

Summit County Board of Health Meeting Minutes

Summit County Health Dept. Conference Room
Park City, Utah

Monday, November 6, 2017

Topic	Discussion	Action or Summary
Attendance	<p>Board Members Present: Dorothy Adams- Chair, Kim Carson, Heidi Jaeger, Chris Ure, Marc Watterson, Gary Resnick, Liza Simpson</p> <p>Staff Present: Dr. Richard Bullough-Director, Aaron Newman, Phil Bondurant, Cindy Keyes, Carolyn Rose, Derek Siddoway</p>	
Welcome and approval of minutes	<p>The meeting was called to order at 4:00 p.m.</p> <ul style="list-style-type: none"> • Board Member Ure made a motion to approve the minutes for the August 28, 2017 Board of Health Meeting as written. Board Member Simpson seconded the motion. Motion passed 7-0. • Board Member Jaeger made a motion to approve the minutes for the October 2, 2017 Board of Health Meeting as written. Board Member Simpson seconded the motion. Motion passed 5-0. • Board Member Carson made a motion to approve the minutes for the October 16, 2017 Board of Health Meeting as written. Board Member Jaeger seconded the motion. Motion passed 7-0. 	<p>Summary:</p> <ul style="list-style-type: none"> • <i>The minutes for the August 28, October 2, and October 16 Board of Health meetings were approved as written.</i>
UALBOH Update	<ul style="list-style-type: none"> • Chair Adams stated the National Conference will be August 7-10 in Raleigh, North Carolina. The Board typically sends one or two members. • Chair Adams stated that UALBOH pays for NOALBOH, and reminded Dr. Bullough to not pay the invoice if it comes to the Health Department. • The symposium for UALBOH will be September 6-7. The location is not set at this time. • The Board of Health manual is being revamped. Cameron will primarily use that manual when he does the Board of Health training that will take place at the December meeting. Each Board Member will receive this booklet. • Cameron will organize the Legislative calls. No Board Member will need to do this. • UALBOH had a presentation on outdoor smoking regulations given by Davis County. Vaping is included in their regulations. 	<p>Action or Summary:</p> <ul style="list-style-type: none"> • <i>National conference will be August 7-10.</i> • <i>UALBOH Symposium will be September 6-7.</i> • <i>The Board of Health manual is being revamped.</i> • <i>Cameron will organize Legislative calls.</i> • <i>Davis County presented their outdoor smoking regulations.</i>
Directors Report	<ul style="list-style-type: none"> • Dr. Bullough stated Nate Brooks has been promoted to Environmental Health Scientist III. In the past, promotions were related to years of service. Mr. Bondurant rewrote the requirements to be tied more to being able to work independently, supervise projects and take a leadership role in the department. • Susie Bond will give a presentation sometime in the next year on the Early Intervention program. The Early Intervention Program is an entirely State funded program that is focused on infants 3 years and younger who have developmental challenges. The program has an audiologist, a speech pathologist, an occupational therapist, as well as others that go into households to help the kids learn the skills they need to develop. Mrs. Bond and her team provide services for Summit and Wasatch counties. The team is tapped out for the number of visits they are providing and has shifted to a fee for service model. The visits will hit a capacity level and the team will not be able to provide all the services. The team has cut the visits down from an hour to forty-five minutes and are now grouping regional visits. Dr. Bullough is concerned about burnout for the staff. The increase is due to increased population and more referrals. There is a need for another employee and the visit time is being evaluated. • The Lower Silver Creek Project is done. There will be a final tour of the treatment plant on Wednesday. 	<p>Action or Summary:</p> <ul style="list-style-type: none"> • <i>Nate Brooks has been promoted to Environmental Health Scientist III.</i> • <i>The Early Intervention Program is experiencing growth in client numbers and Susie Bond will give a presentation on the program in the next year.</i> • <i>The Lower Silver Creek Project is done.</i>

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<p>Discussion and possible action regarding proposed changes to the Summit County Wastewater Ordinance</p>	<ul style="list-style-type: none"> • The proposal has been reviewed with the Planning Development Department and Summit County's legal counsel, Dave Thomas, who are comfortable with the proposal. The Eastern Summit County Planning Commission has not been brought into this discussion. Individual notices were sent to the mayors of each municipality. • This proposal is the first attempt at moving forward with protecting the waters of Summit County. This proposal is an attempt to create a strategy to address the concerns of the water quality study that was done. This attempt is to resolve the issues that are occurring on the west side of the County and prevent them from happening on the east side. At some point, a determination has to be made to move away from having the County responsible for sewer infrastructure. The east side is in the infant stages of groundwater contamination and if there is no action, the east side could have greater contamination and septic failure similar to the west side. The County cannot continue to bear the cost of developers' poor planning. • Board Member Ure stated there are no sewer systems to tap into and asked what will force the municipalities to allow developers to hook into their sewer systems. Mr. Bondurant answered that is not the intent of this proposal. The capacity of the systems on the east side do not facilitate this proposal, but there needs to be something put into place that protects the County and its residents for the future. This proposal will start the discussion of septic densities being looked at or expanding sewer processes and plants. Board Member Ure argued that the Codes are in place now, but are not being enforced on major and minor subdivisions. Mr. Bondurant stated that he believes this can be enforced. The intent is to have the conversation first and then prove why sewer is not a good fit. The Health Department will enforce this Ordinance. The developer is responsible for determining the feasibility of running sewer to a subdivision. If it is found the sewer capacity is not available, that is fine. The feasibility needs to be discussed. The variance allows that discussion. The public needs to be brought into that discussion for the citizens to understand the impact on the community. Board Member Ure argued that including the entire acreage in the formula causes everyone to be included in this Ordinance, not just major subdivisions and major development. Mr. Bondurant stated that if it is found that sewer is not a feasible option then the developer can request a variance and show an alternative. There is a flow chart to follow that will reduce the environmental impact. Board Member Ure does not believe this Ordinance will be implemented on the east side. Kamas does not want new growth. There are areas of wetlands that will make it impossible for some people to get to sewer plants. Mr. Bondurant answered this is a building block to get the infrastructure where it needs to be. Board Member Ure thinks there should be packaged systems for the developer and the developer should pay a fee. The money from the fees should go into a slush fund for sewer on the east side. Dr. Bullough stated the bottom line is this Ordinance begins the process to permanent sewer infrastructure. The package plant could still be a variance and a stepping stone to sewer. The Board of Health still has the power to grant a variance. In Tooele County, a similar Ordinance is working well, but they are granting exemptions. Board Member Carson stated she likes the idea of some type of impact fee that will go into a fund for sewer, but it is still necessary to have this Ordinance to get the conversation started. The fee would have to be explored by Dave Thomas. Dr. Bullough stated there must be a service to the property for a fee to be charged. A variance may be a service. • Board Member Carson made a motion to open the Public Hearing. Board Member Watterson seconded the motion. Motion passes 7-0. 	<p>Summary:</p> <ul style="list-style-type: none"> • <i>Proposed Additions to the Code of Health pertaining to requiring large subdivisions to connect to sewer systems was discussed.</i> • <i>The Public Hearing was opened.</i>

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OPEN PUBLIC HEARING	<p style="text-align: center;">PUBLIC HEARING</p> <ul style="list-style-type: none"> • There were no online comments made. • Bill Wilde, from Hoytsville gave an example of a forty-acre parcel in Hoytsville, three miles away from the closest sewer system in Coalville. If the Ordinance were to be adopted as written, follow the process and split the forty acres into five lots, there would need to be an approved sewer system. If Coalville denied the applicant to hook into their sewer system (which would not be a feasible cost if they allowed it), has the property been condemned then? Mr. Bondurant answered it would be the opposite. They would have vetted the idea of whether sewer is a feasible option for the properties and looked at it to see if the property is within the proper distance of hooking into the nearest sewer connection. If Coalville has said they do not have the capacity, then the applicant will go to the Board of Health to say that sewer is out of the question, with a formal denial from Coalville City. The next discussion is whether a package plant would be best or an individual septic system. That leads to the next step of what is best for wastewater management while still protecting the environment. The variance would go to the Board of Health. The variance should be a very simple process. The developer would come before the Board of Health and state what they have done. The Board would evaluate it and confirm with the municipality what has been requested, and grant the variance. Then the conversation has been started about what is the next step to manage the wastewater for the subdivision. That is the process that should be depicted in the regulation. This is not intended to stop or limit development in any regards, but to make sure that moving forward, development is responsible, and sewer is a main part of the discussion, rather than an afterthought. <p>Mr. Wilde asked if there is a forty-acre lot with just two homes, would it still have to go through the same process. Mr. Bondurant answered if it is a subdivision, then it will go through the same process. A regulation cannot be created that identifies each and every individual situation. Rather than making it refined to each situation, it applies to every subdivision. That process is expedited through the Board process. The Board will have a list of variance requests at every meeting, with the information about them given ahead of time so the variance approval process is very quick and painless for the individual. This is creating an additional step in the already cumbersome process for a subdivision, and Mr. Bondurant is sensitive to that, but he is also sensitive to the need for sewer to become a discussion point. If this is one extra step that Mr. Bondurant can take and control entirely, in the sense of how fast it goes through, he can guarantee that the process will be very painless.</p> <p>Mr. Wilde stated he agrees that septic tanks are becoming an issue and he is familiar with the Silver Creek issues. Is the issue as tough as it sounds if there is a culinary drinking water system in place? Mr. Bondurant answered that culinary water comes from the same place every other water comes from so the situation is not as dire as it seems right now. There is substantial evidence supporting that it is heading that way. Mr. Bondurant is trying to head that off before it gets to that point. This Ordinance is a good step in the right direction.</p> <p>Mr. Wilde asked if there are any other issues being looked at that are contaminating the water systems besides septic tanks. Mr. Bondurant answered they have evaluated agriculture and livestock. In reality, through the study, the major player, the non-point source for contamination is the septic systems. Septic systems are the low-hanging fruit on the tree that can be gone after legally. Board Member Carson stated the greater density projects will get the greatest scrutiny. Package systems will be considered and there may be times when it would be perfectly acceptable to have a septic system. Mr. Bondurant stated they have not done away with the individual systems. The</p>	<p>Summary:</p> <ul style="list-style-type: none"> • Public Comment was made and the proposed changes to the Wastewater Ordinance were approved (5-2).

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	<p>evaluation order is being switched from looking at septic first to looking at sewer first, with septic being an option if sewer is not feasible. Mr. Wilde stated he respects the challenge.</p> <ul style="list-style-type: none"> • Mike Crittenden lives in Hoytsville. Mr. Crittenden asked how many people at the table live on the west side. A majority of the Board of Health live on the west side of the county. Mr. Crittenden read an article in the <i>Park Record</i> today in which Mr. Bondurant spoke to the fact that there was not much public input. Mr. Crittenden's theory about that is that people on the east side are numb really. Owning land in eastern Summit County is really a dead horse. The reason is this Board is the latest in a long line of people seen as the Trojan horse looking to control landowners' property rights. As well intentioned as all this sounds, it is hard to believe after all the nonsense that has gone on in this county. Whether it is the Engineering Department with their dirt Ordinance where you cannot move forward if you have more than three dump trucks worth of dirt, or the Planning and Zoning Department, or the Legal Department with Dave Thomas who seems to have a vendetta against landowners, always trying to find the latest way to draw them out of their rights. Now it is the Health Department. Here we go again. It all sounds great, but it is the experience of the east side landowners that this is just the latest stop sign. That is the perspective of the people that own land. The County Council has really shattered trust in the public process because you cannot go one year into two years into three years on something that is really important to people, hold public hearings and then basically gut a three-year process that people invested a lot of time and energy in. The County Council has tried to do what is best in their view, but it has really ignored the will of the people that live there, that have asked for certain things, that came out to thirty to forty public meetings and see the thing get gutted or die on the vine. That is discouraging. That may be the reason this is not getting public input. Through all of this, the other night the Planning Commission, in all their wisdom, passed an Ordinance to send up to the County Council of the Village Overlay. Finally, for landowners, this may be a chance to do a little CPR on the dead horse that gets landowners who are ready to move on into another point in their lives a say. A lot are fifth or sixth generation names that have been in these towns forever and as they move on they would like to have a say. This Village Overlay is something that is interesting as an option. Mr. Crittenden is worried about the impact this Wastewater Ordinance will have on being able to move forward with the Village Overlay. The Village Overlay might be dead here and that is a concern. • Gus Sherry, owner of Canyon Engineering, Park City works with the Health Department on a regular basis. Mr. Sherry designs septic systems as well as sewer systems so does not have an ulterior motive one way or the other from the development perspective, but just deals with this every day. Mr. Sherry read the article in the paper, but has not really heard too much about the Ordinance. Mr. Sherry thinks it is a good idea to go where the Health Department is trying to go on this. It has been Mr. Sherry's observation that there needed to at least be a checkbox on the Building Permit application where every department looked at things closely before development started. Coming out of being a rural county in western Summit County, there will be growing pains. This is the same thing that has happened everywhere where development has occurred. We are dealing with the same problems, the same challenges. <p>Mr. Sherry has not had a chance to review the report regarding groundwater quality, but it sounds like the overarching view here is that centralized wastewater treatment is preferred over decentralized (i.e. septic systems). Mr. Sherry would like to follow this up in an email to summarize what he is saying. Mr. Sherry does not expect detailed responses, or even any responses, but it is important to delineate some of this. A lot of jurisdictions throughout the U.S.</p>	

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	<p>have discovered that the lay of the land has a lot to do with wastewater treatment, as do soils and certainly zoning. Zoning density has everything to do with whether it is better to run sewers or septic systems. That gets into State Code R-317, which has a table for minimum lot size depending on what the soil type is. The state already has a detailed code that attempts to set out the minimum standards to protect groundwater quality. Mr. Sherry deals with that on a daily basis, in addition to digging perc tests and has soil on his hands every week. There is a lot to be considered. The centralized sewer option cannot be separated from zoning density. When you run sewers, you open up potential for a lot more density just from a straight development standpoint once sewer is in place.</p> <p>Mr. Sherry stated the 300-foot rule has been in use for a long time and is arbitrary in nature. The rule has basically been used to make the decision that this proposed rule is talking about now, but in a much simpler way. It seems like the Health Department is trying to have a little bit more detailed discussion about the rule. In general, that is a good idea to try to improve on the 300-foot rule.</p> <p>Mr. Sherry wondered how much of an affect agriculture is having on groundwater quality in the county. How much affect are landfills having on those same resources? If there are numbers in the report, how are they determined and how reliable are they?</p> <p>Mr. Sherry asked about the part of the proposed Ordinance that throws the responsibility on the developer to make the determination as to whether sewer is warranted, would there be a stipulation in the rule that would say a professional submits a report and then have someone at the county level review the report. How would that work?</p> <p>Mr. Sherry asked if a package plant for twenty-five lots be better than a septic system. Under what circumstances would a package system be better, and under what circumstances would septic be better? If the minimum lot sizes in the State Code were followed, would that work? Has that been looked at in detail? How does soil type and estimated high seasonal groundwater play into that determination?</p> <p>Three lots as a Major Subdivision seems like it is way too small to be talking about a package plant. The goal there should be septic systems and making sure they meet the State Code for lot size. Maybe there is another number like fifteen or twenty. For water systems, if there are more than fifty connections, then it is in a public water supply. Maybe that kind of a number fits the package plant idea. The package plant idea is a stop gap. They will not be good for the next 300 years. Things change. The real serious impact is when a sewer line is run, with the trunk lines running off that. That is the ultimate buildup for zoning density for a watershed. Once that sewer is in there, it is awful tough to say no. This cannot be swept under the rug and must be dealt with early on, not once there is a problem.</p> <ul style="list-style-type: none"> • <i>Board Member Carson made a motion to close the Public Hearing. Board Member Simpson seconded the motion. Motion passed 7-0.</i> • Board Member Carson stated she appreciates hearing from the public and understands the frustration with the County Council not moving forward with other things. Part of the delay was that the Council did not have the water quality study and that information was not requested by the Planning Commission. Water quality is the most important thing to Board Member Carson. One of the reasons the Council was pushing for the Village Overlay Zone was to provide a way for certain areas to create density in the proper way. Board Member Carson believes that this Ordinance will in no way stymie development, but will help start the conversation with developers and 	

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	<p>municipalities to give a better idea of demand and what the impacts are for those not on a sewer system. This will need to be monitored to be sure this is a fairly easy process to go through. Maybe the fee structure could be based on the potential number of lots. There should be little to no fee unless there are bigger projects. The fee structure will have to be evaluated. There will need to be an education on this for the municipalities.</p> <ul style="list-style-type: none"> Board Member Watterson stated he is trying to figure out how this gets people closer to a sewer system. There is a Highway Corridor in Wanship and Hoytsville that will allow for homes to be along the entire Highway Corridor and not be any closer to getting a sewer system. All of the homes will be on their individual septic system. Mr. Bondurant answered that this Ordinance will bring sewer into the eighty-parcel subdivision. In three years this could be reevaluated. This Ordinance is meant to impact the large subdivisions that have the potential impact to bring sewer into the County, so when the individual septic systems fail then sewer should be a lot closer to move toward a sewer connection that is available. The intent is to protect water quality. Board Member Simpson stated that every piece of pipe gets us that much closer to sewer. As things cascade and grow, every bit of pipe will help prevent the problems that have occurred on the west side. Board Member Ure stated that building the one or two homes at a time will destroy the aquifers. Board Member Simpson made a motion to adopt the changes to the Summit County Wastewater Ordinance. Board Member Jaeger seconded the motion. Motion passed 5-2 (Board Member Ure and Board Member Watterson voted against). 	
Mental Wellness Strategic Plan Resolution	<ul style="list-style-type: none"> The Mental Wellness Strategic Plan Resolution was read. The Plan will be presented to the County Council on November 15, 2017. Board Member Watterson made a motion to send the resolution for the Mental Wellness Strategic Plan to the County Council. Board Member Ure seconded the motion. Motion passed 7-0. 	<p>Summary:</p> <ul style="list-style-type: none"> A Resolution of the Summit County Board of Health Supporting the Summit County Mental Wellness Strategic Plan and its Implementation was approved to send to the County Council (7-0).
Adjourn	<ul style="list-style-type: none"> The meeting adjourned at 5:25 p.m. Board Member Ure made a motion to adjourn. Board Member Resnick seconded the motion. Motion passed 7-0. 	<p>Summary:</p> <ul style="list-style-type: none"> The next regular meeting will be Monday, December 6, 2017