



SUMMIT COUNTY HEALTH DEPARTMENT

Proposed Additions to Code of Health

Date: October 2nd, 2017
To: Summit County Board of Health
From: Phil Bondurant, Environmental Health Director
Re: Changes to the Summit County Health Code

The purpose of this request is to provide language within the Health Code that bolsters the efforts of Environmental Health in the continued pursuit of environmental stewardship within Summit County.

The proposed changes provide an innovative and progressive approach that directs the discussion about wastewater management in County. These potential codes will help the County facilitate responsible development aimed at protecting the natural resources and environment by developing and expanding the necessary infrastructure when available. Many of these suggestions are being incorporated in other jurisdictions. However, by identifying the challenges other jurisdictions have experienced, we have been able to create language that avoids these shortfalls, making this version clearer and more precise.

This proposal has been reviewed by Summit County Legal Counsel and approved. These additions are also supported by the Summit County Planning Department.

The proposed additions are provided below. The justification for each addition is also included.

Proposed Additions

Definitions Section:

152. Subdivision means Any land that is subdivided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plats, or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes. Subdivision does include commercial, industrial and all residential development

Chapter 3- Onsite Wastewater Disposal Systems

1-3-8: Requirements for Connecting to Public Sewer

- A. Public sewer is considered reasonably available if the allowable sewer connection is within 300' of any part of the parcel.
 - a. Measurements are taken using the path of access to the sewer connection as deemed appropriate by the governing body of the sewer district.

- B. For subdivisions, sewer is considered reasonably available if the distance to the allowable sewer connection is less than or equal to the calculated distance for the square footage of proposed lots multiplied by 0.0069.
 - a. Open space, parks, recreational areas, etc... are not considered during the calculation for distance.
- C. The Board may grant a variance from section 1-3-1 (B) if sufficient evidence is provided by the applicant that extending sewer the required distance is not feasible. This may be accomplished by following the appeal process outlined in section 1-1-9.

1-3-9: Lot size requirement for Individual Wastewater System

- A. Building lots using a public water system must be a minimum of ½ acre as classified by the Summit County Assessor for a wastewater permit to be issued. Building lots using a private well must be a minimum size of 1 acre.
- B. All building lots must comply with the recommendations provided in Utah Administrative Code R317-400, Table 1.1 for a permit to be issued.

Justification

- 1. Subdivision definition must be included for clarification on newly proposed sections within the code.
- 2. The requirement for connection to sewer for lots within 300' is in State rule, but only applies to the municipalities:

10-8-38. Drainage and sewage systems -- Construction regulation and control -- Retainage -- Mandatory hookup -- Charges for use -- Collection of charges -- Service to tenants -- Failure to pay for service -- Service outside municipality.

(2)(a) In order to defray the cost of constructing, reconstructing, maintaining, or operating a sewer system or sewage treatment plant, a municipality may:

(i) require connection to the sewer system if the sewer is available and within 300 feet of the property line of a property with a building used for human occupancy; and

This allows the County to be consistent with the municipalities while placing the requirement in a visible place that is easily accessible.

- 3. The intent of the proposed changes is to eliminate subdivisions from installing multiple individual wastewater systems that increase septic density. This places our groundwater and soils at unnecessary risk of contamination and saturation. Additionally, we are trying to avoid the Health Department and the County being financially responsible for infrastructure improvements in the future, similar to what we are currently experiencing. (Please see the Summit County 2016 Septic Analysis Report)
- 4. Requiring developers to run sewer based on calculations of 300' per lot is in place in other jurisdictions. They have experienced moderate success in these locations. The problem with using the number of lots is the proposed lots can be manipulated to avoid running sewer. This has been shown in other jurisdictions. Using a formula to develop distance requirements eliminates this concern while accomplishing the intended goal of environmental protections and transparency in the permitting process.

5. The formula was created using a factor of 0.0069 to calculate distance for the connection. This factor is derived from the 300' connection requirement per lot. State rule now requires a minimum of 1 acre for lots with a well. This is the basis for the calculation.
 - a. 1 acre is 43,560 square feet a half acre is 21,780 square feet. When this number is multiplied by 0.0069, we are provided with an answer of 300.53. This represents the 300' connection requirement.
 - b. This is consistent with the requirement for a single lot within 300' of sewer connecting to the existing infrastructure rather than installing an individual wastewater system.
 - c. Anything under one acre would be subject to the 300' requirement propose in 1-3-8(a)

Example 1 :

6 acre subdivision

- (6) 1 acre lots
 $6 \times 43560 \text{ sqft.} = 261,360 \times 0.0069 = 1803.384'$
 $6 \text{ (number of lots)} \times 300' \text{ (required distance to connection)} = 1800'$
- (12) 0.5 acre lots
 $12 \times 21780 \text{ sqft.} = 261,360 \times 0.0069 = 1803.384'$

Example 2:

150 acre subdivision

- (150) 1 acre lots
 $150 \times 43560 = 6,534,000 \times 0.0069 = 45,084.6'$
 $150 \text{ (number of lots)} \times 300' \text{ (required distance to connection)} = 45,000'$
- (300) 0.5 acre lots
 $300 \times 21780 \text{ sqft.} = 6,534,000 \times 0.0069 = 45,084.6'$
- (600) 0.25 acre lots
 $600 \times 10,890 \text{ sqft.} = 6,534,000 \times 0.0069 = 45,084.6'$

This method parallels what is being done in other counties but uses a factor that can accommodate any arrangement of parcels without concern for limiting sewerage requirements. This further eliminates any discussion surrounding the number of proposed lots or the need for reevaluation if that number changes during any portion of the process.

6. Current requirements in State Code R317-400, which is adopted within the Health Code, now dictates the size of lot where an individual wastewater system can be permitted. Additional requirements limit the size of the lot through setbacks and areas designated as replacement fields. This "rule of thumb" has been applied within the County, but never formalized. The current State code makes some lots unbuildable and grandfather clauses do not apply in this situation as confirmed with legal counsel. This addition provides clear direction for the wastewater program and homeowners looking to build in Summit County.