

February 21, 2019

**ADMINISTRATIVE INTERPRETATION  
DECISION AND FINDINGS  
PLNZAD2019-00074**



**REQUEST:**

A request for an administrative interpretation regarding a proposed solar array located on two (2) properties at approximately 8750 W. North Temple and 8328 W. North Temple Street. The subject properties are located in the AG (Agricultural) zoning district and are also located within the following overlay districts:

- Northwest Quadrant Overlay District – Natural Area
- Lowland Conservancy Overlay District
- Partially within Flood Zone A

This request involves confirmation on whether the proposed solar array would be permitted in the AG (Agricultural) zoning district and within the Northwest Quadrant Overlay District – Natural Area in which the property is located.

**DECISION:**

The Zoning Administrator finds that the proposed use for a solar array would not be an allowed use on the subject properties based on the standards for use interpretations noted below and that the proposed solar array is a use not specifically allowed in the Northwest Quadrant Overlay District – Natural Area.

*Chapter 21A.12.050 – Standards for Use Interpretations*

- A. Any use defined in Chapter 21A.62 of this title, shall be interpreted as defined;*
- B. Any use specifically listed without a "P" or "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;*

1. There is a specific definition for “Solar Array” in the Zoning Ordinance per 21A.12.050.A. As such, the proposed structure could not be considered a “Utility Building or Structure”, which has a separate definition in the Zoning Ordinance.
2. A “Solar array” is not listed as a Permitted or Conditional use within the Northwest Quadrant Overlay District Natural Area.
3. While a solar array is listed as a Permitted Use in the AG – Agricultural district, the overlay district provisions would supersede those of the base AG zone. Per Chapter 21A.34.010 – Overlay Districts – General Provisions – “Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations shall control.”

**FINDINGS:**

As described by the applicant, the proposed use includes the following:

The owner of the property is looking at the possibility of entering into an agreement with Rocky Mountain Power to build a solar array for the purposes of providing renewable energy to the “public” in the Northwest Quadrant.

A proposed location for the solar array would be located in the Northwest Quadrant Overlay District with the “natural area”. See attached exhibit. Per Section D of the above mentioned Ordinance (reference 21A.34.140.D1) the purpose of this area (Northwest Quadrant Natural Area) is to protect sensitive lands and wildlife near the Great Salt Lake shore lands, to allow for the continuation of existing uses, and to limit new uses and new development in this area. The proposed possible location takes into account the protections of wildlife near the Great Salt Lake shore lands as this location is directly adjacent to I-80 to the south and adjacent to future developable ground to the east and the north. The impact of a solar array to the existing ground is also anticipated to be minimal.

**The Salt Lake City Zoning Ordinance, Chapter 21A.62, defines the following uses:**

***SOLAR ARRAY:*** *A packaged interconnected assembly of solar cells used to transform solar energy into thermal, chemical, or electrical energy. A solar array uses solar energy for any or all of the following purposes: a) water heating, b) space heating or cooling, and c) power generation.*

***UTILITY, BUILDING OR STRUCTURE:*** *A building or structure used in conjunction with the provision of public or private utilities.*

The Salt Lake City Zoning Ordinance addresses the proposed use of a “Solar Array” in the following manner in regard to the AG (Agricultural) zoning district and respective Overlay Districts:

**21A.33.070 AG AGRICULTURAL DISTRICT:**

*A “Solar Array” is listed as a Permitted Use in the district with the following qualifier:*

*25. Prior to issuance of a building permit in the Development Area and the Eco-Industrial Buffer Area of the Northwest Quadrant Overlay, consultation with the Utah Division of Wildlife Resources is required to obtain recommendations on siting and equipment types for all solar arrays on a particular property to mitigate impacts to wildlife.*

**21A.34.140: NORTHWEST QUADRANT OVERLAY DISTRICT:**

***D. Northwest Quadrant Natural Area:*** *The purpose of this area of the Northwest Quadrant Overlay District is to protect sensitive lands and wildlife near the Great Salt Lake shore lands, to allow for the continuation of existing uses, and to limit new uses and new development in this area. This area is identified on the zoning map.*

***1. Permitted Uses and Improvements:*** *Within the Natural Area, permitted development and improvements to land are limited to the following:*

- *Accessory use (associated with an allowed principal use).*
- *Agricultural use.*
- *Living quarters for caretaker or security guard.*
- *Maintenance to existing infrastructure.*
- *Natural open space.*

- Necessary infrastructure to support an allowed use.
- Utility, building or structure (public).
- Utility, transmission wire, line, pipe or pole (public).
- Wildlife and game preserves.

**2. Conditional Uses and Standards:**

*Uses and Improvements: The following uses and improvements are subject to conditional use standards contained in chapter 21A.54 of this title:*

- Hunting club, (when allowed by the underlying zoning).
- Underground utility transmission infrastructure (private), subject to the following:
  - (1) An appropriate plan for mitigation of any construction activities shall be prepared, and
  - (2) Absent any State or Federal regulations, a plan for creating no adverse impact should the line be abandoned shall be prepared.
- Utility, building or structure (private).
- Utility, transmission wire, line, pipe or pole (private).

Based on the provisions of the Zoning Ordinance, the proposed use for a solar array would not be an allowed use for the subject properties located within the AG (Agriculture) zoning district within the Northwest Quadrant Natural Area for the following reasons:

1. There is a specific definition for “Solar Array” in the Zoning Ordinance so the use could not be classified as a “Utility Building or Structure” which is defined separately within the zoning ordinance.
2. A “Solar array” is not listed as a Permitted or Conditional use within the Northwest Quadrant Overlay District Natural Area.
3. While a solar array is listed as a Permitted Use in the AG – Agricultural zoning district, the overlay district provisions would supersede those of the base AG zoning district.

If you have any questions regarding this interpretation please contact David Gellner, Principal Planner at (801) 535-6107 or by email at [david.gellner@slcgov.com](mailto:david.gellner@slcgov.com)

**APPEAL PROCESS:**

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <http://www.slcgov.com/planning/planning-applications> along with information about the applicable fee. Appeals may be filed in person or by mail at:

<p><b>In Person:</b> Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT</p>	<p><b>US Mail:</b> Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417</p>
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Dated this 21<sup>st</sup> day of February, 2019 in Salt Lake City, Utah.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Gellner". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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David J. Gellner, AICP  
Principal Planner

cc: Nick Norris, Planning Director  
Joel Paterson, Zoning Administrator  
Greg Mikolash, Development Review Supervisor  
Posted to Web  
Appropriate Recognized Organizations