



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: October 1, 2024

**RE: City-wide Text Amendment for Gas Station Standards
PLNPCM2023-00260**

Item Schedule:

Briefing: September 3, 2024

Set Date: September 3, 2024

Public Hearing: September 17, 2024

Potential Action: October 15, 2024

PUBLIC HEARING UPDATE

There were no comments at the September 17, 2024 public hearing. The Council continued the hearing due to a noticing error. Noticing was correctly provided for the October 1 public hearing.

The Planning Division received a comment on the gas station zoning amendment that will need some additional review and a potential change to the ordinance. It is related to requirements under the National Fire Protection Association code for healthcare facilities. Some facilities are required to have on-site fuel storage facilities that would enable them to care for four or more people who are incapable of self-preservation due to being under anesthesia, severely injured, or some other reason when power is lost. These facilities are required to be able to provide emergency power for a minimum of 96 hours. Not allowing on-site fuel storage for these facilities to run emergency power equipment may restrict their ability to meet the requirement.

Staff will work with the Planning Division and come back to the Council with a proposal or recommendation for consideration.

The following information was provided for previous Council meetings. It is included again for background purposes.

BRIEFING UPDATE

During the September 3, 2024 briefing, Council Members expressed support for requiring fuel storage tanks a minimum of 30 feet from the property line.



A question was raised about requiring gas stations to provide options for recycling. Following the briefing Planning staff provided the following information. Under Section 9.08.200.A of Salt Lake City Code, a gas station is required to have a recycling collection bin if it generates an average of four or more cubic yards of solid waste or recyclable items per week. However, the Waste and Recycling Division does not have a code enforcement section that includes fines, so its enforcement of retail establishments that do not comply with the ordinance is educational enforcement.

If the Council is interested in adding code enforcement for noncompliance with the ordinance, that would be a process separate from the subject gas stations text amendment being considered.

The Council will be briefed about a proposal from the Administration to amend the zoning ordinance to require a minimum 350-foot distance that new gas stations must be from rivers, streams or other water bodies, parks or open space areas one acre or larger throughout the city. Council Members may recall a conditional use application that proposed locating a gas station on the corner of 2100 South and 1300 East, adjacent to Sugar House Park. The Administration reviewed that application and ultimately denied the request. That was the impetus for this proposed text amendment.

The Planning Commission reviewed this proposed text amendment at its January 10, 2024 meeting and held a public hearing at which four people from the gas station industry spoke in opposition. The Commission voted to table the application so Planning staff could work with those from the gas station community that submitted comments, review electric vehicle (EV) requirements, and consider where the amendment would apply in the city.

Following the meeting, Planning staff modified the proposed text amendment to eliminate specific required locations where EV chargers would be placed. They also reviewed all zoning districts where gas stations are allowed and determined prohibiting gas stations near or adjacent to schools, residential neighborhoods, and other public areas would both eliminate large areas where these stations could be located and conflict with station owners' rights. As noted above, the subject text amendment was initiated from a conditional use application that would have allowed a gas station adjacent to a public park. The focus of this text amendment is to preserve and protect water sources and open space areas.

This proposal was reviewed by the Planning Commission again at its April 10, 2024 meeting and the Commission voted unanimously to forward a positive recommendation to the City Council.

Goal of the briefing: Review the proposed text amendment and determine if the Council supports moving forward with the proposal.

POLICY QUESTIONS

1. The Council may wish to discuss with the Administration their reasoning for recommending fuel tanks be at least 30-feet from property line vs. the requested 10-foot minimum from Maverik.
2. The Council may wish to discuss with the Administration what impact, if any, the proposed zoning district consolidation will have on this text amendment.

ADDITIONAL INFORMATION

Planning staff notified all gas station owners in the city of the proposed text amendment and requested comments. A second notice was sent to station owners following the January 10, 2024 Planning Commission meeting and included revisions based on the Commission's requests.

Maverik, Inc. was the only company to respond to the notices. They expressed concern about the proposed requirement to locate fuel storage tanks and gas vents in new gas stations a minimum of 30 feet from property lines. Maverik believes this is “impractical, unnecessary and potentially dangerous to customers.” They noted the tanks would need to be very close to the fuel canopy where there is a lot of vehicle traffic. Current technology can detect any leaks from the tanks which would allow quick remediation. Maverik proposes a 10-foot minimum from property lines. The draft ordinance retains the 30-foot minimum distance from property lines for fuel tanks in new gas stations. It is worth noting that fuel tanks being replaced at existing stations may be in substantially the same location as the old tanks.

The following are some key changes included in the draft ordinance:

- Underground and above-ground fuel storage tanks and vents must be located a minimum of 350 feet from water bodies (pond, river, stream, canal, etc.), water resources, public parks or open spaces one acre or larger.
- For new gas stations, underground and above-ground fuel storage tanks must be located a minimum of 30 feet from the property line.
- Pump islands must be a minimum of 25 feet from property lines and buildings for new gas stations.
- Fuel vents must be located at the top of a provided gas pump canopy for new gas stations.
- At least one EV parking space with a standard charger is required for every 10 required parking spaces for new gas stations.
- New and replacement underground fuel storage tanks must 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.
- If a leak or surface runoff contamination occurs the property owner is accountable for cleanup and remediation.
- Fuel tanks and pumps that are unused or out of service for one year or more will be considered willfully abandoned and ineligible for nonconforming status. Their use cannot be restored unless they comply with updated standards.
- Replacement and updated tanks at existing stations may be in substantially the same location and not have to comply with the updated requirements. The Zoning Administrator may modify the tank locations if federal or state requirements prevent locating tanks in a substantially similar location, or if the applicant demonstrates a different location is more appropriate.

KEY CONSIDERATIONS

Planning staff identified five key considerations related to the proposal, found on pages 4-24 of the January 10, 2024 Planning Commission staff report, and summarized below. For the complete analysis, please see the Planning Commission staff report.

Consideration 1 – Compatibility with Master Plan Policies and Initiatives

Planning found that the proposed ordinance will help implement goals of the Salt Lake City Open Space Plan (1992), and Plan Salt Lake (2015) to protect the natural environment from fuel leaks and surface water contamination.

Consideration 2 – The Importance of Standards for Gas Stations and Accessory & Primary Facilities with Above and Underground Storage Fuel Tanks

Planning noted the proposed ordinance is intended to promote the public’s health and safety by reducing potential air, water, and soil contamination from gas station leaks and vapors. They cited a 2022 Utah State Department of Environmental Quality report that showed approximately one in four underground fuel storage tanks tested throughout the state were not in compliance with regulations, and leaks were detected

at approximately seven percent of tested facilities. It stands to reason that tanks found to be out of compliance when inspected create environmental issues, and leaking tanks unquestionably cause these issues.

Additionally, overfilling storage tanks from fuel delivery trucks, and water runoff from gas stations have the potential to contaminate soil and water.

Planning staff stated:

Any failure of best management practices would cause a risk of contamination to water sources and open space in the city through the storm drain connection. There are no best management plans that can mitigate the negative impact since spills are caused by human error, and that could lead to a potential failure.

Consideration 3 – Impacts of the Proposed Text Amendment on New and Existing Uses

The proposed text amendment would apply to newly constructed gas stations. Existing stations with above or underground fuel storage tanks would become legal nonconforming uses and allowed to continue.

Consideration 4 – Zoning Districts That Allow Gas Stations & Accessory/Primary Facilities with Above or Underground Fuel Storage Tanks – Use Analysis

Gas stations are allowed in 14 zoning districts in the city as shown in the list below. They are a permitted use in 13 of the districts and a conditional use in the CB (Community Business) zone. Gas stations are prohibited in many zoning districts including all residential districts and restricted in the Groundwater Source Protection Overlay District, which is primarily in the eastern part of the city.

There are no existing specific City zoning standards that must be met for building a station in areas where they are allowed, other than fire and building codes. (The State of Utah Department of Environmental Quality has requirements gas stations must comply with.)

Zoning districts where gas stations are allowed:

- M-1 (Heavy Manufacturing) -permitted use
- M-2 (Light Manufacturing) -permitted use
- BP (Business Park) -permitted use
- CB (Community Business) -**conditional use**
- CS (Community Shopping) -permitted use
- CC (Corridor Commercial) -permitted use
- CG (General Commercial) -permitted use
- CHSBD1/2 (Sugar House Business District) -permitted use
- D-2 (Downtown Support District) -permitted use
- D-3 (Downtown Warehouse/Residential District) -permitted use
- D-4 (Downtown Secondary Central Business District) -permitted use
- TSA-MUEC-T (Transit Station Area Mixed Use Employment Center Station-Transition) -permitted use
- TSA-SP-T (Transit Station Area Special Purpose Station-Transition) -permitted use

Staff note: pages 10-19 of the January 10, 2024 Planning Commission staff report includes several maps illustrating sections of the city where gas stations are located in relation to green spaces, streams, and open spaces.

Consideration 5 – Secondary Recharge Area and the Groundwater Source Protection Overlay District and Ordinance

More than 10% of the state’s drinking water comes from groundwater, much of which is filtered through recharge areas, primarily along the east bench and eastern parts of the city including the foothills and front-facing mountain ranges. These include primary and secondary recharge areas.

Primary recharge areas are comprised of rocks and boulders but do not have layers of clay. Water and other liquids spilled in these areas can end up in the groundwater without filtration through the soil that would otherwise help clean them. The unfiltered and cleaned liquids can flow into the water supply.

Secondary recharge areas are similar to primary recharge areas but have layers of clay that can help minimally contain contaminants that may spill on the surface of these areas. As the name implies, secondary recharge areas are a secondary drinking water source to replenish groundwater and can be up to 10% of the city’s water supply.

Gas stations are not allowed in primary recharge areas. Underground fuel storage tanks are restricted in secondary recharge areas, meaning with best management practices they can be permitted in those areas.

ANALYSIS OF STANDARDS

Attachment B (pages 32-33) of the January 10, 2024 Planning Commission staff report outlines zoning text amendment standards that should be considered as the Council reviews this proposal. The standards and findings are summarized below. Please see the Planning Commission staff report for additional information.

Factor	Finding
Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents.	<i>Complies</i>
Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.	<i>Complies</i>
Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.	<i>Complies</i>
The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	<i>Complies</i>

PROJECT CHRONOLOGY

- April 11, 2023 – Petition received by Salt Lake City Planning Division.
- April 12, 2023 – Petition assigned to Diana Martinez, Senior Planner.
- July 10, 2023 – Information about the proposal was sent to all community council chairs to solicit public comments and begin the 45-day recognized community organization comment period.
- August 21, 2023 – 45-day recognized community organization public comment period ends.
- November 9, 2023 – Notice of the proposed text amendment sent to all gas station owners in Salt Lake City.

- December 29, 2023 – Planning Commission public hearing notice posted at the following city libraries: SLC Main, Chapman, Sprague, Day-Riverside, Glendale, and Anderson-Foothill.
- January 5, 2024 – Public notice posted on City and State websites and sent via the Planning Division listserv for the January 10, 2024 Planning Commission meeting. Public hearing notice mailed.
- January 10, 2024 – Planning Commission briefing and public hearing. The Commission voted to table the proposed text amendment for Planning staff to go back and make changes.
- April 5, 2024 – Public notice posted on City and State websites and sent via the Planning Division listserv for the April 10, 2024 Planning Commission meeting. Public hearing notice mailed.
- April 10, 2024 – The Planning Commission was briefed on changes to the proposed ordinance. The Commission voted unanimously to forward a positive recommendation to the City Council.
- April 15, 2024 – Ordinance requested from the Attorney’s Office.
- May 4, 2024 – Ordinance from Attorney’s Office received by Planning Division.
- May 23, 2024 – Transmittal received in City Council Office.