

**July 29, 2020**

**ADMINISTRATIVE INTERPRETATION  
DECISION AND FINDINGS  
PLNZAD2020-00550**



**REQUEST:**

The applicant proposes to construct an electric utility substation at 6968 West 700 North. The property is located in the M-1 Light Manufacturing zoning district, the IP Inland Port Overlay district, and the Development Area of the NWQ Northwest Quadrant Overlay district. Electric Utility Substation is not a listed use in the Salt Lake City Zoning Ordinance land use tables and not specifically defined in the Zoning Ordinance. The applicant is seeking a Use Interpretation stating that the proposed use is similar to "Utility, transmission wire, line or pole", which is a permitted use in the M1 zone.

**DECISION:**

The Zoning Administrator finds that the proposed electric substation is similar to "Utility: Building or structure" and "Utility: Transmission wire, line, pipe or pole". These land uses are permitted uses in the M-1 Light Manufacturing zoning district; therefore, the proposed electric utility substation is a permitted use at the subject property. Furthermore, there are no specific regulations that would prohibit the use in the IP Inland Port Overlay or in the Development Area of the NWQ Northwest Quadrant Overlay district.

**FINDINGS:**

The applicant proposes to construct an electric substation at the location noted above. The proposed substation would be housed in an area approximately 340 feet by 365 feet. The purpose of the substation is to "step power down from transmission voltage to distribution voltage" and is further described in the application submittal.

Chapter 21A.12 of the Salt Lake City Ordinance authorizes the Zoning Administrator to make decisions on whether a proposed use is allowed in a specific zoning district when that use is not listed in the Zoning Ordinance Land Use Tables (Chapter 21A.33) and not defined in the Zoning Ordinance (21A.62: Definitions). Section 21A.12 states the standards that the Zoning Administrator must follow in issuing a use interpretation. The standards are addressed as follows:

**A. Any use defined in chapter 21A.62 of this title, shall be interpreted as defined;**

*Analysis:* Chapter 21A.62 of the Zoning Ordinance does not list "electric utility substation" as a defined use so the applicant is seeking an interpretation that the use is similar to uses that are defined in the ordinance and allowed in the subject zoning district.

**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;**

*Analysis:* The subject property is located in the M-1 Light Manufacturing zoning district. The Table of Permitted and Conditional Uses for Manufacturing Districts (Section 21A.33.040) does not list "electric utility substation" as a use in the land use table. There

are land uses listed in the table that have a similar function as the proposed substation and those uses are allowed as permitted uses in the M-1 zoning district. The similar land uses are discussed in standard D.

**C. No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed use will comply with the development standards established for that particular district;**

*Analysis:* The subject property is located in the M-1 zoning district, the IP Inland Port Overlay district, and the Development Area of the NWQ Northwest Quadrant Overlay district. There are no design standards in the M-1 or Inland Port Overlay districts that would impact the construction of an electric substation. The Northwest Quadrant Overlay District (Development Area) imposes additional regulations related to setbacks, landscaping, and lighting that the proposed development must comply with; however, these regulations would not prohibit the use.

**D. No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;**

*Analysis:* The subject property is located in the M-1 Light Manufacturing zoning district. The M-1 zone allows a wide range of uses from retail and office to light industrial. As stated in the standard, in order to determine if the proposed use is allowed, the Zoning Administrator must find that the use is substantially similar to the uses allowed in the M-1 district.

There are various utility uses allowed in the M-1 zone. The term utility is not specifically defined in the zoning ordinance; however, Section 21A.62.010 of the Zoning Ordinance states that any word not defined in the ordinance is defined according to Webster's Collegiate Dictionary. Webster's defines "public utility" as (definition applicable to the proposal):

- (1) : a service (such as light, power, or water) provided by a public utility
- (2) : equipment or a piece of equipment to provide such service or a comparable service

The proposed substation meets the definition of "utility" in that it is equipment that provides power. The two utility uses that are listed in the M-1 land use table and defined in the Zoning Ordinance are:

*"Utility: Building and structure" – A building or structure needed to provide distribution, transmittal and maintenance of public utility services for water, sewer and flood control including wells, pumping stations, reservoirs, water treatment plant, water storage tanks, detention basins, lift stations, regulators and other similar facilities unless exempted in section 21A.02.050 of this title.*

*"Utility: Transmission wire, line, pipe or pole"- Infrastructure used to support essential services such as water, sewer, electric, gas or communication such as telephone, television cable lines or internet, typically located in public rights-of-way or private easements.*

The applicant claims that the proposed facility is most similar to “Utility: Transmission wire, line pipe or pole” (see applicant’s interpretation narrative, attached). The Zoning Administrator does not dispute the applicant’s claim, but finds that only the wires, lines and poles meet this classification. In addition to wires, lines and poles, electric substations generally consist of “structures” that house elements necessary for the function of the facility. The Zoning Ordinance defines “structure” as:

*Anything constructed or erected with a fixed location on the ground or in/over the water bodies in the city. Structure includes, but is not limited to, buildings, fences, walls, signs, and piers and docks, along with any objects permanently attached to the structure. (Section 21A.62)*

The land use classification must account for the structure element of the proposed facility. “Utility: Building and structure” is a permitted use and is defined above. Although the definition refers to facilities that provide water, sewer and flood control, the Zoning Administrator finds that the proposed substation is substantially similar. The substation is a utility that is needed to provide distribution and transmission of public utility services. The electric substation would contain similar types of elements associated with the utility infrastructure described in the zoning definition of Utility: Building and structure.

In summary, the Zoning Administrator finds that the proposed use is substantially similar to “Utility: Transmission wire, line, pipe or pole” and “Utility: Building and structure”, both of which are allowed in the M-1 zoning district as permitted uses. Therefore, the proposed electric substation is allowed as a permitted use in the M-1 zone.

**E. If the proposed use is most similar to a conditional use authorized in the district in which it is proposed to be located, any use interpretation allowing such use shall require that it may be approved only as a conditional use pursuant to chapter 21A.54 of this title;**

Analysis: The Zoning Administrator finds that the proposed use is substantially similar to permitted uses in the M-1 district; therefore, conditional use approval is not required.

**F. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district.**

Analysis: The purpose of the M-1 Light Manufacturing zoning district is to:

*...provide an environment for light industrial uses that produce no appreciable impact on adjacent properties, that desire a clean attractive industrial setting, and that protects nearby sensitive lands and waterways. This zone is appropriate in locations that are supported by the applicable Master Plan policies adopted by the City. This district is intended to provide areas in the City that generate employment opportunities and to promote economic development. The uses include other types of land uses that support and provide service to manufacturing and industrial uses. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary and to be provided in an equal way. Certain land uses are prohibited in order to preserve land for manufacturing uses and to promote the importance of nearby environmentally sensitive lands. (Section 21A.28.020A)*

The purpose statement specifically states that the uses in the M-1 district “include other types of land uses that support and provide service to manufacturing and industrial uses.” The purpose of the proposed substation is to provide electrical service to the future businesses in the M-1 district; therefore, the proposed use is consistent with purpose of the zone.

In summary, the Zoning Administrator finds that the proposed electric substation is allowed in the M-1 zoning district as a permitted use. It is substantially similar to other permitted uses in the zoning district and is consistent with the purpose statement of M-1 zone. In addition to meeting the development standards of the M-1 zoning district, the proposed facility will need to comply with all regulations applicable to development in the IP Inland Port and NWQ Northwest Quadrant (Development Area) Overlay Districts.

If you have any questions regarding this interpretation, please contact Wayne Mills at (801) 535-7282 or by email at [wayne.mills@slcgov.com](mailto:wayne.mills@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 <https://www.slc.gov/planning/applications/> along with information about the applicable fee. Appeals may be filed on-line through the Salt Lake City Citizen’s Access Portal or by mail at:

<b>On-line:</b> <a href="https://citizenportal.slcgov.com/citizen/Default.aspx">https://citizenportal.slcgov.com/citizen/Default.aspx</a>	<b>US Mail:</b> Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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#### **NOTICE:**

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.



Wayne Mills  
Planning Manager

cc: Nick Norris, Planning Director

Joel Paterson, Zoning Administrator  
Greg Mikolash, Development Review Supervisor  
Posted to Web