

4. Discussion regarding proposed recommendation and comments to Salt Lake County Council regarding request to amend the Section 208 Water Quality Plan

President Smith, reminded members that the Council of Governments has been asked by the Salt Lake County Council to formulate a recommendation for its members to consider regarding the request by the South Valley Sewer District to amend the Water Quality Plan. The amendment, if approved, would probably result in construction of a third regional water reclamation plant adjacent to the Jordan River on a site in Riverton. He said COG members were asked to make a recommendation following a review of planning documents, engineering reviews and after listening to comments and recommendations following the COG sponsored November 3, 2005 public hearing held in Riverton. He chaired the public hearing. Input was received from approximately 22 individuals. Some people were opposed to the plant. On the other hand, a few residents of West Jordan, who live near the existing South Valley Waste Water Reclamation Plant, were present to comment that it is a good neighbor in its present configuration.

President Smith said that, based on the comments he had heard at the hearing and his review of the other material, he could feel confident in making the following observations:

- a. Due to growth over the past three decades in the southern portion of the Salt Lake Valley, there is a need for an additional regional wastewater reclamation facility. (There seems to be general agreement on that matter.)
- b. Although there may be ways and means of adjusting conveyance system infrastructure to create an additional increment of capacity over the short term, continuing growth in the Sewer District catchment area dictates increasing treatment capacity as soon as possible.
- c. The South Valley Sewer District's partners in the existing Regional Treatment Plant in West Jordan are also growing rapidly and are anxious to recover the treatment capacity they have "loaned" to South Valley.
- d. Disruption to the environs of the Jordan River and to Gardner Village that would result from constructing a new massive pipeline from the south end of the Salt Lake Valley to the existing Regional Treatment Facility in West Jordan is unacceptable and is barely an option.
- e. The local planning authorities representing the City of Riverton have attached a number of conditions to their recommendation to approve construction of the treatment facility. These conditions are designed to protect natural values and the rights of residents. The Council of Government adopted a motion at its April 7, 2005 meeting to support Riverton in requiring these conditions.

He reminded members that he had distributed a memorandum the previous week setting out these views and suggesting that the Council of Governments forward a recommendation to the County Council supporting an amendment to the Water Quality Plan. This would allow construction of a plant as proposed. He said if a decision was approved to construct the plan as proposed, the COG could encourage all parties to honor conditions set forth by Riverton City regarding access

and protection of natural values; and requiring the use of the best technology available and practical for a plant at this site. He briefly noted that an action by the Riverton City Board of Adjustments could prevent the proposed facilities from being built. However, COG members should proceed on the assumption that additional wastewater treatment facilities will be constructed. He then opened the topic for discussion.

Mayor Seghini restated the finding that the other partners in the South Valley facility have loaned capacity to the South Valley Sewer District and do, indeed, need the capacity back to serve growth areas in their own communities. She added that expanding the plant at 7800 South and 1300 West is unacceptable for a number of reasons that have already been stated, and are being restated to the County Council at their public hearing. She reminded members that, although approval for new treatment facilities at the proposed site in Riverton is now in doubt, it has been identified as the best available site for construction and mitigation.

In response to an inquiry, Mayor Evans said the Riverton Board of Adjustment had voted against changing zoning to allow construction of a new wastewater treatment facility in Riverton. It was noted that the letter of March 31, 2005 addressed to Craig White from the Riverton City Planning Department (attached to the memorandum from President Smith), was distributed to COG members to indicate the types of mitigation required by the Riverton planning authorities. Mayor Evans further explained that the Riverton City Council has delegated actions on conditional use permit requests to the Planning Commission. In this particular case, the conditional use request was approved on a 3-2 vote of the Planning Commission. Two separate protests were made to the Board of Adjustments which has voted 3-1 against the conditional use permit. He said the site plan is treated differently in Riverton's process. It will go to the City Council, after review by the Planning Commission, for final action if warranted.

Mayor Auger commented it was her understanding that the County Council would prefer that the COG merely act on the question of amending the Water Quality Plan to provide for additional wastewater treatment facilities rather than make reference to a specific site. The memorandum from President Smith seems to be site specific. President Smith replied that he had discussed this issue with staff earlier in the day. Language was added to the memorandum (which was distributed at the meeting) to make clear that any action taken by COG is making a formal recommendation about the plan, not a specific facility. A letter to the County Council formally stating an action by the COG can clarify its position.

Mayor Seghini commented that she hoped recommending an amendment to the Water Quality Plan without reference to site specific facilities would **not** imply that the existing facility in West Jordan should be enlarged to accommodate all of the growth in the catchment area. Mayor Auger replied that the recommendation from COG could suggest that any new facilities be in addition to the two existing wastewater treatment facilities on the Jordan River. Mayor Seghini said she would feel more comfortable with language alluding to a third plant. President Smith agreed, saying that reference to a third plant would make it very clear that an expansion of the facilities located in West Jordan should not be considered. It was noted that if no action were taken to amend the Water Quality Plan, the existing provisions on treatment facilities would call for expansion of the facilities in West Jordan.

Mayor Money said his understanding of why the Water Quality Plan is being amended is because growth in the catchment area requires a new wastewater facility. He commented briefly on South Jordan's actions in trading a potential treatment plant site for property on the South Jordan Parkway that serves as the gateway into the city. The property is currently the site of a small golf course.

Mayor Evans noted that a quorum was not present to take action on recommendations. He then referred to the April 7, 2005, Executive Committee meeting where, as noted previously, a motion was adopted in support of Riverton's efforts to mitigate potential environmental concerns associated with the plant then being proposed by the South Valley Sewer District. He suggested that any recommendation adopted by COG members not only consider the question of amending the Water Quality Plan, but acknowledge the environmental concerns addressed by the motion as well. He would like any facilities that are constructed as a result of an amendment to the plan, and in response to growth, to be as "environmentally friendly" as possible.

Mayor Auger said that, separate from a motion amending the water quality plan, she could support a second motion requesting the sort of mitigation steps that Riverton had set for the proposed treatment facilities site within its jurisdiction. Mayor Evans said he would still like the two factors to be part of the same motion. President Smith said he thought the two motions ought to be kept separate.

Mayor Crane commented that he supports what Mayor Evans has said about the need to mitigate environmental concerns associated with a wastewater treatment facility. The South Valley Sewer District Board has already indicated that it will do whatever it can to mitigate any environmental problems and to be a good neighbor. He added that "when all is said and done" the proposed project would do more to protect environmental values than the alternatives that are proposed for the site. The property is currently zoned for residential use. The District Board is very concerned about what its critics have said and is more than willing to mitigate any problems it creates.

President Smith said he agreed with Mayor Evans on the need to protect the environment and noted from his memorandum that the COG is on record in support of Riverton's "conditions . . . designed to protect natural values and the rights of residents."

Mayor Evans next spoke of his more specific concerns with the site proposed by South Jordan Sewer District in Riverton, noting the need for care in completing the site plan. He said the two matters were so intertwined that he would have a hard time approving a change in the Water Quality Plan without also having his concerns about the site proposed for the water treatment facilities addressed. He added that he appreciated his recent conversations with Mayor Crane and Mayor Money about the plant. President Smith reminded members of Mayor Auger's comments about the need to concentrate attention, as requested by the County Council, on the question of amending the Water Quality Plan without becoming too site specific. He said a motion regarding the plan could be followed up with a more specific resolution regarding environmental concerns. Mayor Evans asked to see the language of the motion adopted by COG members April 7, 2005 regarding the proposed plant in Riverton.

In discussing whether or not a vote on a recommendation could be taken in the absence of a quorum, it was agreed that COG members needed to be operating within their own rules and precedents. After considering the schedules of other interested parties and the need for timeliness, Mayor Auger suggested scheduling a special Executive Committee meeting at the beginning of the Conference of Mayors activities to be held starting at **noon on Thursday, November 17, 2005, at the West Valley City Cultural Center**. The next realistic opportunity to take formal action would be at the December 1, 2005 COG meeting. Mayor Nordfelt said either of these two options would be preferable to a telephone poll among members not in attendance who had missed the discussion. Mayor Money commented that several of the COG members planned to excuse themselves from this activity so that they could testify at the County Council's public hearing being held concurrently at the County Government Center. Mayor Crane said he would support Mayor Auger's suggestion to meet briefly on November 17th.

After further discussion, it was agreed to schedule the special meeting at noon on Thursday, November 17, 2005 as indicated above. Noting that some COG members could not be in attendance, President Smith urged all members to make every effort to attend. It was agreed by consensus to support President Smith in scheduling a special meeting as noted above. The two items for the agenda were to be the selection of officers for 2006 and adoption of a motion regarding an amendment to the Water Quality Plan.

At the request of Mayor Money, a portion of the minutes from the April 7, 2005 Executive Committee meeting regarding a motion by Mayor Corroon was discussed briefly. The motion supported specific mitigation requirements imposed by the Riverton City Planning Commission on the site for a wastewater treatment facility as proposed by the South Valley Sewer Board. Mayor Evans noted that the language is very general and could apply to many places in the Jordan River bottoms.

Mayor Money commented that the reasons the Riverton Board of Adjustments gave for turning down the plant proposal did not relate to the environment. The Board's concerns had to do with the floodplain meander corridor, the lack of compatibility with the existing neighborhood, and replacing a residential zoning with one allowing industrial use. Mayor Money said he felt the Sewer District had dealt with those concerns.

President Smith reminded members that their only role as a COG in this matter, involved making a recommendation regarding the Water Quality Plan. Riverton controls land use, Salt Lake County controls the water quality planning process, and the State controls provision of a discharge permit. However, any additional comments, resolutions, or land use recommendations can be sent along with the recommendation regarding the plan. Mayor Nordfelt extended an invitation to the members of COG who are not members of the Conference of Mayors to stay for lunch following what should be a ten-minute COG meeting.

President Smith thanked Mayor Nordfelt for his offer.

Note: Councilman Christensen arrived after action on the motion. After a restatement of the motion, he voted in favor.

2. ADOPTION OF A RECOMMENDATION TO THE SALT LAKE COUNTY COUNCIL REGARDING A REQUEST TO AMEND THE SECTION 208 WATER QUALITY PLAN

President Smith reminded COG members that the Salt Lake County Council has asked for a recommendation as to whether or not the Water Quality Plan should be amended to allow construction of additional waste water treatment facilities in the south portion of the County. The full extent of the County Council's authority is to amend the Plan (i.e. they cannot approve or disapprove a specific facility – that is the role of the local planning authorities – as are attaching conditions to mitigate impacts on surrounding property owners and the community at large).

He said his own views were expressed in the memorandum sent to COG members prior to the November 14th meeting. His recommendation, based on everything he had heard at the November 3, 2005 public hearing sponsored by the Council of Governments and after reviewing the engineering reports, is that a third regional waster water treatment facility is a vital necessity. He said the water quality plan should be amended by Salt Lake County to allow for a third plant. (It was noted in the discussion that the large waste water treatment facility operated by Salt Lake City discharges effluent directly into the Great Salt Lake. The Central Valley and South Valley facilities discharge effluent into the Jordan River).

President Smith further commented that if COG members are so inclined, they could make suggestions to the local planning authorities in line with the motion adopted at the April 2005 COG meeting to provide buffer zones and other forms of mitigation. He added that it should be remembered that Mayor Corroon's motion at that meeting was made at the conclusion of a presentation by Craig White, General Manager of the South Valley Sewer District, regarding **a specific plant at a specific location in Riverton.**

Mayor Auger commented that there would be wisdom in amending the Water Quality Plan to allow for a plant somewhere in the target area. However, based on the opinions and information she is familiar with regarding the site proposed by the Sewer District, the possibilities of mitigating potential problems at this site, and the need to move ahead quickly on a new plant, she felt COG members should indicate their preference for the location in Riverton already identified by the sewer district.

After further consideration of this matter, and hearing no opposition to the suggestion noted above, Mayor Auger moved that the Council of Governments recommend to Mayor Corroon and the Salt Lake County Council, that the Water Quality Plan be amended to allow construction of an additional regional waster water treatment facility to serve the needs of the south portion of Salt Lake County. Further, regarding location, it is the preference of COG members that the new plant be constructed on the site recommended by the South Valley Sewer District within the boundaries of the City of Riverton. Her motion was seconded by Mayor Mortimer and carried unanimously.

There being no further business, the meeting was adjourned at 12:20 p.m.