

Sevier County Planning & Zoning Commission
December 14, 2016

Minutes of the Sevier County Planning Commission meeting held on the fourteenth day of December 2016 in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Those present included: Lisa Robins, Brenda Malmgren, Caryl Christensen, Mike Miles, Kelly Alvey, John Worley, and Ralph Brown. Others attending included: Building Official/Zoning Administrator Jason Mackelprang, Deputy Clerk/Auditor Barbara Crowther, and others as listed on the roll.

Minutes of the November 9th Planning Commission approved:

Minutes of the November 9th Planning Commission Meeting were reviewed and approved as corrected on a motion by Ralph Brown, second John Worley, unanimous.

Presentation from Health Department on Non-Public Water Systems:

John Chartier and Nathan Selin, Utah Public Health Department, reviewed the proposed non-public water system rules for the Six County area including current State regulations. The presentation covered source protection, water quality, the cost for systems growing from non-public to public, the cost for under-constructed systems, shared well problems, and the difference between a public water system and a private water system which would be anything less than 8 connections. Mr. Selin stated that the non-public water system rules are being proposed for all six counties within the Central Utah Public Health Department region. The proposed rules are separated into two sections which include water systems between 1 and 3 connections, and those systems between 4 and 7 connections. He listed the requirements for the systems with 1 to 3 connections: 1. Applicant must show evidence of sufficient water rights, 2. Applicant must document that the system can reliably supply sufficient water pressure and assess the water quality with tests on quality being done yearly or monthly as needed, 3. Applicant showing a protection buffer around the water source from concentrated pollution sources, noting that there would be different requirements for a grouted well versus an un-grouted well or a spring source, and 4. Applicant will supply a shared source agreement defining ownership of the well and property, the operation and maintenance costs, and termination of connection procedures should the arrangement change. Mr. Selin noted that the shared source agreement would be notarized and recorded with the County Recorder. He also stated that the water quality tests are not necessarily to regulate water quality, but to inform the individuals about the substances found in the water. The requirements for water systems between 4 and 7 connections will require the same items listed above, as well as engineered drawings meeting minimum constructions standards for well and spring developments, additional water storage requirements, and distribution system requirements. The added requirements will help mitigate costs if the system is required to become public and follow the current State regulations. The other considerations they will use when putting the rules in place include a grandfather clause so that current systems will not retroactively be required to fit the new rules unless a change is instituted, and some regulations to prevent dodging the rules. Discussion followed concerning the actions of the Health Department personnel to educate the local planning and zoning offices to ensure that everyone is involved in installing and following the new rules, the length of time prior to approval of the proposed rules which could be February or April of 2017, that public comments would be considered, that there could be a lack of proof of ownership of the well in the 1-3 connection category, that the agreements would get recorded with the County as part of the deed so that the well ownership changes when property ownership is changed, who would be expected to enforce the rules, and that no existing water systems would be affected unless a change took place and additional connections were added.

Public Hearing to consider proposed rules for Non-Public Water Systems:

At 6:30 p.m. Chairman Mike Miles opened the meeting for comments from the public.

Sara Straw, Aurora, asked Mr. Chartier and Mr. Selin to introduce themselves and state who they work for. She then asked about the amount of water in the aquifer, how she can get that information, and when the water was tested last. Mr. Chartier and Mr. Selin introduced themselves, and the Planning Commission referred Ms. Straw to Kirk Forbush of the Division of Water Rights for answers to her questions regarding the aquifer. Ms. Straw then said that the water wars are coming.

Dick Cumiskey, Austin, representing several different groups, then presented a prepared statement on the proposed rules for non-public water systems which included the purpose of the proposed rules, that he felt they were somewhat subjective, and that the proposed plan should be more comprehensive in its development. He suggested the development of culinary water sources and sewage disposal should also be developed so that a long-range plan for the use of water could be followed. He submitted the statement to the Planning Commission.

Mike Miles then thanked those who attended, and ensured that all comments had been heard. The Public hearing was then closed at 6:52 p.m.

Discussion on Non-Public Water Systems and the current Ordinance:

Discussion followed concerning the direction the Planning Commission would like to see the Health Department take concerning the proposed water system rules, that the Planning Commission would like to have some additional time to consider the proposal, but they feel that the Health Department is moving in the right direction. Mike Miles noted that Sevier County may want to be more restrictive when considering non-public water systems.

Building Inspector/Zoning Administrator Jason Mackelprang said he had discussed the current ordinance with County Attorney Dale Eyre, noting that while they would encourage one well per dwelling, they would like to allow shared wells also, if the shared well was recorded with the property ownership documents. Discussion then followed concerning Ordinance 2009-5-1, the current ordinance regarding culinary water systems and requiring one well per dwelling, with the Planning Commission noting that the current ordinance is quite vague, expressing concern with how the Building Department would follow it, what would or should be included in the source agreement document, what should be a design standard for shared wells, who would be responsible for contaminated wells and cleanup of those wells, that the County would like to put the Health Department wording into our ordinance, which would require some additional information, a public hearing, etc. The Planning Commission requested additional information on the matter, as well as possibly inviting Kirk Forbush, Division of Water Rights, to a future meeting.

Caryl Christensen moved to close the Planning Commission meeting, second Kelly Alvey, unanimous. Meeting adjourned at 7:10 p.m.