

**WEST VALLEY CITY
BOARD OF ADJUSTMENT
MINUTES**

July 6, 2016

The meeting was called to order at 6:01 p.m. by Necia Christensen at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY BOARD OF ADJUSTMENT MEMBERS

Necia Christensen, Russell Moore, and Scott Spendlove

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Lehman and Brenda Turnblom

WEST VALLEY CITY LEGAL DEPARTMENT:

Brandon Hill

AUDIENCE

Approximately four (4) people were in the audience.

B-5-2016

Central Valley Water Reclamation Facility - Variance

2212 West 2890 South

M Zone

REQUEST:

The Central Valley Water Reclamation Facility (CVWRF) is requesting a variance from the West Valley City Code. Section 7-6-1104(1) requires that all buildings be set back a minimum distance of 25 feet from any private or public road. The applicant is requesting a variance of 13.89 feet in order to install a ferric chloride storage and chemical feed system within a new building. The property is located at approximately 2212 West 2890 South and is zoned manufacturing.

BACKGROUND:

- The subject property is known as Parcel 15-28-226-002. The property is owned by Granger Hunter Improvement District. At the present time, Granger Hunter operates a sewer lift station at this location.
- According to the applicant, in October 2014 CVWRF experienced a catastrophic failure in a cement mortar lined and coated 30-inch siphon barrel which conveyed sanitary sewer flows from GHID to the Central Valley regional wastewater treatment facility.
- As work commenced to fix the problem, it was determined that the pipe soffit had completely deteriorated due to hydrogen sulfide. While the work to fix the pipeline has been completed, the work did nothing to prevent the formation of the Hydrogen Sulfide gasses. These gasses are toxic, and are being transferred downstream to other locations. In a letter to the Board, the applicant explains the ramifications of this gas if not treated.
- The applicant explains that Hydrogen Sulfide gas may be effectively controlled through the addition of iron salt chemicals such as ferric chloride. The CVWRF believes the introduction of this chemical will prevent a future failure as happened in 2014.
- The CVWRF is proposing to install a new building from which to manage the introduction of the ferric chloride. The new building will be located on a portion of property owned by GHID. Due to the function and existing infrastructure of this station, including access in and through the site, the only location to place this building is along the western portion of the site.
- Section 7-6-1104(1) of the City Code requires that the minimum building setback be 25 feet from all public or private streets. The proposed building will be setback a distance of 11.11 feet, thus requiring a variance of 13.89 feet.

- The applicant has provided a letter outlining the problem which has caused the need for the variance. Maps detailing the future location of the new building have also been provided. To address the variance criteria, the applicant has also provided answers to the 5 questions.
- Should the Board of Adjustment approve the variance, the applicant will be required to submit a conditional use application and construction plans to the City for the new building.

ORDINANCE SUMMARY:

Section 7-6-1104(1) of the West Valley City Land Use Development and Management Act requires that the minimum building setback be 25 feet from all public or private streets.

The West Valley City Land Use Development and Management Act Section 7-18-107 outlines the standards or conditions for approving a variance. The Board of Adjustment may grant a variance only if:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the zoning ordinance is observed and substantial justice done.

According to Williams, American Land Planning Law (Volume 5, Criteria for the Validity of Variances, pages 131 and 133 et.seq.) There is a presumption against granting a variance and it can only be granted if each of the standards are met.

In Wells v. Board of Adjustment of Salt Lake City, the Utah Court of Appeals held that a Board's decision to grant a variance would be illegal if the required statutory findings were not made.

Applicants:

Thomas A. Holstrom
Central Manager, Central Valley Water Reclamation Facility
800 West Central Valley Road

Salt Lake City, UT 84119

Dr. Phil Heck
Assistant General Manager and Process Engineer

Kevin Gallagher
Engineering Technician

Discussion: Necia Christensen disclosed that she is president of the Utah Association of Special Districts of which the Central Valley Water Reclamation Facility (CVWRF) is a member. She does not believe that will have any impact on the decision that is made tonight.

Thomas Holstrom said this facility is in response to a significant infrastructure failure that occurred October 6, 2014. CVWRF accepts flows from Granger/Hunter Water Improvement District. The average flow is almost 12 million gallons per day to the CVWRF treatment facility. Nearly all flow passes through pump stations; one of them is the Decker Lake Pump Station. The flow is conveyed through a double barrel siphon structure that carries these flows beneath the Jordan River eastward to the CVWRF treatment facility. One of the barrels collapsed in October 2014. Upon excavation and exposure, it was learned that the pipe system had incurred severe corrosive attack from hydrogen sulfide. Because these sewer gasses cannot travel underwater, they were trapped at the syphon in the structure and deteriorated the pipe system. This was quite a safety issue. This collapse was adjacent to an apartment complex and immediately adjacent to the Utah Cultural Celebration Center. Hydrogen sulfide not only can corrode these types of facilities, but there is also a strong odor emitted. You will recognize the rotten egg odor. Once CVWRF repaired this system, these corrosive and odorous gasses are now being entrained in the flow and conveyed downstream to our treatment facility. This has created an access issue at the headworks where crews are now having to don self-contained breathing apparatus in order to enter the screen room to do routine maintenance.

Thomas Holstrom confirmed hydrogen sulfide can also escape at manhole locations. He mentioned he is surprised that the apartment complex next to the Granger/Hunter Lift Station hasn't experienced some odor problems. This facility will serve to address both corrosion and odor issues from the point of injection all the way to the CVWRF treatment facility.

Thomas Holstrom read his responses to each of the five criteria for granting a variance:

1. As shown in our drawings the proposed chemical storage / chemical feed system is placed just inside the fence line of the GHID Decker Lake Pump Station, but within the 20 foot setback. This is the only known location on the site that can accommodate a reasonably sized chemical storage tank which will preclude excessively frequent and

costly low volume chemical deliveries. Minimum bulk chemical deliveries are at 4000 gallons and come by way of tanker truck. The GHID Pump Station site is designed for truck deliveries by way of a drive-through ingress / egress on the site. Placement of the chemical tank at the shown location will allow for offloading of chemical and direct departure of the truck from the site. Other locations within and around the GHID Pump Station building cannot be accessed by the tank truck due to limited truck turning radius.

The proposed project includes a structure that matches the architectural treatments of the pump station building. Landscaping of an approximate ten foot corridor, immediately south of the proposed project, is included. The matching structure and landscaping features should adequately carry out the general purpose of the zoning ordinance.

2. The GHID Decker Lake pump station property includes a public utility installation to pump sanitary sewage to the CVWRF interceptor system for conveyance to the regional treatment plant. The pump station meets critical public health and safety needs of the surrounding community.
3. Allowing placement of the chemical feed facility as shown will result in efficient delivery of chemical and its introduction into the sanitary sewage pumping station. Granting the variance to allow for this facility will result in reduction of hydrogen sulfide gasses and the resultant odors caused by them. Odor and corrosion control at this site is essential to the enjoyment of adjacent property holders and residents and to the protection of downstream piping.
4. CVWRF believes that the granting of the variance will result in a facility that is in concert with the use of the remaining GHID property and is essential to the public health and enjoyment of surrounding properties, which is important to realization of the General Plan. Granting of the requested variance to allow for this chemical feed facility is clearly in the public interest.
5. CVWRF believes that the proposed architectural treatments and landscaping will be adequate to meet the spirit of the zoning ordinance even with the variance allowed to the 20 foot setback requirement. CVWRF firmly believes that the public health, safety and enjoyment benefits represented by this chemical feed facility will more than offset any zoning ordinance compromise represented by the requested variance.

CVWRF, its member entities and patrons, including thousands who reside in the West Valley City / Granger-Hunter Improvement District areas, respectfully hope for your considered granting of this variance request to allow this important project to proceed.

Scott Spendlove asked if ferric chloride is currently being stored on this site. Thomas Holstrom answered no, not at this time. Scott Spendlove asked if the ferric chloride will be in liquid form. Thomas Holstrom answered yes. Scott Spendlove asked if all proper safety, ingress, and egress issues will be addressed with this being so close to a

residential area. Brandon Hill confirmed, as part of the conditional use process, hazmat permits will be issued through the fire department and proper access will be addressed. Dr. Phil Heck acknowledged the reason for the building is to provide a protective structure around the tank. The substructure of the building is a containment structure that contains more than the volume of the tank. It is coated with a protective coating that is resistant to ferric chloride. Ferric chloride is not explosive or corrosive, but it is acidic and needs to be contained within the structure. There is a safety shower in the building to meet OSHA requirements.

Necia Christensen closed the public portion of the meeting.

Motion: Scott Spendlove moved to approve B-5-2016.

Russell Moore seconded the motion.

Necia Christensen feels anything we can do protect our neighbors and keep the sewer utility properly working is something we can do. All commissioners agreed the criteria for the variance were very well thought out and presented in a reasonable manner.

A roll call vote was taken:

Necia Christensen	Yes
Russell Moore	Yes
Scott Spendlove	Yes

Motion Carries - B-5-2016 Continued – Unanimous

OTHER

Approval of June 1, 2016 Minutes – **Approved**

There being no further business, the meeting adjourned at 6:27 p.m.