

December 9, 2019

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-01155**



REQUEST:

A request for an administrative interpretation regarding the maximum height allowed for buildings used for the mechanical de-watering processing of waste at the new Salt Lake City Water Reclamation Facility to be located at approximately 1365 West 2300 North. The subject property is located in the M-1 (Light Manufacturing) zoning district and is also located within the following overlay districts:

- Airport Flight Path Protection Overlay – Zone C & H

This request specifically involves confirmation on whether the proposed dewatering equipment and buildings would be classified as a “distillation column” and qualify for the additional height over the sixty-five foot (65’) height limit in the underlying zoning district afforded to those types of structures. In the M-1 zoning district, distillation columns for manufacture processing purposes may be permitted up to one-hundred and twenty feet (120’) in height with approval from the Department of Airports. (Reference: Chapter 21A.28.020.F.1)

DECISION:

Based on the findings and analysis and the purpose statement and language included in the M-1 zoning district, the Zoning Administrator finds that the proposed classification of the mechanical de-watering equipment and buildings as “distillation columns” would be allowed on the subject property subject to the maximum height standards for distillation columns and structures per Chapter 21A.28.020.F.1.

FINDINGS & ANALYSIS:

As described by the applicant, the proposed dewatering process structures and equipment includes the following:

(Note: The full narrative submitted by the applicant is attached to this document).

The existing facility relies on biosolids drying beds, which dry the biosolids through solar evaporation. To make room for the new facility and reduce odors to neighboring communities, these drying beds will be replaced with a mechanical dewatering system. Per Section 21A.28.020.F.1 of the Municipal Code, no building in an M-1 Zone can exceed 65 feet except emission-free, distillation column structures, which can be a maximum height of 120 feet. The most cost-effective design for the New WRF’s Dewatering Facility will require that the building housing the mechanical dewatering equipment to be used to separate water and waste solids for beneficial reuse have a height of 75 feet above grade.

The mechanical dewatering process can be considered distillation, which is defined by the Oxford English Dictionary as “the extraction of the most important aspects of something.” The new mechanical dewatering process will extract water from the biosolids, both of which are valuable resources. The water is further treated and ultimately returned to the Great Salt Lake ecosystem and the nutrient rich biosolids are land-applied as a soil amendment.

Zoning Ordinance Provisions

Purpose Statement - M-1 Light Manufacturing District - Chapter 21A.28.020

The purpose of the M-1 Light Manufacturing District is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties, that desire a clean attractive industrial setting, and that protects nearby sensitive lands and waterways. This zone is appropriate in locations that are supported by the applicable Master Plan policies adopted by the City. This district is intended to provide areas in the City that generate employment opportunities and to promote economic development. The uses include other types of land uses that support and provide service to manufacturing and industrial uses. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary and to be provided in an equal way. Certain land uses are prohibited in order to preserve land for manufacturing uses and to promote the importance of nearby environmentally sensitive lands.

The proposed dewatering equipment and processing structure is a key component of the overall water reclamation/sewage treatment facility and this interpretation is consistent with the purpose statement of the M-1 zoning district as cited above.

The Salt Lake City Zoning Ordinance addresses distillation columns and maximum height limits in the following manner in regard to the M-1 zoning district and respective overlay districts in Chapter 21A.28.020 – M-1 Light Manufacturing District

F. Maximum Height:

- 1. Distillation Column Structures; Development In AFPP Overlay District: No building shall exceed sixty five feet (65') except that emission free distillation column structures, necessary for manufacture processing purposes, shall be permitted up to the most restrictive Federal Aviation Administration imposed minimal approach surface elevations, or one hundred twenty feet (120') maximum, whichever is less. Said approach surface elevation will be determined by the Salt Lake City Department of Airports at the proposed locations of the distillation column structure. Any proposed development in the Airport Flight Path Protection (AFPP) Overlay District, as outlined in section [21A.34.040](#) of this title, will require approval of the Department of Airports prior to issuance of a building permit. All proposed development within the AFPP Overlay District which exceeds fifty feet (50') may also require site specific approval from the Federal Aviation Administration.*

Land Use Tables - 21A.33.040: Manufacturing District

The water treatment and reclamation facility (sewage treatment plant) is considered a type of utility use and is allowed in the M-1 zoning district with conditional use approval from the Planning Commission. The Salt Lake City Water Reclamation was granted conditional use approval by the Salt Lake City Planning Commission on August 28, 2019 under Salt Lake City Planning File PLNPCM2019-00526.

Although “distillation column structure” is referenced in Chapter 21A.28.020 – M-1 – Light Manufacturing district, it is not referenced in the Land Use tables for Manufacturing Districts.

The Salt Lake City Zoning Ordinance, Chapter 21A.62 – Definitions does not address “distillation column structures”. However, the following provision for terms that are not defined in the Zoning Ordinance would apply:

21A.62.010: Definitions Generally

For the purposes of this title, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in Webster’s Collegiate Dictionary". (Ord. 26-95 § 2(31-1), 1995)

Analysis of Request

The **Webster’s Collegiate Dictionary** defines “distillation” as follows:

The process of purifying a liquid by successive evaporation and condensation.

There is no definition for “distillation column” included in the Zoning Ordinance but dictionary definitions of “distillation” speak to a process of extraction or separation of the base components of a substance. The enclosed vessel in which that process of distillation takes place is commonly referred to as a “distillation column.”

The de-watering process at the water treatment plant would be used to separate water from biosolids so is a process in which the separation of base components is being accomplished. As such, it can reasonably be considered a type of distillation.

If you have any questions regarding this interpretation please contact David Gellner, Principal Planner at (801) 535-6107 or by email at david.gellner@slcgov.com

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <http://www.slcgov.com/planning/planning-applications> along with information about the applicable fee. Appeals may be filed in person or by mail at:

In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT	US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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Dated this 9th day of December 2019 in Salt Lake City, Utah.

Sincerely,



David J. Gellner, MAG, AICP, Principal Planner
Salt Lake City Planning Division

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
File PLNZAD2019-01155
Posted to Web
Appropriate Recognized Organizations

Administrative Interpretation Narrative Submitted for PLNZAD2019-01155

a. The provisions(s) and section number(s) of the Zoning Ordinance for which an interpretation is sought:

Section 21A.28.020.F.1 of City Code of Salt Lake City

Distillation Column Structures; Development In AFPP Overlay District: No building shall exceed sixty five feet (65') except that emission free distillation column structures, necessary for manufacture processing purposes, shall be permitted up to the most restrictive Federal Aviation Administration imposed minimal approach surface elevations, or one hundred twenty feet (120') maximum, whichever is less. Said approach surface elevation will be determined by the Salt Lake City Department of Airports at the proposed locations of the distillation column structure. Any proposed development in the Airport Flight Path Protection (AFPP) Overlay District, as outlined in section 21A.34.040 of this title, will require approval of the Department of Airports prior to issuance of a building permit. All proposed development within the AFPP Overlay District which exceeds fifty feet (50') may also require site specific approval from the Federal Aviation Administration.

b. The facts of the specific situation giving rise to the request for an interpretation.

The Salt Lake City Water Reclamation Facility (SLCWRF) has operated continuously to treat all the city's sewage since its construction in the 1960s. As the only such facility in Salt Lake City, it is critical to ensure public health, safety, and welfare, in addition to providing environmental protection. The SLCWRF, which ultimately discharges treated water into the Great Salt Lake, is a longstanding beacon for environmental compliance, having met 25 years of the requirements imposed by the Utah Pollution Discharge Elimination System permit, resulting in its receipt of the National Association of Clean Water Agencies' Platinum Award.

The SLCWRF is located in the light-manufacturing zone (M-1) north of Rose Park, at 1365 West 2300 N. Because of its age and the need to meet stricter regulations, the facility is being upgraded in the New Water Reclamation Facility (New WRF) project by the Salt Lake City Department of Public Utilities (SLCDPU). The project will ensure that the New WRF is an industry-leading facility, capable of meeting regulations and effectively serving the public for decades to come.

The existing facility relies on biosolids drying beds, which dry the biosolids through solar evaporation. To make room for the new facility and reduce odors to neighboring communities, these drying beds will be replaced with a mechanical dewatering system. Per Section 21A.28.020.F.1 of the Municipal Code, no building in an M-1 Zone can exceed 65 feet except emission-free, distillation column structures, which can be a maximum height of 120 feet. The most cost-effective design for the New WRF's Dewatering Facility will require that the building housing the mechanical dewatering equipment to be used to separate water and waste solids for beneficial reuse have a height of 75 feet above grade.

c. The precise interpretation the applicant believes to be correct.

The mechanical dewatering process is distillation, which is defined by the Oxford English Dictionary as "the extraction of the most important aspects of something." The new mechanical dewatering process will extract water from the biosolids, both of which are valuable resources. The water is further treated and ultimately returned to the Great Salt Lake ecosystem and the nutrient rich biosolids are land-applied as a soil amendment.

d. When a use interpretation is sought – please state what use classification you think is most like your proposed use.

The new Mechanical Dewatering Facility falls with the interpretation of a distillation structure which can be a maximum height of 120 feet.

Other Considerations

- The properties adjacent to New WRF, and in it the Dewatering Facility, and in the broader context the New WRF, are classified as M-2 zones. The maximum allowable building height is 85 feet in an M-2 zone, which is 10 feet higher than the proposed Dewatering Building height.
- The Sludge Holding Tank (built in 1963) is an existing structure on the site with a height of 120 feet.

Please provide a complete description of your proposed use and how you feel it will be compatible with the zoning district. Include any documents or information that you feel would be helpful in making an interpretation.

- The Mechanical Dewatering building allows for recovery of water and biosolids and reduces odors in neighboring communities and is a key component in the New SLCWRF's function of serving public welfare and protecting environment.
- The new Dewatering Facility design has been optimized to best serve Salt Lake City residents while minimizing cost and maintaining compliance with Federal Emergency Management Agency's established 500-year floodplain requirement.
- The proposed 75ft high building will not adversely impact the community's view of surrounding mountain vistas.