

Summit County Board of Health Meeting Minutes

Summit County Health Dept. Conference Room

Park City, Utah

Monday, January 7, 2019

Topic	Discussion	Action or Summary
Attendance	<p>Board Members Present: Marc Watterson, Chris Ure, Ilyssa Golding, Kim Carson, Dorothy Adams, Gary Resnick - Chair, Heidi Jaeger</p> <p>Staff Present: Dr. Richard Bullough – Director, Phil Bondurant, Aaron Newman, Shelley Worley, Brent Ovard, Derek Siddoway, Dave Thomas</p>	
Welcome and approval of minutes	<p>The meeting was called to order at 4:00 p.m.</p> <p>• Board Member Carson made a motion to approve the minutes for the November 5, 2018 Board of Health Meeting as written. Board Member Ure seconded the motion. Chair Watterson had not arrived. Motion passed 6-0.</p>	<p><i>Summary:</i></p> <ul style="list-style-type: none"> • <i>The minutes for the November 5, 2018 Board of Health meeting were approved as written.</i>
General Public Comment	<ul style="list-style-type: none"> • No Public Comment was made. 	
<p>Director’s Report (Budget)</p> <p>(Personnel)</p> <p>(Highlights)</p>	<ul style="list-style-type: none"> • Dr. Bullough shared his Director’s Report. • The budget process went well, and Cindy Keyes and all involved staff did a great job. The new Environmental Health position was changed to a full-time position. The second sustainability position is still pending. Council asked for more details about the position, with salaries of similar positions throughout the country. Board Member Carson stated that resources need to be dedicated to sustainability, but there needs to be a way to measure the effectiveness of the position. • There are still recruiting challenges. The Speech Pathologist position will be reopened on two levels to allow for less experience but require more training. Early Intervention is comfortable with this compromise. The salary for the Speech Pathologist will be \$70,000. Advertising has been done at schools and Jackie will be presenting to graduating classes at universities. • The Assistant County Manager, Janna Young is working to identify what needs to be changed with respect to recruitment and retainment. There are hiring challenges throughout the County. • There will be an in-depth discussion about medical marijuana in the near future. The compromise Bill requires that every local Health Department provide for distribution of medical marijuana. The proposal is to have a central State fulfillment center that will handle all exchanges of money. The local Health Departments will have a counter where an individual can present their ID to receive their prepackaged medication, with no exchange of money on-site. Dr. Bullough still has significant concerns including the logistics, security and the general message of distributing a Schedule 1 substance out of a local Health Department at the same time as facilitating mental wellness and substance abuse policies and programs. The Park City location may not be the medical marijuana distribution location. There needs to be security, access by bus, and a strong connection with the community and law enforcement. This distribution needs to be mostly operational by the first part of 2020. If the local Health Department cannot fulfill the requirements, a private sector license may be issued for up to fifteen facilities. Another concern is that federal funding may be at risk because marijuana is a federally illegal drug. • The Health Department buildings are county facilities and the County Council needs to be a big part of the decisions for medical marijuana. There will be a lot of time required from staff, with multiple people requiring training. There needs to be more ongoing funding. There is no estimate for how many prescriptions will be requested. Summit County could be the preferred vendor for Wasatch County. The compromise bill allows for that. Recreational use is not necessarily related to how many prescriptions will be distributed. 	<p><i>Summary:</i></p> <ul style="list-style-type: none"> • <i>The budget process went well.</i> • <i>The second sustainability position is still pending.</i> • <i>The Speech Pathologist position will be reopened.</i> • <i>Janna Young will be working to identify changes that need to be made for recruitment and retainment of employees.</i> • <i>The medical marijuana compromise bill requirements were discussed, including concerns of logistics, security, mental wellness programs and federal funding.</i> • <i>The annual report will be presented at the February meeting.</i>

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	<ul style="list-style-type: none"> The annual report will be presented in the February meeting and will focus on highlights and build on the strategic planning process. 	
Chair Elect Discussion and Possible Action	<ul style="list-style-type: none"> Gary Resnick is the current Chair for the Board of Health. The Chair Elect will be the Chair in 2020. Board Member Watterson made a motion to nominate Board Member Golding as the Chair Elect. Board Member Jaeger seconded the motion. Motion passed 7-0. 	<i>Action or Summary:</i> <ul style="list-style-type: none"> Board Member Golding was unanimously nominated as the new Chair Elect.
	PUBLIC HEARING	
Discussion and Possible Action concerning an appeal of denial of a proposed 26 individual wastewater systems (conventional septic systems) in the proposed Trail Ridge Subdivision, near Wanship, Utah	<ul style="list-style-type: none"> Director Bullough introduced the appeal for 26 septic systems in the Trail Ridge Subdivision. Brett Hollberg is the developer, Gus Sharry is the Engineer. Gus Sharry shared the presentation for the appeal, which was included in the meeting materials. There were site plans available for the Board to look at during the meeting. There is a proposal to build 25 residences for Phase 1 of Trail Ridge on 337 acres of AG-10 and AG-10 zones. Soil testing has been done in 2009 and 2014. There are relatively deep soils with slopes that are ideal for drainage. Septic has been used for residential development in the past. The developer has requested that they be allowed to proceed with soil testing in June 2018. The soil testing was scheduled. There is no written requirement in Summit County for a community wastewater system at a single treatment plant. Health Department staff asked the developer to have a community treatment system. The developer wants to keep it simple and does not agree a community system is necessary. The developer believes the area is suitable for individual wastewater systems. The problems that have been occurring with other individual systems are due to a lack of understanding of the systems. State and County Code allows for an individual septic system on a lot as small as half-acre. Will individual septic systems go away completely? What density will trigger a community system or no septic? Mr. Sharry shared examples of prior work, including a study on system density. The Trail Ridge Subdivision of 13 acres per septic system of 25 systems is a fairly sizeable area that is shown to be not a high-risk setting. The groundwater subarea that the development would feed to is larger than the 337 acres of the development. Study data shows that only one acre per system is required for an individual system in some cases and five to seven acres in others. The density has been limited in the big picture. The closest perennial stream is the Weber River at ¾ mile to a mile from the site. The surface contamination should not be a problem at this distance. There is an average of fifty vertical feet to the groundwater table in most cases. Board Member Carson stated that the original proposal referenced 48 lots. Mr. Sharry responded that the appeal today is for Phase 1. Phase 2 would be located to the east of Phase 1, and if Phase 2 were developed, then there would be another plat required beyond the 337 acres. As of now, there are no plans to build Phase 2. The proposed development has been reduced. Mr. Sharry referred to mistakes in the past. There are areas of concern that warrant focus for the Health Department moving forward. One suggestion for improvement would be to consider adding language on minimum lot size to force some areas toward density to protect the groundwater. Site suitability should also be considered. There is no backup reason to require a community system. Chair Resnick asked what the economic and time burden on the developer would be for a community system. By having a community system, the future risk is being bought down. Brett Hollberg stated the large system would more than double the cost of the infrastructure for the development and is not feasible. The only way to do it is to have smaller lots clustered together as low-income housing. The developer would like to 	<i>Summary:</i> <ul style="list-style-type: none"> <i>Gus Sharry, the project engineer for proposed Trail Ridge Subdivision shared reasons for the appeal of the denial of individual wastewater systems. The reasons include the developer's belief that the area is ideal for individual septic systems, density will be limited with individual systems, and there is no written policy in place requiring a community system for larger developments. There is also a cost burden to the developer for a community system.</i> <i>Phil Bondurant defended his decision that a community system should be required for this proposed development based on language that was removed from the Eastern Summit County Development Code stating that a community system should be required for developments of four lots or more. The soil in the proposed development has shown that at least four lots are not suitable for individual septic systems. The potential for a sewer system in the area is a possibility with future development and a community system would allow for easier connection to the sewer system.</i> <i>Mike Luers with Snyderville Basin Water Reclamation District shared more information about packaged treatment plants and</i>

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	<p>continue to have the community and agricultural feel and not increase the density. Sales are slowing in Summit county. The developer cannot afford to have a community system and have enough sales to pay down the cost of the infrastructure. Technology is changing and other options should be looked at, but it is not realistic to think there will be a sewer system in the Wanship area any time soon. If a sewer is run through the area, then it will force higher density. Sewers are for cities. Septic systems are the answer for the rural areas. Board Member Carson stated the Eastern Summit County Development Code had been worked on for several years. A development over four lots would require an MPD (Master Plan Development). When discussing the MPD process, a community system was considered as a requirement to help minimize the impacts of a larger development. Another concern is that the infrastructure should be in place in case there is a problem with the septic tanks in the future. Mr. Sharry argued that the septic density looks good for zoning. With a community system, all of the septic waste will be concentrated in one area. The community system must run continually in the right spot.</p> <ul style="list-style-type: none"> • Phil Bondurant shared language from the Eastern Summit County Development Code concerning an MPD. There is a challenge to make decisions to protect the environment and the County. There was a policy in place that was omitted in the rewrite of the Code that stated that all major development is required to connect to a sewer structure or install a package sewer treatment facility that can be connected to a municipality or sewer treatment infrastructure in the future. With that language gone, the responsibility falls to the Health Department. This language is being considered to be re-inserted into the Code. The Community Development Director, Pat Putt stated that the Community Development Department defers to the Health Department for determining the appropriate manner to address wastewater development that meets county and state regulations. The wastewater systems need to be dependable. There have been septic systems that have failed six months after they have been installed because they were misused and not taken care of. The responsibility is to protect the environment and have something dependable for the future homeowner. Four of the proposed 25 lots have failed a perc test for a conventional septic system. There is a burden to the residents of Summit County if the septic systems do fail. Major development is coming to the area of this proposed development. If the potential for sewer is coming, then this development should prepare to connect to the sewer. The water quality study that has been done shows there are no areas that are ideally suitable for septic development in Eastern Summit County. Septics are viable in some instances but not all instances. Wastewater needs to be considered when talking about protecting the environment. If we contaminate our water systems, then we will not have any suitable water. If we do not start considering community systems as a viable option, then we are contradicting what we have accomplished over the last few years. What the Board is trying to determine is if individual wastewater systems are a dependable, resilient option that aligns with what the County, the Board of Health and the Health Department are trying to accomplish with wastewater or would a community wastewater system for a development of 25 lots or more be the best option. The soil may not be suitable for individual wastewater systems. The precedent of community systems has been set for the county and should be followed. • <u>THE PUBLIC COMMENT WAS OPENED</u> • Mike Luers, with the Snyderville Basin Water Reclamation District stated the Board of Health decisions can have a big impact on water quality in the long run. Past decisions were made that allowed a number of septic tanks to be put in subdivisions in the Snyderville Basin. These decisions have 	<p><i>believes that a packaged plant would be the best option for larger developments in the County.</i></p> <ul style="list-style-type: none"> • <i>The Board discussed that this decision needs to be based on health impacts and individual septic systems are not beneficial to the health of residents of Summit County.</i> • <i>A motion was passed to deny the appeal of the Trail Ridge Subdivision on-site wastewater systems. Attorney Dave Thomas will draft Findings of Fact and Conclusions of Law to be accepted and signed by Chair Resnick on behalf of the Board of Health.</i>

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	<p>resulted in a number of problems, including failing septic tanks and polluted streams. The cost for these subdivisions to connect to a sewer system is too expensive. This appeal is a hard decision. The county is at the cusp of major changes. To require this developer to run a main sewer line to the next connection is out of the question. However, there is an approach that meets the immediate needs of developers and the long-term need to protect water quality. Packaged treatment plants are designed to meet the needs of a development like Trail Ridge. In the state of Utah, the Division of Water Quality (DWQ) will decide what permit requirements are to be met and the packaged treatment plant will be designed accordingly. The packaged plants are required to have a licensed operator and a discharge permit. By using a package treatment plant, future problems of installing sewer lines in an existing neighborhood are avoided. Failed septic tanks require digging up the neighborhood, including gas lines and water lines. The real problem is financial. The typical cost is four to five times as much as putting the lines in at the beginning of the development. Growth must be considered and there is a tipping point where density becomes too great to support septic tanks. Requiring developments to have packaged plants makes it easier to connect to sewer in the future. A prepackaged wastewater treatment plant functions with a discharge permit and will not flood one area. The price of a packaged plant is determined by the level of treatment required by the state. There is more cost up front to the developer but could save cost to the residents in the future.</p> <ul style="list-style-type: none"> • Board Member Ure stated there was years of discussion about rezoning. The appellant’s property was originally zoned AG-40 and AG-100. The Planning Commission discussed that there was too much density on the ground for what septic systems could handle. The language about a development of four or more units requiring a package system, regardless of lot size was in the Code. The County had a reputation of giving developers whatever they wanted, so the Planning Commission decided the package plants and similar issues needed to be the burden of the developer. • Chair Resnick stated there is missing information in what the Planning Commission sees as future density in the area. There should also be solid cost feasibility estimates for a package system. This ruling will set a precedent and having a firm foundation will be of value. Board Member Adams stated that the requirement for a package system was in the Code before, so a precedent was already set. • Board Member Watterson stated the Board should not be having this discussion. There was a lapse in creation of Code. The Board of Health needs to make a decision based on health impacts. Economic costs to the home buyers, the developers or anyone else should not be taken into account. There has been precedence set by Planning, based on a planning model. This decision should be based on health. • Board Member Golding asked the developer why it is preferable for them to have individual septic systems. Mr. Hollberg answered that the development is being built as a community and he feels comfortable with septic technology. If there is an effort to educate lot owners to maintain their septic system properly then there should not be a problem. Wells have already been dug based on established policy. The County Council just approved a five-lot subdivision on Hoytsville Road with individual septic systems. There is no consistency with this policy. A developer can only follow written policy and the community system is nowhere in written policy. Mr. Sharry stated one development does not set a precedent. Each project should be specifically considered. • Attorney Dave Thomas clarified what the County septic study concluded about the appealed area. Mr. Bondurant stated there are no areas ideally 	

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	<p>suited for septic development in Eastern Summit County. Dr. Bullough confirmed that staff looked at this specific area and it is not ideally suitable for individual septic systems. Attorney Thomas stated that Administrative Rule 317 discusses that the obligation of the Board of Health is to decide feasibility of this specific application based on evidence. This appeal is not a policy decision. The Eastern Summit County General Plan used to have language about a package plant, which Planning staff will probably have reinserted. The Board of Health will have to make a decision on the application and the information available today.</p> <ul style="list-style-type: none"> • Board Member Watterson asked if having only half of the development have perc tests. Mr. Bondurant answered that when the perc tests were conducted in 2014, there was not a requirement to have all lots tested. In 2016 the Health Code adopted language that a perc test would be conducted on each lot. Perc tests cannot be more than two years old. There are no current perc tests for this development. • Board Member Ure made a motion to deny the appeal of the Trail Ridge Subdivision on-site wastewater systems and groundwater quality protection based on health, safety and welfare of Summit County. There is evidence of four lots with failed perc tests. The Septic Suitability of Summit County Evaluation of the Past in Face of Future Development of 2016 survey shows no suitable areas for individual septic systems in Eastern Summit County. The proximity of the development to the Weber River watershed is already considered impaired. Some lots are below the threshold of suitable lot size. Future cost and feasibility associated with adding infrastructure to property owners and the community at large. Board Member Watterson based the denial on the Health Department policy of perc tests not being conducted within a two-year time frame. • Board Member Ure made an amended motion to deny the appeal based on the Findings of Fact and Conclusions of Law that will be drafted by Attorney Dave Thomas based on the discussion at the Board Meeting and the packet provided. Chair Resnick is given the authority to approve and sign the Findings of Fact and Conclusions of Law on behalf of the Board of Health. Board Member Adams seconded the motion. Chair Resnick abstained. Motion passed 6-0. 	
Adjourn	<ul style="list-style-type: none"> • The meeting adjourned at 6:11 p.m. • Board Members Ure and Golding made a motion to adjourn. Motion passed 7-0. 	<p><i>Summary:</i></p> <ul style="list-style-type: none"> • <i>The next regular meeting will be Monday, February 4, 2018.</i>