

December 14, 2021

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2021-01172**



REQUEST:

This is a request for an administrative interpretation regarding whether a proposed railroad spur at the property located at approximately 2560 W California Avenue (tax ID#15-09-400-010-0000) would be considered a 'Railroad, Freight Terminal Facility' in accordance with the Salt Lake City zoning laws. The property is located in the M-1 Light Manufacturing zoning district.

DECISION:

The Zoning Administrator finds that the proposed use is not considered a Railroad, Freight Terminal Facility.

FINDINGS:

The proposed principal use consists of the distribution of construction supplies and materials and includes the installation of a short railroad spur which is intended for private use by the building tenant to unload building materials from railcars into their building. Three railcars would occupy the railroad spur at a time.

The Definitions chapter of the Salt Lake City Zoning Ordinance Chapter 21A.62 defines Railroad, Freight Terminal Facility as:

A major railroad track yard area for regional scale interstate mainline oriented intermodal freight transfers of: a) multimodal (sea, rail, truck transport) self-contained cargo containers from train to train, train to semitruck trailer, and semitruck trailer to train loading; and b) for new motor vehicle train transports to semitruck trailer transports for regional distribution purposes. Also includes storage of train vehicles and temporary storage of bulk materials at the facility while the material awaits distribution.

The Zoning Administrator finds that the proposed railroad spur is more closely related as an incidental use associated with the principal use, which, based on the applicant's narrative is likely considered Building Materials Distribution. Building Materials Distribution is a permitted use in the M-1 zoning district.

BUILDING MATERIALS DISTRIBUTION: A type of wholesale distributor supplying the building materials industry, but excluding retail outlets conducted in a warehouse format.

Based on the definition above, Railroad, Freight Terminal Facility operates at a regional distribution scale and includes the storage of train vehicles and temporary storage of materials. The proposed railroad spur is for the private use of primary tenant of the site and its scale does not meet the definition of a Railroad, Freight Terminal Facility.

If you have any questions regarding this interpretation, please contact Krissy Gilmore at (801) 535-7780 or by email at kristina.gilmore@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 and submission process. Appeals may be filed by submitting an application through the City's online application portal here: <https://citizenportal.slcgov.com>.

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.

Krissy Gilmore

Krissy Gilmore, Senior Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Casey Stewart, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations