

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
AUGUST 9, 2016

FINAL

Chairman Robert Drinkall called the meeting to order at 6:30 p.m. Commissioner Stephen Garn led those present in the Pledge of Allegiance.

PRESENT: Commission Chairman Robert Drinkall
Commissioner Lisa Watts Baskin
Commissioner Kent Kirkham
Commissioner Stephen Garn
Commissioner Leslie Mascaro
Council Member Ryan Mumford

EXCUSED: Commissioner Ted Knowlton

STAFF PRESENT: Sherrie Llewelyn, Senior City Planner; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Dal Wayment, South Davis Sewer District; Karen Holman, resident; Nymman Brooks, Legacy Preparatory Academy; Brad Rasmussen, Aqua Engineering; Jennifer Brooks, Bountiful resident.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING-CONSIDERATION OF A PROPOSED ZONE CHANGE FROM NATURAL OPEN SPACE (NOS) TO GENERAL INDUSTRIAL (MG) TO FACILITATE THE CONSTRUCTION OF FOOD WASTE RECYCLING FACILITY AT 1370 WEST CENTER STREET. SOUTH DAVIS SEWER DISTRICT, APPLICANT

Dal Wayment, South Davis Sewer District, reported that the South Davis Sewer District provides services to North Salt Lake, Bountiful, West Bountiful, Centerville and Woods Cross. The waste water industry is now focusing on food waste. The U.S. produces 185 billion dollars worth of food waste per year which equals 35 million tons of food. Ninety seven percent of that food waste goes into landfills and is the single largest and least recovered waste stream in the country. Food waste contributes to greenhouse gas emissions and takes up 15 to 30% of the total landfill

capacity. The Environmental Protection Agency (EPA) provides a “best use” hierarchy for food waste with the best option being no food waste; the second best option would be to donate food to food kitchens, etc., the third option would be using the food waste as animal feed, the fourth option would be using the waste for industrial uses such as composting or anaerobic digestion and the worst option is sending food waste to the landfill.

Mr. Wayment explained that the proposed project would focus on collecting and turning the food waste into an agricultural fertilizer through anaerobic digestion. The process produces methane gas which could also be used to generate electricity. The project location would be on thirteen acres behind the existing plant located at 1380 West Center Street in the City and would consist of digesters, receiving areas and processing tanks.

As of 2012, with the population at 2.2 million people, each person along the Wasatch Front generated approximately 0.94 tons of waste per year with 25% classified as food waste. This facility is expecting to collect and process 30% of that solid and food waste. Some of the liquid and solid food waste would be collected from dairies, factories, Dannon yogurt, Stouffer’s Food, grocery stores and restaurants. Other collected items would include bottled drinks, carp from Utah Lake and zoo waste, etc. South Davis will also work with Wasatch Front Waste for the collection and drop-off of household waste and the re-collection of the paper and plastic packaging and aluminum cans after they has been processed.

Mr. Wayment explained the process of where the food waste will come from, the process of collecting, separating the waste from the packaging and where the packaging will go. Food waste and the packaging will either be shredded, blended, crushed or incinerated. The waste will also go through anaerobic digestion to be mixed with sludge from the treatment plant. The Bio-Based fertilizer will create 40,000 tons of bio-solids per year, nitrogen and phosphorous will be recovered from all process streams, these nutrients will be added to the bio-solids produced by the digesters, the bio-solids will then be pelletized and dried to produce a valuable agricultural fertilizer.

The permitting process includes approval from the City, Utah Division of Solid and Hazardous Waste, Utah Division of Air Quality, Utah Division of Water Quality Bio-Solids permit, Davis County Solid Waste permit and a South Davis Sewer District Industrial Pretreatment permit. Possible permits may also be required from Kern River for a pipeline crossing at Jordan River and an ROW license for the pipeline.

Dal Wayment reported on the potential impacts identified include increased traffic on Center Street, odors affecting air quality, the visual esthetics of the physical facility, an explosion hazard from handling methane and hydrogen sulfide, a toxicity hazard from methane and hydrogen

sulfide, noise and fugitive light. He addressed each item and said that odor could be a concern and they are focusing on making sure that there are no odors outside of the fence. Everything will be kept clean, the doors will be the quick fabric roll-up doors and all door and windows will remain closed the majority of the time, there will also be negative air pressure in the buildings to keep the air inside. They have removed many of the toxic hazards due to the existing plant's location to Foxboro and only have a small volume of methane and hydrogen sulfide which lessens the toxicity hazard. Light and noise should be contained within the building and the current building will provide a buffer. Traffic will enter along the east fence and will have a turn lane onto Center Street. Pending a traffic study there will be 40-50 trucks daily in Phase One and approximately 80-90 daily truck trips at the completion of the project. The load requirements for the bridge on the Jordan River will prohibit truck traffic by school.

The project benefits include the production of renewable energy with over 3 billion BTUs of energy every day, the creation of enough natural gas to supply a city of 40,000 residents or enough electricity to supply 15,000 homes, diverting waste from landfills which will extend the life of the landfills, reduced disposal cost for organic waste due to the value of energy and fertilizer, reduced carbon dioxide, sulfur dioxide, and methane emissions from landfills, reduced mileage for waste transportation that will lead to reduced costs and air emissions, recover important and valuable plant nutrients including nitrogen, phosphorus and potassium, creation of 12-16 full-time jobs, and provide more sustainable bio-solids options for the future.

Dal Wayment said that the driving factor for using this location for the proposed project is due to the proximity to the gas and electricity tie-ins.

Commissioner Mascaro commented on the approval processes through other agencies and said if this project is not feasible and the City approves the re-zone what other uses could occur on that piece of property. Sherrie Llewelyn replied that General Industrial (MG) is for intense industrial and the only other MG areas in the City would be the oil refineries.

Dal Wayment said that South Davis Sewer would be ok with a stipulation from the City that the rezone would only permit them to pursue wastewater treatments and organic waste. Sherrie Llewelyn stated that if the applicant wants to enter into an agreement like that with the City then it should not be an issue.

Commissioner Mascaro commented that the surrounding area is Natural Open Space and asked who the property owner would be. Sherrie Llewelyn replied that the Utah Department of Transportation (UDOT) owns the Legacy Nature Preserve. Mr. Wayment stated that the property for the facility would be owned by the Sewer District.

Council Member Mumford asked where the material will be dried and what would happen to the solar dryers. He also asked if the project would be bonded. Dal Wayment replied that the increased volume will require mechanical drying and that they would keep the solar dryers until Phase one is complete. He said that they will bond for ten to twenty years with 10% cash up front and finance the rest for ten years if possible.

Council Member Mumford also asked when Phase Two would start and how the costs would be covered if the project is not successful. Dal Wayment responded that Phase Two will begin when Phase One is running and revenue is coming in. Existing sewer revenue could potentially cover the cost of the project and there is also a private partner, ALPRO, for this project who will be responsible for half the debt. As South Davis Sewer is a government entity they would not pay property taxes on their portion of the property but the private partner would be required to pay property taxes.

Council Member Mumford commented that Center Street has a lot of truck traffic and asked if the City had considered the impacts of the additional trucks on the road. Sherrie Llewelyn replied that a traffic study would be required as a part of the site plan review. She said that Center Street is being rebuilt from Redwood Road to the bridge. There will also be additional improvements to the road if South Davis Sewer puts in the turn lane.

Council Member Mumford said that the City will be responsible for carrying the weight of maintaining the road as South Davis Sewer is a government entity.

Commissioner Baskin commented that a review of the facility may clarify some questions that the Planning Commission has regarding the project. She asked, based on Dal Wayment's comment that there are at least 80 food waste recycling businesses, how many similar facilities are purely private ventures. Dal Wayment replied approximately a dozen out of the 80 would be privately run.

Commissioner Baskin also asked what the total project cost would be and the anticipated return on investment. Dal Wayment replied that the total project cost would be about 55 million with the return on investment to be potentially 10-15%.

The Planning Commission asked that the emailed comments City staff had received be included as a part of the minutes.

Sherrie Llewelyn reported that Development Review Committee (DRC) recommends that the Planning Commission review the proposed zone change for recommendation to the City Council with two criteria: that the proposed amendment is in accord with the comprehensive general

plan, goals and policies of the City; and changed or changing conditions make the proposed amendment reasonably necessary to carry out the “purposes” stated in Title 10 of the North Salt Lake City Code. (NSL Code10-3-1-E).

The property was zoned MD with a Sensitive Area Overlay on the west half of the property. It was then rezoned on November 18, 2008 to the NOS zone in conjunction with the Legacy Nature Preserve that encompasses property north of Center Street and west of Legacy Highway. The NOS zone allows public wastewater treatment plants as a conditional use. The MG zone is a more intensive zone than the MD zone. The City has rejected an application for a solid waste transfer station on property located east of this location on Center Street due to potential traffic impact and incompatibility of the proposed land use with surrounding existing and future uses. The DRC was concerned about rezoning the property as the City would then be required to approve all future applications that reasonably comply with the City’s zoning provision in that zone for this property.

As the DRC is also concerned about access and the additional truck traffic the requirements for a traffic analysis and the restriction on the hours of operation due to the proximity to the charter school would be requested at site plan approval. The applicant would also need to address the storage of ammonia on site and other safety precautions.

Mrs. Llewelyn also reported in regards to the storm drains that the applicant may capture and process storm water and process that through the plant. They may also use their own effluent water to landscape the property. In regards to odors and noise the nearest homes are located on the opposite side of the highway and are over 1,000 feet away from the proposed project.

The applicant has submitted a wetlands delineation report which does not show any jurisdictional wetlands on the property. The property is in the flood plain and will have to build all structures to certain specifications.

Council Member Mumford asked if a study had been done regarding a blast or kill zone and what would happen to the current facility and proposed facility in the event of an earthquake in regards to becoming explosive or releasing gases into the air.

Brad Rasmussen, Aqua Engineering, commented that the fertilizer component will not be explosive. He said a risk assessment had not been done yet but would be appropriate for the City to request if the project is approved.

Commissioner Drinkall opened the public hearing at 7:57 p.m.

Nyman Brooks, Legacy Preparatory Academy, commented that the project sounds exciting and that his only concern is for the health and safety of the school and that this be taken into consideration especially in regards to rezoning to the MG zone. Commissioner Drinkall clarified that the only rezoning being considered is for this parcel of land.

Commissioner Drinkall closed the public hearing at 7:59 p.m.

Commissioner Baskin asked if the pelletized fertilizer emits methane when it becomes wet. Dal Wayment replied that during processing methane and carbon dioxide is created and these gases are then scrubbed or piped out and the remaining bio-solids are 94% water and contain no methane any longer.

Commissioner Garn commented that the Kaysville plant provides bio-solids for residents to mix with compost and use in their gardens. He asked how that compares to the proposed pelletized fertilizer. Dal Wayment replied that the bio-solids are the leftovers after the waste passes through the digesters. The food value is gone and the leftovers can be returned to the environment as they improve the soil.

Commissioner Baskin commented on the extensive permitting required through other agencies and asked why the project must be approved through the City first. Sherrie Llewelyn replied that it would be better to receive approval and appropriate zoning from the City first before spending money on the air and water quality permits.

Dal Wayment said that zoning is the number one priority and that they have applied for all the necessary permits. He also said that the governor's office is very interested in the project as well.

Commissioner Baskin commented on the potential for terrorism and asked if there were any concerns. Dal Wayment responded that there was definitely concern on public facilities after 9/11. The EPA and homeland security have addressed security issues for drinking water and wastewater facilities. There are high requirements and specific legislation for drinking water and even though wastewater is not as big of a concern they still follow security procedures.

Commissioner Drinkall said that he is in favor of the rezone as there are still several steps for approval including through the DRC, City Council and other government agencies.

Commissioner Mascaro commented that this project would be an asset to the community. She said she would like reassurance from the applicant of the proposed use of the rezone and also the distance for the blast/kill zone.

Commissioner Kirkham commented that a big concern would be the potential air pollution. Commissioner Drinkall said that the traffic impact would be approximately 50 additional vehicles in two years and 90 vehicles daily in five year. He also commented that the roads may deteriorate quicker with the increased traffic and that the City should consider that financial impact as well. Sherrie Llewelyn replied that the City would receive preliminary feedback from City Engineer on the proposed turn lane.

Commissioner Baskin moved to table this item until some issues have been addressed to the satisfaction of the Planning Commission:

- 1) Impact on traffic and location of traffic flow with regard to Legacy Preparatory Academy;**
- 2) Appropriate language regarding land use-specific approval with regard to changing from Natural Open Space (NOS) to the MG Zone. The approval will be tied to use-specific and language by agreement between applicant and City;**
- 3) Air pollution as raised by Commissioner Kirkham;**
- 4) Receipt of blast zone studies;**
- 5) Creation of a permanent emergency fund be established in case there are future problems perhaps by setting aside a certain percentage of profits.**

After these things have been addressed, the Planning Commission may recommend approval or denial to the City Council.

Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Drinkall, Baskin, Garn, Kirkham, Mascaro and Council Member Mumford. Commissioner Knowlton was excused.

Dal Wayment invited the Planning Commission to tour the facility at their convenience. The Planning Commission will discuss and arrange a tour.

3. PUBLIC HEARING-CONSIDERATION OF AMENDMENTS TO THE NORTH SALT LAKE CITY CODE, (SECTION 10-7-7 SUBDIVISIONS, 10-20-3 SITE PLAN REVIEW, AND 3-1-4 BUSINESS LICENSING) REGARDING STORM WATER FACILITIES AND MAINTENANCE. CITY OF NORTH SALT LAKE, APPLICANT

Sherrie Llewelyn reported that the State's Department of Environmental Quality (DEQ), Division of Water Quality, has been performing audits investigating storm water requirements and fining Cities for non-conformance. The DEQ is requiring certain provisions related to storm water and that specific codes be updated by September 1, 2016. The proposed amendments

reflect the required standards as well as the deficiencies that were found when the City was audited last year.

Mrs. Llewelyn then reviewed the standards and changes required to minimize storm water runoff which include: development and redevelopment sites must retain on-site storm water equivalent to the 90th percentile 24 hour rain fall storm event, requirements that Low Impact Development (LID) methods be implemented, where LID methods are not feasible or desirable due to soil or geological conditions a written rationale be documented and approved by the City Engineer, maintenance agreements must be recorded on properties that have private, on-site storm retention/detention facilities and enforcement provisions must be enacted to ensure maintenance and compliance.

Sherrie Llewelyn then presented different LID methods to the Commission including bio-retention swales and cells, permeable pavement, soil amendments, rain harvesting, curb cuts, etc.

Council Member Mumford asked if these requirements are fulfilled if that would lower the detention basin size requirements. Sherrie Llewelyn responded that this is a win-win situation as it could potentially be a savings for business owners if they retain the water on-site and use it for landscaping and can build smaller detention facilities. She also said that there were many options for retention including underground retention and that the City could make suggestions for preferred methods but should not place any limits on the means of retention options to allow for future technology.

Sherrie Llewelyn then reported on the enforcement options and said that the City has adopted storm water regulations but enforcement has been lax. She said that she has helped to establish a Storm Water Maintenance Agreement process in the City and that in order to keep from being fined the City will continually need to make progress. The two enforcement options include: a requirement in the code with a series of escalating fines and requirements such as yearly reporting and the removal of debris. City staff has also looked at ways to make it more of an incentive by tying it to the business license and maintenance agreement. Staff supports the business license enforcement method as it is less negative, and does not require court action to enforce. The SWPPP inspector will begin a public education service to assist business owners with compliance. Another part of the audit requires a list of all private storm drain facilities and obtaining storm water management agreements from those businesses. If a business has not complied by October 31st they will receive a notice that their business license may not be renewed if they do not submit the report.

Commissioner Drinkall opened the public hearing at 8:49 p.m. There were no comments and he closed the public hearing at 8:50 p.m.

Council Member Mumford moved that the Planning Commission recommend approval to the City Council of the proposed revised amendments to the Land Use Ordinance and City Code with the following findings:

- 1) The proposed amendment is in accord with the comprehensive general plan, goals and polices of the City;**
- 2) Changed or changing conditions make the proposed amendment reasonably necessary to carry out the “purposes” stated in this title;**
- 3) The proposed amendment is in compliance with the provisions of the Clean Water Act and requirements of the State of Utah Department of Environmental Quality, Division of Water Quality.**

Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Baskin, Garn, Kirkham, Mascaro and Council Member Mumford. Commissioner Knowlton was excused.

Commissioner Baskin thanked Sherrie Llewelyn for addressing and establishing addressing the Storm Water Maintenance Agreement in the City.

4. APPROVAL OF MINUTES

The Planning Commission meeting minutes of July 26, 2016 were reviewed and approved. **Council Member Mumford moved to approve the Planning Commission meeting minutes of July 26, 2016 as amended. Commissioner Baskin seconded the motion. The motion was approved by Commissioners Drinkall, Baskin, Garn, Kirkham, Mascaro and Council Member Mumford. Commissioner Knowlton was excused.**

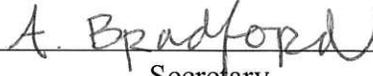
Council Member Mumford reported on the Truth in Taxation hearing which was held on August 8th. He said several residents came to express their concerns and a lengthy discussion was held. The City Council voted three in favor and one opposed to raise the certified tax rate. Property taxes will increase approximately 10% with a discount for the Fire District tax increase. He also said he voted in opposition as the City has a balanced budget this year and as City staff is forecasting a deficit next year, he feels that it would be better to raise taxes at that time.

5. ADJOURN

Chairman Drinkall adjourned the meeting at 8:56 p.m.



Chairman



Secretary

----- Forwarded message -----

From: **ELLIOTT MOTT** <elliott887@msn.com>
Date: Mon, Aug 1, 2016 at 3:20 PM
Subject: RE: Attached Image
To: Laura Hanson <lahanson@utah.gov>

Hi Laura:

Thank you for the notice. Absent details beyond the drawings it is not possible to comment.

I know that the South Davis Sewer District discharges into the Jordan River a short distance north of Center Street. Due to discharge odor it is not possible to miss it when floating the river in that area, although the sewer facility seems to be using new technologies as it did not smell as bad the last time I paddled past. Possibly it was abated when I last passed, but I do not know.

So, in response to your question it would be insightful to know how, if passed, the food waste recycling operation will impact the sewer district's discharge in to the Jordan River? Specifically, how will it impact water chemistry and quality, wildlife habitat, sensory perceptions, and discharge volume, etcetera? Will discharge be combined with the present exit into the Jordan River or is another additional exit channel proposed, and if so, where? Will there be any chemical reactions between current discharge and proposed discharge? Have all the possible outcomes of the combined discharge been evaluated to be safe and to not negatively impact water chemistry and quality, wildlife habitat and sensory perceptions, etcetera? It is the downstream duck clubs, The Nature Conservancy, and adjacent property owners who will be most impacted. It will be interesting to note their concerns.

As a frequent water trail user I will be interested to learn how the proposal will impact water trail adventures.

Elliott

From: lahanson@utah.gov
Date: Mon, 1 Aug 2016 13:14:02 -0600
Subject: Fwd: Attached Image
To: aaagard@rivertoncity.com; bstireman@utah.gov; [bhogaard@sslvmad.org](mailto:bhougaard@sslvmad.org);
charleswilliamson@utah.gov; chill@sjc.utah.gov; Chris_Cline@fws.gov; chrishaller@utah.gov;
Dan.Bergenthal@slcgov.com; dan_karen_potts@msn.com; dpay@southsaltlakecity.com;
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Tyler.Murdock@slcgov.com

Hello JRC TAC members,

Please see the attached notice about a proposed amendment to the City of North Salt Lake's zoning map to accommodate a new food waste recycling facility associated with the existing South Davis Sewer District facility on Center Street. Please let me know if you have any comments that you'd like me to forward on to the City or the SDS.

I don't know a lot about this proposal, but I would be happy to try to track down answers to any specific questions that you might have.

thanks!

Laura

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Laura Hanson, AICP
Executive Director

Jordan River Commission
P.O. Box 91095
Salt Lake City, UT 84109-1095
801-536-4158 office
801-589-8479 cell
www.jordanrivercommission.org
www.GetIntoTheRiver.org
www.myjordanriver.org

Got it, and I think that's a concern that several people share. Thanks Kimber.

On Mon, Aug 1, 2016 at 3:35 PM, Kimber Gabryszak <KGabryszak@saratogaspringscity.com> wrote:

Great, thank you. My main concern remaining is with the potential for nitrates and/or phosphorus discharge to increase. If you can pass that on to whomever needs the input, that would be great.

Thanks,

Kimber Gabryszak, AICP

City of Saratoga Springs

Planning Director

(801)766-9793 x107