

CITY OF NORTH SALT LAKE  
PLANNING COMMISSION MEETING  
SEPTEMBER 13, 2016

**FINAL**

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

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

EXCUSED: Commissioner Leslie Mascaro

STAFF PRESENT: Ken Leetham, Assistant City Manager; Paul Ottoson, City Engineer; Chief Craig Black, Police Chief; David Church, City Attorney; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Mayor Len Arave; David Frandsen, Public Works Director; Council Member Brian Horrocks, Council Member James Hood; Jon Bird, Judy Bird, Diane Boade, Scott Smith, Mary Lynn Kinsel, Phil Kinsel, Stan Dorius, Reva Anderson, Nan Sibbett, Judy Hammond, Jeanne Meakin; Joseph Meakin, Gayle Clegg, Calvin Clegg, Wade Elton; Ben Nilsen, Carol Nilsen, John Borggraf, Carl Pottastro, Kim Langdorf, Ron Barney, Marilyn Barney, Marcia Nielson, Kent Holbrook, Joshua Thomas, Lee Cox, Nancy Paz, Mary Rice, Cher McLelland, Bill Hammond, Julie Merrill, Porter Davis, Chris Coats, Tom Durrant, Julie Dalesandro, Ruby Vernon, Mimsi Harrison, Jessica, Doug Koob, Steve Israelsen, Ken, Laurence Gee, Manuel Carver, Sarah Punce, Trevin Punce, Ryan Thomas, Scott Betts, Bob Wood, Sue Bell, Landon Coleman, Atessa Astrope, Tyler Astrope, Matthew Ethington, Spencer Ekins, Landon Lewis, Nick DAlesandro, Nathan Larsen, Jeff Hutchings, Ty Burbidge, Brent Nielsen, Natalie Holbrook, Walfrido Paez Jr, Rick Hellstrom, Lawrence Knight, Colleen Clifford, Kenneth Clifford, Patrick Sheehan, David Coats, Holly Mageras, John Mageras, David Oberg, Ryan Sutherland, Lana Sutherland, Joe McAllister, John Nuckols, Todd Hughes, Jason Rasmussen, Brad Rasmussen, Eric Waite, Jacob Waite, Jeff Midgley, Tiffany Midgley, Steve Larson, residents; Scott Hughes, Lakeview Rock Products; Callee Poutcher, Kern River; Mark Greenwood, Granite Construction; Dal Wayment, South Davis Sewer District; Stuart Lamb, Kilgore Companies.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING-CONSIDERATION OF A PROPOSED ZONE CHANGE FROM RESIDENTIAL (R1-12) AND PLANNED DISTRICT (P) TO SPECIAL USE RESTRICTED (SR) FOR A SAND AND GRAVEL QUARRY OPERATION AT APPROXIMATELY 650 SOUTH HIGHWAY 89 (AREA BETWEEN HIGHWAY 89 AND EDGEWOOD DEVELOPMENT). GRANITE CONSTRUCTION & KILGORE CONTRACTING, APPLICANTS

Ken Leetham reported that the third item on tonight's agenda should be tabled until the City Council is able to review the proposed expansion of an approved conditional use permit for a sand and gravel quarry operation and reclamation plan.

Ken Leetham presented a map detailing the two parcels that are under consideration for the rezoning. These parcels are currently zoned Residential (R1-12) and Planned (P) with a proposed rezone to Special Use Restricted (SR) for mining and extraction. The Granite parcel, which is the triangular piece of property on the map, was zoned P District on April 1, 2014 and a general development plan was also approved for a 64 lot single family subdivision. Prior to that zoning change this property was previously zoned SR.

The Monte Thomas parcel which is located east of the frontage road and south of Eaglewood Village is currently being mined and reclaimed by Lakeview Rock Products even though the property is zoned residential. In 2005 the City authorized Lakeview Rock Products to mine and reclaim the property as it was previously used as an automobile wrecking yard and a landfill. As the City has long had a goal of cleaning up and reclaiming the property, the agreement with Lakeview Rock Products is that they would mine a portion of the property and with the royalties from the mining they would pay for the removal of the landfill. Currently the landfill material is still there and Lakeview has been mining the property for the last 11 years. This property is not in a zoning district that allows mining and the City only allows the mining for the reclamation of the property.

The developers of the general development plan will no longer be pursuing the proposed subdivision on the Granite parcel and the City's Planned District regulations state that if no progress is made on the development the City can zone it back to the previous zone, which in this case is the SR zone. The property owners of the Granite parcel have the right to request a rezone of the property. This same obligation is not extended to the Monte Thomas parcel and the City has more discretion on the activities of this property.

David Church addressed the legal issues of the two requests and said that per City code the P District is a Planned District with a negotiated development plan. The owners of the Granite parcel negotiated with developers who wanted to build a subdivision which led to the rezone of the property from an SR zone to P District to allow housing there. The developer has chosen not to pursue the development of the proposed homes and City ordinances are clear that if the landowner fails to perform within two years then the rights under the P District disappear and the property may revert back to the pre-existing zone which was SR. Granite Construction is under the impression that they have the right to mine the property under the SR zone. As the Monte Thomas property is currently not zoned for mining there is likely not an obligation by the City to rezone that property.

The rezoning of these properties are two separate issues with the first being the clearing up the issue of zoning and allowing mining in the Monte Thomas parcel currently zoned R1-12 and the second issue being the Granite property zoned P-District in which the developer no longer wants to build homes on the property and whether it would revert back to the SR zone.

Ken Leetham clarified that the Monte Thomas parcel is currently zoned R1-12 and owned by the Thomas family. He explained to the Planning Commission that their decision is guided by two items in the code regarding zoning. The first item is the zoning amendment being proposed is in accordance and consistent with the general plan. This particular property on the general plan is categorized as undetermined land use. The second consideration is whether changing conditions make the proposed amendment reasonably necessary to carry out the purpose of Title 10 in the City code.

Commissioner Knowlton asked if the act of rezoning from a P District is tied in with the development agreement or if they are distinctly separate. David Church replied that the development agreement becomes the P District ordinance. The Planning Commission recommended and the City Council adopted the development agreement as the land use regulation as there was a landowner who had land to sell and a builder who wanted to develop a subdivision.

Council Member Mumford asked for clarification on the two year and ten year timeframes for a P District. Ken Leetham replied that the development agreement has a duration of ten years and in a P District the property owner has two years to perform the requested development on the land.

Commissioner Drinkall commented that two years ago the City's building codes were different for hillside construction and asked if there was any indication that this area is still buildable. Paul Ottoson replied that the property is still buildable but there are some issues including unconsolidated fill which would need to be removed and geotechnical issues which would have to be resolved first.

Commissioner Drinkall asked if there was any interest from other developers for residential construction on the Granite parcel. Mark Greenwood, Granite Construction, replied that there was not any interest in development. Kilgore Companies is currently interested in purchasing and mining the property.

Commissioner Drinkall asked how long it would take Kilgore to mine the property. Stuart Lamb, Kilgore Companies, responded that it would be tough to give an exact timeline as mining is market driven and they are unsure of how much and what type of material is there. He estimated that it would take approximately 20 years especially if there was another economic downturn.

Commissioner Drinkall asked in regards to Kilgore's mining practices and their plan for the reclamation and development of the hillside. Stuart Lamb replied that they would be professional in regards to dust control and mining. The company has no desire to exacerbate the geotechnical issues on the hill and will mine safely without impacting the adjacent property owners and the hillside.

Commissioner Drinkall also asked about blasting and particles and the potential impact on the surrounding property owners. Stuart Lamb said that there is a science involved with blasting and it would be engineered so as not to affect the nearby property owners.

Council Member Mumford commented that there are two to three large pipelines located at the edge of this parcel and asked how Kilgore would interact with these pipelines. Stuart Lamb responded that they would not want to impact the pipelines and would provide transparency and communication with Questar and Kern River.

Council Member Mumford also asked if Kilgore had any desire to just mine the Monte Thomas pit. Stuart Lamb replied that they would like to mine and then stabilize the entire proposed area with one plan, a timeframe and a responsible entity. He said that it would be difficult just to mine the Granite parcel as you have to mine from the front of the hill to the back.

Council Member Mumford asked in regards to access and if traffic would go through residential areas. Stuart Lamb replied that initially limited amounts of access on public streets would be

necessary with the current condition of the parcel. They would try not to haul product through public streets and are open to hearing public comments and concerns.

Stuart Lamb commented that while the City attorney had said the Monte Thomas parcel has no non-conforming property rights for mining, that there is a history of mining on the site and Kilgore is just asking for what is already being done on the property, which is mining.

Commissioner Drinkall asked the residents in attendance if they would prefer that the current P District area should remain open space. Nearly everyone in the audience raised their hand in affirmation to the question.

**Commissioner Drinkall opened the public hearing at 7:09 p.m.**

Ryan Sutherland, 117 East Sunset Vista Court, said that per the Planning Commission minutes of April 8, 2014 that the City was required to give a buyers disclosure regarding the mining to those moving into that area and that he did not receive that disclosure. He said he did not feel the blasting until after moving in and was told that no homes would be developed on that property due to the pipeline.

Thomas Durrant, 850 Parkway Drive, commented that he owns TLC Construction and has built and owns several homes in the area. He said he is in favor of the best use and landowner rights and that the current general plan does not include transporting mining equipment and the roads were not built to handle that type of equipment. He said the proposed zone change is significant as it deals with proposed blasting and dust issues and there should be an adjustment period versus just approving and changing the zone now.

Mary Lynn Kinsel, 290 East Eagleridge Drive, said she read through the packet for the proposed zone change and prepared a two page synopsis as residents should be informed. She said the City is under no obligation to approve the requested zone change and that if the change is granted the City would be required to approve similar requests. Ms. Kinsel said residents count on the City to do what is right for the community and provide for aesthetics, protecting development, fairness and protecting property values. Her concerns are that the proposed zoning changes will affect the community for the next 20 years with issues such as road hazards, trucks in the round-about, dirt, dust, noise, additional water on the hill contributing to possible landslides, and issues with the pipelines.

Carl Pottastro, 332 Edgemont Drive, commented that he is the HOA president for his community and has a background in mining. He feels that the mining plan needs to be detailed and executed correctly and asked what control the City would have if the rezoning is approved. Mr. Pottastro

said the old Lakeview conceptual plan showed mining would be allowed to a 100' buffer zone from Edgewood Estates and asked if the Planning Commission had seen a new detailed plan from Kilgore. He said there is development above and the mining needs to be adapted to protect the residents long term and the City needs to do its due diligence before making a decision.

Ken Leetham commented that any resident submit written information that they would like to have included in the minutes. Commissioner Drinkall said that Steve and Rhonda Greenwood had previously submitted their concerns to the City.

Eric Waite, 178 Edgecrest, said that the cut and fill in the area is too steep to build on and asked why the developer would want to move that cut and make the steepness extend to his property line. He said there is a large buffer zone now and regardless of the financial benefits of mining the land that the residents would like to maintain the area as open space.

Brent Nielsen, 208 Edgecrest Lane, said he would like to address the legal issues and questioned why there was a public hearing if the property can just revert back to SR zoning after the two years. Mr. Nielsen said the City should be willing to litigate and take the risk to avoid mining the area as it brings down property values. He commented that a judge would see that there has already been a landslide and that mining machinery should not be in residential neighborhoods.

**Commissioner Baskin arrived at 7:34 p.m.**

Ron Barney, 209 Edgewood Circle, commented that there is already a problem with aesthetics in the City and that this rezone would allow for a gravel pit and mining right at the entrance to the City. He commented that his daughter's home was damaged in the Silver Eagle refinery explosion in Woods Cross and the city did nothing to help her. Mr. Barney said the obligation is to the residents living in the area and not for mining interests regardless of any assurances from Kilgore.

Steve Israelsen, 742 Eaglepass, stated that he lives on the border of the proposed rezone area and is a board member for the nearby Villas Development. He explained that he is also a developer in the area. Mr. Israelsen expressed concern about the setback from the two Kern River and one Questar gas pipelines that are right on the border and said that there would be blasting right by those lines. He commented on pipeline explosions and the risk this would entail to property and lives as everything within 1,500 feet would be destroyed including the homes of over 200 residents directly in that area. He said allowing the mining is not worth the risk and it is in the City code to protect its citizens.

David Coats, 193 East Pace Lane, said he was a newer resident in the area and asked who the Development Review Committee was as they should be reviewing this request for the rezone. Commissioner Drinkall replied that it consists of City staff members and includes representatives from the police and fire departments.

David Coats said that there is a need for sand and gravel especially with the airport remodel and the new prison. In his opinion the biggest problem would be pollution as it affects the water sources and air quality due to airborne particles. He also said that the mining equipment on residential streets will require City funds to repair and replace the streets. Mr. Coats said that Granite has a right to do something with their property but that there needs to be more information gathered before the decision is made.

Commissioner Drinkall then asked the Planning Commissioners what their opinion in regard to the rezone is after hearing public opinion and the information given by Granite and Kilgore.

Council Member Mumford thanked those in attendance for being calm and professional and said that overall the City is not excited about additional mining regardless of any income or financial impacts. He explained that when an item is brought before the City the consideration is not for how it will financially benefit the City. The Granite property was rezoned for a subdivision as it would have been beneficial to protect the residents from additional mining, unfortunately Brighton Homes will no longer be developing there. Council Member Mumford expressed concerns about the pipeline, dust, the impact on City roads and what could be done as safety of the residents is the City's main concern.

Commissioner Knowlton said that the City attorney presented the legal argument and that if there is a legal opinion it may be best to have this proposal considered at the City Council level instead. He said that the current zones of R1-12 and a P District exist and are not in conflict with the general plan and it is the City's right to keep those zones and deny a zone change.

Commissioner Kirkham said that he agrees with Commissioner Knowlton as it does not appear the proposed uses are in line with the general plan of the City.

Commissioner Drinkall commented that while there are recommendations for approval of this item the concern is that it is not in accordance with the general plan. He said that denial of the proposed rezone would be due to the lack of a formal plan or blasting information, from the applicant, on how it would affect the pipeline as well as the protection of current property owners. Commissioner Garn agreed that there is an obligation to protect the City and the residents.

Commissioner Baskin presumed that the majority of the residents present were opposed to the rezone and asked if it was necessary for the Planning Commission to vote tonight as the area has not been rezoned. She said the City Council would take legislative action and that a vote by the Planning Commission would just be administrative and have no real bearing. Council Member Mumford replied that the Planning Commission should at least provide their recommendation of the rezone to the City Council.

Commissioner Baskin commented that when Brighton Homes originally proposed the subdivision she was opposed as there should not be homes next to a blast zone. She said that that homes and mining are not compatible uses.

Rick Elstrum, Questar Gas, clarified that the Questar pipeline is a 20' pipe in this area and that there appears to be a 100' buffer between the pipeline and the proposed mining. Questar would request the right to review any plans before a conditional use permit is issued as there are geological hazards, slope stability concerns, potential seismic incidents, lateral support for pipelines, blasting, and the reclamation plan which shows plantings which would not be allowed over the pipeline.

Jean Mecham, 602 Edgewood Drive, said she is the HOA president of her condominium building and that they are opposed to the mining and blasting. The current blasting affects the buildings and closer blasting would cause more property damage.

Patrick Sheehan, 686 Eaglepass, commented that he is in the HOA of the Edgewood Estates and that there is no urgency to act on this issue now. He said he appreciates Granite attending the meeting and asked them to reconsider the use of their lands. Mr. Sheehan said the City has enough refineries, sand and gravel operations and heavy industry already. Air pollution is a real concern and the public health effects need to be considered. He also asked that possible use restrictions for the Bonneville Shoreline be considered.

Callee Poutcher, Kern River, said that she appreciates the comments from Questar Gas and that Kern River operates two natural gas pipelines in the proposed area. She said from a public safety standpoint it is important that these facilities are protected and that geotechnical studies need to be done before there is a rezone approval. Ms. Poutcher stated they were not informed prior to today's meeting.

Ron Barney stated that the environmental impacts need to be considered including dust and emissions control.

Stuart Lamb, Kilgore, commented that he appreciates the public feedback and addressed some of the concerns regarding the gas lines and said that the mining would be engineered and factual as they do not want to blow up pipelines. He said residential development is not recommended on that portion of the hillside and that future development on the floor cannot occur until the area is mined and developed. Long term the best interest of the City may include a painful period of reclamation which would allow for development afterwards. Kilgore will minimize traffic, dust and provide for a more stable and engineered slope of the hillside. Mr. Lamb said the problem in that area can be fixed with mining and the burden would be on Kilgore to provide the necessary items that the City requests.

Commissioner Knowlton asked in regards to developable portions of the R1-12 parcel and that reclamation would improve its develop-ability. He asked how much mining would improve the area. Ken Leetham replied that approximately 15-20 acres of the property could be buildable with some effort including removing debris from the landfill. He said mining the property would create more buildable area long term. Lakeview Rock Products believe that it would take less than five years to clean the landfill portion of the property.

Lawrence Knight, 157 South 300 East, commented that he has lived in the City for 23 years and there is already a problem with significant dust due to the current mining. He asked if Lakeview Rock Products would be operating with Kilgore and said that while they are told no mining equipment would be on residential roads but that he saw a Kilgore bulldozer drove down Eagleridge Drive today. Stuart Lamb responded that the reason there was a Kilgore vehicle was due to the need for analyzing the slope. He said Kilgore will buy everyone out and be the sole responsible party of the hillside with the exception of a small portion that Lakeview will keep.

Mark Greenwood, Granite Construction, said that the plan is to mine the area and provide a flat and desirable area for development. The hillside will no longer be jagged and could be turned into a shopping center or other amenity for the City. He said it will take 20 years to mine and make the area useable.

Commissioner Drinkall asked why Granite is selling the property. Mark Greenwood replied that the property has been for sale for many years for residential development as it is landlocked but the market was not there. Kilgore recently approached them about purchasing the property for mining.

Marilyn Barney, 209 Edgewood Circle, commented that Questar has been putting in pipelines down Highway 89 and asked how far it would extend. Rick Elstrum, Questar Gas, responded that Questar is doing a replacement project down Highway 89 for a high pressure line. This line will

tap into a larger line that will run to Bountiful. It will not extend any further south than Eagleridge Drive and Highway 89.

**Commissioner Drinakll closed the public hearing at 8:32 p.m.**

The Planning Commission discussed whether this issue needed further discussion and that while the City Council is the ultimate decision maker on this item that any concerns or questions from the Planning Commission could be raised.

Commissioner Knowlton commented that cities last a long time and he was unsure how long the mining would need to occur for the proposed pieces of land to be better than they are today. He said there is a consideration for this and the City could require Kilgore to meet timeframes and higher standards than normal. Ken Leetham replied that the City could provide an agreement to Kilgore, if they were willing to comply, that would legally allow for timeframes.

Council Member Mumford commented that the existing property is not in an ideal state but neither is blasting and mining the whole property. He said a comprehensive plan to stabilize the hillside and flatten the area would be a better use than what is currently there. The major concerns are for mining would be safety, slope stability and dust control.

Ken Leetham said that City staff would follow up on certain items such as meeting with Questar and Kern River, the potential air pollution, and a better understanding of geotechnical configuration of property.

Council Member Mumford commented that the State controls all mining regulations. Ken Leetham replied that this occurs on a case by case basis. He said that as the property is zoned R1-12 that the City has no obligation to rezone that parcel. The parcel that is zoned P District is less clear and Granite may or may not have the right to mine the property. The City does not have to allow mining on the Monte Thomas parcel if 20 years of mining is too much for the City to bear.

Stuart Lamb said that the State of Utah does control mining but the City can do certain things. He suggested that the City set standards of performance and also require that Kilgore bond for certain items such as the round-about impacts and paving roadways.

**Council Member Mumford moved to table the consideration of the proposed zone change from Residential (R1-12) and Planned District (P) to Special Use Restricted (SR) on approximately 650 South Highway 89 until information regarding meetings with the applicant, Kern River and Questar, dust control, traffic impacts, bonding, blasting and publicized standards can be presented to the Planning Commission by City staff.**

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

Commissioner Baskin explained that she was abstaining from voting due to a conflict of interest as she was in the process of helping a group pro-bono called Friends of the Red Rocks who are in the process of preserving the red rocks area in Southern Utah, Wayne County.

3. CONSIDERATION OF A PROPOSED EXPANSION OF AN APPROVED CONDITIONAL USE PERMIT FOR SAND AND GRAVEL QUARRY OPERATION & RECLAMATION PLAN (PARCEL #01-120-0033, APPROX. 850 SOUTH 100 EAST) TO INCLUDE THE MONTE THOMAS PIT (PARCELS #01-106-0026, 01-106-0010, APPROX. 650 SOUTH HWY 89) AND FORMER GRANITE RIDGE DEVELOPMENT SITE (PARCEL #01-106-0026, APPROX. 650 SOUTH EDGECREST LANE). GRANITE CONSTRUCTION & KILGORE CONTRACTING, APPLICANTS

City staff recommended postponing this item until a future meeting which will be held after the City Council has taken action on the zoning change.

**Council Member Mumford moved to table item three, consideration of a proposed expansion of an approved conditional use permit for sand and gravel quarry. Commissioner Baskin seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Baskin, Garn, Kirkham and Council Member Mumford. Commissioner Mascaro was excused.**

4. 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

Ken Leetham reported that this proposed zone change is a request to amend the zoning for the sewer district property from Natural Open Space (NOS) to General Industrial (MG) which is the only zone that allows the current plant and the proposed solid waste treatment facility. The NOS applies to several hundred acres of property in the nature preserve and future land use shows public property in the proposed area. He said that this proposal tonight relates to issues that were previously brought up by the Planning Commission including traffic circulation, the potential for explosions, and the danger of methane gas. The Commissioners had also requested a site visit to the existing plant before a decision could be made.

Commissioner Garn said that while the potential issues are similar to the ones the City has with Stericycle, this type of an operation is different but is in an industrial and manufacturing zone. His other concerns are potential issues with methane gas and the proposed 90 additional trucks per day. He said that the applicant will have to obtain the same permits as Stericycle.

Brad Rasmussen, representing South Davis Sewer, said South Davis would be required to obtain air permits from the State. He said that they would sign an agreement that if the property is not developed that it would revert back to the prior NOS zoning. He explained that the 90 additional trucks would not have as big of a traffic impact as the school that was built in that area.

Paul Ottoson commented that the City will start a federally funded project to widen Center Street from Redwood Road to Foxboro. He has already asked the paving company to add truck volume into their design for the road as more traffic will cause the road to deteriorate faster. He said that the addition of the 90 trucks a day did not change the design and that it will be a 20 year asphalt street.

Council Member Mumford asked if the Sewer District would be opposed to limiting truck traffic during school drop off and pickup times. Brad Rasmussen replied that the trucks would be contractors' trucks so they could not control when they arrived. He suggested that a good compromise would be to post the school hours so truck drivers would know when the heavy school traffic would be and would avoid arriving at those times.

Commissioner Knowlton asked if the State and other regulatory agencies would also review the plan for the food waste recycling facility. Brad Rasmussen replied that they are required to obtain approval regarding air quality, water quality and the solid and hazard waste group.

Council Member Mumford commented on the study regarding the methane gas blast zone and said that the 27' blast radius would not include any homes, schools or highway in the event of a catastrophic failure. Dal Wayment said that the digesters have a membrane roof which would act as a blast door and force any blasts straight up in the air.

Commissioner Baskin thanked Mr. Wayment for allowing the Planning Commission to tour the current facility and that it is an impressive and clean operation. She asked if there would be an increase in nitrates and phosphates into the Jordan River and Great Salt Lake. Dal Wayment replied that the energy facility will have its own waste water which the Sewer District will process. He said the Sewer District plant was designed and permitted for 4 million gallons per day with no limit for nitrates, a 12 milligram per liter limit on ammonia and a pending limit on phosphorus of 1 milligram per year. The plant will be required to run on the limits specified by

the Division of Water Quality and the return stream will be treated for nitrogen and phosphorus and must be reduced to the average level of the entire river. The discharge must stay within the existing limits. Overall it will contribute a fraction of a pound of nitrates and ammonia. He said for the past year they have been doing sampling below the plant to get accurate baseline levels of what is in the river to get good results of what affect our discharge may have.

Ken Leetham said that the development agreement is in progress and will be written to protect the City and the applicant before it goes to the City Council.

**Commissioner Knowlton moved that the Planning Commission recommend approval to the City Council of the proposed rezone with the following findings:**

- 1) The proposed amendment is in accord with the comprehensive general plan, goals and policies of the City.**
- 2) Changed or changing conditions make the proposed amendment reasonably necessary to carry out the “purposes” stated in this title.**

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

#### 5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of August 23, 2016 were reviewed and approved. **Commissioner Garn moved to approve that the minutes of August 23, 2016 stand approved. Commissioner Baskin seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Baskin, Garn, Kirkham and Council Member Mumford. Commissioner Mascaro was excused.**

#### 6. ADJOURN

Chairman Drinkall adjourned the meeting at 9:24 p.m.



Chairman



Secretary

**Ken Leetham**

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**From:** Steve Greenwood <steve@saltlakephotos.com>  
**Sent:** Tuesday, September 13, 2016 4:31 PM  
**To:** Ken Leetham  
**Subject:** Zoning change

Hello Ken,

I was given your name by Allie Avery. We have been a residents of North Salt Lake for over 40 years and we felt I needed to comment on this proposed zoning change that would allow more extraction of sand and gravel in the pit that borders North Salt Lake on the south. I would be at the meeting but have a conflicting appointment.

My wife Rhonda and I would like to go on record as opposing the zoning change. That area is so unstable up there that it would be unwise to do any more blasting and extraction work. As you know, there has been a major landslide up there. Also many houses have been condemned and torn down because of springs in the area and unstable ground. Also, there are two major high-pressure gas lines nearby. If one or both of these ruptured it would be a major disaster that would affect a much larger area than the landslide did. It would be foolish to add any more instability to this area.

Years ago I stood before the City Council with then-Representative Nancy Lion. We were trying to convince North Salt Lake not to locate the Stericycle Medical Waste Incinerator in North Salt Lake. We argued that it was too close to the city because of the dangerous emissions it would put out. The city officials thought that is was the cleanest, greatest thing going and it would be a wonderful benefit for the city. Well, you know how that turned out. Please don't make another mistake and allow this new company to try to mine and extract this material. Do not jeopardize the future of the city for supposed short-term benefits. This area should be left as a buffer zone as it has been.

Thank you,

Steve and Rhonda Greenwood  
Long-time North Salt Lake Residents

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My wife Rhonda and I would like to go on record as opposing the zoning change. That area is so unstable up there that it would be unwise to do any more blasting and extraction work. As you know, there has been a major landslide up there. Also many houses have been condemned and torn down because of springs in the area and unstable ground. Also, there are two major high-pressure gas lines nearby. If one or both of these ruptured it would be a major disaster that would affect a much larger area than the landslide did. It would be foolish to add any more instability to this area.

Years ago I stood before the City Council with then-Representative Nancy Lion. We were trying to convince North Salt Lake not to locate the Stericycle Medical Waste Incinerator in North Salt Lake. We argued that it was too close to the city because of the dangerous emissions it would put out. The city officials thought that is was the cleanest, greatest thing going and it would be a wonderful benefit for the city. Well, you know how that turned out. Please don't make another mistake and allow this new company to try to mine and extract this material. Do not jeopardize the future of the city for supposed short-term benefits. This area should be left as a buffer zone as it has been.

Thank you,

Steve and Rhonda Greenwood  
Long-time North Salt Lake Residents

## Ken Leetham

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**From:** Steve Greenwood <steve@saltlakephotos.com>  
**Sent:** Tuesday, September 13, 2016 4:31 PM  
**To:** Ken Leetham  
**Subject:** Zoning change

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Long-time North Salt Lake Residents

Patrick Sheehan and Jennifer Korb  
686 Eagle Pass, North Salt Lake, UT 84054

12 September 2016

City of North Salt Lake  
Community and Economic Development  
Planning Commission  
10 East Center Street  
North Salt Lake, UT 84054

Subject: Proposed Amendment to the City's zoning map re-zoning property approximately between Edgewood Development and Highway 809 from Residential (R1-12) and Planned District (P) to Special Use Restricted (SR) for sand and gravel extraction by Granite Construction

Dear Planning Commission:

This letter is to register our comments and opposition to the above proposal submitted by Granite Construction. Some of the issues we have with the proposal are as follows:

- 1) Enough Heavy Industry. North Salt Lake has enough heavy industry, including sand and gravel operations! North Salt Lake has had a long history of sand and gravel operations, including the very large operation (closed) adjacent to Eagle Ridge Drive that extended from Highway 89 all the way up the hill past the Eagle Ridge tennis facility. In addition, we also currently have the already very large Lakeview Products/Hughes Company operations adjacent to the proposed Granite Construction site. The Lakeview site has been operating for a very long time, and will continue to operate for many years to come.

In addition to extensive Sand and Gravel Operations, North Salt Lake is home to petroleum and natural gas pipelines, petroleum refineries (multiple), a medical waste incinerator, chemical manufacturing and storage industries, and an Interstate that bisects the city.

We say ENOUGH! The residents of North Salt Lake have sacrificed enough for the good of industry and society. This is not a case of NIMBY (Not In My Back Yard) residents not wanting to have any industry in their area. We already have this industry in our back yard - we currently have some of the biggest sand and gravel operations and historically have had some of the biggest sand and gravel operations in our back yard. We have enough heavy industries in our back yard, and City administration officials should look at the big picture and see the forest for the trees! What other metropolitan cities have so

the City administration. The administration has been given the responsibility to protect and ensure the safety and quality of life of its residents -- by seriously considering this proposal, the City administration would not be upholding its duties to the residents of North Salt Lake.

- 4) Bonneville Shoreline Trail Recreation Area. The Granite Construction proposal would further encroach on a valuable recreational area near the Bonneville Shoreline Trail. This area is used by many residents every day of the week -- allowing the proposed Granite operations would further diminish the recreational area, which is a prized asset that North Salt Lake administrators should protect and value.
  
- 5) General Development. Granite Construction proposes to mine sand and gravel from the proposed area as a means to make money and provide a service to society by providing sand and gravel for construction purposes. Under many scenarios, their proposal could be considered appropriate. However, in this instance, it is highly inappropriate due to the location of the proposal and the issues outlined in this letter. The proposed area is already zoned Residential -- the City should follow its plan for this area. This still allows Granite Construction to make money through a residential development. The City will get its tax revenue from this proposal as well, but it would be getting it from a residential development, as the land is zoned residential. Nonetheless, even if no residential development were to occur in the proposed area and the City would not collect additional tax revenue; it would not be worth the cost of allowing further sand and gravel mining.
  
- 6) Elephant in the Room. The present Sand and Gravel Operations are an obvious problem that no one wants to discuss -- they present a very large issue that we are all acutely aware of, but apparently nobody wants to talk about. These operations have created a hideous scar on the landscape that, unfortunately, negatively defines part of North Salt Lake. They create horrible dust and particulate matter issues which affect residents in the area and overall public health, and they diminish the image of North Salt Lake. Rather than allow these operations to expand, the City needs to acknowledge the Elephant in the Room.

We urge the City to do the right thing and simply deny this request. The City needs to consider the amount of heavy industry already operating, the history and air pollution effects of the sand and gravel industry, and the public health needs of its residents.

Sincerely,  
Patrick Sheehan and Jennifer Korb



Sept 13, 2016  
Planning Commission Meeting

We, as NSL residents, count on YOU, our elected officials, to do what is right and needed for our community. YOU are our voice and our gateway in providing for our health, safety and welfare, in improving the morals, peace and good order, comfort, convenience and aesthetics of the city for its present and future inhabitants, in protecting development, in providing fundamental fairness in land use regulation, and in protecting our property values.

The proposed zoning change, if granted, will affect the community of your citizens for the next 20 years. We do not feel the rezoning even with conditions requested in order to approve the rezoning are in the best interest of the NSL residents: We are concerned about:

**Road hazards** from trucks in the Roundabout, Dust (dirt) that will engulf the NSL neighborhoods (not only causing cleanliness issues but also health issues due to the particles in the air)

**Noise issues** with mining operations such as crushing, screening and hauling taking place from 6 am until 11 pm and most likely with exceptions of accommodating Federal or State funded projects, making these hours of operations 24 hours a day.

**Water connections** for landscaping ON THE TOP of the hill (dust abatement?)

**3 years for completion of the 10 foot buffer** along property lines

**Churning up of the Monte Thomas Pit area** which contains various debris and refuse that constitutes a serious health, safety and liability concern,

**Noise, vibration and Blasting** issues of trucks, scrapers, loaders, graders, etc and haul trucks, dozers, backhoes, scrapers and blasting. and Pit operations such as the siting of equipment and roads on the property.

And does anyone have any concerns about Landslide potential or any concerns about the Gas Pipeline location and rezoning?????

The City of North Salt Lake is under no statutory obligation to approve the requested zone change. If the zoning change is granted, then the City will be required to approve all future applications that reasonably comply with the City's zoning provisions in that zone for this property. **For those reasons, this step in the process is critical, especially if the City has strong concerns or even objections related to the proposed land uses.** (From a Memo sent to the Planning Committee)

We NSL residents ask you as our representatives to NOT approve this Zoning Change.

Mary Lynn Kinsel 290 E. Eagle Ridge Dr NSL, UT 84054

  
Edgewood Estates  
Home Owners Association - Board of Trustees  
North Salt Lake, Utah 84054

September 13, 2016

City of North Salt Lake  
Community and Economic Development  
Planning Commission  
10 East Center Street  
North Salt Lake, Utah 84054

Subject: Proposed Amendment to the City's zoning map re-zoning  
Residential (R1-12) and Planned District (P) to  
Special Use Restricted (SR) for sand and gravel extraction by  
Granite Construction

Greetings:

This letter is to register and explain the Edgewood Estates Home Owners Association's opposition to the Granite Construction proposal to re-zone land immediately adjacent to our development for the apparent purpose of moving its sand and gravel extraction processes to our very doorsteps.

There are several terms used to describe sand and gravel extraction: open pit, open-cast mining, quarrying, strip mining, aggregate mining. Whatever definition is used, mining will always employ multiple pieces of diesel powered equipment:

1. Conveyors
2. Crushers
3. Forklifts
4. Front end loaders
5. Hammer drills
6. Saws
7. Trucks
8. Wheel loaders

Exhaust from diesel vehicles has been reported to be significantly more harmful than those from petrol vehicles, as diesel emissions, especially from these heavy, off-road machines emit significant particulate matter.

The process of extracting or mining sand, gravel and aggregate always includes: blasting, digging, scooping, piling, pushing, loading and trucking; will always leave a pit or a scar; and will always create an unsavory and unhealthy list of night and day negative consequences such as:

1. Air quality
2. Diesel emissions (sulfur oxides) idling or operating
3. Dust particulate matter (total suspended particulates, PM<sup>10</sup> and PM<sup>2.5</sup>, quartz (silicon dioxide SiO<sub>2</sub> which can cause silicosis)
4. Lights
5. Noise
6. Safety
7. Shaking from heavy diesel equipment in the process of mining
8. Road wear
9. Real estate values
10. Rumbling, shaking and blasting

Is there any question about whether the dust, fumes, noise and shock waves will be felt, heard or will be blown over our neighborhood? It will never be a question of IF but WHEN. Edgewood Estates resident and owners are already concerned about the rumbling, shaking and blasting that is occurring on a regular basis now, even given the larger distances from the actual mining and blasting sites. Our homeowners are already experiencing a significant adverse impact from the current mining and blasting operations, including shaking of our homes, cracking of the exterior and interior surfaces of our buildings and the destabilization of our underlying foundations.

The existing distances between the blasting operations and our homes are not adequate, and the proposed and greatly-reduced 100 foot “buffer” zone between Granite Construction’s mining and blasting operations and our doorsteps is completely unacceptable. Surely Granite Construction and the Planning Commission cannot think that the greatly-reduced 100 foot “buffer” will protect our owners from the eleven negative consequences listed above which we are already experiencing under the current zoning.

Most of these negative consequences can be measured over time, but measuring the negative impact on real estate values will be seen immediately. Is there any question that buying a home next to a quarry or strip mine is anything but attractive? One must ask the question: “would you buy a home next to a sand and gravel operation knowing there will be these clearly-anticipated consequences?”

Please consider that the home owners in Edgewood Estates (or any real estate development) purchased their homes with the expectation of a safe and quiet environment. Not one of our neighbors ever thought that the beautiful area on our south western border would ever be used for a quarry, strip mine or open pit sand and gravel operation. These areas were zoned by the city for residential and planned unit developments. We all bought our homes with this understanding and promise. The idea that the beautiful area on our border would ever be “extracted”, scrapped, loaded and hauled away leaving an ugly scar or pit was never part of our home ownership dream. Granite Construction may have a reclamation plan for when the mine is closed but can anyone envision turning an ugly scar or dangerous pit into an attractive landscape?

The 150 residents in Edgewood Estates believed that the City leaders would protect us from known and predictable consequences. We believed that the safety and peaceful lives of each individual would always be protected against the personal interests of those motivated by selfish enrichment.

We ask that the City not violate those beliefs and expectations by accepting Granite Construction's request to extend its mining and blasting operations to our front doors. We ask the Planning Commission and the City leaders to seriously consider these questions and then deny the Granite Construction's re-zoning request:

1. Is the issuing of this permit or the re-zoning of this property in the best public interest?
2. Would this permit disrupt the quality of life that the residents now enjoy?
3. Would this permit lower property values of residents?
4. Would this permit cause health problems to the residents?
5. Would this permit create a traffic nuisance to the residents?
6. Where does the true benefit of a gravel pit lie?
7. Would the benefits to the county or city ever compensate the home owns for the eleven negative consequences listed above?
8. Would Granite Construction's reclamation plan (to the extent they have one and to the extent it is ever implemented in our lifetimes) ever be able to cover the scar and stain left by its "extraction" plan?

With our highest feelings of respect and appreciation,

Edgewood Estates Home Owners Association  
Board of Trustees

Carl Pollastro, President

Ken Davis, Treasurer

Tracy Escandon, Board Member

M. Lee Cox, Vice President

Julie Merrill, Secretary

Sue Bell, Board Member