

## 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:**

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(801)535-7645

**Current Zone:**

N/A – City-wide application

**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.

## ***Permitted Use Review***

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 occupancy 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 the required 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 property 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 Review

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.
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" shall require a Certificate of Appropriateness 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.

## **21A.50.050: 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:

**A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;**

**Discussion:** While no adopted master plans for Salt Lake City specifically refer to 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 utility installations are reviewed for their compatibility and impact on the surrounding area. Permits would still be required for all installations, regardless of size of district.

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

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;**

**Discussion:** The proposed text amendment will require conditional use approval for ground mounted utility boxes that are most visible, such as those located within required front yard setbacks or within the public right-of-way. As noted above, there are exceptions for ground mounted utility boxes, such as traffic control boxes and utility boxes required for transmission and distribution to other areas. Ground mounted utility boxes that are out of the public view or subterranean may be allowed as permitted uses. As these sorts of installations are common throughout the city, this text amendment will clarify and simplify the process for proposed utility installations. However, ground mounted utility installations that have the greatest visual impact will be reviewed for its effect on the immediate vicinity of the subject property and require conditional use approval to allow the imposition of mitigation measures.

**Findings:** The proposed text amendment meets this standard.

**C. The extent to which the proposed amendment will adversely affect adjacent properties;**

**Discussion:** The proposed text amendment will be applicable city-wide and are not site specific. Ground mounted utility boxes that have the most potential for creating visual impacts on adjacent properties will be required to be reviewed as conditional uses. Ground mounted utility boxes that require conditional use approval may be considered at an administrative public hearing or a Planning Commission public hearing. Either process requires notification of property owners in the immediate vicinity.

**Findings:** the proposed text amendment will not adversely impact adjacent properties and will require review from City staff and seek public input in certain districts where Planning Staff believes a utility installation's impact is potentially greatest.

**D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and**

**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.

**Findings:** The proposed text amendment meets this standard.

**E. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.**

**Discussion:** The proposal is not site specific. All requests requiring approval through the conditional use process will be reviewed on a case by case basis for potential impacts on adjacent properties and mitigation measures may be imposed.

**Findings:** Any utility installations requiring approval through a Planning Division process will be reviewed to ensure they meet 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:**

- 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 Fonnesebeck; 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 paint 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.