



STAFF REPORT

To: Summit County Council
From: Ray Milliner, County Planner
Date of Meeting: November 9, 2020
Type of Item: Code Amendment – Public Hearing, Possible Action
Process: Legislative

RECOMMENDATION: Staff recommends that the County Council review the proposed language to amend Chapter 10-4-2C: Watershed Protection in the Snyderville Basin Development Code conduct a public hearing approve the attached ordinance per the findings of fact, conclusions of law and conditions of approval in this staff report.

Proposal

The purpose of the amendments is to remove the setback requirement for septic systems from the Watershed Protection requirements in chapter 10-4-2C of the Snyderville Development Code and regulate septic systems as stated in Chapter 10-4-6 Sanitary Sewer of the Snyderville Basin Development Code.

Background

Chapter 10-4-2C of the Snyderville Basin Development Code establishes a 200-foot setback for septic systems from wetlands. The setback was established in 2008, as a way to protect wetlands from contamination by septic systems in the Snyderville Basin (although most of the Basin is served by the Snyderville Basin Water Reclamation District sewer system, there are still a few locations with septic systems such as Silver Creek and parts of Old Ranch Road).

In the past few months, staff has processed several special exceptions to reduce the 200-foot setback for a septic system within that setback. As part of the review for those special exceptions, Planning Staff has relied on the expertise of Health Department staff to make recommendations to the County Council. To make their recommendations, County Health Department staff uses criteria in “The Utah Administrative Code, Rule R317-4 Onsite

Wastewater Systems.” This rule was created by the State, is intended for use by the Counties when reviewing septic systems and represent best practices in design and installation (to review the regulations click on this link: <https://rules.utah.gov/publicat/code/r317/r317-004.htm#T7>).

As part of the review of these Special Exceptions, County Health Department staff have stated that the current setback requirement is outdated, not compatible with current best practices or the Utah Administrative Code. As a result, they have asked that the requirement be removed from the Code and that all septic reviews be subject to the Utah Administrative Code Rules. Because of these discussions, staff is requesting that the 200-foot setback be removed from the Code. Language reads.

C. Watershed Protection: In all developments, no use or structure shall be permitted within one thousand five hundred feet (1,500') above and one hundred feet (100') below each spring used for culinary use or public water supply where such use or structure could possibly pollute such water source. No structure shall be located within forty feet (40') of a wetland. No structure shall be located within one hundred feet (100') of a year round naturally occurring stream, a reservoir, lake or pond unless specifically stated in [chapter 2](#) of this title, where greater setbacks may be required. ~~No septic system shall be located within two hundred feet (200') of a wetland, naturally occurring stream, a reservoir, lake or pond.~~

In Chapter 10-4-6: Sanitary Sewer, of the Snyderville Basin Code, there is the following reference:

“Individual septic systems shall be developed in compliance with county and state requirements (reference Utah administrative code, sections R317-501 through R317-513, as it may be amended)”

This reference acknowledges the importance of proper review, design, and installation of septic systems in the Development Code, while leaving the actual review of the design and installation to the Health Department staff who are experts in this field.

Analysis

Section 10-7-3 of the Snyderville Basin Development Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications, or deny the amendment according to the following criteria.

Criteria 1: The amendment shall be consistent with the goals, objectives, and policies of the general plan. **COMPLIES**

Analysis: Chapter 2 of the Snyderville Basin General Plan States:

“The Goal of Chapter 2: Promote sustainable Land Use Planning Principles that preserve Critical Lands, maintain neighborhood character, protect the economic base, prevent sprawl, and provide efficient delivery of services.

The proposed amendment will place the review and approval of septic systems in the hands of the professionals who are most qualified to administer them. Staff finds that this will best promote the preservation of wetlands in Summit County.

Criteria 2: The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

Analysis: The proposed change will not create any inconsistencies between uses on any land in the Snyderville Basin.

Criteria 3: The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

Analysis: The amendment will not permit suitability of the properties affected by the proposed amendment to the uses to which they have been restricted.

Criteria 4: The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

Analysis: Although the 200-foot setback rule is being removed, the reference to Utah State Administrative Code rules will remain. The rules listed in the Utah State Administrative Code are much more comprehensive and consistent with current best practices than any rules in the Snyderville Basin Development Code.

Criteria 5: The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

Analysis: Staff finds no evidence that these regulations would constitute a special favor or create a favorable circumstance for a single property owner.

Criteria 6: The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change. **COMPLIES**

Analysis: The proposed regulation will improve the neighborhood character of the areas where applicable, and ensure consistency with the rules.

Recommendation

Staff recommends that the County Council review the proposed language to amend Chapter 10-4-2C: Watershed Protection in the Snyderville Basin Development Code conduct a public hearing approve the attached ordinance per the findings of fact, conclusions of law and conditions of approval in this staff report.

Findings of Fact

1. Chapter 10-4-2C of the Snyderville Basin Development Code establishes a 200-foot setback for septic systems from wetlands.
2. The setback was established in 2008, to protect wetlands from contamination by septic systems in the Snyderville Basin.
3. County Health Department staff have stated that the current setback requirement is outdated, not compatible with current best practices or the Utah Administrative Code.
4. The proposed amendment will place the review and approval of septic systems in the hands of the professionals who are most qualified to administer them.
5. Chapter 10-4-6: Sanitary Sewer, states, "Individual septic systems shall be developed in compliance with county and state requirements (reference Utah administrative code, sections R317-501 through R317-513, as it may be amended)"
6. The rules listed in the Utah State Administrative Code are much more comprehensive and consistent with current best practices than any rules in the Snyderville Basin Development Code.
7. The Snyderville Basin Planning Commission held a public hearing for this amendment on September 22, 2020.
8. On September 22, 2020 the Snyderville Basin Planning Commission forwarded a positive recommendation to the County Council.

Conclusions of Law:

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

Exhibits

Exhibit A. Proposed Ordinance with Language

**SUMMIT COUNTY, UTAH
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN
DEVELOPMENT CODE SECTION 10-4-2.C: WATERSHED PROTECTION**

PREAMBLE

WHEREAS, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, setbacks; and,

WHEREAS the goal of Chapter 2 of the Snyderville Basin General Plan is Promote sustainable Land Use Planning Principles that preserve Critical Lands, maintain neighborhood character, protect the economic base, prevent sprawl, and provide efficient delivery of services; and

WHEREAS, In furtherance of this goal, §10-1-1 of the Snyderville Basin Development Code provides that The Snyderville Basin General Plan was developed to was developed “to ensure that the resort and mountain character of the basin is to be embraced and protected, while suburban development patterns, which erode the unique character of the basin, is discouraged and, to the extent possible, prohibited.” and,

WHEREAS it is imperative that the public health and environment be protected from potential adverse effects from onsite wastewater disposal within the boundaries of the Snyderville Basin; and

WHEREAS the Department most qualified to protect the public health and environment from potential adverse effects from onsite septic systems is the Summit County Health Department; and

WHEREAS “The Utah Administrative Code, Rule R317-4 Onsite Wastewater Systems.” was created by the State of Utah, is intended for use by the Counties when reviewing septic systems and represents best practices in design and installation of septic systems; and

WHEREAS the Snyderville Basin Planning Commission held a public hearing on September 22, 2020; and

WHEREAS the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on September 22, 2020; and

WHEREAS the Summit County Council held a public hearing on November 9, 2020; and,

NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains as follows:

Section 1. **SNYDERVILLE BASIN DEVELOPMENT CODE** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

Section 2. **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this ___ day of _____, 2020.

ATTEST:

SUMMIT COUNTY COUNCIL

Kent Jones
Summit County Clerk

Doug Clyde, Chair

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

| | |
|-------------------------|-------|
| Councilmember Carson | _____ |
| Councilmember Robinson | _____ |
| Councilmember Wright | _____ |
| Councilmember Armstrong | _____ |
| Councilmember Clyde | _____ |

EXHIBIT A
PROPOSED AMENDMENTS TO CHAPTER 4

10-4-2: ENVIRONMENTAL CRITERIA

C. Watershed Protection: In all developments, no use or structure shall be permitted within one thousand five hundred feet (1,500') above and one hundred feet (100') below each spring used for culinary use or public water supply where such use or structure could possibly pollute such water source. No structure shall be located within forty feet (40') of a wetland. No structure shall be located within one hundred feet (100') of a year round naturally occurring stream, a reservoir, lake or pond unless specifically stated in [chapter 2](#) of this title, where greater setbacks may be required. ~~No septic system shall be located within two hundred feet (200') of a wetland, naturally occurring stream, a reservoir, lake or pond.~~