proposal or would like to review the petition on file, please contact Ray Milliner, Principal Planner, at (801) 535-7645 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at ray.milliner@slcgov.com.

People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City & County Building is an accessible facility. For questions, requests, or additional information, please contact the City Council Office at (801) 535-7600, or TDD (801) 535-6021.

4. Mailing Labels

KEVIN JONES
EAST BENCH CHAIR
2500 SKYLINE DRIVE
SALT LAKE CITY, UT 84108

PETE TAYLOR
SUNNYSIDE EAST
933 SOUTH 2300 EAST
SALT LAKE CITY, UT 84108

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY, UT 84116

GORDON STORRS
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY, UT 84116

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVENUE
SALT LAKE CITY UT 84108

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SLAT LAKE CITY UT 84104

PHILIP CARLSON
SUGAR HOUSE CHAIR
1917 EAST 2700 SOUTH
SALT LAKE CITY, UT 84106

ESTHER HUNTER
UNIVERSITY NEIGHBORHOOD
1049 NORRIS PLACE
SALT LAKE CITY, UT 84102

BILL DAVIS
BALL PARK CHAIR
332 WEST 1700 SOUTH
SALT LAKE CITY UT 84115

TERRY THOMAS
WESTPOINT CHAIR
1840 STALLION LANE
SALT LAKE CITY, UT 84116

VACANT
FOOTHILL/SUNNYSIDE CHAIR
SALT LAKE CITY UT

D. CHRISTIAN HARRISON
DOWNTOWN CHAIR
336 WEST BROADWAY, #308
SALT LAKE CITY, UT 84101

JUDITH LOCKE
GREATER AVENUES CHAIR
407 7TH AVENUE
SALT LAKE CITY, UT 84103

DEWITT SMITH
LIBERTY WELLS
328 EAST HOLLYWOOD AVE
SALT LAKE CITY, UT 84115

LOGGINS MERRILL
EAST CENTRAL CHAIR
P.O. BOX 521809
SALT LAKE CITY, UT 84152

LISETTE GIBBONS
YALECREST CHAIR
1764 HUBBARD AVE
SALT LAKE CITY, UT 84108

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

BEVERLY NELSON
FEDERAL HEIGHTS
26 SOUTH WOLCOTT STREET
SALT LAKE CITY, UT 84102

RON JARRETT
ROSE PARK CHAIR
1441 WEST SUNSET DRIVE
SALT LAKE CITY, UT 84116

PAMELA PEDERSEN
EAST LIBERTY PARK
SALT LAKE CITY SCHOOL DIST.
440 EAST 100 SOUTH
SALT LAKE CITY, UT 84111

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CIYT, UT 84103

MARK BRINTON
WASATCH HOLLOW
1869 LOGAN AVE
SALT LAKE CITY, UT 84108

THOMAS MUTTER
CENTRAL CITY NEIGHBORHOOD
COUNCIL CHAIR
228 EAST 500 SOUTH #100
SALT LAKE CITY, UT 84111

5. Planning Commission

5.A. Postmark of Planning Commission Notice

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 28, 2009 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—The Planning Commission may discuss project updates and minor administrative matters. Clarion & Associates will discuss Phase 1 of the proposed sustainability zoning text amendments, which includes proposals for accessory dwelling units, alternative energy equipment, etc. This portion of the meeting is open to the public for observation.

Approval of Minutes from Wednesday, October 14, 2009

Report of the Chair and Vice Chair

Report of the Director

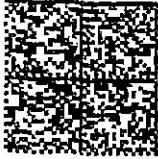
Public Hearings

1. **Petition PLNPCM2009-00495; Zoning Text Amendment Relating to Salt Lake City Alcohol Regulations**—a petition initiated by Mayor Becker to amend the Salt Lake City Zoning Ordinance in matters related to City alcohol regulations. The amendments are proposed to ensure consistency with State law, provide clarity in the Zoning Ordinance and process, and to allow alcohol related establishments throughout the City in areas where they are appropriate (Staff Contact: Lex Traughber at 801.535.6184 or lex.traughber@slcgov.com).
2. **PLNPCM2009-01108; Planned Development: CCRI Harmon's Social Hall Avenue**—a request from CCRI for a planned development located at approximately 55 South State (actual store faces 100 South and Social Hall Avenue). The project consists of a grocery store and parking. The petition is requesting surface parking along Social Hall Avenue and a setback greater than five (5) feet. There was a previous conditional use approved for this site: 410-527, July 26, 2001 (Staff Contact: Doug Dansie at 801.535.6182 or doug.dansie@slcgov.com).
3. **PLNCPM2009-01132; Partial Street Vacation**—a request by William Coker for approval of a partial street vacation to accommodate a second location for the Red Iguana, located at approximately 866 West South Temple. The request includes land between the front of the building and the public sidewalk. The property is in the CG General Commercial Zone, in Council District One, represented by Carlton Christensen (Staff contact: Bill Peperone at 801.535.7214 or bill.peperone@slcgov.com).
4. **PLNPCM2009-00902; Amendments to Regulation of Utility Boxes**— a request by the City Council for a zoning text amendment to modify Chapter 21 A.40.160, Utility Box Regulations, of the Salt Lake City Zoning Ordinance. The purpose of the amendments is to streamline the process of approvals, to clarify the intent of certain sections, and to revise the standards and factors necessary for conditional use approval. The proposed text amendments are city-wide (Staff contact: Ray Milliner at 801.535.7645 or ray.milliner@slcgov.com).

Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

P1

MAILED FROM ZIP CODE 84116
0004631635 OCT 14 2009
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02 1A
UNITED STATES POSTAGE
PITNEY BOWES



Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84114

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

SLC, UT 84114

Classified ad Legal Notices copy for Salt Lake City Planning Commission Public Hearing
Run Ad in Special Notices on **Wednesday November 4** (one time only) in **Deseret News**

Billing Address:

Lucille Taylor
Planning Division
451 S. State Street, RM. 406
Salt Lake City, UT 84111

Contact: Ray Milliner 535-7645 or ray.milliner@slcgov.com

[Ad copy as follows]

**SALT LAKE CITY PLANNING COMMISSION
MASTER PLAN AMENDMENT HEARING**

On **Wednesday November 18, 2009 at 5:45 P.M.**, the Salt Lake City Planning Commission will hold a public hearing to take public comment for the following items:

PLNPCM2009-00902; Amendments to Regulation of Utility

Boxes— a zoning text amendment to modify Chapter 21A.40.160, Utility Box Regulations, of the Salt Lake City Zoning Ordinance. The purpose of the amendments is to streamline the process of approvals, to clarify the intent of certain sections, and to revise the standards and factors necessary for conditional use approval. The proposed text amendments are city-wide.

The hearing will be held in **Room 326 of the Salt Lake City and County Building, 451 South State Street**. Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, request or additional information, please contact the Planning Division at 535-7757; TDD 535-6220. For further information regarding this hearing, call Ray Milliner at 535-7645.

5.B. Planning Commission Staff Report

PLANNING COMMISSION STAFF REPORT

AMENDMENTS TO CHAPTER 21A.40.160 UTILITY BOX REGULATIONS Case #PLNPCM2009-00902 October 28, 2009



Planning and Zoning Division
Department of Community and
Economic Development

Applicant:

City Council

Staff:

Ray Milliner ray.milliner@slcgov.com
(801)535-7645

Current Zone:

N/A

Master Plan Designation:

City Wide

Council District:

City Wide

Review Standards

21A.50.050 Standards for General
Amendments

Affected Text Sections

Chapter 21A.40.160

Notification

- Notice mailed on October 14, 2009
- Published in Deseret News October 14, 2009
- Posted on City & State Websites
October 14, 2009

Attachments

- A. Proposed Red Line Text
Amendments
- B. Summary Notes from ZAP task
force meeting.

REQUEST

In July of 2008, the City Council adopted amendments to Section 21A.40.160, redefining the regulations for the placement of a ground mounted utility box on both private and public property. These regulations included design criteria, and requirements for processing them. As part of the approval, the Council directed staff to further refine the regulations, and return with suggested improvements as a second phase.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed modifications to Chapter 21A.40.160 Ground Mounted Utility Boxes, conduct a public hearing and forward a positive recommendation to the City Council.

Background

In July of 2008, the City Council adopted amendments to Section 21A.40.160, redefining the regulations for the placement of a ground mounted utility box on both private and public property. These regulations included design criteria, and requirements for processing them. As part of the approval, the Council directed staff to further refine the regulations, and return with suggested improvements as a second phase. Staff is now presenting an updated version of the regulations for review. Highlights are summarized below.

Public Participation

This application was reviewed by the Zoning Amendment Project task force on August 10, 2009. Summary notes are attached as exhibit B.

The project was also reviewed at an open house on July 21, 2009. No public comments were received.

Staff has also met a number of times with representatives from Rocky Mountain Power, and Qwest Corporation (the two entities impacted the most by these regulations). They have provided technical input regarding the manner in which the boxes are installed and the locations necessary to effectively provide the service.

Issue Analysis

There are a number of significant changes proposed in this chapter, as well as general fine tuning designed to clarify language and facilitate understanding and application of the regulations. Below is a summary of the changes proposed, with a brief analysis of the rationale for the amendment. When the Planning Commission provides direction to forward the document to the City Council, staff will provide analysis and findings for the standards in Chapter 21A.50.050 Standards for General Amendments.

Allowed

Currently all utility boxes regardless of size location or make are required to receive either conditional use approval or routine and uncontested approval prior to installation. This requirement has created a situation where businesses and organizations have been delayed in opening or receiving their certificates of occupation because they had to wait the approximate two months for administrative approval, even though the boxes were subterranean or located within the buildable area. Staff is proposing to feature the following uses as allowed, meaning they would only need to receive a building permit as required by the International Building Code:

1. Subterranean utility boxes located entirely on private property.
2. Utility boxes located entirely within an enclosed building or structure.
3. Ground mounted equipment required to serve a single commercial customer located behind minimum setback or within 5 feet of a building.
4. Utility boxes for essential public uses such as traffic control boxes, installed by or with permission of Salt Lake City Corporation.
5. Ground mounted equipment used primarily for transmission or distribution to other locations and configured as part of a system shall be allowed within the front-line public utility easement or on private property within 10 feet of the front property line on a private

easement which is mutually acceptable to both the property owner and the utility. The equipment shall not be located within 2 feet of the sidewalk.

The staff rationale for recommending that boxes meeting the above criteria is based on the following:

- The general purpose of this regulation is to mitigate the visual impact of the boxes on surrounding neighborhood. The visual impacts of subterranean boxes and boxes located within an enclosed building have been eliminated by virtue of their being enclosed.
- Boxes located within the buildable area should be allowed no differently than any other type of mechanical equipment such as an air conditioner or heating unit.
- Location options for a public necessity such as a traffic control box are limited, and many times the health safety and welfare need for the box is outweighed by the visual impacts.
- Ground mounted equipment used for transmission or distribution generally is associated with the undergrounding of power lines and cables. Above ground power lines are an allowed use in the City (State Law requires it). If a person or entity would like to place power lines below ground she must do so at her cost. As a result, the requirement that a box receive a conditional use approval increases the time necessary and the cost of undergrounding utilities, and encourages applicants to simply leave the utilities above ground. Generally, the visual impact of the above ground power lines is greater than that of the transmission boxes.

Conditional Use

All utility boxes not covered in the sections above would then be reviewed as an administrative conditional use. The provision to allow some boxes as a routine and uncontested matter has been eliminated, as it created two processes. Some boxes would be reviewed as a conditional use under the umbrella of the Planning Commission; others would be reviewed as routine and uncontested matters under the umbrella of the Board of Adjustment. This process set up a situation where similar boxes with a similar design could have separate reviews with separate criteria. Staff is recommending the criteria featured below:

1. **Location:** Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.
2. **Setbacks:** The Planning Director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.
3. **Screening:** To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and City rights-of-way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.
4. **Design:** Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.
5. **View:** The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.
6. **Certificate of Appropriateness:** Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening materials.

Applications requiring a conditional use may include (but are not limited to) placement of a box in the front yard setback of a private lot or a box located on a vacant lot.

Attachment A
Proposed Amendment

~~21A.40.160: GROUND MOUNTED UTILITY BOXES:~~

~~A. Compliance With Regulations Required; Exception: All ground-mounted utility boxes shall be subject to the following regulations unless exempted within section 21A.02.050, "Applicability", of this title or where limited by other provisions of this title.~~

~~B. Definition; Dimensions; District Requirements: "Ground-mounted utility boxes" shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground-mounted facilities and associated equipment such as condensing units and generators that directly serve the property or local area in which the facility is placed, that are not primarily for transmission or distribution to other locations, or otherwise are customarily found in such areas.~~

~~1. Ground-mounted utility boxes are separated into three (3) tiers: small, medium and large.~~

~~a. Small ground-mounted utility boxes are less than fifteen (15) cubic feet in volume with a limit of forty-eight inches (48") in height.~~

~~b. Medium ground-mounted utility boxes are equal to or greater than fifteen (15) cubic feet in volume and equal to or less than forty (40) cubic feet in volume with a limit of sixty inches (60") in height.~~

~~c. Large ground-mounted utility boxes exceed forty (40) cubic feet in volume with a limit of seventy-two inches (72") in height.~~

~~2. Residential districts and neighborhood commercial (CN), mixed use (MU), mobile home park (MH), and open space (OS) districts are subject to the following requirements:~~

~~a. Small ground-mounted utility boxes shall be considered routine and uncontested matters as outlined in chapter 21A.14 of this title, subject to the following standards:~~

~~(1) Screen Standards: The intent of these screening standards is to minimize negative visual impacts while taking into consideration maintenance, access, and public safety.~~

~~(A) Screening materials are to be provided in a manner that minimizes the visual impact of the utility installation but also addresses crime prevention through environmental design (CPTED) principles of maintaining views of the subject area from public locations such as sidewalks and streets.~~

~~(B) Solid or opaque screening materials are permitted when part of an existing design element of the site.~~

~~(2) Location Standards:~~

~~(A) Location does not block views within sight distance angles of sidewalks, driveways and intersections.~~

~~(B) Located to minimize blocking views from and of the principal structure(s).~~

~~(3) Signatures Required: The zoning administrator shall require the signatures of all abutting property owners, including property owners across the street, in the regular process for considering any routine and uncontested matters relating to small ground mounted utility boxes.~~

~~(4) Community Council Notification: The affected community council will be notified of the request and of the administrative hearing, if applicable.~~

~~b. Medium or large ground mounted utility boxes shall be processed as conditional uses subject to chapter 21A.54 of this title.~~

~~3. Commercial, downtown, manufacturing, gateway and special purpose districts other than those listed in subsection B2 of this section shall be subject to the following requirements:~~

~~a. Small ground mounted utility boxes shall be considered permitted uses.~~

~~b. Medium or large ground mounted utility boxes when located on private property in commercial, downtown, gateway, manufacturing, and some special purpose districts (all except natural open space, mixed use, mobile home park, and open space districts) shall be considered routine and uncontested matters as outlined in chapter 21A.14 of this title, and shall be subject to the screening, location, and administrative review standards of subsections B2a(1) through B2a(3) of this section.~~

~~4. All ground mounted utility boxes not subject to subsections B1, B2 and B3 of this section shall be processed as conditional uses subject to chapter 21A.54 of this title.~~

~~5. In addition to subsections B2a and B3 of this section, any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening. (Ord. 21-08 § 8, 2008)~~

21A.40.160 Ground Mounted Utility Boxes:

A. **Compliance with Regulations Required:** All ground mounted utility boxes shall be subject to the following regulations unless exempted within section 21A.02.050, "Applicability", of this title or where limited by other provisions of this title.

B. **Definition:** "Ground mounted utility boxes" shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground mounted facilities and associated equipment that directly serve the property or local area in which the facility is placed, that are not primarily for transmission or distribution to other locations, or otherwise are customarily found in such areas.

C. **Allowed Use:** Ground mounted utility boxes proposed as follows, shall be allowed in all zoning districts.

1. Subterranean utility boxes located entirely on private property.
2. Utility boxes located entirely within an enclosed building or structure.
3. Ground mounted equipment required to serve a single commercial customer located behind minimum setback or within 5 feet of a building.
4. Utility boxes for essential public uses such as traffic control boxes, installed by or with permission of Salt Lake City Corporation.
5. Ground mounted equipment used primarily for transmission or distribution to other locations and configured as part of a system shall be allowed within the front-line public utility easement or on private property within 10 feet of the front property line on a private easement which is mutually acceptable to both the property owner and the utility. The equipment shall not be located within 2 feet of the sidewalk.

D. **Conditional Use:** Conditional use review is required for all ground mounted utility boxes not specifically addressed in sections C of this chapter. Applications shall be reviewed administratively by the Planning Director or an assigned designee subject to the following criteria.

1. **Location:** Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.
2. **Setbacks:** The Planning Director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.
3. **Screening:** To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and City rights-of-way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.
4. **Design:** Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.
5. **View:** The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.
6. **Certificate of Appropriateness:** Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening materials.

Attachment B
Summary Notes from ZAP Task Force Meeting

2009 Zoning Text Amendment Project

August 10, 2009

Task Force Meeting

Members Present

Alene Bentley; Cindy Cromer; Sydney Foncesbeck; Barbara Green; Jerry Green; Esther Hunter; Bruce Jensen; Jeremy King; Bill Nighswonger; Helen Peters; Vasilios Priskos; Dave Richards; Lon Richardson; Steven Rosenberg; Judi Short; Grace Sperry; Ray Whitchurch

Staff Present

Wilf Sommerkorn, Planning Director; Cheri Coffey, Planning Manager; Ray Milliner, Principal Planner; Mike Akerlow, Economic Development Division

Review of Summary Notes

Staff clarified that the underlined verbiage in the notes that were handed out in the meeting represent comments that were submitted to staff, from Task Force members, clarifying what they said at the July 13, 2009 meeting.

There was a request to clarify the notes relating to density and the proposed planned development regulations. Staff agreed to make the changes.

General Discussion on ZAP Process

There was a request for staff to notify the Task Force members of what issues staff agreed to and therefore, incorporated into the final recommendation of the various ZAP petitions. Staff agreed that the staff reports can be written to better identify the input from the Task Force and how staff addresses the issues raised by the Task Force. Staff also agreed to send Task Force members a website link to the staff reports once they are posted for the various ZAP petitions.

There was a request for staff to speak up in the Task Force meetings to let the Task Force members know when a suggestion is or is not feasible.

The Planning Director was asked to clarify whether the proposed amendments to address non-conforming medical clinics would be presented to the ZAP Task Force. Mr. Sommerkorn responded that the Planning Staff will need to think about how to deal with that issue, which is a separate issue from the Zoning Amendment Project issues because it is very specific to one geographic area.

Discussion relating to proposed amendments to Utility Box Regulations

Bruce Jensen, of Rocky Mountain Power company described the typical box construction use and location.

He was asked why Rocky Mountain Power was not eager to install underground power. He responded that the cost to put the utilities underground is 3-6 times more expensive to install and maintain. There are safety issues and issues relating to ease of finding the underground boxes in the snow (takes time and money).

In certain zones, the City requires or encourages buildings built to the street. In these instances, where do you put the utility box? The cable and conduit do not bend and sometimes there is no other place than the right-of-way.

It was suggested to have the developer and Rocky Mountain Power meet early in the process so the utility box can be located in the proper location on site (preplan).

Do we need to tweak walkable regulations to identify how to locate boxes?

Is there a way to require the boxes to be located on the site plan earlier?

The current rules encourage overhead wires –you have to get a conditional use for a utility box that places the lines underground

The developer hasn't the knowledge early on about power.

Support allowing boxes as a permitted use in buildable area.

It would be good to have the guidelines from RMP so that developers know how to deal with switching boxes (size etc).

Maintenance of the equipment requires an eight foot long fiberglass stick so we must account for that in locating boxes.

The greater the open area around the equipment, the more opportunity to dissipate heat.

DSL Qwest boxes, location is more flexible on private property.

To avoid graffiti put in back yard of owner property

Location issue – if put it on a narrow roadway then the maintenance truck blocks the road.

The pre meeting is a good idea. Give Qwest ideas early on and they can look for alternatives.

There are some places in building areas that are better than others (put in rear – not next to the residence neighbor on the side).

Putting in the back lot creates significant issues to maintain (dogs, fences, sheds, landscaping)

Develop a hierarchy for placement of the utility boxes. Create a preference of where they should go (such as adjacent to alleys in rear yards, etc) and if they can't be located in the first preference, then go to the next preference for locating the box.

How do you deal with an easement for these when you have a retaining wall?

What are appropriate screening options, such as landscaping, art/ graphic wrap and pain color, and who maintains the screening?

If upgrade to an overhead facility is necessary would you upgrade or put it underground? Upgrade overhead.

Can we get a creative design of utility boxes like telecommunication boxes?

Rocky Mountain Power is somewhat limited on how creative they can be. They have to ensure the heat is dissipated and wraps or screening may trap the heat.

- Design fake rocks so they disperse heat
- Wraps act like insulation and hold the heat in.
- Wrap in mirrors.

If want power lines buried, why make it harder to put underground than overhead? Use public right of way

Rocky Mountain Power typically has one electric transformer to serve approximately 4-6 homes or one business

The cost for placing lines underground is passed on to consumer

The community needs to determine the cost of requiring them underground and if it is willing to pay the expense for doing so.

Downtown – are there already vaults where they can be placed? City and County Building has six boxes clustered together. Consider that first.

The cost of development vs. the cost of utilities has to be looked at. If the development is millions of dollars, then \$50,000 is not a big deal. If the cost of the development is \$500,000 then \$50,000 is a big expense in the project.

The streets downtown are full of utilities, vaults etc

If not allowed in public right of way, then all existing utility boxes are considered non complying. They can continue but expansion rules are changing.

Public input should be allowed on City boxes (traffic boxes etc). They can interfere with abutting property owners such as blocking the doors to businesses.

PLANNING COMMISSION STAFF REPORT

AMENDMENTS TO CHAPTER 21A.40.160 UTILITY BOX REGULATIONS Case #PLNPCM2009-00902 November 18, 2009



Planning and Zoning Division
Department of Community and
Economic Development

Applicant:

City Council

Staff:

Ray Milliner ray.milliner@slcgov.com
(801)535-7645

Current Zone:

N/A

Master Plan Designation:

City Wide

Council District:

City Wide

Review Standards

21A.50.050 Standards for General
Amendments

Affected Text Sections

Chapter 21A.40.160

Notification

- Notice mailed on November 4, 2009
- Published in Deseret News November 4, 2009
- Posted on City & State Websites November 4, 2009

Attachments

- A. Proposed Red Line Text Amendments
- B. Summary Notes from ZAP task force meeting.
- C. Letter from Sugar House Community Council

REQUEST

In July of 2008, the City Council adopted amendments to Section 21A.40.160, redefining the regulations for the placement of a ground mounted utility box on both private and public property. These regulations included design criteria, and requirements for processing them. As part of the approval, the Council directed staff to further refine the regulations, and return with suggested improvements as a second phase.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed modifications to Chapter 21A.40.160 Ground Mounted Utility Boxes, conduct a public hearing and forward a positive recommendation to the City Council.

Background

In July of 2008, the City Council adopted amendments to Section 21A.40.160, redefining the regulations for the placement of a ground mounted utility box on both private and public property. These regulations included design criteria, and requirements for processing them. As part of the approval, the Council directed staff to further refine the regulations, and return with suggested improvements as a second phase. Staff is now presenting an updated version of the regulations for review. Highlights are summarized below.

On October 28, 2009 the Planning Commission reviewed the proposed changes to the ordinance and provided staff with direction to change the text. Specifically, staff was directed investigate the following:

1. Should language limiting the size of boxes allowed on each property be created?
2. Should Language be created that requires boxes to be spaced so as to limit clustering in a certain area?
3. Clear up confusing language in definition and allowed use sections.

Staff has conducted a review of the Planning Commission direction and is now requesting that the Commission forward a positive recommendation to the City Council.

As an aside, staff has contacted a number of Cities in the area to determine what, if anything they do to regulate utility box installation. Staff found the following:

- Ogden: No regulation
- Provo: No regulation
- Sandy: Boxes must be 5 feet from front property line
- Park City: No regulation
- Murray: No regulation
- Cottonwood Heights: No regulation

Staff found that a majority of the cities in the region rely on a franchise agreement with the utilities wherein a staff member from the engineering or public utility division will review plans to determine if the proposed box would impact other utilities or sight lines in the right-of-way. If a resident is troubled by the location of a box near her home, it is generally a matter left between the utility provider and the property owner to resolve.

Public Participation

This application was reviewed by the Zoning Amendment Project task force on August 10, 2009. Summary notes are attached as exhibit B.

The project was also reviewed at an open house on July 21, 2009. No public comments were received.

Staff has also met a number of times with representatives from Rocky Mountain Power, and Qwest Corporation (the two entities impacted the most by these regulations). They have provided technical input regarding the manner in which the boxes are installed and the locations necessary to effectively provide the service.

Staff has received comments from members of the Sugar House Community Council, who have expressed concerns regarding the maintenance and upkeep of the boxes after they have been installed, they specifically state that they have had significant impacts from maintenance vehicles, graffiti and a general lack of maintenance of the boxes (letter included as exhibit C).

Issue Analysis

There are a number of significant changes proposed in this chapter, as well as general fine tuning designed to clarify language and facilitate understanding and application of the regulations. Below is a summary of the changes proposed, with a brief analysis of the rationale for the amendment.

Chief among the proposed changes is the placement of the process under the jurisdiction of the Planning Commission. Currently utility boxes can be reviewed as a routine and uncontested matter, or a conditional use, thereby placing certain boxes under the jurisdiction of the Board of Adjustment (routine and uncontested matters) and others under the jurisdiction of the Planning Commission (conditional uses). The proposed amendments will place all review of utility boxes under the jurisdiction of the Planning Commission. This eliminates the requirement that applicants receive signatures from adjacent property owners as part of a routine and uncontested matter. Nonetheless, the public will still receive notice as all conditional uses require notice of adjacent property owners within 300 feet of the use location.

Throughout the process of modifying the requirements for this section, staff has encountered a number of persons and entities with strong opinions on the regulation of these boxes. Opinions have ranged from total deregulation to requiring significant review and conditions of approval for all boxes placed in the City. The proposed changes to the ordinance are an attempt to mitigate concerns expressed by these citizens, while still providing utility companies and business owners with an efficient permitting process. Staff recognizes that the boxes are an essential component to the provision of electrical, telephone, internet, and cable TV services throughout the city. These services are generally deemed as essential by the citizenry. Nonetheless, staff also recognizes the impact that one of these boxes may have on a property owner's quality of life, if it were placed in front of her home without her permission. As a result, staff is recommending the following changes.

Definition

Staff has modified the language that defines ground mounted utility boxes. Language includes:

A. **Definition;** "Ground mounted utility boxes" shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground mounted facilities and associated equipment used for the transmission or operation of underground public utilities.

Staff investigated the possibility of leaving the size designations of boxes in the definition proposed for these structures; nevertheless, staff is recommending that the size of the box not be a contributing factor of review for the following reasons:

1. Extremely large utility structures such as a substation or maintenance structure are defined in the Zoning Ordinance as Public/Private Utility Buildings and Structures, and are subject to a separate review.

2. Most of the larger boxes are located in the industrial zones; an area that does not necessitate as much review as residential areas.
3. Most boxes proposed in residential areas are of a similar size and shape, as the industry has a standard box that is used throughout the neighborhoods. Therefore, most boxes would either be permitted or conditional depending on the size determined.

As a result, staff finds that the creation of a size limitation on boxes would not be an effective mitigation tool in the review of utility boxes.

Allowed

There are certain situations where the requirement that a utility box be processed as a conditional use is cumbersome and contrary to the purpose of the goal of the ordinance, to mitigate the visual, environmental and physical impacts of the boxes on neighboring residents. To eliminate this issue, staff is proposing to feature the following uses as allowed, meaning they would only need to receive a building permit as required by the International Building Code:

1. Subterranean utility boxes located entirely on private property.
2. Utility boxes located entirely within an enclosed building or structure.
3. Ground mounted equipment required to serve a single commercial customer located behind minimum setback or within 5 feet of a building.
4. Utility boxes for essential public uses such as traffic control boxes, installed by or with permission of Salt Lake City Corporation.
5. Ground mounted utility boxes located within the front-line public utility easement or on private property within a private easement which is mutually acceptable to both the property owner and the utility. The equipment shall not be located within 2 feet of the sidewalk.

The staff rationale for recommending that boxes meeting the above criteria is based on the following:

- The general purpose of this regulation is to mitigate the visual impact of the boxes on surrounding neighborhood. The visual impacts of subterranean boxes and boxes located within an enclosed building have been eliminated by virtue of their being enclosed.
- Boxes located within the buildable area should be allowed no differently than any other type of mechanical equipment such as an air conditioner or heating unit.
- Location options for a public necessity such as a traffic control box are limited, and many times the health safety and welfare need for the box is outweighed by the visual impacts.
- Ground mounted equipment used for transmission or distribution generally is associated with the undergrounding of power lines and cables. Above ground power lines are an allowed use in the City (State Law requires it). If a person or entity would like to place power lines below ground she must do so at her cost. As a result, the requirement that a box receive a conditional use approval increases the time necessary and the cost of undergrounding utilities, and encourages applicants to simply leave the utilities above ground. Generally, the visual impact of the above ground power lines is greater than that of the transmission boxes.

Conditional Use

All utility boxes not featured as permitted uses would then be reviewed as an administrative conditional use (primarily those in the front yard without an easement, or in the public right-of-way without an easement). In response to the Commission concern that many boxes would be clustered and become

unsightly, staff has proposed a new standard limiting the visual and environmental impact of the boxes. No specific spacing requirement is provided, as there may be situations when the clustering of a number of boxes is appropriate. Staff is recommending the criteria featured below:

1. **Location:** Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.
2. **Spacing:** Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The Planning Director may limit the number of boxes allowed on a specific site to meet this standard.
3. **Setbacks:** The Planning Director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.
4. **Screening:** To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and City rights-of-way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.
5. **Design:** Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.
6. **View:** The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.
7. **Certificate of Appropriateness:** Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening materials.

Applications requiring a conditional use may include (but are not limited to) placement of a box in the front yard setback of a private lot, or a box in the public right-of-way with no easement.

STANDARDS FOR GENERAL AMENDMENTS

A decision to amend the text of the Zoning Ordinance 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. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

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;**

Discussion: While no adopted master plans for Salt Lake City specifically refer to ground mounted utility installations, some of them, such as the Capitol Hill Master Plan and the Central Community Master Plan, call for well-maintained and adequate public utilities, buildings and facilities that are compatible with the surrounding area. In residential and other potentially high-impact districts, the proposed text amendment ensures that all high impact utility boxes are reviewed for their compatibility and impact on the surrounding area. Building permits would still be required for all installations, regardless of size of district.

Finding: The proposed text change is consistent with adopted master plans.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.

Analysis: The proposed changes to the ordinance will further the purpose statements of the Zoning Ordinance by modifying and clarifying the requirements necessary for approval of a utility box. By making certain boxes conditional and others allowed, the amendments provide decision makers with an opportunity to mitigate any impacts that the uses may have on specific neighbors or properties, while providing utility providers with a streamlined and more efficient permitting process. These modifications create standards and factors for consideration that will facilitate mitigation of adverse impacts on neighboring property owners and will clarify sections of the chapter that were not clear or concise.

Finding: Staff finds that the proposed changes to the Zoning Ordinance are consistent with the purpose statements found in the Zoning Ordinance.

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The proposed text amendment is not site specific, and is not associated with any overlay zoning districts. Where a particular installation is within an overlay zoning district, any applicable regulations must be met.

Finding: The proposed text amendment meets this standard.

Attachment A
Proposed Amendment

~~21A.40.160: GROUND MOUNTED UTILITY BOXES:~~

~~A. Compliance With Regulations Required; Exception: All ground-mounted utility boxes shall be subject to the following regulations unless exempted within section 21A.02.050, "Applicability", of this title or where limited by other provisions of this title.~~

~~B. Definition; Dimensions; District Requirements: "Ground-mounted utility boxes" shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground-mounted facilities and associated equipment such as condensing units and generators that directly serve the property or local area in which the facility is placed, that are not primarily for transmission or distribution to other locations, or otherwise are customarily found in such areas.~~

~~1. Ground-mounted utility boxes are separated into three (3) tiers: small, medium and large.~~

~~a. Small ground-mounted utility boxes are less than fifteen (15) cubic feet in volume with a limit of forty-eight inches (48") in height.~~

~~b. Medium ground-mounted utility boxes are equal to or greater than fifteen (15) cubic feet in volume and equal to or less than forty (40) cubic feet in volume with a limit of sixty inches (60") in height.~~

~~c. Large ground-mounted utility boxes exceed forty (40) cubic feet in volume with a limit of seventy-two inches (72") in height.~~

~~2. Residential districts and neighborhood commercial (CN), mixed-use (MU), mobile home park (MH), and open space (OS) districts are subject to the following requirements:~~

~~a. Small ground-mounted utility boxes shall be considered routine and uncontested matters as outlined in chapter 21A.14 of this title, subject to the following standards:~~

~~(1) Screen Standards: The intent of these screening standards is to minimize negative visual impacts while taking into consideration maintenance, access, and public safety.~~

~~(A) Screening materials are to be provided in a manner that minimizes the visual impact of the utility installation but also addresses crime prevention through environmental design (CPTED) principles of maintaining views of the subject area from public locations such as sidewalks and streets.~~

~~(B) Solid or opaque screening materials are permitted when part of an existing design element of the site.~~

~~(2) Location Standards:~~

~~(A) Location does not block views within sight distance angles of sidewalks, driveways and intersections.~~

~~(B) Located to minimize blocking views from and of the principal structure(s).~~

~~(3) Signatures Required: The zoning administrator shall require the signatures of all abutting property owners, including property owners across the street, in the regular process for considering any routine and uncontested matters relating to small ground mounted utility boxes.~~

~~(4) Community Council Notification: The affected community council will be notified of the request and of the administrative hearing, if applicable.~~

~~b. Medium or large ground mounted utility boxes shall be processed as conditional uses subject to chapter 21A.54 of this title.~~

~~3. Commercial, downtown, manufacturing, gateway and special purpose districts other than those listed in subsection B2 of this section shall be subject to the following requirements:~~

~~a. Small ground mounted utility boxes shall be considered permitted uses.~~

~~b. Medium or large ground mounted utility boxes when located on private property in commercial, downtown, gateway, manufacturing, and some special purpose districts (all except natural open space, mixed use, mobile home park, and open space districts) shall be considered routine and uncontested matters as outlined in chapter 21A.14 of this title, and shall be subject to the screening, location, and administrative review standards of subsections B2a(1) through B2a(3) of this section.~~

~~4. All ground mounted utility boxes not subject to subsections B1, B2 and B3 of this section shall be processed as conditional uses subject to chapter 21A.54 of this title.~~

~~5. In addition to subsections B2a and B3 of this section, any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening. (Ord. 21-08 § 8, 2008)~~

21A.40.160 Ground Mounted Utility Boxes:

B. Compliance with Regulations Required: All ground mounted utility boxes shall be subject to the following regulations unless exempted within section 21A.02.050, "Applicability", of this title or where limited by other provisions of this title.

C. Definition: "Ground mounted utility boxes" shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground mounted facilities and associated equipment used for the transmission or operation of underground public utilities.

D. **Allowed Use:** Ground mounted utility boxes proposed as follows, shall be allowed in all zoning districts.

1. Subterranean utility boxes located entirely on private property.
2. Utility boxes located entirely within an enclosed building or structure.
3. Ground mounted equipment required to serve a single commercial customer located behind minimum setback or within 5 feet of a building.
4. Utility boxes for essential public uses such as traffic control boxes, installed by or with permission of Salt Lake City Corporation.
5. Ground mounted utility boxes located within the front-line public utility easement or on private property within a private easement which is mutually acceptable to both the property owner and the utility. The equipment shall not be located within 2 feet of the sidewalk.

E. **Conditional Use:** Conditional use review is required for all ground mounted utility boxes not specifically addressed in sections D of this chapter. Applications shall be reviewed administratively by the Planning Director or an assigned designee subject to the following criteria.

1. **Location:** Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.
2. **Spacing:** Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The Planning Director may limit the number of boxes allowed on a specific site to meet this standard.
3. **Setbacks:** The Planning Director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.
4. **Screening:** To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and City rights-of-way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.
5. **Design:** Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.
6. **View:** The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.
7. **Certificate of Appropriateness:** Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening materials.

Attachment B
Summary Notes from ZAP Task Force Meeting

2009 Zoning Text Amendment Project

August 10, 2009

Task Force Meeting

Members Present

Alene Bentley; Cindy Cromer; Sydney Foncesbeck; Barbara Green; Jerry Green; Esther Hunter; Bruce Jensen; Jeremy King; Bill Nighswonger; Helen Peters; Vasilios Priskos; Dave Richards; Lon Richardson; Steven Rosenberg; Judi Short; Grace Sperry; Ray Whitchurch

Staff Present

Wilf Sommerkorn, Planning Director; Cheri Coffey, Planning Manager; Ray Milliner, Principal Planner; Mike Akerlow, Economic Development Division

Review of Summary Notes

Staff clarified that the underlined verbiage in the notes that were handed out in the meeting represent comments that were submitted to staff, from Task Force members, clarifying what they said at the July 13, 2009 meeting.

There was a request to clarify the notes relating to density and the proposed planned development regulations. Staff agreed to make the changes.

General Discussion on ZAP Process

There was a request for staff to notify the Task Force members of what issues staff agreed to and therefore, incorporated into the final recommendation of the various ZAP petitions. Staff agreed that the staff reports can be written to better identify the input from the Task Force and how staff addresses the issues raised by the Task Force. Staff also agreed to send Task Force members a website link to the staff reports once they are posted for the various ZAP petitions.

There was a request for staff to speak up in the Task Force meetings to let the Task Force members know when a suggestion is or is not feasible.

The Planning Director was asked to clarify whether the proposed amendments to address non-conforming medical clinics would be presented to the ZAP Task Force. Mr. Sommerkorn responded that the Planning Staff will need to think about how to deal with that issue, which is a separate issue from the Zoning Amendment Project issues because it is very specific to one geographic area.

Discussion relating to proposed amendments to Utility Box Regulations

Bruce Jensen, of Rocky Mountain Power company described the typical box construction use and location.

He was asked why Rocky Mountain Power was not eager to install underground power. He responded that the cost to put the utilities underground is 3-6 times more expensive to install and maintain. There are safety issues and issues relating to ease of finding the underground boxes in the snow (takes time and money).

In certain zones, the City requires or encourages buildings built to the street. In these instances, where do you put the utility box? The cable and conduit do not bend and sometimes there is no other place than the right-of-way.

It was suggested to have the developer and Rocky Mountain Power meet early in the process so the utility box can be located in the proper location on site (preplan).

Do we need to tweak walkable regulations to identify how to locate boxes?

Is there a way to require the boxes to be located on the site plan earlier?

The current rules encourage overhead wires –you have to get a conditional use for a utility box that places the lines underground

The developer hasn't the knowledge early on about power.

Support allowing boxes as a permitted use in buildable area.

It would be good to have the guidelines from RMP so that developers know how to deal with switching boxes (size etc).

Maintenance of the equipment requires an eight foot long fiberglass stick so we must account for that in locating boxes.

The greater the open area around the equipment, the more opportunity to dissipate heat.

DSL Qwest boxes, location is more flexible on private property.

To avoid graffiti put in back yard of owner property

Location issue – if put it on a narrow roadway then the maintenance truck blocks the road.

The pre meeting is a good idea. Give Qwest ideas early on and they can look for alternatives.

There are some places in building areas that are better than others (put in rear – not next to the residence neighbor on the side).

Putting in the back lot creates significant issues to maintain (dogs, fences, sheds, landscaping)

Develop a hierarchy for placement of the utility boxes. Create a preference of where they should go (such as adjacent to alleys in rear yards, etc) and if they can't be located in the first preference, then go to the next preference for locating the box.

How do you deal with an easement for these when you have a retaining wall?

What are appropriate screening options, such as landscaping, art/ graphic wrap and pain color, and who maintains the screening?

If upgrade to an overhead facility is necessary would you upgrade or put it underground? Upgrade overhead.

Can we get a creative design of utility boxes like telecommunication boxes?

Rocky Mountain Power is somewhat limited on how creative they can be. They have to ensure the heat is dissipated and wraps or screening may trap the heat.

- Design fake rocks so they disperse heat
- Wraps act like insulation and hold the heat in.
- Wrap in mirrors.

If want power lines buried, why make it harder to put underground than overhead? Use public right of way

Rocky Mountain Power typically has one electric transformer to serve approximately 4-6 homes or one business

The cost for placing lines underground is passed on to consumer

The community needs to determine the cost of requiring them underground and if it is willing to pay the expense for doing so.

Downtown – are there already vaults where they can be placed? City and County Building has six boxes clustered together. Consider that first.

The cost of development vs. the cost of utilities has to be looked at. If the development is millions of dollars, then \$50,000 is not a big deal. If the cost of the development is \$500,000 then \$50,000 is a big expense in the project.

The streets downtown are full of utilities, vaults etc

If not allowed in public right of way, then all existing utility boxes are considered non complying. They can continue but expansion rules are changing.

Public input should be allowed on City boxes (traffic boxes etc). They can interfere with abutting property owners such as blocking the doors to businesses.

Attachment C:
Letter from Sugar House Community Council/Public Comments

I am sorry I am unable to attend the Planning Commission meeting tonight. I have some concerns about the changes to the utility boxes provision of the ordinance.

If Qwest was always a good neighbor, the staff recommendations would be easy to accept. As far as I can tell, very few boxes would not be required to be reviewed, the vast majority would be just over the counter permits. The last one approved in our council district required considerable discussion and meetings with the neighbors, because the site selected by Qwest was poor, and moving the box across the street was a much safer location. If the new ordinance was in place, that box would be in the wrong place and a continual problem.

Every person I know who has a utility box in the parkway in front of their house or on their block, always bends my ear about the concerns they have because the boxes are a problem. Every time the trucks are there and men are working, they park on the grass, the trucks idle, they leave debris of pop cans, paper and wire all over the ground, and sometimes even block the crosswalks. The boxes are covered with graffiti, and it takes a number of phone calls to get that painted out, and then the color doesn't match. Wouldn't you think they could make all their boxes the exact same color, and then stock cans of paint that matched? A patchwork of colors on a box is an eyesore.

To allow no community input means that we have boxes installed, then discover they are a big problem, but there is never any remedy. Do you really think they will move a box once it is installed?

If you are going to limit the review to Planning Director approval at the very least you should require some signatures from neighbors on the street involved. Not just the person whose house is behind the proposed box, but those within a certain number of feet. Maybe there should be a designated person on the planning staff who becomes an expert, who works with Qwest to determine the best site, rather than always reacting to the Qwest proposal, the planner could be proactive, looking out for the interests of the citizen. The suggestions given by the ZAP committee could be a template for a checklist the planner would use when reviewing a project.

Qwest should enter into some sort of an agreement with Salt Lake City about the maintenance of these boxes, including, but not limited to, cleaning up the site after each worker does any work on the boxes, post a phone number to call to have graffiti removed within a day, post a phone number where a citizen can call with complaints or issues about the boxes.

And, this is a very good reason why we should not vacate any more alleys in the city. The alleys become a good place to locate this equipment, out of the public view and up on the telephone poles.

--

Judi Short

Ray,

This is a real pet peeve of mine, and if anyone were to put a box on public property near my house I would jump at the chance to test the legality of that in the courts. See my note to Council Simonsom. We should *not* be accommodating these boxes and we especially should *not* be streamlining their installation. The companies that use them should be slowly but surely forced to upgrade their technology to make them unnecessary, or at least fewer.

Thanks,

Scott Kisling

2409 Lynwood Drive

From: Scott Kisling <scott.kisling@comcast.net>

Date: October 29, 2009 11:46:59 AM MDT

To: Soren Simonsen <soren.simonsen@slcgov.com>

Cc: Carlson Philip <PhilipCarlsonSHCC@StoryCupboard.com>

Subject: Fwd: Administrative Hearing for Qwest

Dear Councilman Simonsen,

I hate these ugly and damage-prone boxes that are currently used for DSL to operate at greater distances from their central office and at higher frequencies. I would like to put pressure on companies that install them so they improve their technology so as to require fewer of them. They are usually located on the public right of way, though I doubt the City gets any revenue from them, though the City should as further enticement to improve the technology. When located on private property the property owner is compensated. Homeowners in proximity of the boxes are unfairly singled out when the market imposes a lower value on their property because of the nearby boxes. This is essentially an forced private subsidy of a corporation.

Many years ago the Sugar House Community Council, and others, successfully pushed the Planning Commission to become more restrictive on mobile phone antennas, requiring the antennas to be designed to lessen their visual impact by both better placement and colorization. Unfortunately, as Commissioners have changed, so has that attention. We once again have very visible and poorly integrated mobile phone antennas, often on buildings such as the Redman Building, that exemplified good antenna integration in the past.

We need to consider what we are doing to the desirability and value of our neighborhoods in the course of our race for improved connectivity.

Thanks for listening.

Scott

2409 Lynwood Drive

5.C Planning Commission Minutes

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, October 28, 2009

Present for the Planning Commission meeting were Vice Chair Frank Algarin, and Commissioners Tim Chambless, Angela Dean, Michael Fife, Michael Gallegos, Kathleen Hill, Susie McHugh, Matthew Wirthlin, and Mary Woodhead. Chair Babs De Lay and Commissioner Prescott Muir were excused.

A field trip was held prior to the meeting. Planning Commissioners present were: Frank Algarin, Tim Chambless, Angela Dean, Michael Fife, Matthew Wirthlin, and Mary Woodhead. Staff members present were: Joel Paterson, Bill Peperone, and Ray Milliner.

A roll is being kept of all who attended the Planning Commission Meeting. Acting Chair Algarin called the meeting to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilford Sommerkorn, Planning Director, Pat Comarell, Assistant Planning Director; Joel Paterson, Programs Manager; Bill Peperone, Principal Planner; Ray Milliner, Principal Planner; Paul Nielson, City Attorney; and Angela Hasenberg, Senior Secretary.

Work session

Clarion & Associates discussed Phase 1 of the proposed sustainability zoning text amendments, including proposals for accessory dwelling units, alternative energy equipment, etc.

5:52:09 PM **Approval of the minutes from Wednesday October 14, 2009**

Commissioner Gallegos made a motion to approve the October 14, 2009 minutes with noted changes. Commissioner Wirthlin seconded the motion. All in favor voted, "Aye". Commissioner Dean abstained. The minutes were approved.

5:52:33 PM **Report of the Chair and Vice Chair**

Acting Chair Algarin stated there was no business to report.

5:52:57 PM **Report of the Director**

Update on North Temple Boulevard Design Elements.

Ms. Comarell stated the third workshop regarding the North Temple Boulevard project would be held on October 29. She stated it would deal more with land use as opposed to design elements. Planning staff, as well as the consultants, had met with stakeholders around the different TRAX station sights to suggest what they liked

South Temple. The request includes land between the front of the building and the public sidewalk. The property is in the CG General Commercial Zone, in Council District One, represented by Carlton Christensen.

Commissioner Gallegos recused himself from the meeting.

Acting Chair Algarin recognized Bill Peperone as staff representative.

Commissioner Chambless inquired if there would be adequate street lighting throughout this area.

Mr. Coker stated they would like to see more, but the restraint would be very visible and hope that as 900 West became more pedestrian and retail-oriented there would be some more lighting to accompany that.

7:03:33 PM **Public Hearing**

Acting Chair Algarin opened the public hearing portion of the petition. He noted there was no one present to speak to the petition, and closed the public hearing.

7:03:59 PM **Motion**

Commissioner Dean made a motion regarding Petition PLNPCM2009-001132, declaration of surplus property/partial street closure; that the Planning Commission forwards a positive recommendation to the City Council to approve the proposed street closure located at approximately 866 West South Temple, subject to the following conditions:

- 1. The applicant shall obtain approval of the street closure from the City Council.**
- 2. The applicant shall finalize the land acquisition with the Property Management Division.**
- 3. The applicant shall purchase the subject property for its fair-market value.**
- 4. The applicant shall process a Lot Line Adjustment through the Planning Division to appropriately consolidate his parcel with the surplus property.**

Commissioner Chambless seconded the motion.

Commissioners Hill, Fife, Dean, Chambless, McHugh, Wirthlin, and Woodhead voted, "Aye". The motion passed unanimously.

7:05:28 PM **PLNPCM2009-00902; Amendments to Regulation of Utility Boxes**— a request by the City Council for a zoning text amendment to modify Chapter 21A.40.160, Utility Box Regulations, of the Salt Lake City Zoning Ordinance. The purpose of the amendments is to streamline the process of approvals, to clarify the intent of certain sections, and to revise the standards and factors necessary for conditional use approval. The proposed text amendments are city-wide.

Acting Chair Algarin recognized Ray Milliner as staff representative.

Mr. Milliner stated the City Council made amendments to utility box regulations in July 2008, and as part of this adoption they requested staff look at the regulations and come back after the implantation to work out other aspects if necessary.

He stated the issues with the City Council's adopted changes were they adopted a routine and uncontested process for some of the boxes and a conditional use process for others, so some were reviewed under the purview of the Board of Adjustment and others under the Planning Commission. He stated staff eliminated the routine and uncontested section from the code and made them all fall under the purview of the Planning Commission.

He stated staff also created five situations where a utility box would be considered an allowed use including: a subterranean box, a box located entirely within a structure, *a ground mounted box required to serve a single commercial customer located behind the minimum setback or within five (5) feet of the building, boxes for essential public uses/traffic lights, and ground mounted equipment used for transmission or distributors to other locations and configured as part of a system shall be allowed within the front line public utility easement, or on private property within ten (10) feet of a private property line on a private easement, which is mutually acceptable to the property owner and the utility.*

He stated any other utility box would fall under a conditional use, which would originate as an administrative use and then be subject to the following six criteria: location, setback, screening, design, view, and certificate of appropriateness (in historic districts).

Commissioner Woodhead inquired if there was a size limitation. She inquired if anything permitted Rocky Mountain Power from buying a residential lot and placing giant utility equipment on it without limitations.

Mr. Milliner stated at some point it would become a substation, which would be reviewed by the Commission.

Commissioner Woodhead inquired if there was a clear, delineated definition of both utility boxes and substations.

Mr. Milliner stated there are current definitions of both, but staff could make sure those definitions were clearer.

Commissioner Chambless inquired if the ordinance delineated dimensions of these utility boxes.

Mr. Milliner noted dimensions were not specified in these changes, and because of changes in the size of these boxes and new technology, staff decided to not include size as part of this.

Commissioner Dean inquired if a minimum separation element or maximum number per lot could be added to this ordinance so one neighborhood was not overtly burdened with a large number of utility boxes. She stated that in addition to the design issues there was a lot of concern regarding safety and maintenance access, she inquired if this needed to be specifically mentioned in the ordinance.

Mr. Milliner stated the place that would be applicable would be under criteria one, *Location: Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.*

7:17:41 PM Public Hearing

Acting Chair Algarin opened the public hearing portion of the petition.

The following people spoke or submitted cards in *support* of the petition: **Alene Bentley** (Rocky Mountain Power) stated she appreciated Mr. Sommerkorn and the Planning staff for meeting with RMP to discuss engineering requirements, the operational access, and the safety requirements of this equipment. She stated when lines were buried the utility boxes were necessary to operate that equipment. And while Qwest was able to provide service to a greater amount of customers with ever smaller equipment, the community's electric needs were increasing exponentially, especially in commercial and economic sales. **Eric Isom** (Qwest) stated it was not an easy task to find balance between customers who wanted and needed utility services, but in turn did not want them visible in the community. He stated condition 5 under the permitted use review, which states: *Ground mounted equipment used primarily for transmission or distribution to other locations and configured as part of a system shall be allowed within the front property line public utility easement or on private property within ten (10) feet of the front property line on a private easement which is mutually acceptable to both the property owner and the utility. The equipment shall not be located within two (2) feet of the sidewalk.* He stated he met with planning staff this morning to talk about these conditions and for those customers who wanted to see utility boxes or cabinets placed further back on their property, he suggested the line that mentions the location being ten (10) feet of the property line be eliminated so the utility company could work with each individual property owner to see where they would like the utility box placed.

The following people spoke or submitted cards in *opposition* to the petition: **Philip Carlson** (SHCC Chair) stated this was an issue the Sugar House community was concerned about for a number of years; there were many utility box proposals with different outcomes depending on the placement of the boxes. He stated the community wanted the utilities in the neighborhood so they were not opposed to this, but he would like the Community Councils to review these changes before the Commission made a decision on this.

Mr. Sommerkorn noted for future reference, rather than notifying all 23 of the City's community councils of the proposed text changes individually, they were instead invited to an open house where comments were taken.

Commissioner Wirthlin noted the Planning Commission was not the decision-making body on this; the City Council was, so comments could also be given to them before a decision was made.

Sarah Carlson (1917 East 2700 South) stated she was involved with this a year and a half ago, she stated she had spoken with a lot of neighbors and business owners who were concerned about the uncontested use. She stated she had some serious concerns regarding how loose the guidelines were, and not just one particular lot that might become like a substation, but even the smaller boxes would be way too large and would become blight. She stated she would like to see more commitment by the utility companies to take care of the utility boxes they currently have, including graffiti, etc. before more boxes were allowed.

Acting Chair Algarin closed the public hearing.

Commissioner Woodhead stated the old ordinance did divide the size of the utility boxes into three tiers: small, medium, and large. She stated this distinction was removed from the new language and wondered if it would work to make A and B of the ordinance allowed uses, but make C still require some sort of conditional use approval.

Mr. Milliner stated that could be done.

Commissioner Woodhead stated she still felt there was a conflict with the definition of ground mounted utility boxes, which states, *ground mounted utility boxes and associated equipment that directly serve the property or local area in which the facility is placed, that are not primarily for transmission or distribution to other locations* and Condition 5, which states: *ground mounted utility boxes used for transmission or distribution for other locations*.

Commissioner Fife inquired if that should read *not used*.

Commissioner Woodhead stated maybe condition 5 should be conditional, or maybe the size limitation would take care of that.

Mr. Milliner stated in Condition 5 the language, *used primarily for transition or distribution to other locations* could be eliminated.

Commissioner Wirthlin inquired if the Commission was more concerned with the size of the boxes, the location, or both, and were small and medium boxes typically allowed or would they also fall under the location criteria as well.

Commissioner Woodhead stated they would fall under the location criteria as well, for them to be allowed uses. She stated when the boxes were larger than a certain size there could be problems that required review. She stated she was also concerned about the issue Commissioner Dean raised where someone could buy a piece of property and turn it into utility box central for the neighborhood, and she wondered how that could be dealt with.

Commissioner Dean inquired if Mr. Milliner wanted specific verbiage now, or would this be brought back before the Commission with the suggested changes.

Mr. Milliner stated the Commission could make a motion to continue this petition.

7:34:47 PM **Motion**

Commissioner Woodhead made a motion regarding Petition PLNPCM2009-00902, the Planning Commission continues, until planning staff brings back a revised recommendation.

Commissioner Chambless

Commissioners Hill, Fife, Dean, Chambless, McHugh, Wirthlin, and Woodhead voted, "Aye". The motion passed unanimously.

The meeting adjourned at 7:36 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on October 28, 2009.

Tami Hansen

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 18, 2009

Present for the Planning Commission meeting were Chair Babs De Lay and Vice Chair Frank Algarin and Commissioners Tim Chambless, Angela Dean, Michael Fife, Michael Gallegos, Prescott Muir, and Mary Woodhead. Commissioners Susie McHugh, Matthew Wirthlin, and Kathleen Hill were excused.

A field trip was held prior to the meeting. Planning Commissioners present were: Frank Algarin, Tim Chambless, Michael Fife, Michael Gallegos, and Mary Woodhead. Staff members present were: Cheri Coffey, Ray Milliner, and Nick Norris.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:46 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilford Sommerkorn, Planning Director, Cheri Coffey, Programs Manager; Ray Milliner, Principal Planner; Paul Nielson, City Attorney; and Tami Hansen, Senior Secretary.

Work session

The Planning Commission heard presentations regarding the North Temple Master Plan and the Downtown Streetcar Project

5:47:11 PM **Approval of the minutes from Wednesday, October 28, 2009**

Commissioner Woodhead made a motion to approve the October 28, 2009 minutes with noted changes. Commissioner Fife seconded the motion. All in favor voted, "Aye". The minutes were approved.

5:48:16 PM **Report of the Chair and Vice Chair**

Chair De Lay stated neither she nor Vice Chair Algarin had anything to report.

5:48:18 PM **Report of the Director**

Mr. Sommerkorn stated the City Council was moving forward on some of the petitions staff had been working on for the past year. He stated on November 17, the City Council approved the amendment to the mixed-use zone, to allow for private/social clubs with a minor modification that a security and operations plan was required to be submitted along with a parking management plan.

Mr. Sommerkorn noted on December 7, from 4:00-6:00 p.m. an open house would be held regarding the streetcar planning effort. He noted on December 8 & 9 a workshop would also be held which Planning Commission members were invited to attend.

1. **All necessary building permits for these structures shall be obtained from the building department prior to installation of the structures.**
2. **The applicant shall mark the boxes with a telephone number that residents can call to have graffiti removed from them.**

Commissioner Woodhead seconded the motion.

Commissioners Gallegos, Fife, Dean, Chambless, Woodhead, and Algarin voted, "Aye". The motion passed unanimously.

Chair De Lay announced a small break at 7:22 p.m.

Chair De Lay reconvened the meeting at 7:30 p.m.

7:30:57 PM **PLNPCM2009-00902; Amendments to Regulation of Utility Boxes**—a request by the City Council for a zoning text amendment to modify Chapter 21A.40.160, Utility Box Regulations, of the Salt Lake City Zoning Ordinance. The purpose of the amendments is to streamline the process of approvals, to clarify the intent of certain sections, and to revise the standards and factors necessary for conditional use approval. The proposed text amendments are city-wide.

Chair De Lay recognized Ray Milliner as staff representative.

Mr. Milliner stated the Commission reviewed this application in October and gave staff modifications to the proposed amendment. He stated those changes are reflected in this second drafts, which include limiting the size of the utility boxes that would be allowed. He stated there was a problem with the way the ordinance was now set up; there were three sizes of utility boxes currently large, medium, and small. He stated for the most part the large boxes were dealt with through conditional uses, as well as some of the medium boxes. He stated small utility boxes were generally either conditional uses or routine and uncontested. He recommended not putting the size regulation in the ordinance, because the definition of a utility box was sufficiently different from the definition of a substation, so there should not be any confusion as to the way both of those were processed.

Mr. Milliner stated another suggestion from the Commission was to clean up the definitions, which was done; and finally to create some language regarding clustering. He stated there was some concern that there were a number of utility boxes clustered in one area, which was unsightly. In the conditional use criteria he included a number 2, which dealt with spacing that stated, *utility boxes shall be spaced in such a manner as to limit the visual environmental impact of the boxes on neighboring properties. The Planning Director may limit the number of boxes allowed on a specific site to meet this standard.* He stated he did not include a specific number because there may be cases where it would be preferred if the boxes were clustered, for instance if there was a location that would be less impacted.

Chair De Lay requested Mr. Milliner address the taskforce meeting regarding these utility boxes.

Mr. Milliner stated the taskforce meeting was held in August and a discussion was held on how to deal with the meters. He stated RMP representatives were part of that discussion to express their needs regarding where and how utility boxes were installed. He stated the business community expressed they would like these boxes as allowed uses

because of the potential impact to new facilities, which are built and then the owner has to wait up to eight weeks to get their power needs taken care of.

Commissioner Woodhead stated she was still a little confused regarding conditional uses where it stated, *conditional use review is required for all ground mounted utility boxes not specifically addressed in Section C of this chapter*. She inquired if all ground mounted utility boxes are covered in Section C, what was covered in Section E.

Mr. Milliner apologized and stated Section E should actually be Section D.

7:39:12 PM **Public Hearing**

Chair De Lay opened the public hearing portion of this petition.

The following people spoke or submitted cards in *opposition* to the petition: **Philip Carlson**, Sugar House Community Council Chair (1917 East 2700 South) stated it was stated that from a visual standpoint these utility boxes were not that important, he passed around some pictures. He stated he felt there was a problem with the public noticing regarding the ZAP taskforce meetings and he was concerned because he did not feel the voice of the public was being heard through it. He stated as far as moderating there needed to be better control over the placement of these boxes, and he felt these changes moved further away from that goal. He stated the Community Council recognized essential services were being provided. The community was concerned about graffiti and he would like to see the boxes screened and he would like to see stronger language to accomplish this. **Judi Short** (862 Harrison) stated there was a lot of general dissatisfaction regarding this process. She would like to see the City regulate the color of the boxes, so they were standardized. She stated there were still issues with the maintenance crew leaving behind litter and letting their trucks idle. **Dilee Smith** (2865 East Oakhurst Drive) would like to see the equipment buried underground, inquired about the estimate for the reduction of property values with these utility boxes on her property, and inquired about an alternate plan if the Planning Commission did not allow the above ground utility box installation.

The following people spoke or submitted cards in *support* of the petition: **Alene Bentley** (RMP representative) stated this was an essential service. Salt Lake City's policy was to have power lines underground; however, above ground equipment was necessary. She stated RMP was bound by the National Electric Safety Code, which did impose certain safety clearance requirements and as far as screening was concerned, landscaping was great as long as it did not encroach on those safety requirements. She stated RMP supported these ordinance changes.

Chair De Lay inquired how RMP would address graffiti and the litter left behind by the cleanup crews.

Ms. Bentley stated if customers called the public service line RMP would come out and clean up an area, and they would also talk to their crews about clean up. She stated the color of the boxes was industry standard equipment, which kept the rates low.

Commissioner Woodhead inquired if RMP had a timeline after receiving a call, of when graffiti was taken care of.

Ms. Bentley stated they contracted a company, The Graffiti Doctor, and they were responsible for the response time.

Commissioner Chambless inquired if these cables ever separated or cracked.

Mr. Barker stated they usually did not break, but they could split apart from a pinhole size cut to the cable.

Commissioner Dean inquired if there was a better design to reconfigure these boxes to downsize them so they were not quite so obvious. She inquired if the space inside the boxes was completely used or was the space generous to make sure there was enough working room.

Ms. Barker stated when you think about technology the image of smaller and faster comes to mind, and in the power industry when you think what will be safer it means bigger. Voltage is based on physics and the higher the voltage the more space you need to keep the public and the employees safe. He stated the space is completely utilized.

Eric Isom; Qwest (250 Bell Plaza) stated their dilemma was providing services without having any visible equipment as a reminder those services were being provided. He stated he agreed with removing the 10 foot requirement because it gave Qwest greater flexibility when working with private property owners to try to determine a mutually agreeable location for the box. He stated roughly 90 percent of current boxes placed were placed on private easements through these negotiations.

Rob Vigil (Qwest Corporation) stated Qwest was constantly trying to rectify the issue of graffiti and clean up around their boxes. He stated there was a graffiti hotline currently and they would also work on getting contact information regarding graffiti removal or other issues.

Commissioner Woodhead stated in the old ordinance language it separated these boxes into small, medium, large. She inquired about the percentage of boxes installed that would fit into the large category.

Mr. Isom stated it would be less than ten (10) percent at this point.

Commissioner Woodhead inquired if these were excluded from the ordinance and placed in the conditional use section based on size, would that be a huge problem.

Mr. Isom stated the attempt was to address utilities on a broader scale and to allow for technological advances.

Mr. Vigil clarified this change was to make a clear distinction between private property with property owner approval and public right-of-way. He stated those in the public right-of-way still would need to go through the conditional use process. He stated as far as screening goes, Qwest was not opposed at all; however, when negotiating with the property owner the details were discussed and finalized, then when the petition went through the conditional use process and the Commission suggested some sort of screening, the complication was maybe the property owner did not want that as a part of their yard.

Chair De Lay closed the public hearing.

Commissioner Dean stated the biggest issue to address was probably the maintenance and upkeep of the boxes, how would that be enforced.

Chair De Lay stated there was the assumption that utility providers try to be good neighbor, but it was up to the public to report problems in one way. She inquired how much more could be required other than the existing hotline and relying on neighborhoods calling in problems.

Mr. Sommerkorn stated some type of requirement could be added in to maintain these boxes, but generally Qwest and RMP were trying to take care of issues that arise.

Commissioner Chambless stated he would like to see everyone involved be more proactive rather than reactive, so this type of vandalism could be stopped all together, or at least lessened because it was an irritant for everyone.

Commissioner Woodhead stated when these utility boxes were graffitied the utility companies were victims of that crime as well, so whatever efforts they could do to clean it up was appreciated and they should not be penalized.

8:17:36 PM Motion

Commissioner Woodhead made a motion regarding Petition PLNPCM2009-00902, Amendments to Chapter 21A.40.160; utility box regulations, the Planning Commission forwards a positive recommendation to the City Council to adopt the proposed modifications to the relevant chapter, with the correction on page 10 of the staff report under Conditional Use it reads, *Conditional use review is required for all ground mounted utility boxes not specifically addressed in sections C of this chapter*, it should be changed to *section D of this chapter*. This motion is based on the public hearings, and the information in the staff report.

Commissioner Chambless seconded the motion.

Discussion of the Motion

Commissioner Dean inquired if Commissioner Woodhead would consider an amendment to the motion that **all utility boxes have clearly labeled hotlines to call for problems and a no idling sticker.**

Commissioner Woodhead accepted the amendment.

Commissioners Fife, Gallegos, Dean, Chambless, Woodhead, and Algarin voted, "Aye". The motion passed unanimously.

8:20:01 PM PLNPCM2009-00174; Conditional Use Chapter Amendments—a request by Mayor Ralph Becker for zoning text amendment approval to modify Chapter 21A.54, Conditional Uses, of the Salt Lake City Zoning Ordinance. The purpose of the amendments is to bring the chapter into compliance with state code, to clarify the intent of certain sections, and to revise the standards and factors necessary for conditional use approval. The proposed text amendments are city-wide.

Chair De Lay recognized Ray Milliner as staff representative.

Commissioner Muir rejoined the meeting.

8:22:21 PM Public Hearing

The following people spoke or submitted cards in *opposition* to the petition: **Cindy Cromer** stated conditional uses under LUDNA were not going to work, it was an entitlement for conditional uses and once you get to that point you effect people's motivations to be a good neighbor. She stated once a conditional use was approved it was very difficult to amend or revoke that decision. She stated the direction the Planning Commission had taken with the

6. Open House Information

AMENDED NOTICE OF AN OPEN HOUSE
SALT LAKE CITY PLANNING DIVISION

This is not a public hearing. The intent of this Open House is to obtain public comments and input prior to any public hearings. Items are not heard in order, but in an open forum style. Booths will be set up to talk directly to the planners and applicants of each petition for the following items:

- **Petition PLNPCM2009-00346; Zoning Map Amendment**—The Planning Division is reviewing a petition requested by Mayor Becker to amend the Salt Lake City Zoning Map for properties south of OC Tanner between 2000 South and 2100 South and between State Street and Main Street. The proposed Map amendment would change the current zoning from Business Park (BP) and Commercial Corridor (CC) to a Mixed Use (MU) zone. Please direct any questions to: Ray Milliner at 801.535.7645 or ray.milliner@slcgov.com.
- **Zoning Text Amendment**—The Planning Division is reviewing a petition request to amend the Salt Lake City Zoning Ordinance, to amend the current requirements for utility boxes on public and private property. The proposed text change affects development citywide. Please direct any questions to: Ray Milliner at 801.535.7645 or ray.milliner@slcgov.com.
- **Zoning Text Amendment**—The Planning Division is reviewing a petition request to amend Chapter 38 of the Salt Lake City Zoning Ordinance, Non Conforming Uses and Non-Complying Lots and Structure regulations. The proposed text amendment is to simplify and clarify the existing regulations and to ensure consistency with State Law. Please direct any questions to: Kevin LoPiccolo at 801.535.6003 or kevin.lopiccolo@slcgov.com.

You are invited to the public open house to be held:

Thursday, July 16, 2009

From 4:30 to 6:00 P.M.

FIRST FLOOR HALLWAY

**SALT LAKE CITY AND COUNTY BUILDING
451 SOUTH STATE STREET
SALT LAKE CITY, UTAH**

Since it is very difficult for us to inform all interested parties about these items, we would appreciate you discussing this matter with your neighbors and informing them of the meeting. *People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include: alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Division at 535-7757; TDD 535-6220.*

**7. Public Comment received at or after the Planning
Commission public hearing**

Milliner, Ray

From: scsarah POP account [sarah@storycupboard.com]
Sent: Wednesday, November 18, 2009 10:54 AM
To: Milliner, Ray
Subject: utility box hearing
Attachments: Utility Boxes Staff Report for November 18 2009.pdf

Hi Ray-

I left a message for you and realized I had neglected to give you my phone number. It is 801-694-2477. Also, I was able to get the staff report online.

I would like to make comments to you for tonight's meeting as I may not be able to attend. My main concerns and objections are still the same & I do not feel like they have been addressed. I see many boxes throughout the city in the public right of way as well as on private property that are unsightly as well as in disrepair or have graffiti on them. Qwest & other utility companies continue to ignore taking responsibility for their equipment. I would like to see that written into the zoning. At the hearing last week, 3 boxes were approved for the public right of way despite overwhelming evidence & the public's comments to the contrary. Please speak to Casey Stewart about the comments he received. At that hearing, Qwest continued to repeat they were not responsible for maintaining screening even though that was clearly stated in the petition. This attitude toward our city that is being littered with these boxes is very problematic for me as well as many other residents

Please give me a call to discuss this further.

Thank you,
Sarah Carlson

801-694-2477

Milliner, Ray

From: Bill Davis [Gbrovers@aol.com]
Sent: Monday, November 16, 2009 8:50 AM
To: Milliner, Ray
Subject: comments on utility boxes

Ray

There is a zoning amendment change in process that appears to substantially remove many restrictions on utility boxes from companies such as Quest. I don't think this is a good idea. I believe it would make more sense to continue the existing zoning ordinance and actually make it more restrictive especially in Historic Districts in the city.

Best regards

Bill Davis

Chairperson - Ballpark Community Council (formally Peoples Freeway) Commissioner - Historic Landmarks Commission

Milliner, Ray

From: Scott Kisling [scott.kisling@comcast.net]
Sent: Tuesday, November 03, 2009 11:37 AM
To: Milliner, Ray
Cc: Carlson Philip
Subject: Utility Box issue

Ray,

This is a real pet peeve of mine, and if anyone were to put a box on public property near my house I would jump at the chance to test the legality of that in the courts. See my note to Council Simonsom. We should *not* be accommodating these boxes and we especially should *not* be streamlining their installation. The companies that use them should be slowly but surely forced to upgrade their technology to make them unnecessary, or at least fewer.

Thanks,

Scott Kisling
2409 Lynwood Drive

From: Scott Kisling <scott.kisling@comcast.net>
Date: October 29, 2009 11:46:59 AM MDT
To: Soren Simonsen <soren.simonsen@slcgov.com>
Cc: Carlson Philip <PhilipCarlsonSHCC@StoryCupboard.com>
Subject: Fwd: Administrative Hearing for Qwest

Dear Councilman Simonsen,

I hate these ugly and damage-prone boxes that are currently used for DSL to operate at greater distances from their central office and at higher frequencies. I would like to put pressure on companies that install them so they improve their technology so as to require fewer of them. They are usually located on the public right of way, though I doubt the City gets any revenue from them, though the City should as further enticement to improve the technology. When located on private property the property owner is compensated. Homeowners in proximity of the boxes are unfairly singled out when the market imposes a lower value on their property because of the nearby boxes. This is essentially an forced private subsidy of a corporation.

Many years ago the Sugar House Community Council, and others, successfully pushed the Planning Commission to become more restrictive on mobile phone antennas, requiring the antennas to be designed to lessen their visual impact by both better placement and colorization. Unfortunately, as Commissioners have changed, so has that attention. We once again have very visible and poorly integrated mobile phone antennas, often on buildings such as the Redman Building, that exemplified good antenna integration in the past.

We need to consider what we are doing to the desirability and value of our neighborhoods in the course of our race for improved connectivity.

Thanks for listening.

Scott
2409 Lynwood Drive

Begin forwarded message:

From: <ced@slcgov.com>
Date: October 29, 2009 11:20:39 AM MDT
Subject: Administrative Hearing

This information was sent with automated software and is not monitored for replies. ced@slcgov.com is the group responsible for this information.

SALT LAKE CITY PLANNING DIVISION
AGENDA FOR ADMINISTRATIVE CONSIDERATION
Thursday, Nov 12, 2009
5:00 p.m.
City & County Building
451 South State Street, Room 126

Salt Lake City, Utah 84111

1. PLNPCM2009-00961, Qwest Corporation DSL Conditional Use Qwest Corporation, represented by Ralph Vigil, requests conditional use approval to replace one existing utility box and install two additional utility boxes in the park strip of the public right-of-way adjacent to 759 East Parkway Avenue and 2400 South 800 East. The boxes would face Parkway Avenue and be approximately 4 feet tall and 3 feet wide. The property is located in City Council District 7, represented by Soren Simonsen (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com).

2. PLNPCM2009-00962, Qwest Corporation DSL Conditional Use Qwest Corporation, represented by Ralph Vigil, requests conditional use approval to replace an existing utility box in the public right-of-way adjacent to 2919 South 800. The box would face 800 East and be approximately 4 feet tall and 3 feet wide. The property is located in City Council District 7, represented by Soren Simonsen (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com).

3. PLNPCM2009-00967, Qwest Corporation DSL Conditional Use Qwest Corporation, represented by Ralph Vigil, requests conditional use approval install two additional utility boxes on private property located at approximately 2708 South 900 East. The boxes would face 900 East, be located behind an existing utility box, and be approximately 4 feet tall and 3 feet wide. The property is located in City Council District 7, represented by Soren Simonsen (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com).

4. PLNPCM2009-00969, Qwest Corporation DSL Conditional Use Qwest Corporation, represented by Ralph Vigil, requests conditional use approval install two utility boxes on private property located at approximately 1923 East 2700 South. The boxes would face Preston Avenue, be located in the rear yard, and be approximately 4 feet tall and 3 feet wide. The property is located in City Council District 7, represented by Soren Simonsen (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com).

5. PLNPCM2009-01003, Qwest Corporation DSL Conditional Use Qwest Corporation, represented by Ralph Vigil, requests conditional use approval for the replacement of a previous utility box in the public right-of-way adjacent to 2713 South Imperial Street. The box would face Imperial Street and be approximately 4 feet

tall and 7 feet wide. The property is located in City Council District 7, represented by Soren Simonsen (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com).

6. PLNPCM2009-01023; Xerox Building Rooftop Antenna Conditional Use a request by The Boyer Company, represented by Noah Grodzin, for a conditional use to place wireless communication antennas and associated equipment on the roof of the existing building located at approximately 675 East 500 South. The subject property is located in a CS zoning district (Community Shopping) in Council District 4, represented by Luke Garrott. (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com).

7. PLNPCM2009-01160, Ruths Chris Steak House Conditional Use a request by West Broadway Investors, LLC for a conditional use relating to minimum building height and minimum first floor glass requirements in the D-1 zoning district. The addition would be for a kitchen as part of converting the use of the building from a bank to a restaurant and offices. The subject site is located at approximately 80 West 300 South. The subject property is located in Council District 4, represented by Luke Garrott. (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com).

8. PLNPCM2009-01180: Poplar Street Pub Outdoor Dining a request by Alvie and Chris Carter for a conditional use permit to allow an expansion of outdoor dining in conjunction with the Poplar Street Pub, located at 242 South 200 West, Downtown Warehouse/Residential District (D-3). (Staff contact: Kevin LoPiccolo, 801 535-6003, kevin.lopiccolo@slcgov.com)

9. PLNPCM2009-01123 Telecommunication Equipment on an Existing Tower - A request by Noah Grodzin for a Conditional Use to install new telecommunication equipment on an existing tower at approximately 4705 W. Amelia Earhart Drive. The subject property is located in the M-1 (Light Manufacturing) zoning district in City Council District 1, represented by Carlton Christensen. (Staff contact: Katia Pace at 801-535-6354 or katia.pace@slcgov.com)

- PLNBOA2009-01018 Conditional Use for Telecommunication Equipment - A request by Noah Grodzin for installation of telecommunication equipment to be on an existing tower located at approximately 4970 West 2100 South. The subject property is located in the M-1 Light Manufacturing zoning district and is within Council District 2, represented by Van Turner. (Staff contact: Tom Barlow at (801) 535-6050 or tom.barlow@slcgov.com)

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend the meeting. Accommodations may include alternate formats, interpreters and other auxiliary aids. This is an accessible facility. For questions, requests or additional information, please contact the office of the Board of Adjustment at 535-7741; TDD 535-6220.

Visit the Planning Division website at for copies of Administrative Hearings, agendas, staff reports and minutes. Staff Reports will be posted the Wednesday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of Administrative Hearings. The Notice of Decision will be posted on the Planning Division webpage the following day of the meeting.

You received this e-mail because you requested information from Salt Lake City Corporation. If you would like to unsubscribe from this information click here or <http://asp.slcgov.com/General/ListServer/userdata/subform.asp>

Milliner, Ray

From: Judi Short [judi.short@gmail.com]
Sent: Wednesday, October 28, 2009 5:17 PM
To: Milliner, Ray
Cc: Coffey, Cheri
Subject: Utility Boxes

I am sorry I am unable to attend the Planning Commission meeting tonite. I have some concerns about the changes to the utility boxes provision of the ordinance.

If Qwest was always a good neighbor, the staff recommendations would be easy to accept. As far as I can tell, very few boxes would not be required to be reviewed, the vast majority would be just over the counter permits. The last one approved in our council district required considerable discussion and meetings with the neighbors, because the site selected by Qwest was poor, and moving the box across the street was a much safer location. If the new ordinance was in place, that box would be in the wrong place and a continual problem.

Every person I know who has a utility box in the parkway in front of their house or on their block, always bends my ear about the concerns they have because the boxes are a problem. Every time the trucks are there and men are working, they park on the grass, the trucks idle, they leave debris of pop cans, paper and wire all over the ground, and sometimes even block the crosswalks. The boxes are covered with graffiti, and it takes a number of phone calls to get that painted out, and then the color doesn't match. Wouldn't you think they could make all their boxes the exact same color, and then stock cans of paint that matched? A patchwork of colors on a box is an eyesore.

To allow no community input means that we have boxes installed, then discover they are a big problem, but there is never any remedy. Do you really think they will move a box once it is installed?

If you are going to limit the review to Planning Director approval at the very least you should require some signatures from neighbors on the street involved. Not just the person whose house is behind the proposed box, but those within a certain number of feet. Maybe there should be a designated person on the planning staff who becomes an expert, who works with Qwest to determine the best site, rather than always reacting to the Qwest proposal, the planner could be proactive, looking out for the interests of the citizen. The suggestions given by the ZAP committee could be a template for a checklist the planner would use when reviewing a project.

Qwest should enter into some sort of an agreement with Salt Lake City about the maintenance of these boxes, including, but not limited to, cleaning up the site after each worker does any work on the boxes, post a phone number to call to have graffiti removed within a day, post a phone number where a citizen can call with complaints or issues about the boxes.

And, this is a very good reason why we should not vacate any more alleys in the city. The alleys become a good place to locate this equipment, out of the public view and up on the telephone poles.

--

Judi Short

Milliner, Ray

From: Nathan Tyler [nathancs@gbesco.com]
Sent: Thursday, October 08, 2009 12:49 PM
To: Milliner, Ray
Subject: Re: SLC Planning Division Agenda

Dear Ray Milliner,

Thank you for the drawing. Assuming it is nearly to scale, which it appears to be a rough scale, those boxes would not interfere at all with my driving. And, really would not make any difference to anyone I might sell my house to later.

I can see how the 512 S. 900 W. property owner may be concerned still, a garage would need go in the back which depending on position and size of the garage, the driveway length, and size (esp width) of vehicle (I am not sure if he is the one that drives the hummer), I could see the person having difficulty getting into and out of a garage back there. However, if the boxes go in before the garage, the garage could be placed in a more maneuverable position I should think. That spot as drawn right now does not appear to get in the way of any vehicles that I have noticed. I am pretty sure it is just weeds right there.

If the current property owner does continue to have concerns, Qwest could consider the mound on my property, just across the alley and a few feet south. The pad is about 6' by 8' looks like it was once a raised garden box... However, there is always things to consider, and I just had a thought of problems with the tree roots. So their current position may be better for Qwest. But, if things don't pan out in the meetings with the current plans, please let Qwest know about the other option I mentioned.

Anyway, I will be anxiously awaiting the boxes, hoping they are fiber. Fiber that close to my home would be very good indeed. Even if they are something else such as plain old DSL, phone, or a wired TV service, I wouldn't complain about those either. I don't want to get in the way of their business, and I don't mind them "in my back yard" as some people might. I just didn't want to worry about running into them with my car. I could certainly make use of a fiber internet connection though.

Thank you for your help,

Nathan Tyler

Milliner, Ray wrote:
Hello Mr. Tyler

Attached is the site plan. Please let me know if you have trouble downloading it or if you have concerns etc.

Thanks
Ray Milliner

Milliner, Ray

From: AGBSperry@aol.com
Sent: Tuesday, July 07, 2009 7:13 PM
To: Milliner, Ray
Cc: Isellre111@aol.com
Subject: Re: What is being amended re: utility boxes

Hello Ray,

Thank you for writing back!

My main complaint has always been the constant vandalism of the boxes. They become attractive nuisances for a specific section of the population and thus become a detraction to neighborhoods and create a run-down appearance along the streets.

My secondary complaint (although I know that it raises the costs of utilities) is that when an addition has to be made, instead of removing the prior box and putting in a bigger one containing all the utility wires, the utilities just line up boxes of different sizes and sometimes even different colors, all of which are then grist for the graffiti criminals.

I also wonder if possible the solution would be to provide in one area per neighborhood a small amount of land where all boxes would be or as you mentioned, underground boxes.

Someone, when I was the chair of the Sugar House Community Council, and petitions were presented, asked why the utility companies couldn't design long narrow boxes attached to power poles or telephone poles instead of putting the boxes on the ground.

These are my thoughts.

Thank you for the opportunity to discuss them.

Sincerely,

Grace Sperry
Forest Dale Trustee for the Sugar House Community Council and
Former Chair of the Land Use & Zoning Committee and
Former Chair of the Sugar House Community Council.

In a message dated 7/6/2009 10:16:09 A.M. Mountain Standard Time, Ray.Milliner@slcgov.com writes:

Hello Ms. Sperry:

The changes proposed to the utility box ordinance are substantial. Here is a summary.

1. Allow boxes located within an enclosed building, underground or within 5 feet of a building.
2. Prohibit boxes in the public right-of-way in all zones but manufacturing.
3. All other boxes would be conditional uses subject to 6 criteria, generally relating to location and design.

These are the basics. I will have a full document at the open house next week. Please provide any comments you have, as these boxes seem to be especially controversial in your neighborhood.

Thanks, and have a great day.

Ray

From: AGBSperry@aol.com [mailto:AGBSperry@aol.com]

Sent: Friday, July 03, 2009 7:23 PM

To: Milliner, Ray

Subject: What is being amended re: utility boxes

Thanks,

Grace Sperry

Make your summer sizzle with [fast and easy recipes](#) for the grill.

Looking for love this summer? [Find it now on AOL Personals.](#)

8. Original Petition



Memorandum to File

Community & Economic Development
Office of the Director

To: File

From: Cheri Coffey, Planning Manager

Date: August 6, 2009

Re: PLNPCM2009-00902. 2009 ZAP Project- Revisions to provisions of the Zoning Ordinance relating to Utility Box and Structure Regulations

In July of 2008, the City Council adopted amendments to Section 21A.40.160, redefining the regulations for the placement of a ground mounted utility box on both private and public property. These regulations included design criteria, and requirements for processing them. As part of the approval, the Council directed staff to further refine the regulations, and return with suggested improvements as a second phase. Staff is now presenting an updated version of the regulations for review.

Remarks:

Petition No: **PLNPCM2009-00902**

By: **Salt Lake City Planning Division**

Amendment to Zoning Ordinance – Utility Box and
Structure Regulations

Date Filed: 08/06/2009

Address: Citywide