



**SOUTH  
SALT LAKE**  
PLANNING COMMISSION STAFF REPORT

Meeting Date: July 18, 2024  
 Request: A petition to the Planning Commission to forward a positive recommendation to the South Salt Lake City Council for all or only portions of the ordinance amending Section 17.10.190 to allow exceptions to the requirement to relocate utilities underground.  
 Applicant: South Salt Lake City  
 Type of item: Legislative – Code Amendment

**RECOMMENDATIONS:**

Staff recommends the Planning Commission forward a positive recommendation of approval to the City Council for all or only portions of the ordinance amending Section 17.10.190 of the South Salt Lake City Municipal Code (“Title 17”) to allow exceptions to the requirement to relocate utilities underground.

**SYNOPSIS:**

Section 17.10.190 of the South Salt Lake City Municipal Code outlines the requirements for locating utilities during the Subdivision and Platting process. In some instances, undergrounding results in an undue financial burden on City resources. This amendment will clarify when the criteria for a property owner to relocate utilities underground will not be required.

The Planning Commission is the recommending body for amendments to land use ordinances and the City Council is the land use authority for amendments to land use ordinances.

Staff has provided a summary of proposed amendments below. For the full amendment to Title 17, please see the attachments provided herein that include a full-redlined ordinance.

| CODE SECTIONS                                      | HIGHLIGHT OF CHANGES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Amending Chapter 17.10<br>Subdivision and Platting | <ul style="list-style-type: none"> <li>○ <u>Exceptions to Relocation of Utilities:</u><br/> <b>17.10.190</b> <ul style="list-style-type: none"> <li>✓ Allow city-owned properties to be exempt from the requirements of locating utilities underground.</li> <li>✓ Proposed exceptions:               <ul style="list-style-type: none"> <li>▪ Overhead high-voltage transmission lines</li> <li>▪ City-owned property</li> <li>▪ Historic and Landmark District</li> </ul> </li> </ul> </li> </ul> |

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission consider forwarding a positive recommendation to the City Council to approve all or only portions of the ordinance amending Section 17.10.190 of the South Salt Lake City Municipal Code to allow exceptions to the requirement to relocate utilities underground.

#### **PLANNING COMMISSION AUTHORITY:**

##### **17.11.010. Establishment and Duties of Planning Commission.**

#### **K. Responsibilities.**

1. The Planning Commission makes recommendations to the **City Council** for:
  - a. The general plan and amendments to the general plan;
  - b. The Land Use Map, and amendments to the Land Use Map;
  - c. Amendments to land use ordinances;**
  - d. Proposed Application processes and the delegation of power under the land use ordinance.

#### **PLANNING COMMISSION REVIEW:**

##### **Utah Code Ann. § 10-9a-502. Preparation and adoption of land use regulation states:**

1. A planning commission shall:
  - a. provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4);
  - b. hold a public hearing on a proposed land use regulation;
  - c. if applicable, consider each written objection filed in accordance with Subsection 10-9a-205(4) prior to the public hearing; and
  - d.
    - i. review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and
    - ii. forward to the legislative body all objections filed in accordance with Subsection 10-9a-205(4).

#### **ANALYSIS:**

This ordinance aims to allow exceptions to the requirement to relocate utilities underground for the following reasons:

- Better serves the taxpayers of South Salt Lake by alleviating the financial burden associated with undergrounding utilities on City-owned property. Instead, taxpayer money can be directed towards more impactful purposes, such as enhancing public safety.
- Ensures that future City projects associated with Historic and Landmark sites avoid unnecessary delays.
- Lessens the significant expense imposed on development projects when overhead, high-voltage transmission lines (lines intended to carry power between generators and substations) cross over a property.

#### **PLANNING COMMISSION OPTIONS:**

##### **Option 1: Approval**

Move to forward a recommendation of approval of all or only portions to the City Council for an ordinance amending Section 17.10.190 of the South Salt Lake City Municipal Code to allow exceptions to the requirement to relocate utilities underground.

##### **Option 2: Recommendation of Denial**

Move to forward a recommendation of denial of an ordinance amending Section 17.10.190 of the South Salt Lake City Municipal Code to allow exceptions to the requirement to relocate utilities underground.

**Option 3: Continuance**

Move to table an ordinance amending Section 17.10.190 of the South Salt Lake City Municipal Code to allow exceptions to the requirement to relocate utilities underground to a date certain to allow Staff time to respond to specific inquiries or concerns raised by the Planning Commission or to allow the Planning Commission more time to consider the proposal.

**Attachments:**

1. Redlined Ordinance Amendment

ORDINANCE NO. 2024-\_\_\_\_

**AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING § 17.10.190 OF THE SOUTH SALT LAKE CITY MUNICIPAL CODE TO ALLOW EXCEPTIONS FOR UNDERGROUND SERVICE CONNECTIONS FOR EXISTING UTILITIES.**

**WHEREAS**, the South Salt Lake City Council (“City Council”) is authorized to enact and amend ordinances governing the City of South Salt Lake (“City”); and

**WHEREAS**, the City Council is authorized by law to enact, amend, and repeal ordinances regulating land use and development within the City; and

**WHEREAS**, City Staff has proposed changes to the Title 17 Land Use and Development section of the South Salt Lake City Municipal Code to address instances where there is a benefit to the City to exempt certain properties and projects from the requirement to underground existing utilities as required by Title 17; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing, pursuant to Utah Code Ann. § 10-9a-503 and South Salt Lake City Municipal Code § 17.11.060 on July 18, 2024, and the public had an opportunity to comment on the proposed amendments to the City’s land use regulations; and

**WHEREAS**, the Planning Commission found that the proposed amendments are in the best interests of the City and forwarded a recommendation of approval to the City Council; and

**WHEREAS**, the City Council met at a regular session on July 31, 2024, to review, among other things, the proposed amendments, the Planning Commission’s recommendation, and the objections, if any, forwarded for the Council’s review and finds that the proposed amendments are beneficial to the City, its residents, and business members; and

**WHEREAS**, the City Council hereby determines that the amendments to § 17.10.190 of the South Salt Lake City Municipal Code align with the City’s interests in promoting prosperity, and economic and orderly growth.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of South Salt Lake as follows:

**SECTION I. Enactment.** City of South Salt Lake Municipal Code Title 17 *Land Use and Development*, § 17.10.190 *Utilities* is hereby amended as outlined in Exhibit A.

**SECTION II. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and

independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION III. Conflict with Existing Ordinances, Resolutions, or Policies.** To the extent that any ordinance, resolution, or policy of the City of South Salt Lake conflicts with the provisions of this ordinance, this ordinance shall prevail.

**SECTION IV. Effective Date.** This ordinance shall become effective upon the Mayor's signature and publication, or after fifteen (15) days or transmission to the Office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(Signatures appear on next page.)

Dated this \_\_\_\_ day of \_\_\_\_ 2024.

BY THE CITY COUNCIL:

\_\_\_\_\_  
Sharla Bynum, Council Chair

ATTEST:

\_\_\_\_\_  
Ariel Andrus, City Recorder

City Council Vote as Recorded:

|          |       |
|----------|-------|
| Huff     | _____ |
| Thomas   | _____ |
| Bynum    | _____ |
| Mitchell | _____ |
| Pinkney  | _____ |
| Sanchez  | _____ |
| Williams | _____ |

Transmitted to the Mayor's office on this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Ariel Andrus, City Recorder

MAYOR'S ACTION: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Cherie Wood, Mayor

ATTEST:

\_\_\_\_\_  
Ariel Andrus, City Recorder

## Chapter 17.10 SUBDIVISION AND PLATTING

### Sections:

#### 17.10.190 Utilities

- A. Location. Utility facilities including, but not limited to, gas, fiber, electric power, fiber, telephone, and cable TV, shall be located underground in new Subdivisions wherever underground location does not violate safety standards of the particular utility. Underground service connections for water and sewer shall be installed to the Street Property Line of each plated Lot at the expense of the Applicant, as shall adequate casings or conduits for fiber and all other underground utilities.

1. The following are exempt from the requirement to relocate utilities underground:

- a. All City-owned property and any property zoned either Historic and Landmark District or City Facility.
- b. Any overhead transmission lines intended to carry high-voltage power between generators and substations.

B. Easements.

1. Easements shall be provided for private and municipal utilities. Such Easements shall be at least 10-feet wide along the front, side, and rear lot lines, when it does not negatively affect the location of the Development. The Easements shall not include those spaces occupied by an existing Building.
2. The width may be reduced when new Development occurs. The provided Easements shall comply with the location and width and as shown on the table below. The Easements shall not include those spaces occupied by an existing Building.

|                                   | Front | Side | Rear | Project Perimeter |
|-----------------------------------|-------|------|------|-------------------|
| Commercial Corridor               | 10'   | 0'   | 0'   |                   |
| Commercial Neighborhood           | 10'   | 5'   | 0'   |                   |
| Commercial General                | 10'   | 0'   | 0'   |                   |
| TOD & TOD-Core                    | 5'    | 0'   | 0'   |                   |
| Mixed-Use                         | 5'    | 5'   | 20'  |                   |
| Business Park                     | 10'   | 0'   | 0'   |                   |
| Flex                              | 10'   | 0'   | 0'   |                   |
| Historic and Landmark             | 10'   | 10'  | 10'  |                   |
| Jordan River                      | 10'   | 10'  | 10'  |                   |
| School                            | 10'   | 10'  | 10'  |                   |
| City Facility                     | 10'   | 0'   | 0'   |                   |
| R1                                | 10'   | 5'   | 10'  |                   |
| Townhome Overlay                  | 10'   | 0'   | 0'   | 8'                |
| Residential Multiple              | 10'   | 5'   | 10'  |                   |
| Riverfront MPMU - Flex/Office     | 10'   | 5'   | 10'  |                   |
| Riverfront MPMU - R1              | 10'   | 5'   | 10'  |                   |
| Riverfront MPMU - RM1             | 10'   | 10'  | 10'  |                   |
| Riverfront MPMU - School          | 10'   | 10'  | 10'  |                   |
| Crossing MPMU - Anchor Tenant     | *     | *    | *    |                   |
| Crossing MPMU - 2100 S./State St. | *     | *    | *    |                   |
| Crossing MPMU - Transit           | *     | *    | *    |                   |
| Downtown                          | 5'    | 0'   | 0'   |                   |
| East Streetcar                    | 5'    | 0'   | 0'   |                   |

|                                                    |    |    |     |  |
|----------------------------------------------------|----|----|-----|--|
| Granite Lofts Townhome Units 1-5,8-11,14-15,20-23  | 8' | 0  | 10' |  |
| Granite Lofts Townhome Units 6,7,12,13,18,19,24,25 | 8' | 8' | 0   |  |
| Granite MPMU - Library                             | *  | *  | *   |  |
| Granite MPMU - Townhome                            | *  | *  | *   |  |

\*See Approved MPMU or Overlay District

3. All easements shall be indicated on the Plat. Proper coordination shall be established by the Applicant between the applicable utility companies for the establishment of utility facilities and easements to adjoining Properties.
4. Where necessary to ensure proper Access and maintenance, easement widths shall be increased as required by the City Engineer for the type of Development proposed. Easements for water lines shall be a minimum of thirty feet (30') wide.