



MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Diana Martinez, Senior Planner // 801-535-7215 // diana.martinez@slcgov.com

Date: April 10, 2024

Re: Continuation of Text Amendment application:
PLNPCM2023-00260 Gas Station Located Near Water Sources and Sensitive Lands
(Public Open Space) Text Amendment

Request:

Mayor Erin Mendenhall has initiated a petition to amend the zoning ordinance to propose minimum distances that any gas station can be from a river, stream, or other water body, a park, or open space area over a certain size and establish more stringent zoning standards for any gas station that is located in the secondary groundwater recharge area of the city.

The proposed text amendment would prohibit gas stations that do not meet the proposed standards regardless of whether they are permitted or conditioned land use in an allowable zoning district. The Ordinance under section 21A.36.370 will list the proposed standards, "Standards for Gas Stations and Facilities with Underground and Above-Ground Fuel Storage Tanks."



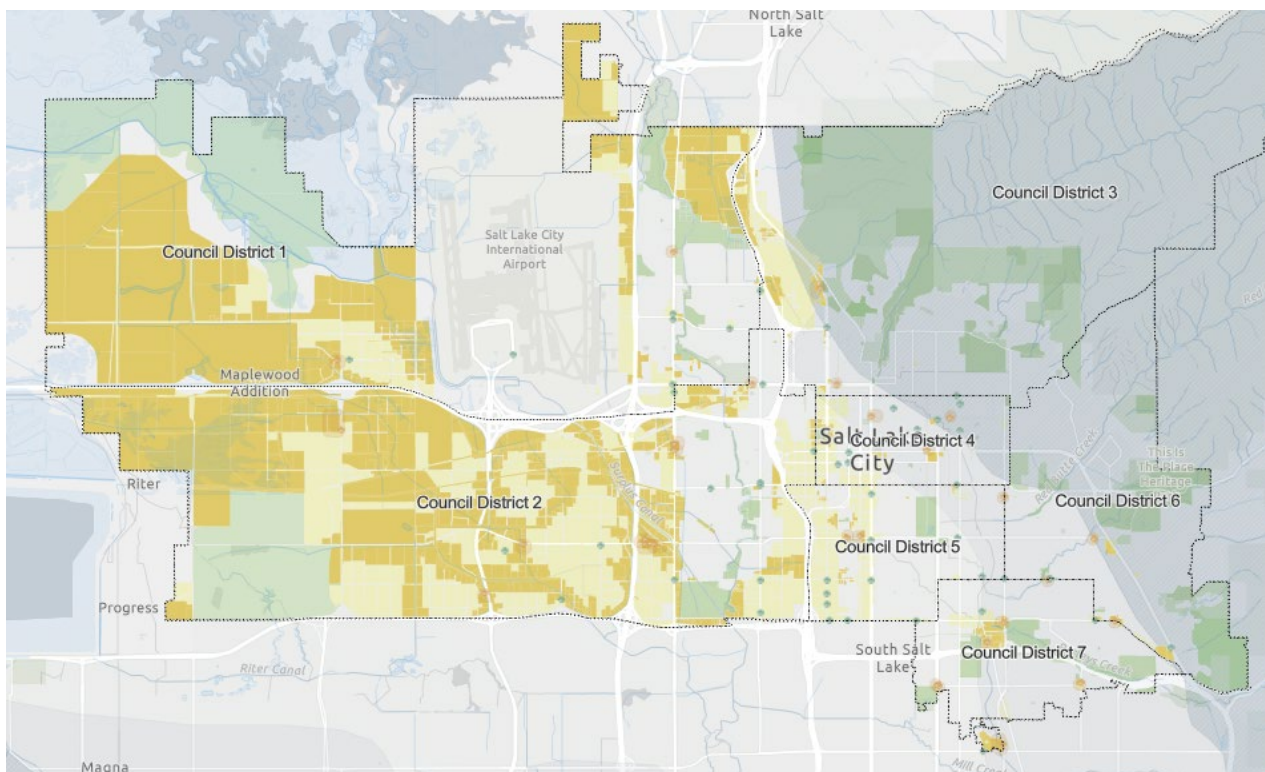
The Text Amendment application PLNPCM2023-00260 was presented to the Planning Commission on December 13, 2023. The application was tabled at that meeting, and it was requested that the planning staff work with the stakeholders from the gas station industry, who had given comments on the amendment, review the EV requirement section again, and look at where this ordinance would be most applicable and appropriate within the city.

The planning staff has amended the proposed ordinance text and is now bringing it back to the Planning Commission for consideration. The staff renotified all gas station owners within Salt Lake City, allowing them to make new comments on the revised text amendment. Only comments from Maverik Gas Company were received. Their comments are attached to this memorandum.

The EV (Electric Vehicle) section of the original text amendment was modified to eliminate any specifics regarding the location of EV parking/charging spaces.

As for the concern as to where this ordinance would be most applicable within the city, planning staff has looked at all 14 zoning districts that allow gas stations and accessory facilities, which would have fuel storage tanks on-site. Since this text amendment was initiated from a conditional use application where a gas station was being proposed near Sugar House Park, the text amendment has only been focused on preserving water sources and open space (parks, golf courses, and public open spaces).

The planning staff believes a broader restriction of gas stations near or adjacent to other sensitive land uses, such as schools, school playgrounds, residential neighborhoods, and other public areas, would eliminate large portions of the city for these uses to locate and conflict with the rights of gas station owners to own and operate fuel facilities (commercially and privately) within Salt Lake City. These uses are currently necessary as most commercial and private vehicles in the city utilize their products.



Gas station location interactive map: [Click Here](#)

Proposed & Revised Text Amendment:

21A.36.120 -Regulations for Gas Stations and Fuel Dispensing Facilities with Underground and/or Above-Ground Fuel Storage Tanks

Gas Stations and Accessory Uses that have fuel tanks on-site, such as Truck Stops, Fuel Distributors, and Storage uses, as defined in Chapter 21A.62 of this title, shall be allowed in zoning districts provided in Chapter 21A.33 “Land Use Tables”, and are subject to the provisions of this section.

A. General Standards:

1. All fuel dispensers and fuel storage tanks (above or underground) shall comply with the requirements of this section and all other applicable regulations, including the applicable reference standards and any other applicable regulations of the State of Utah and Federal regulators. In case of conflicting provisions in any of the above-listed rules, the strictest restrictions shall apply.
2. Distance from water bodies: All underground and above-ground fuel storage tanks and gas vents shall be a minimum of 350 feet from any existing water bodies (pond, river, stream, canal, etc.), water resources, public parks or open space -that are one acre and greater in size.
3. Distance from property lines: All underground and above-ground fuel storage tanks and gas vents shall be a minimum of 30 feet from any property line.
4. Associated pump islands shall be a minimum of 25 feet from any property line and adjacent buildings.
5. Fuel vents: When a canopy is provided, gas vents shall be located at the top of the gas pump canopy.
6. New underground fuel storage tanks: All new and replacement fuel storage tanks put underground shall be constructed of non-corrodible material or designed to prevent the release or threatened release of any stored fuel to ensure greater durability and lifespan.
7. Leak or surface-runoff contamination: If contamination occurs, the property owner shall be accountable for any cleanup and remediation of the subject property, any City property, and any downstream water or soil contamination.
8. Nonconforming status: Fuel tanks and pumps that are unused or out of service for one year or more shall be considered willfully abandoned and will not be eligible for nonconforming status. The use shall not be restored unless it is restored to comply with the standards of this section and all other applicable sections in this title.

B. Additional Standards for Gas Stations:

1. Minimum Lot size: 30,000 square feet.
A gas station may be located on a lot with another principal use when the lot complies with the minimum lot size. For the purposes of this regulation, a lot shall include a site that consists of multiple lots or parcels within a single development when the parking lot and circulation elements are shared across the boundaries of the lots or parcels.

2. Minimum Lot Frontage: 150 feet along all public streets. For sites described in 21A.36.120.C.1, the lot frontage shall be measured for all lots or parcels involved.

3. Stacking Lane Standards: These standards ensure adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

a. Stacking lanes shall be arranged to avoid conflicts with site access points, access to parking or loading spaces, and internal circulation routes to the maximum extent practicable.

b. A minimum of 36 feet of stacking lane is required between a curb cut and the nearest gasoline pump.

4. Fuel Pump Standards:

a. Fuel pumps shall be located on the site in a manner that does not interfere with easy access into or egress from the site at established driveway entrances.

b. Fuel Pumps shall be located and oriented so all cars in line for motor fuel can be accommodated on-site and not block the sidewalk, the street, or any other portion of the public right of way.

5. Electric Vehicle Parking: Gas stations shall provide at least one (1) parking space dedicated to electric vehicles for every ten (10) required on-site parking spaces. Electric vehicle parking spaces shall count toward the minimum required number of parking spaces. The electric vehicle parking space shall be:

a. Located in the same lot as the principal use.

b. Signed clearly and conspicuously, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and

c. Outfitted with a standard electric vehicle charging station.

C. Additional Standards for Fuel Dispensing Facilities:

1. Above-ground fuel storage tanks shall:

a. Provide a 25-foot clear radius from combustible materials, storage areas, parking/backing areas, and all buildings on the same lot.

b. Have a maximum height of 20 feet from the finished grade.

2. An obscuring sight fence of six feet in height shall be required surrounding the fuel storage tanks and associated vehicle fueling areas. All required fencing shall be prewoven chain-link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials, or other manufactured materials or combination of materials commonly used for fencing. In addition, the fenced area must be paved with a nonpermeable surface.

D. Upgrades to Nonconforming Gas Stations and Fuel Dispensing Facilities:

1. Replacing and Updating Tanks and Associated Equipment: An existing gas station may replace existing tanks and associated equipment in substantially the same location without having to comply with the provisions of this section.
2. Reconstruction: Existing gas stations that are noncomplying as to lot area, lot frontage, or tank setbacks may be demolished and reconstructed, provided the reconstructed use complies with the other applicable regulations of this section and the tank location is substantially the same.
3. The zoning administrator may modify the location of the fuel tanks and associated equipment if federal or state requirements or other legal requirements prevent locating the replacement tanks in a substantially similar location.
4. The zoning administrator may approve an alternate location for fuel tanks and associated equipment if the applicant can demonstrate that a more efficient and safe location is more appropriate.

Deletion of Ordinance 21A.40.070

~~21A.40.070: MOTOR FUEL PUMP REGULATIONS:~~

~~When established pursuant to uses permitted or conditional within the applicable district regulations, all motor fuel pumps shall conform to the requirements below:~~

~~—A. Location: No motor fuel pumps or islands shall be erected closer than twelve feet (12') to any lot line, required landscape yard, front or side yard or within any "sight distance triangle" as defined in [chapter 21A.62](#) of this title.~~

~~—B. Safety Curbs Required: All uses for which motor fuel pumps or islands shall be made a part, shall erect a safety curb around the perimeter of all paved areas. All such curbs shall be of approved construction. The curbs shall be located so that no vehicle overhangs any public right of way or adjoining property.~~

~~—C. Gas Pumps At Convenience Food Stores: In addition to the requirements of subsections A and B of this section, the location of motor fuel pumps at convenience food stores shall be approved by the zoning administrator, where the location of such pumps satisfies the following criteria:~~

~~—1. Pumps should be visible to the motorist on the street;~~

~~—2. Pumps should be visible from the store;~~

~~—3. Pumps should be located on the site in a manner which does not interfere with easy access into or egress from the site at established driveway entrances;~~

~~—4. Pumps should be located and oriented so all cars in line for motor fuel can be accommodated on site and not block the sidewalk, the street, or any other portion of the public right of way;~~

~~—5. Pumps should be so located to avoid conflict between cars going to motor fuel pumps and those going to parking spaces. On-site circulation should be clearly marked and must reflect established design standards for moving aisles, parking dimensions, and turning radii;~~

~~—6. Pump location, and vehicular access to and exit from pumps, should not conflict with established pedestrian or bicycle approaches to the store; and~~

~~—7. Lighting shall be oriented so as not to cast direct light onto adjacent properties. (Ord. 26-95 § 2(20-6), 1995)~~

21A.62.040: change and addition:

GAS STATION: *A principal building site and structures for selling and dispensing motor fuels or other petroleum products.*

FUEL DISPENSING FACILITY: *A stationary facility consisting of one or more fuel storage tanks and associated equipment, which receive, store, and dispense fuel for private use and not for sale to the public.*

Recommendation:

Based on the findings in this staff report and the standards for zoning text amendments, the Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding this proposal.

Comments from Gas Station Stakeholders:



Maverik, Inc.

185 South State Street, Suite 800
Salt Lake City, UT 84111
801-936-5557 | maverik.com

March 7, 2024

Salt Lake Planning Commission
Mike Christensen, Chairman
City & County Building
451 South State Street, Room 326
Salt Lake City, Utah 84111

RE: Second Draft Proposed Amendments to 21A.36.370 Regulations for Gas Stations and Fuel Dispensing Facilities with Underground and Above Ground Fuel Storage Tanks

Dear Chairman Christensen, Planning Commission members and Diana Martinez, Senior Planner,

Thank you for notifying Maverik, Inc. regarding the Second Draft of the proposed amendments to 21A.36.370 Regulations for Gas Stations and Fuel Dispensing Facilities with Underground and Above Ground Fuel Storage Tanks. As you know, Maverik is the largest retail petroleum provider in Salt Lake City and Utah. We are appreciative for the opportunity to comment, and for the discussion with Ms. Martinez.

Originally, Maverik had issues with Section B #5: Electric Vehicle Parking, which we expressed in prior correspondence and at the January 10, [2024](#) hearing. We are grateful the Second Draft of the proposed regulations eliminated the placement requirements and have no objection to the revised proposal regarding electrical vehicles.

However, the Second Draft suggests new requirements regarding fuel tanks and elevated our concerns. Therefore, we do have comments on the following sections:

Section A, #3. All underground and above ground fuel storage tanks and gas vents shall be a minimum of 30 feet from any property line.

From our extensive experience we strongly suggest this proposed distance is impractical, [unnecessary](#) and potentially dangerous to customers.

Current technology allows us to monitor if any leakage should occur, thereby allowing expedited remediation to prevent seepage onto adjacent properties. (A slide deck documenting this technology is attached.) Also, Maverik does not allow any type of parking on the Underground Storage Tank (UST) area with our new store design. If the proposed 30 feet requirement is implemented, the result would



Maverik, Inc.

185 South State Street, Suite 800
Salt Lake City, UT 84111
801-936-5557 | maverik.com

be storage tanks placed very close to the fueling canopy where there is a lot of vehicle traffic. This is an unnecessary risk. Therefore, we recommend a minimum of 10 feet from any property line.

Section A, #7. Each fuel storage tank must hold 110% of the capacity of each tank.

We understand from speaking with the planner that this section is to mean that the primary and secondary containment is required to hold this amount. To provide better clarity, we recommend the last sentence be struck from the paragraph.

Maverik is able and willing to assist you in discussions or development of regulations and ordinances that achieve your goals and do not disrupt safe operations by our company. Thank you again for the opportunity to comment and work with staff on this proposed ordinance. If there are any questions, please feel free to contact me.

Regards,

Holly P. Robb
Director
Government Relations.

Minutes from January 10, 2024 Planning Commission meeting:

5. **Standards for Gas Stations and Facilities with Underground and Above-Ground Fuel Storage Tanks Text Amendment** - Mayor Erin Mendenhall has initiated a petition to amend the zoning ordinance to propose minimum distances that any gas station can be from a river, stream, or other water body, a park, or open space area over a certain size and establish more stringent zoning standards for any gas station that is located in the secondary groundwater recharge area of the city. The proposed text amendment would prohibit gas stations that do not meet the proposed standards regardless of being permitted or conditioned land use in an allowable zoning district. The proposed standards will be listed in the Ordinance under section 21A.36.370, "Standards for Gas Stations and Facilities with Underground and Above-Ground Fuel Storage Tanks". City wide text amendment. (Staff contact: Diana Martinez at 801-535-7215 or diana.martinez@slcgov.com) **Case Number: PLNPCM2023-00260**

Senior Planner Diana Martinez reviewed the petition as outlined in the staff report.

Commissioner Tuttle asked if this text amendment would only apply to gasoline. Diana Martinez stated that since propane is stored differently, this would only pertain to gasoline, diesel, regular and unleaded fuels.

PUBLIC HEARING

Chair Mike Christensen opened the public hearing.
Carter Shaw stated their disapproval for the project.
John Hill stated their disapproval for the project.
Elliot Christensen stated their disapproval for the project.
Seeing no one else wished to speak, Chair Mike Christensen closed the public hearing.

Commissioner Scheer asked how much staff worked with associations that had given public comments. Diana Martinez stated that they worked with the state and the two City departments but not with other associations. Commissioner Scheer stated concerns that the industry was not consulted on the particular standards of the project. Diana Martinez stated that staff has worked closely with the State Department who are the regulators and there is room within the ordinance amendment to make change. Planning Director Nick Norris stated that if there are operators in the industry that the Planning Commission wants staff to work with then it would be an appropriate time to specify those topics of concern. Commissioner Burrows stated the concern of the EV stations being close to the front entrance of the building which could conflict with handicap parking or traffic.

MOTION

Commissioner Scheer stated, "Based on the information presented I motion to table PLNPCM2023-00260 to give better consideration of the EV location to not conflict with the business, and to engage further with stakeholders both in the industry and from the community, and to have a better sense of where in the city this would be applicable. In addition to keep the public hearing open."

Commissioner Burrows seconded the motion. Commissioners Scheer, Santos-Rivera, Burrows, Gayle, Tuttle, Christensen, Scott, and Kraczek voted "yes". The motion passed unanimously.

[Full January 10, 2024 meeting minutes](#)

Original Staff Report:

January 10, 2024 Staff Report