

STAFF REPORT

TO: County Council
FROM: Lisa Yoder – Sustainability Coordinator
DATE: July 29, 2015
SUBJECT: Sage-Grouse Update



BACKGROUND

In 2014, Council committed \$36,000 over three years to help fund a Utah State University Sage-Grouse Study. The purpose of the study is to provide the best science to guide Sage-Grouse management in Summit and Morgan counties. Project partners funding the study include the Utah Department of Natural Resources, Utah State University, Rich County, Morgan County, Berryman Institute, Deseret Land and Livestock, and Kern River Gas Transmission Company.

UPDATE PRESENTERS

This staff report introduces the experts who will provide updates to Council on the results of the Greater Sage-Grouse Study to date and Greater Sage-Grouse management efforts underway in the state.

Dr. Terry A. Messmer, Utah State University, Professor of Wildlife and USU Extension Specialist. Dr. Messmer is the Principle Investigator responsible for the Greater Sage-Grouse study. Dr. Messmer will place the study within the context of the state's Sage-Grouse management efforts.

Brandon Flack, Utah State University, Masters of Science in Wildlife Biology student. Mr. Flack is the Graduate Research Assistant conducting the Sage-Grouse study. Mr. Flack will provide a field update regarding the Sage-Grouse study (Power Point presentation). For a more detailed account of the study to date, please refer to attached Morgan-Summit Sage-Grouse Update dated July 1, 2015.

Lorien Beltone, Utah State University, Community-Based Conservation Program Manager. Coordinator of the Local Working Group operating in Morgan and Summit Counties, Ms. Beltone will provide a brief update on the efforts of the Local Working Group.

Ben Nadolski, Utah Division of Wildlife Resources, Sage-grouse Policy Coordinator. Mr. Nadolski will speak about the *Conservation Plan for Greater Sage-Grouse in Utah*, BLM's proposed Land Use Plan Amendment and Final Environmental Impact Statement, and the pending decision by U.S. Fish and Wildlife Service regarding possible listing of the Greater Sage-Grouse as an endangered species.

NOT PRESENTING, AVAILABLE FOR QUESTIONS

Adam Brewerton, Utah Division of Wildlife Resources, Wildlife Conservation Biologist. Division of Natural Resources Regional Terrestrial Sensitive Species Biologist Adam Brewerton is the lead for all things related to Sage-Grouse in the northern region. Mr. Brewerton oversees lek counts and reviews all habitat projects and other impacts in Sage-Grouse areas.

Pam Kramer, Utah Division of Wildlife Resources, Wildlife Habitat Biologist.

Ms. Kramer is an active participant in the Local Working Group who remains engaged in matters related to open space and wildlife habitat throughout Summit County.

NEXT STEPS

1. Continue supporting USU Greater Sage-Grouse study through 2016.
2. Continue participation in the Local Working Group.
3. Stay abreast of federal actions related to Greater Sage-Grouse.

RECOMMENDATION

Staff continues to stay abreast of Sage-Grouse issues and provide updates to Council.

Morgan-Summit Sage-Grouse Update – JULY 1, 2015

Submitted by: Brandon Flack

Graduate Research Assistant

Utah State University

Project: Habitat Use Patterns and Vital Rates of the Morgan-Summit SGMA Greater Sage-grouse Population: Conservation Implications for Managers

Purpose and Background: I am gathering seasonal movement data for greater sage-grouse in Morgan and Summit counties and determining survival rates, nest success rates, and brood success rates. I am also collecting vegetation data around nest, brood, and random sites. All of this information will give us a good baseline to understand the ecology of this population. To do this, I have marked 36 greater sage-grouse (31 hens, 5 males). Of the 31 hens, 10 are marked with global positioning system (GPS) backpacks and 21 are marked with very high frequency (VHF) radio collars. The males are marked with VHF radio collars.

The GPS transmitters communicate location data to a satellite, which I can download remotely to check on movements and survival from the comfort of my field trailer. To obtain these data for sage-grouse marked with VHF radio collars, we have to physically re-locate the birds in the field. This can take considerable effort, depending on the movements.

Vegetation surveys consist of the line-intercept method to quantify shrub cover, Daubenmire frame technique to classify forbs and grasses, and Robel pole measures to quantify visual obstructions at the location sites.

Survival:

One of my VHF marked hens was hit by a car on Hwy 65 at the Henefer Divide. She is only the second mortality of my marked birds, so far. The other was a male who died shortly after being collared back in April. The hen did have a successful nest but lost her brood about 2 weeks later. So, she was not brooding when she was killed.

My technician, Wayne, and I have personally seen many hens and chicks near the highway and on maintained dirt roads in the morning before 9 AM and in the evening after 6 PM. They like to peck around in the dirt and rocks looking for insects. Or, maybe it's geophagia?

Movement Data:

It's been really fun and interesting to watch the GPS birds move around the landscape. Of course, I do this from my couch while looking at my computer, but it's still really cool. 9 of the 10 GPS hens initiated nests and 7 of those hatched successfully. Some of the birds have moved around a lot and we even used our first couple of GPS hens as "Judas birds" to help us locate

other birds back in April when we were still trapping. As of June 29, 2015, I have 6,610 GPS locations from these 10 hens. As a comparison, I have a total of about 600 locations for the other 24 marked birds in the last 2-3 months.

None of the birds have moved very far away from their capture lek. This study area is relatively small and we haven't had any birds move more than about 4 or 5 miles. Most of them have stayed within a mile or 2 of their capture lek.

I have spoken to some of the landowners and they have seen sage-grouse here in the winter and they say that even in years of good snow, sagebrush still sticks out above the snow. I'm interested to see what happens this winter but I suspect that most, if not all, of the birds will stay here as long as sagebrush cover remains above the snow line. This is just an educated guess on my part. Let's see what the birds really do before we publish anything.

Nesting:

As of May 31, we had 28 hens initiate nests. We determined that 8 were predated or abandoned and 19 total nests hatched successfully. If you're counting, that's only 27 nests. It appears that the GPS hen that was nested on the Yaryka property did hatch successfully based on the GPS movement data. I had GPS points coming from the same location for about 27 days and then she moved. Her initial movements were relatively short which indicates the nest hatched successfully and she was moving around with young chicks. Within a few days she made some longer movements up toward the Henefer Divide and onto the Taylor Hollow CWMU. I was able to physically locate her but she was with another GPS hen and 2 other unmarked hens. They all flushed as I approached. This indicates that she had lost her brood. Of course, I don't know for sure if she even had chicks since I was never able to check the nest or follow the hen until she was on a property that we had access to.

Brooding & Vegetation Surveys:

These surveys are dominating our time right now. We currently have 8 hens that are still brooding. We are still locating each brood hen 2-3 times per week and doing brood vegetation surveys at one of those locations. For the most part, I let the GPS hens track themselves but I still manually locate each GPS brood hens once a week to make sure they haven't lost their broods. Hens and broods are staying relatively close to their nest sites (within 1 km). If a brooding hen moves more than a kilometer then we worry she has lost her brood. Most of them don't move very far. Some of the hens that have lost broods have made some relatively big moves (3+ km) to join up with adult groups of 10 to 15 birds.

There is still a good amount of forbs and loads of insects throughout the study area but things are starting to dry out quickly due to the almost triple digit temps we've had the last couple weeks. We are finding that the birds are condensing even more than usual into little draws and mesic

areas. This isn't that surprising but it makes it difficult to differentiate our marked hens and their broods from all the unmarked birds. We have several documented observations of several brood hens (marked and unmarked) with many chicks. There is a good chance that brood mixing is happening and that could make it hard to determine brood survival or recruitment.

Once broods are 50 days old, we do a brood flush to determine brood success. We have done these on 6 hens and 5 of those had chicks. We count that as a successful brood. Here's how it works, we find the hen during daylight hours and flush her with her brood. We then do concentric circles around that point for 20 minutes to try and flush any remaining chicks. We count all the chicks that flush to have an idea of how many chicks made it to fledgling age. This method does not always produce 100% chick detection because some chicks may not flush or because there are several hens and several chicks.

The GPS backpacks only broadcast a radio signal during a certain window during the day so we do this daytime flush for all of our marked brood hens in the hope that we can make some meaningful comparisons. Additionally, for our VHF brood hens, we go in at night and use a spotlight to locate the hen and count the chicks again. This method is supposed to produce 100% chick detection. And, by doing both methods, we may be able to get a better idea of overall recruitment for this population. It still may be a long shot because of all the confounding factors but it's better to have these data than not.

Landowners:

The landowners have been great to work with. We appreciate each of the landowners and their willingness to let me do this study on their properties. They are all interested in what we are finding. It has been rewarding to build relationships with each one of them and to gain their trust. This was a part of the study that really intrigued me and I am happy things are working out for the most part. I also really appreciate the help I have received from many of you. The relationships you have already established with landowners, county officials, and livestock producers have been instrumental in gaining access to properties and working in a productive atmosphere.

****Other Notes:****

Because many of these properties are CWMUs, landowners have requested that we complete our summer field work by July 31 so we don't interfere with the start of hunting season in August. This will not create a problem because all of our marked hens/broods will have past the 50 day fledging threshold by that time. In August, we will compile data and put together some maps to provide a visual representation of movement, nesting, brooding, etc. I look forward to that. It's been a busy field season.



STAFF REPORT

To: County Council
Report Date: July 29, 2015
Meeting Date: August 5, 2015
Author: Melanie Crittenden
Description: Approve required Utah Retirement Systems Dispatch Retirement
Type of Item: Decision

A. Background

This year the Utah State Legislature passed HB115 on April 1, 2015 to open the Public Safety Retirement to our dispatchers. The state dispatch centers started Public Safety Retirement July 1, 2015. Legislature didn't mandate this and left this bill in the hands of the local entities to opt in and adopt a resolution. For several years dispatchers around the state have taken this to legislature to pass and have failed time and time again. This year I had the opportunity to testify on behalf of this bill and the overwhelming support was felt by all levels. Many of them stated they don't know why this hasn't been taken care of years ago. Many agencies are watching to see who adopts this and how they do it. Outside states are hearing about this legislation passing and want to know what they can do to make it happen in their state. For years dispatchers have sat quietly behind the scenes and handled the stressful calls and now we are asking for support. Less than 1% of dispatchers in the state of Utah have reached retirement. When this gets adopted it will show that retirement is actually obtainable and our jobs are now a career.

B. Recommendation

Staff recommends the Council approve and sign the attached resolution to opt in Summit County Dispatchers to be in the Utah Public Retirement System.

PUBLIC SAFETY RETIREMENT FOR DISPATCHERS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill allows certified dispatchers to be covered in the public safety retirement systems.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ requires the state to cover its certified dispatchers under the public safety retirement systems;
- ▶ authorizes other participating employers to elect to cover their certified dispatchers under the public safety retirement systems; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

49-14-102, as last amended by Laws of Utah 2013, Chapter 40

49-14-201, as last amended by Laws of Utah 2014, Chapter 15

49-15-102, as last amended by Laws of Utah 2013, Chapter 40



28 [49-15-201](#), as last amended by Laws of Utah 2014, Chapter 15

29 [49-23-102](#), as last amended by Laws of Utah 2013, Chapter 40

30 [49-23-201](#), as last amended by Laws of Utah 2014, Chapter 15

31 [49-23-503](#), as last amended by Laws of Utah 2014, Chapter 15



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **49-14-102** is amended to read:

35 **49-14-102. Definitions.**

36 As used in this chapter:

37 (1) (a) "Compensation" means the total amount of payments that are includable in
38 gross income which are received by a public safety service employee as base income for the
39 regularly scheduled work period. The participating employer shall establish the regularly
40 scheduled work period. Base income shall be determined prior to the deduction of member
41 contributions or any amounts the public safety service employee authorizes to be deducted for
42 salary deferral or other benefits authorized by federal law.

43 (b) "Compensation" includes performance-based bonuses and cost-of-living
44 adjustments.

45 (c) "Compensation" does not include:

46 (i) overtime;

47 (ii) sick pay incentives;

48 (iii) retirement pay incentives;

49 (iv) the monetary value of remuneration paid in kind, including a residence, use of
50 equipment or uniform, travel, or similar payments;

51 (v) a lump-sum payment or special payments covering accumulated leave; and

52 (vi) all contributions made by a participating employer under this system or under any
53 other employee benefit system or plan maintained by a participating employer for the benefit of
54 a member or participant.

55 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed
56 under Internal Revenue Code Section 401(a)(17).

57 (2) "Dispatcher" means the same as that term is defined in Section [53-6-102](#).

58 [~~2~~] (3) "Final average salary" means the amount computed by averaging the highest

59 three years of annual compensation preceding retirement[;] subject to Subsections [~~(2)~~] (3)(a)
60 and (b).

61 (a) Except as provided in Subsection [~~(2)~~] (3)(b), the percentage increase in annual
62 compensation in any one of the years used may not exceed the previous year's compensation by
63 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
64 of the dollar during the previous year, as measured by a United States Bureau of Labor
65 Statistics Consumer Price Index average as determined by the board.

66 (b) In cases where the participating employer provides acceptable documentation to the
67 office, the limitation in Subsection [~~(2)~~] (3)(a) may be exceeded if:

68 (i) the public safety service employee has transferred from another agency; or

69 (ii) the public safety service employee has been promoted to a new position.

70 [~~(3)~~] (4) (a) "Line-of-duty death" means a death resulting from:

71 (i) external force, violence, or disease occasioned by an act of duty as a public safety
72 service employee; or

73 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous
74 training or another strenuous activity required as an act of duty as a public safety service
75 employee.

76 (b) "Line-of-duty death" does not include a death that:

77 (i) occurs during an activity that is required as an act of duty as a public safety service
78 employee if the activity is not a strenuous activity, including an activity that is clerical,
79 administrative, or of a nonmanual nature;

80 (ii) occurs during the commission of a crime committed by the employee;

81 (iii) the employee's intoxication or use of alcohol or drugs, whether prescribed or
82 nonprescribed, contributes to the employee's death; or

83 (iv) occurs in a manner other than as described in Subsection [~~(3)~~] (4)(a).

84 [~~(4)~~] (5) "Participating employer" means an employer which meets the participation
85 requirements of Section [49-14-201](#).

86 [~~(5)~~] (6) (a) "Public safety service" means employment normally requiring an average
87 of 2,080 hours of regularly scheduled employment per year rendered by a member who is a:

88 (i) law enforcement officer in accordance with Section [53-13-103](#);

89 (ii) correctional officer in accordance with Section [53-13-104](#);

90 (iii) special function officer approved in accordance with Sections [49-14-201](#) and
 91 [53-13-105](#); ~~and~~
 92 (iv) dispatcher who is certified in accordance with Section [53-6-303](#); or
 93 ~~(iv)~~ (v) full-time member of the Board of Pardons and Parole created under Section
 94 [77-27-2](#).

95 (b) Except as provided under ~~[Subsection (5)]~~ Subsections (6)(a)(iv) and (v), "public
 96 safety service" also requires that in the course of employment the employee's life or personal
 97 safety is at risk.

98 (c) Except for the minimum hour requirement, ~~Subsections (5)]~~ (6)(a) and (b) do not
 99 apply to any person who was eligible for service credit in this system before January 1, 1984.

100 ~~(6)]~~ (7) "Public safety service employee" means an employee of a participating
 101 employer who performs public safety service under this chapter.

102 ~~(7)]~~ (8) (a) "Strenuous activity" means engagement involving a difficult, stressful, or
 103 vigorous fire suppression, rescue, hazardous material response, emergency medical service,
 104 physical law enforcement, prison security, disaster relief, or other emergency response activity.

105 (b) "Strenuous activity" includes participating in a participating employer sanctioned
 106 and funded training exercise that involves difficult, stressful, or vigorous physical activity.

107 ~~(8)]~~ (9) "System" means the Public Safety Contributory Retirement System created
 108 under this chapter.

109 ~~(9)]~~ (10) "Years of service credit" means the number of periods, each to consist of 12
 110 full months as determined by the board, whether consecutive or not, during which a public
 111 safety service employee was employed by a participating employer, including time the public
 112 safety service employee was absent in the service of the United States government on military
 113 duty.

114 Section 2. Section **49-14-201** is amended to read:

115 **49-14-201. System membership -- Eligibility.**

116 (1) Except as provided in Section [49-15-201](#), a public safety service employee of a
 117 participating employer participating in this system is eligible for service credit in this system at
 118 the earliest of:

119 (a) July 1, 1969, if the public safety service employee was employed by the
 120 participating employer on July 1, 1969, and the participating employer was participating in this

121 system on that date;

122 (b) the date the participating employer begins participating in this system if the public
123 safety service employee was employed by the participating employer on that date; or

124 (c) the date the public safety service employee is employed by the participating
125 employer and is eligible to perform public safety service, except that a public safety service
126 employee initially entering employment with a participating employer on or after July 1, 2011,
127 who does not have service credit accrued before July 1, 2011, in a Tier I system or plan
128 administered by the board, may not participate in this system.

129 (2) (a) (i) A participating employer that has public safety service and firefighter service
130 employees that require cross-training and duty shall enroll those dual purpose employees in the
131 system in which the greatest amount of time is actually worked.

132 (ii) The employees shall either be full-time public safety service or full-time firefighter
133 service employees of the participating employer.

134 (b) (i) Prior to transferring a dual purpose employee from one system to another, the
135 participating employer shall receive written permission from the office.

136 (ii) The office may request documentation to verify the appropriateness of the transfer.

137 (3) The board may combine or segregate the actuarial experience of participating
138 employers in this system for the purpose of setting contribution rates.

139 (4) (a) (i) Each participating employer participating in this system shall annually
140 submit to the office a schedule indicating the positions to be covered under this system in
141 accordance with this chapter.

142 (ii) The office may require documentation to justify the inclusion of any position under
143 this system.

144 (b) If there is a dispute between the office and a participating employer or employee
145 over any position to be covered, the disputed position shall be submitted to the Peace Officer
146 Standards and Training Council established under Section [53-6-106](#) for determination.

147 (c) (i) The Peace Officer Standards and Training Council's authority to decide
148 eligibility for public safety service credit is limited to claims for coverage under this system for
149 time periods after July 1, 1989.

150 (ii) A decision of the Peace Officer Standards and Training Council may not be applied
151 to service credit earned in another system prior to July 1, 1989.

152 (iii) Except as provided under Subsection (4)(c)(iv), a decision of the Peace Officer
153 Standards and Training Council granting a position coverage under this system may only be
154 applied prospectively from the date of that decision.

155 (iv) A decision of the Peace Officer Standards and Training Council granting a position
156 coverage under this system may be applied retroactively only if:

157 (A) the participating employer covered other similarly situated positions under this
158 system during the time period in question; and

159 (B) the position otherwise meets all eligibility requirements for receiving service credit
160 in this system during the period for which service credit is to be granted.

161 (5) The Peace Officer Standards and Training Council may use a subcommittee to
162 provide a recommendation to the council in determining disputes between the office and a
163 participating employer or employee over a position to be covered under this system.

164 (6) The Peace Officer Standards and Training Council shall comply with Title 63G,
165 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.

166 (7) A public safety employee who is transferred or promoted to an administration
167 position not covered by this system shall continue to earn public safety service credit in this
168 system as long as the employee remains employed in the same department.

169 (8) Any employee who is reassigned to the Department of Technology Services or to
170 the Department of Human Resource Management, and who was a member of this system, shall
171 be entitled to remain a member of this system.

172 (9) (a) To determine that a position is covered under this system, the office and, if a
173 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the
174 position requires the employee to:

175 (i) except for a dispatcher, place the employee's life or personal safety at risk; and

176 (ii) complete training as provided in Section [53-13-103](#), [53-13-104](#), [~~or~~] [53-13-105](#), or
177 [53-6-303](#).

178 (b) If a position satisfies the requirements of Subsection (9)(a), the office and the Peace
179 Officer Standards and Training Council shall consider whether or not the position requires the
180 employee to:

181 (i) perform duties that consist primarily of actively preventing or detecting crime and
182 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;

183 (ii) perform duties that consist primarily of providing community protection; and
184 (iii) respond to situations involving threats to public safety and make emergency
185 decisions affecting the lives and health of others.

186 (10) If a subcommittee is used to recommend the determination of disputes to the
187 Peace Officer Standards and Training Council, the subcommittee shall comply with the
188 requirements of Subsection (9) in making its recommendation.

189 (11) A final order of the Peace Officer Standards and Training Council regarding a
190 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative
191 Procedures Act.

192 (12) Except as provided under Subsection (13), if a participating employer's public
193 safety service employees are not covered by this system or under Chapter 15, Public Safety
194 Noncontributory Retirement Act, as of January 1, 1998, those public safety service employees
195 who may otherwise qualify for membership in this system shall, at the discretion of the
196 participating employer, remain in their current retirement system.

197 (13) (a) A public safety service employee employed by an airport police department,
198 which elects to cover its public safety service employees under the Public Safety
199 Noncontributory Retirement System under Subsection (12), may elect to remain in the public
200 safety service employee's current retirement system.

201 (b) The public safety service employee's election to remain in the current retirement
202 system under Subsection (13)(a):

203 (i) shall be made at the time the employer elects to move its public safety service
204 employees to a public safety retirement system;

205 (ii) documented by written notice to the participating employer; and

206 (iii) is irrevocable.

207 (14) (a) Subject to Subsection (15), beginning July 1, 2015, a public safety service
208 employee who is a dispatcher employed by:

209 (i) the state shall be eligible for service credit in this system; and

210 (ii) a participating employer other than the state shall be eligible for service credit in
211 this system if the dispatcher's participating employer elects to cover its dispatchers under this
212 system.

213 (b) A participating employer's election to cover its dispatchers under this system under

214 Subsection (14)(a)(ii) is irrevocable and shall be documented by a resolution adopted by the
215 governing body of the participating employer in accordance with rules made by the office.

216 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution
217 of a participating employer under Subsection (14)(b), is not eligible for service credit in this
218 system.

219 ~~[(14)]~~ (15) Notwithstanding any other provision of this section, a person initially
220 entering employment with a participating employer on or after July 1, 2011, who does not have
221 service credit accrued before July 1, 2011, in a Tier I system or plan administered by the board,
222 may not participate in this system.

223 Section 3. Section **49-15-102** is amended to read:

224 **49-15-102. Definitions.**

225 As used in this chapter:

226 (1) (a) "Compensation" means the total amount of payments that are includable in
227 gross income received by a public safety service employee as base income for the regularly
228 scheduled work period. The participating employer shall establish the regularly scheduled
229 work period. Base income shall be determined prior to the deduction of any amounts the
230 public safety service employee authorizes to be deducted for salary deferral or other benefits
231 authorized by federal law.

232 (b) "Compensation" includes performance-based bonuses and cost-of-living
233 adjustments.

234 (c) "Compensation" does not include:

235 (i) overtime;

236 (ii) sick pay incentives;

237 (iii) retirement pay incentives;

238 (iv) the monetary value of remuneration paid in kind, as in a residence, use of
239 equipment or uniform, travel, or similar payments;

240 (v) a lump-sum payment or special payment covering accumulated leave; and

241 (vi) all contributions made by a participating employer under this system or under any
242 other employee benefit system or plan maintained by a participating employer for the benefit of
243 a member or participant.

244 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed

245 under Internal Revenue Code Section 401(a)(17).

246 ~~(2)~~ (3) "Dispatcher" means the same as that term is defined in Section [53-6-102](#).

247 ~~[(2)]~~ (3) "Final average salary" means the amount computed by averaging the highest
248 three years of annual compensation preceding retirement subject to Subsections ~~[(2)]~~ (3)(a) and
249 (b).

250 (a) Except as provided in Subsection ~~[(2)]~~ (3)(b), the percentage increase in annual
251 compensation in any one of the years used may not exceed the previous year's compensation by
252 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
253 of the dollar during the previous year, as measured by a United States Bureau of Labor
254 Statistics Consumer Price Index average as determined by the board.

255 (b) In cases where the participating employer provides acceptable documentation to the
256 office, the limitation in Subsection ~~[(2)]~~ (3)(a) may be exceeded if:

- 257 (i) the public safety service employee has transferred from another agency; or
258 (ii) the public safety service employee has been promoted to a new position.

259 ~~[(3)]~~ (4) (a) "Line-of-duty death" means a death resulting from:

- 260 (i) external force, violence, or disease occasioned by an act of duty as a public safety
261 service employee; or
262 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous
263 training or another strenuous activity required as an act of duty as a public safety service
264 employee.

265 (b) "Line-of-duty death" does not include a death that:

- 266 (i) occurs during an activity that is required as an act of duty as a public safety service
267 employee if the activity is not a strenuous activity, including an activity that is clerical,
268 administrative, or of a nonmanual nature;
269 (ii) occurs during the commission of a crime committed by the employee;
270 (iii) the employee's intoxication or use of alcohol or drugs, whether prescribed or
271 nonprescribed, contributes to the employee's death; or
272 (iv) occurs in a manner other than as described in Subsection ~~[(3)]~~ (4)(a).

273 ~~[(4)]~~ (5) "Participating employer" means an employer which meets the participation
274 requirements of Section [49-15-201](#).

275 ~~[(5)]~~ (6) (a) "Public safety service" means employment normally requiring an average

276 of 2,080 hours of regularly scheduled employment per year rendered by a member who is a:

277 (i) law enforcement officer in accordance with Section [53-13-103](#);

278 (ii) correctional officer in accordance with Section [53-13-104](#);

279 (iii) special function officer approved in accordance with Sections [49-15-201](#) and

280 [53-13-105](#); [~~and~~]

281 (iv) dispatcher who is certified in accordance with Section [53-6-303](#); or

282 [~~(iv)~~] (v) full-time member of the Board of Pardons and Parole created under Section

283 [77-27-2](#).

284 (b) Except as provided under [~~Subsection (5)~~] Subsections (6)(a)(iv) and (v), "public
285 safety service" also requires that in the course of employment the employee's life or personal
286 safety is at risk.

287 [~~(6)~~] (7) "Public safety service employee" means an employee of a participating

288 employer who performs public safety service under this chapter.

289 [~~(7)~~] (8) (a) "Strenuous activity" means engagement involving a difficult, stressful, or
290 vigorous fire suppression, rescue, hazardous material response, emergency medical service,
291 physical law enforcement, prison security, disaster relief, or other emergency response activity.

292 (b) "Strenuous activity" includes participating in a participating employer sanctioned
293 and funded training exercise that involves difficult, stressful, or vigorous physical activity.

294 [~~(8)~~] (9) "System" means the Public Safety Noncontributory Retirement System created
295 under this chapter.

296 [~~(9)~~] (10) "Years of service credit" means the number of periods, each to consist of 12
297 full months as determined by the board, whether consecutive or not, during which a public
298 safety service employee was employed by a participating employer, including time the public
299 safety service employee was absent in the service of the United States government on military
300 duty.

301 Section 4. Section **49-15-201** is amended to read:

302 **49-15-201. System membership -- Eligibility.**

303 (1) (a) A public safety service employee employed by the state after July 1, 1989, but
304 before July 1, 2011, is eligible for service credit in this system.

305 (b) A public safety service employee employed by the state prior to July 1, 1989, may
306 either elect to receive service credit in this system or continue to receive service credit under

307 the system established under Chapter 14, Public Safety Contributory Retirement Act, by
308 following the procedures established by the board under this chapter.

309 (2) (a) Public safety service employees of a participating employer other than the state
310 that elected on or before July 1, 1989, to remain in the Public Safety Contributory Retirement
311 System shall be eligible only for service credit in that system.

312 (b) (i) A participating employer other than the state that elected on or before July 1,
313 1989, to participate in this system shall, have allowed, prior to July 1, 1989, a public safety
314 service employee to elect to participate in either this system or the Public Safety Contributory
315 Retirement System.

316 (ii) Except as expressly allowed by this title, the election of the public safety service
317 employee is final and may not be changed.

318 (c) A public safety service employee hired by a participating employer other than the
319 state after July 1, 1989, but before July 1, 2011, shall become a member in this system.

320 (d) A public safety service employee of a participating employer other than the state
321 who began participation in this system after July 1, 1989, but before July 1, 2011, is only
322 eligible for service credit in this system.

323 (e) A person initially entering employment with a participating employer on or after
324 July 1, 2011, who does not have service credit accrued before July 1, 2011, in a Tier I system
325 or plan administered by the board, may not participate in this system.

326 (3) (a) (i) A participating employer that has public safety service and firefighter service
327 employees that require cross-training and duty shall enroll those dual purpose employees in the
328 system in which the greatest amount of time is actually worked.

329 (ii) The employees shall either be full-time public safety service or full-time firefighter
330 service employees of the participating employer.

331 (b) (i) Prior to transferring a dual purpose employee from one system to another, the
332 participating employer shall receive written permission from the office.

333 (ii) The office may request documentation to verify the appropriateness of the transfer.

334 (4) The board may combine or segregate the actuarial experience of participating
335 employers in this system for the purpose of setting contribution rates.

336 (5) (a) (i) Each participating employer participating in this system shall annually
337 submit to the office a schedule indicating the positions to be covered under this system in

338 accordance with this chapter.

339 (ii) The office may require documentation to justify the inclusion of any position under
340 this system.

341 (b) If there is a dispute between the office and a participating employer or employee
342 over any position to be covered, the disputed position shall be submitted to the Peace Officer
343 Standards and Training Council established under Section 53-6-106 for determination.

344 (c) (i) The Peace Officer Standards and Training Council's authority to decide
345 eligibility for public safety service credit is limited to claims for coverage under this system for
346 time periods after July 1, 1989.

347 (ii) A decision of the Peace Officer Standards and Training Council may not be applied
348 to service credit earned in another system prior to July 1, 1989.

349 (iii) Except as provided under Subsection (5)(c)(iv), a decision of the Peace Officer
350 Standards and Training Council granting a position coverage under this system may only be
351 applied prospectively from the date of that decision.

352 (iv) A decision of the Peace Officer Standards and Training Council granting a position
353 coverage under this system may be applied retroactively only if:

354 (A) the participating employer covered other similarly situated positions under this
355 system during the time period in question; and

356 (B) the position otherwise meets all eligibility requirements for receiving service credit
357 in this system during the period for which service credit is to be granted.

358 (6) The Peace Officer Standards and Training Council may use a subcommittee to
359 provide a recommendation to the council in determining disputes between the office and a
360 participating employer or employee over a position to be covered under this system.

361 (7) The Peace Officer Standards and Training Council shall comply with Title 63G,
362 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.

363 (8) A public safety service employee who is transferred or promoted to an
364 administration position not covered by this system shall continue to earn public safety service
365 credit in this system as long as the employee remains employed in the same department.

366 (9) Any employee who is reassigned to the Department of Technology Services or to
367 the Department of Human Resource Management, and who was a member in this system, shall
368 be entitled to remain a member in this system.

369 (10) (a) To determine that a position is covered under this system, the office and, if a
370 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the
371 position requires the employee to:

- 372 (i) except for a dispatcher, place the employee's life or personal safety at risk; and
- 373 (ii) complete training as provided in Section [53-13-103](#), [53-13-104](#), [~~or~~] [53-13-105](#), or
374 [53-6-303](#).

375 (b) If a position satisfies the requirements of Subsection (10)(a), the office and Peace
376 Officer Standards and Training Council shall consider whether the position requires the
377 employee to:

- 378 (i) perform duties that consist primarily of actively preventing or detecting crime and
379 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;
- 380 (ii) perform duties that consist primarily of providing community protection; and
- 381 (iii) respond to situations involving threats to public safety and make emergency
382 decisions affecting the lives and health of others.

383 (11) If a subcommittee is used to recommend the determination of disputes to the
384 Peace Officer Standards and Training Council, the subcommittee shall comply with the
385 requirements of Subsection (10) in making its recommendation.

386 (12) A final order of the Peace Officer Standards and Training Council regarding a
387 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative
388 Procedures Act.

389 (13) Except as provided under Subsection (14), if a participating employer's public
390 safety service employees are not covered by this system or under Chapter 14, Public Safety
391 Contributory Retirement Act, as of January 1, 1998, those public safety service employees who
392 may otherwise qualify for membership in this system shall, at the discretion of the participating
393 employer, remain in their current retirement system.

394 (14) (a) A public safety service employee employed by an airport police department,
395 which elects to cover its public safety service employees under the Public Safety
396 Noncontributory Retirement System under Subsection (13), may elect to remain in the public
397 safety service employee's current retirement system.

398 (b) The public safety service employee's election to remain in the current retirement
399 system under Subsection (14)(a):

400 (i) shall be made at the time the employer elects to move its public safety service
401 employees to a public safety retirement system;

402 (ii) documented by written notice to the participating employer; and

403 (iii) is irrevocable.

404 (15) (a) Subject to Subsection (16), beginning July 1, 2015, a public safety service
405 employee who is a dispatcher employed by:

406 (i) the state shall be eligible for service credit in this system; and

407 (ii) a participating employer other than the state shall be eligible for service credit in
408 this system if the dispatcher's participating employer elects to cover its dispatchers under this
409 system.

410 (b) A participating employer's election to cover its dispatchers under this system under
411 Subsection (15)(a)(ii) is irrevocable and shall be documented by a resolution adopted by the
412 governing body of the participating employer in accordance with rules made by the office.

413 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution
414 of a participating employer under Subsection (15)(b), is not eligible for service credit in this
415 system.

416 ~~[(15)]~~ (16) Notwithstanding any other provision of this section, a person initially
417 entering employment with a participating employer on or after July 1, 2011, who does not have
418 service credit accrued before July 1, 2011, in a Tier I system or plan administered by the board,
419 may not participate in this system.

420 Section 5. Section **49-23-102** is amended to read:

421 **49-23-102. Definitions.**

422 As used in this chapter:

423 (1) (a) "Compensation" means the total amount of payments that are includable in
424 gross income received by a public safety service employee or a firefighter service employee as
425 base income for the regularly scheduled work period. The participating employer shall
426 establish the regularly scheduled work period. Base income shall be determined prior to the
427 deduction of any amounts the public safety service employee or firefighter service employee
428 authorizes to be deducted for salary deferral or other benefits authorized by federal law.

429 (b) "Compensation" includes performance-based bonuses and cost-of-living
430 adjustments.

- 431 (c) "Compensation" does not include:
- 432 (i) overtime;
- 433 (ii) sick pay incentives;
- 434 (iii) retirement pay incentives;
- 435 (iv) the monetary value of remuneration paid in kind, as in a residence, use of
- 436 equipment or uniform, travel, or similar payments;
- 437 (v) a lump-sum payment or special payment covering accumulated leave; and
- 438 (vi) all contributions made by a participating employer under this system or under any
- 439 other employee benefit system or plan maintained by a participating employer for the benefit of
- 440 a member or participant.
- 441 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed
- 442 under Internal Revenue Code Section 401(a)(17).
- 443 (2) "Corresponding Tier I system" means the system or plan that would have covered
- 444 the member if the member had initially entered employment before July 1, 2011.
- 445 (3) "Dispatcher" means the same as that term is defined in Section [53-6-102](#).
- 446 ~~[(3)]~~ (4) "Final average salary" means the amount computed by averaging the highest
- 447 five years of annual compensation preceding retirement subject to Subsections ~~[(3)]~~ (4)(a), (b),
- 448 (c), and (d).
- 449 (a) Except as provided in Subsection ~~[(3)]~~ (4)(b), the percentage increase in annual
- 450 compensation in any one of the years used may not exceed the previous year's compensation by
- 451 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
- 452 of the dollar during the previous year, as measured by a United States Bureau of Labor
- 453 Statistics Consumer Price Index average as determined by the board.
- 454 (b) In cases where the participating employer provides acceptable documentation to the
- 455 office, the limitation in Subsection ~~[(3)]~~ (4)(a) may be exceeded if:
- 456 (i) the member has transferred from another agency; or
- 457 (ii) the member has been promoted to a new position.
- 458 (c) If the member retires more than six months from the date of termination of
- 459 employment, the member is considered to have been in service at the member's last rate of pay
- 460 from the date of the termination of employment to the effective date of retirement for purposes
- 461 of computing the member's final average salary only.

462 (d) If the member has less than five years of service credit in this system, final average
463 salary means the average annual compensation paid to the member during the full period of
464 service credit.

465 ~~[(4)]~~ (5) "Firefighter service" means employment normally requiring an average of
466 2,080 hours of regularly scheduled employment per year rendered by a member who is a
467 firefighter service employee trained in firefighter techniques and assigned to a position of
468 hazardous duty with a regularly constituted fire department, but does not include secretarial
469 staff or other similar employees.

470 ~~[(5)]~~ (6) "Firefighter service employee" means an employee of a participating employer
471 who provides firefighter service under this chapter. An employee of a regularly constituted fire
472 department who does not perform firefighter service is not a firefighter service employee.

473 ~~[(6)]~~ (7) (a) "Line-of-duty death" means a death resulting from:

474 (i) external force, violence, or disease occasioned by an act of duty as a public safety
475 service or firefighter service employee; or

476 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous
477 training or another strenuous activity required as an act of duty as a public safety service or
478 firefighter service employee.

479 (b) "Line-of-duty death" does not include a death that:

480 (i) occurs during an activity that is required as an act of duty as a public safety service
481 or firefighter service employee if the activity is not a strenuous activity, including an activity
482 that is clerical, administrative, or of a nonmanual nature;

483 (ii) occurs during the commission of a crime committed by the employee;

484 (iii) the employee's intoxication or use of alcohol or drugs, whether prescribed or
485 nonprescribed, contributes to the employee's death; or

486 (iv) occurs in a manner other than as described in Subsection ~~[(6)]~~ (7)(a).

487 ~~[(7)]~~ (8) "Participating employer" means an employer which meets the participation
488 requirements of:

489 (a) Sections [49-14-201](#) and [49-14-202](#);

490 (b) Sections [49-15-201](#) and [49-15-202](#);

491 (c) Sections [49-16-201](#) and [49-16-202](#); or

492 (d) Sections [49-23-201](#) and [49-23-202](#).

493 ~~[(8)]~~ (9) (a) "Public safety service" means employment normally requiring an average
 494 of 2,080 hours of regularly scheduled employment per year rendered by a member who is a:

- 495 (i) law enforcement officer in accordance with Section [53-13-103](#);
 496 (ii) correctional officer in accordance with Section [53-13-104](#);
 497 (iii) special function officer approved in accordance with Sections [49-15-201](#) and
 498 [53-13-105](#); ~~[and]~~

499 ~~(iv)~~ (v) dispatcher who is certified in accordance with Section [53-6-303](#); and
 500 ~~[(iv)]~~ (v) full-time member of the Board of Pardons and Parole created under Section
 501 [77-27-2](#).

502 (b) Except as provided under Subsection ~~[(8)]~~ (9)(a)(iv) and (v), "public safety service"
 503 also requires that in the course of employment the employee's life or personal safety is at risk.

504 ~~[(9)]~~ (10) "Public safety service employee" means an employee of a participating
 505 employer who performs public safety service under this chapter.

506 ~~[(10)]~~ (11) (a) "Strenuous activity" means engagement involving a difficult, stressful,
 507 or vigorous fire suppression, rescue, hazardous material response, emergency medical service,
 508 physical law enforcement, prison security, disaster relief, or other emergency response activity.

509 (b) "Strenuous activity" includes participating in a participating employer sanctioned
 510 and funded training exercise that involves difficult, stressful, or vigorous physical activity.

511 ~~[(11)]~~ (12) "System" means the New Public Safety and Firefighter Tier II Contributory
 512 Retirement System created under this chapter.

513 ~~[(12)]~~ (13) (a) "Volunteer firefighter" means any individual that is not regularly
 514 employed as a firefighter service employee, but who:

- 515 (i) has been trained in firefighter techniques and skills;
 516 (ii) continues to receive regular firefighter training; and
 517 (iii) is on the rolls of a legally organized volunteer fire department which provides
 518 ongoing training and serves a political subdivision of the state.

519 (b) An individual that volunteers assistance but does not meet the requirements of
 520 Subsection ~~[(12)]~~ (13)(a) is not a volunteer firefighter for purposes of this chapter.

521 ~~[(13)]~~ (14) "Years of service credit" means:

- 522 (a) a period, consisting of 12 full months as determined by the board; or
 523 (b) a period determined by the board, whether consecutive or not, during which a

524 regular full-time employee performed services for a participating employer, including any time
525 the regular full-time employee was absent on a paid leave of absence granted by a participating
526 employer or was absent in the service of the United States government on military duty as
527 provided by this chapter.

528 Section 6. Section **49-23-201** is amended to read:

529 **49-23-201. System membership -- Eligibility.**

530 (1) Beginning July 1, 2011, a participating employer that employs public safety service
531 employees or firefighter service employees shall participate in this system.

532 (2) (a) A public safety service employee or a firefighter service employee initially
533 entering employment with a participating employer on or after July 1, 2011, who does not have
534 service credit accrued before July 1, 2011, in a Tier I system or plan administered by the board,
535 is eligible:

536 (i) as a member for service credit and defined contributions under the Tier II hybrid
537 retirement system established by Part 3, Tier II Hybrid Retirement System; or

538 (ii) as a participant for defined contributions under the Tier II defined contributions
539 plan established by Part 4, Tier II Defined Contribution Plan.

540 (b) A public safety service employee or a firefighter service employee initially entering
541 employment with a participating employer on or after July 1, 2011, shall:

542 (i) make an election to participate in the system created under this chapter within 30
543 days from the date of eligibility for accrual of benefits:

544 (A) as a member for service credit and defined contributions under the Tier II hybrid
545 retirement system established by Part 3, Tier II Hybrid Retirement System; or

546 (B) as a participant for defined contributions under the Tier II defined contribution plan
547 established by Part 4, Tier II Defined Contribution Plan; and

548 (ii) electronically submit to the office notification of the member's election under
549 Subsection (2)(b)(i) in a manner approved by the office.

550 (c) An election made by a public safety service employee or firefighter service
551 employee initially entering employment with a participating employer under this Subsection (2)
552 is irrevocable beginning one year from the date of eligibility for accrual of benefits.

553 (d) If no election is made under Subsection (2)(b)(i), the public safety service employee
554 or firefighter service employee shall become a member eligible for service credit and defined

555 contributions under the Tier II hybrid retirement system established by Part 3, Tier II Hybrid
556 Retirement System.

557 (3) (a) Beginning July 1, 2015, a public safety service employee who is a dispatcher
558 employed by:

559 (i) the state shall be eligible for service credit in this system; and

560 (ii) a participating employer other than the state shall be eligible for service credit in
561 this system if the dispatcher's participating employer elects to cover its dispatchers under this
562 system.

563 (b) A participating employer's election to cover its dispatchers under this system under
564 Subsection (3)(a)(ii) is irrevocable and shall be documented by a resolution adopted by the
565 governing body of the participating employer in accordance with rules made by the office.

566 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution
567 of a participating employer under Subsection (3)(b), is not eligible for service credit in this
568 system.

569 Section 7. Section **49-23-503** is amended to read:

570 **49-23-503. Death of active member in line of duty -- Payment of benefits.**

571 If an active member of this system dies, benefits are payable as follows:

572 (1) If the death is classified by the office as a line-of-duty death, benefits are payable as
573 follows:

574 (a) If the member has accrued less than 20 years of public safety service or firefighter
575 service credit, the spouse at the time of death shall receive a lump sum of \$1,000 and an
576 allowance equal to 30% of the member's final average monthly salary.

577 (b) If the member has accrued 20 or more years of public safety service or firefighter
578 service credit, the member shall be considered to have retired with an Option One allowance
579 calculated without an actuarial reduction under Section **49-23-304** and the spouse at the time of
580 death shall receive the allowance that would have been payable to the member.

581 (2) (a) A volunteer firefighter is eligible for a line-of-duty death benefit under this
582 section if the death results from external force, violence, or disease directly resulting from
583 firefighter service.

584 (b) The lowest monthly compensation of firefighters of a city of the first class in this
585 state at the time of death shall be considered to be the final average monthly salary of a

586 volunteer firefighter for purposes of computing these benefits.

587 (c) Each volunteer fire department shall maintain a current roll of all volunteer
588 firefighters which meet the requirements of Subsection 49-23-102~~(12)~~(13) to determine the
589 eligibility for this benefit.

590 (3) (a) If the death is classified as a line-of-duty death by the office, death benefits are
591 payable under this section and the spouse at the time of death is not eligible for benefits under
592 Section 49-23-502.

593 (b) If the death is not classified as a line-of-duty death by the office, benefits are
594 payable in accordance with Section 49-23-502.

595 (4) (a) A spouse who qualifies for a monthly benefit under this section shall apply in
596 writing to the office.

597 (b) The allowance shall begin on the first day of the month following the month in
598 which the:

599 (i) member or participant died, if the application is received by the office within 90
600 days of the date of death of the member or participant; or

601 (ii) application is received by the office, if the application is received by the office
602 more than 90 days after the date of death of the member or participant.

603 **Section 8. Effective date.**

604 This bill takes effect on July 1, 2015.

Legislative Review Note
as of 1-9-15 5:28 PM

Office of Legislative Research and General Counsel

Summit County
Resolution Number 2015 _____

A Resolution Requesting Coverage for Certified Dispatcher in the
Public Safety Retirement System

WHEREAS, Summit County is authorized to employ public safety personnel on a full-time basis; and

WHEREAS, an election is allowed by Utah State law to provide Public Safety Retirement benefits for certified dispatch personnel by the County; and

WHEREAS, it is the intent of the Summit County Council to approve and authorize coverage under the Utah Public Safety Retirement Systems for Summit County's Certified Dispatch Personnel.

NOW THEREFORE, be it resolved by the Summit County Council we undertake all of the necessary actions to enroll the County in the benefit programs of the Utah Public Safety Retirement System offered by Utah Retirement Systems, including the retirement coverage and death benefit coverage for qualified employees under the laws and regulations of the Utah Retirement Systems effective the first pay period of 2016.

ADOPTED by the Summit County Council, this 5th day of August, 2015.

Summit County Council

Kim Carson, Chair

Date

Kent Jones, County Clerk

Date

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, JULY 15, 2015
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

Kim Carson, *Council Chair*
Roger Armstrong, *Council Vice Chair*
Claudia McMullin, *Council Member*
Chris Robinson, *Council Member*
David Ure, *Council Member*

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
David Thomas, *Deputy Attorney*
Kent Jones, *Clerk*
Karen McLaws, *Secretary*

COUNCIL TO ATTEND THE PARK CITY CHAMBER BUREAU 2015 ANNUAL MEETING HELD AT THE PARK CITY MARRIOTT HOTEL, 1895 SIDEWINDER DRIVE, PARK CITY

The Council Members attended the annual meeting of the Park City Chamber Bureau from 11:30 a.m. to 1:00 p.m.

CLOSED SESSION

Council Member Ure made a motion to convene in closed session to discuss personnel. The motion was seconded by Council Member Armstrong and passed unanimously, 5 to 0.

The Summit County Council met in closed session for the purpose of discussing property acquisition from 4:05 p.m. to 4:15 p.m. Those in attendance were:

Kim Carson, *Council Chair*
Roger Armstrong, *Council Vice Chair*
Claudia McMullin, *Council Member*
Chris Robinson, *Council Member*
David Ure, *Council Member*

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
David Thomas, *Deputy Attorney*
Brian Bellamy, *Personnel Director*

Council Member Ure made a motion to dismiss from closed session and to convene in regular session. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

CONVENE AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION SERVICE DISTRICT

Council Member Robinson made a motion to convene as the Governing Board of the Snyderville Basin Special Recreation Service District. The motion was seconded by Council Member Armstrong and passed unanimously, 5 to 0.

The meeting of the Governing Board of the Snyderville Basin Special Recreation Service District was called to order at 4:15 p.m.

CONSIDERATION FOR APPROVAL AND RATIFICATION OF REAL ESTATE PURCHASE CONTRACT BETWEEN AMERICAN INSURANCE COMPANY AND THE SNYDERVILLE BASIN SPECIAL RECREATION SERVICE DISTRICT FOR PARCEL SS-32-B-3, 17.3 ACRES, RENA JORDAN

Recreation District Director Rena Jordan stated that the Recreation District decided early in 2014 to pursue the purchase of this property contiguous to the 80 acres of land that will be dedicated to the Recreation District by the Silver Creek Village development. They made an offer to the owner in September 2014, and the offer was finalized and accepted on June 18. The intention of the District is to use this parcel to create additional indoor recreation facilities, which should be a complement to the park space that will come through the Silver Creek development parcel. She stated that they will pay just over \$24,000 per acre for the site compared to the 2.3 acres on which the current field house is built, for which they paid \$820,000 per acre.

Board Member Robinson made a motion to approve and ratify the real estate purchase contract between American Insurance Company and the Snyderville Basin Special Recreation Service District for Parcel SS-32-B-3. The motion was seconded by Board Member Robinson and passed unanimously, 5 to 0.

DISMISS AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION SERVICE DISTRICT

Board Member Robinson made a motion to dismiss as the Governing Board of the Snyderville Basin Special Recreation Service District and to reconvene as the Summit County Council. The motion was seconded by Board Member Ure and passed unanimously, 5 to 0.

The meeting of the Governing Board of the Snyderville Basin Special Recreation Service District adjourned at 4:20 p.m.

WORK SESSION

Chair Carson called the work session to order at 4:20 p.m.

- **Presentation of Utah Rivers Council regarding RainHarvest rainwater collection program; Nick Schou**

Nick Schou, the Conservation Director for the Utah Rivers Council, described the RainHarvest program and reported that they started in May to partner with municipalities to promote rainwater harvesting. Part of his job is to find multiple solutions to help reduce water use. According to the USGS, Utah has the highest per-person water use in the United States, with average use of 245 gallons per person each day. The Council is interested in conserving water outside the home, because 70% of the annual water use occurs outside the home. The Council's research showed that hundreds of cities promote rain water harvesting, not only to water the land, but also to improve water quality. RainHarvest was modeled after the most successful programs they found, and their main goals are to reduce water use and improve water quality. He verified that rain harvesting is legal in Utah and was approved by the State Legislature five years ago. That legislation allows a person to store up to 2,500 gallons of rainwater at any given time.

Mr. Schou discussed how the program operates and explained that they partner with municipalities to lower the cost of rain barrels for their residents. He reported on the success of the program implemented in Murray and that several other upcoming rain barrel distributions are planned in other communities. He stated that they allow people to order rain barrels for a four-to six-week period and distribute them on a single day in a single location. They have found that helping people get rain barrels helps them to become better municipal water customers, because they are more conscious of their water resources and are more likely to conserve water. He reported that the Park City Council and Mayor have approved a program to be implemented in late August, and he wanted to make the County Council aware of what they are doing and see if the County has any interest in participating. He explained that they ask their municipal partners to subsidize the cost of the rain barrels and help publicize the program.

Council Member Armstrong asked Mr. Schou to describe how the barrels operate and how the water can be used. Mr. Schou explained that the water is for outdoor use only, which they make very clear in the materials they provide. The top of the barrel has a concave, locking lid with a fine mesh screen to keep out foreign materials. It includes a ¾" valve that hooks to a standard garden hose, or people can use watering buckets. He explained that the barrels nest inside each other, which makes it easy for people to pick them up at distribution and store in the winter. There is an overflow valve on both sides with a hose, and some people will connect multiple barrels and collect water from one downspout.

Council Member Robinson asked how the subsidy would work. Mr. Schou explained that the cost of the barrels is \$74, and the municipality subsidizes \$34 of that, with the citizens paying \$40 per barrel. He explained that the Council also charges a small fee to cover the cost of distributing the barrels.

Sustainability Coordinator Lisa Yoder commented that it would be ideal if the County could piggyback on Park City's rain barrel program. She noted that the County is likely to get a lot of phone calls asking why people can get rain barrels in Park City and not in the County.

Council Member Ure commented that people would have to adjust their rain spouts to a height that would go into the rain barrels, which could be a problem for some people. Chair Carson asked what they have found in the areas where they have already implemented the program. Mr. Schou replied that, by far, the largest number of comments received from people who have already received barrels is a concern about how to get more barrels. He explained that they set up a demonstration at their previous distributions to show how people can adapt their rain spouts.

- **Presentation of dividend check from Utah Local Governments Trust; Greg Baumgartner and Darin Palmer**

Darin Palmer reported that the Trust has had great performance this year, was able to stabilize its rates for the membership, and is returning some money back to its members. He presented a dividend check to Summit County in the amount of \$32,456.56. He stated that they appreciate the 31-year partnership the Trust has had with the County. He explained that the Trust implements loss prevention methods within the pool and tries to create safety measures with their membership that will allow them to cut their losses, and that allows them to return money back to their membership. He acknowledged Matt Jensen and his dedication to safety measures and loss prevention that has allowed the County to operate more efficiently. He stated that the Trust always welcomes feedback from the County, because the members are the owners of the Trust.

Council Member Robinson recalled that this check is about 10 times the amount they received last year. He noted that he was appointed to the Utah Local Governments Trust Board a few months ago and has been very impressed with the organization.

- **Update on transportation planning in the Snyderville Basin; Derrick Radke, Leslie Crawford, and Pat Putt**

Public Works Director Derrick Radke stated that one of the most important things they have done so far is the acquisition of a new transportation planner, Caroline Ferris. She lives in the Snyderville Basin, so she understands the issues, and she brings a wide range of experience to the position.

The second item where they have accomplished the most is the transit center. Mr. Radke explained that it was delayed a little because, after looking at the floor plan for the waiting room, the design team determined that it should be reconfigured so the patrons can see the buses arriving. The rest of the site is the same. He recalled that they previously discussed the possible need to phase the project, and that will be the case. They will be able to get the transit center portion of the project done with the grant and money budgeted for 2015 and will ask the Council to budget additional funds to finish the plaza and additional parking in 2016. He reviewed the funds available for Phase I and described what will be included in Phase I as shown in the staff report.

Council Member Ure asked what they can do to make it more attractive for people to park in the transit center parking rather than in the Richins Building parking lot. Mr. Radke believed people would want to park as close to the transit center as they can, and there are several strategies they can use to encourage that. He explained that they are still looking at a more permanent park and ride facility in the Snyderville Basin, and this facility will work for now to get the buses

operating more efficiently and act as a gathering place for people to get on the bus and come to this facility.

Mr. Radke recalled that they talked about an accelerated schedule for the transit center, but the added cost was not worth it. He reported that they went to the Snyderville Basin Planning Commission to renew the Conditional Use Permit for this facility, which expired in 2013, and it was approved last evening. They are still working to resolve another planning issue with property lines and parking.

Council Member Ure asked when construction would start. Mr. Radke anticipated it would start in September and be completed in the late spring or early summer. Council Member Armstrong commented that it feels like they are getting way behind their previously anticipated schedule. Mr. Radke confirmed that is correct, explaining that it took some time to get things done with the architect.

Mr. Radke reported that they have made significant progress on the marketing campaign working with the Penna Powers marketing firm in Salt Lake. The marketing firm has asked if the Council Members would be interested in talking to them about their vision or ideas for the campaign, and he offered to set that up.

Mr. Radke explained that the wayfinding project is under way, and the final product should be available in a few weeks. They have been working with the Canyons on their transportation plan to refine what they produced. He noted that there was a lack of measurables in their plan that Staff is working on with them. County Manager Tom Fisher explained that the transportation plan was completed before the Canyons' recent master planning effort, and they are trying to coordinate those. Mr. Radke reported that the Recreation District is working on its transportation trails.

Community Development Director Patrick Putt reported that Staff has established a work program with the Snyderville Basin Planning Commission targeting 18 months to complete a draft of the updated Snyderville Basin Development Code and forward it to the County Council for consideration and adoption. A subcommittee has been formed to work on that, and they have had initial meetings. He noted that Staff will also work on some rewrites concurrently with the subcommittee's work. They will look at all those areas of the Code that affect how people move and park, and they will look at current parking requirements and their effectiveness. They are looking for more streamlined processes to establish neighborhood transit areas and create opportunities for connections between neighborhoods. He acknowledged that the timeline is aggressive, but he believes it can be done. He offered to provide regular updates to the Council regarding where they are in the process.

Council Member Ure asked if they would be looking at a maximum or minimum parking requirement. Mr. Putt replied that they would be looking at a maximum. He explained that parking is expensive to build and land consumptive, and they want to explore design solutions that would not require additional surface parking. He stated that smart design will pay for itself in the long run. Land will become increasingly scarce and more valuable, and they can create economic value by finding opportunities for land other than parking.

Rena Jordan, Director of the Snyderville Basin Special Recreation Service District, stated that the most visual transportation trails project is outside the Richins Building, which will provide a connection for Crestview. It will be a night lit trail, and the paving should be done next week. She reported that the Recreation District will schedule a work session with the Council, Public Works, and UDOT in August to discuss the SR 224 crossing.

- **Discussion regarding the roles and duties of the Finance Committee; Tom Fisher and Michael Howard**

Mr. Fisher stated that he and County Auditor Michael Howard do not have much information about the finance committee and asked what the Council would like that committee to do in the future. Chair Carson recalled that, when it was formed, they were discussing the appropriate amounts for fund balances, and there has not been another charge for that committee since that was accomplished. She believed they would have to check with the committee members to see if they are willing to continue. Council Member Armstrong believed that committee was also looking at who should serve on the budget committee, where the numbers come from, and alternative sources of financing. As they start looking at alternative transportation and transportation solutions, substantial costs will be associated with that. He believed it would be valuable, especially with the citizens who served on the committee, to identify alternative sources of financing. They have that kind of talent residing in the County, and he believed they should tap into it. Chair Carson commented that, once they got the capital plan in place, reviewing the long-range projects has not really taken place.

Mr. Howard asked if the Council wants to continue the committee. Council Member Armstrong believed they should, especially with the transportation discussions. He noted that the School District is doing its master planning and looking at a bond this year, the County has had some successful open space bonds, and at some point the residents are going to get tired of bonds. He believed they need to look at other sources of revenue.

Mr. Howard referred to the duties of the committee as currently shown in the existing resolution and suggested that they may need to change the scope of the resolution in order to look at alternative sources of funding. Council Member Armstrong stated that he would like to know what they can do under State law and whether the County is maximizing what it can do. He believed each department in the County should do something to identify sources to fund and sustain their department. He commented that the transportation and traffic problems in the Snyderville Basin are not unique, and he believed there must be funding available somewhere.

Mr. Fisher believed the committee could concentrate on the capital plan, which will become more sophisticated over time, and the open space issue. The issue of fund balances could remain in the resolution, and it would just be a matter of reviewing them some day. Mr. Howard stated that it sounds like the focus would be more oriented toward targeting additional sources of revenue rather than reviewing the financial statements, fund balances, etc. Chair Carson stated that she believes that type of review still needs to happen.

Deputy County Attorney Dave Thomas confirmed with the Council that they would like the County Manager, County Treasurer, and County Auditor to remain on the committee. Mr. Howard offered to contact the existing committee members to see if they would like to apply, as their terms expire in August.

- **Discussion regarding 2015 Summit County Fair; Travis English, Fair Manager**

Fair Manager Travis English provided a copy of the fair poster. He announced that a carnival midway will return to the fair this year, which he understands has not happened for more than 10 years. A new event will start this year in conjunction with the Sunrise Rotary called the Tour de Sunrise, which is a bicycle event that will lead the parade down Main Street and then go to the Echo reservoir and back. It will coincide with the Tour of Utah, and the Tour de Sunrise will be on the Rail Trail running parallel to the Tour of Utah. He stated that he has coordinated this with the Tour of Utah and the Ultimate Challenge, and they are pleased with this event and helping to promote it.

A qualifying barrel race competition will be held on July 18 to qualify racers for the August 4 finals, and they are adding some bronc riding to that event. Council Member Ure asked Mr. English to coordinate the qualifying barrel race with Oakley, because it is the same day as the qualifying livestock show for Fiesta Days. Mr. English reported that more than 260 adult racers are signed up for the barrel races. He recalled that they had more than 400 last year and noted that this is the largest barrel race in the State of Utah. He asked the Council Members to participate in the ice cream social again this year and to participate in the parade. Annette Singleton has agreed to arrange for a fire truck from the North Summit Fire Department for the Council Members to ride on. The Council Members signed up to drive the cars for the royalty for the demolition derby and the rodeo. Mr. English asked the Council Members to serve at the senior luncheon on August 7. Assistant Manager Anita Lewis explained that selection of the art will be either before or after the lunch on Friday. Mr. English reported that they have an emcee for the beauty pageant this year, and there will be a beauty clinic for the competitors at the Waldorf Astoria Spa. Council Member Ure encouraged Council Members to attend the pageant.

REGULAR MEETING

Chair Carson called the regular meeting to order at 5:50 p.m.

- **Pledge of Allegiance**

COUNCIL COMMENTS

Council Member Armstrong stated that Myles Rademan asked him to get commitments from the Council Members for the city tour from September 9 to 13. Mr. Fisher stated that he will have at least two Staff members attend the tour.

Council Member Robinson reported that there was unanimous approval of the Accord at Monday's Mountain Accord meeting.

Council Member McMullin thanked Council Member Robinson for his time and effort with Mountain Accord the last couple of years.

Council Member Ure reported that the PILT payment was approved by Congress this week and noted that Utah receives the second largest amount of PILT funds in the western United States.

Chair Carson commented that she spoke with an individual who had toured all the cemeteries in Summit County and asked if the Council Members would be interested in touring the cemeteries. The Council Members indicated that they would be interested in a tour.

MANAGER COMMENTS

Mr. Fisher reported that the County has hired a regional transportation planning director, Caroline Ferris, who will start on Monday. She has 10 years' experience in transportation planning and worked for a national transit firm that does a lot of work throughout the country. She received her Bachelor's Degree from the University of Texas at Austin in 2001 and her Master's in city planning from Boston University in 2006. He reviewed the key skills she listed in her qualifications and noted that they correspond with the skills the County needs.

Mr. Fisher reported that he and Staff have been working on affordable housing statistics that they will review with the Council in the future. He stated that he and Julie Booth have put together a video for employees to keep them up to date on County topics and help him stay engaged with the employees in different ways.

APPROVAL OF COUNCIL MINUTES

JULY 1, 2015

Council Member Robinson made a motion to approve the minutes of the July 1, 2015, Summit County Council meeting as written. The motion was seconded by Council Member Armstrong and passed unanimously, 4 to 0. Council Member McMullin abstained from the vote, as she did not attend the July 1 meeting.

PUBLIC INPUT

Chair Carson opened the public input.

There was no public input.

Chair Carson closed the public input.

PUBLIC HEARING AND POSSIBLE ACTION REGARDING A SPECIAL EXCEPTION TO SECTIONS 10-2-4.D AND 10-4-19 OF THE SNYDERVILLE BASIN DEVELOPMENT CODE TO INCREASE THE MAXIMUM HEIGHT ALLOWED IN THE RURAL RESIDENTIAL ZONE AND TO GRANT RELIEF FROM THE ARCHITECTURAL REQUIREMENTS FOR ROOF STRUCTURES AND FACADE LENGTHS; RAY MILLINER, COUNTY PLANNER

Principal Planner Ray Milliner presented the staff report and explained that the Snyderville Basin Water Reclamation District is planning a massive expansion of their Silver Creek site to double the capacity of the facility. Currently, a significant amount of nitrogen and phosphorous is escaping and getting into the Weber River and Echo Reservoir, which causes problems with the plant and animal life. The applicant is requesting an increase in the height on the headworks building to incorporate mechanical equipment necessary to take care of the waste.

Mike Boyle with the Reclamation District described how the waste would be processed and indicated the tallest building in the facility. He confirmed that the tallest building would be located on the lowest part of the site. He confirmed that the Air Med facility will not be affected by this project and will be able to operate throughout the construction process.

Mike Luers with the Reclamation District explained that this will be a \$48 million project, which is the largest project they have ever done. They hope to have the design phase completed by the end of this year and start construction next spring, with the project being completed by June 2019. He explained that they will tear down the existing facility and build the new one without ever shutting down their operation. They propose taking the solids to Salt Lake, but they would prefer to be able to take them to the Summit County landfill. Currently, the Summit County landfill does not take them. Mr. Luers stated that, based on the current zoning in the County, this expansion should be close to meeting ultimate buildout needs.

Chair Carson opened the public hearing.

There was no public comment.

Chair Carson closed the public hearing.

Council Member Armstrong asked Mr. Milliner to review the standards for considering a special exception. Mr. Milliner reviewed the criteria and Staff's findings as they relate to this project as shown in the staff report. He explained that, if the Council grants the special exception, the applicant will go to the Snyderville Basin Planning Commission for approval of a Conditional Use Permit.

Council Member Robinson made a motion to approve the special exception to increase the maximum height allowed in the Rural Residential Zone and to grant relief from the architectural requirements for roof structures and façade lengths with the following Findings of Fact, Conclusions of Law, and Conditions of Approval shown in the staff report:

Findings of Fact:

- 1. The Snyderville Basin Water Reclamation District is the owner of Parcel #SS-29-B-X.**
- 2. Parcel SS-29-B-X is 42.8 acres in size.**
- 3. The property is located at 7867 Silver Gate Drive.**
- 4. The property is zoned Rural Residential (RR).**
- 5. There is an existing wastewater treatment plant on site.**
- 6. The current facility provides wastewater treatment for Park City and the Snyderville Basin.**
- 7. The current facility has a capacity to process 2 million gallons of water per day.**
- 8. A recent study by the Utah Division of Water Quality determined that water from the facility flowing into Echo reservoir is causing a significant increase of nitrogen and phosphorus in Echo Reservoir.**
- 9. The proposed expansion will include technology capable of removing more nitrogen and phosphorus from the water.**
- 10. The proposed expansion will increase the plant capacity to 4 million gallons of water per day.**

11. The location of the facility is relatively removed from public view, with little significant development surrounding it.
12. The proposed architecture is appropriate for the nature of the use.
13. The location of the facility and the nature of the use mitigate any visual and aesthetic impact on surrounding properties.
14. The increased height of the buildings, the lack of façade shifts, and lack of roof elements are an essential component to the applicant's ability to accommodate necessary equipment, operations, and maintenance requirements.

Conclusions of Law:

1. The application complies with applicable requirements in Chapter 10-4 of the Development Code.
2. The application complies with the Special Exception criteria in Section 10-3-7 of the Development Code.
3. The application complies with the Snyderville Basin General Plan.

Conditions of Approval:

1. The maximum height above existing grade for the headworks building will be 49 feet.
2. The maximum height above existing grade for the Tertiary Filter building will be 36 feet.
3. The maximum height above existing grade for the Solids building will be 61 feet.
4. Prior to receipt of a building permit, the applicant shall receive Conditional Use Permit approval for the facility from the Snyderville Basin Planning Commission.
5. Future modifications and/or expansions of the proposed use will require the approval of the Planning Commission.
6. Prior to construction, the applicants shall submit a construction mitigation plan to Summit County for review and approval.

The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

PUBLIC HEARING AND POSSIBLE APPROVAL OF AMENDMENTS TO THE EASTERN SUMMIT COUNTY AND SNYDERVILLE BASIN DEVELOPMENT CODES REGARDING PLANNING COMMISSION RESIDENCY REQUIREMENTS THROUGH THE ADOPTION OF ORDINANCES 841 AND 842; JENNIFER STRADER

County Planner Jennifer Strader presented the staff report and recalled that the Council requested these amendments. The Eastern Summit County Planning Commission conducted a public hearing on April 2 and asked for further clarification regarding whether the planning districts include the municipalities. They also requested confirmation of the planning district boundaries as they relate to the school district boundaries. Staff informed them that the planning district does include the municipalities, but the municipalities are not subject to the County's zoning laws. They also clarified that, because the Park City School District does not extend east of US 40, the planning districts will no longer be defined by the school district boundaries but rather by a specific boundary map. A second public hearing was held on May 7, and the Planning Commissioners decided that the planning district should not include the municipalities, because the County does not regulate their zoning, but they agreed that two municipal residents should be allowed to sit on the Planning Commission. She noted that the language forwarded to the Council by the Eastern Summit County Planning Commission reflects those changes. However, after the staff report was mailed to the Council Members, the Attorney's Office informed Staff that the planning district must include the municipalities for the purposes of this Code, but the

County does not have jurisdiction over any zoning in the municipalities. Staff has prepared edited language as it relates to Eastern Summit County. She noted that there was public comment at the Eastern Summit County Planning Commission public hearing, and she has provided those minutes. Since then, she has received no further public comment.

Ms. Strader reported that the Snyderville Basin Planning Commission held a public hearing on April 28, and there was no public comment and no comment from the Commissioners. The language in the Snyderville Basin amendment allows up to three Planning Commissioners from the municipality.

Mr. Thomas explained that, when the two planning districts were set up in 1995, they included the cities. They could shrink the district to not include the municipalities, but if they do, residents of municipalities cannot serve on the Planning Commission. He wants everyone to understand that so there will not be any question about whether citizens of municipalities can serve on the County's Planning Commissions.

The Council Members discussed whether they should allow two or three members of the Planning Commissions to be residents of municipalities. It was noted that they have tried to make both Codes as consistent as possible, and it would be preferable to do that in this case. Council Member Robinson recalled that there have been times when it would not have been possible to fill positions on the Eastern Summit County Planning Commission without including residents of municipalities.

Chair Carson opened the public hearing.

Tim Nemeckay suggested that they allow two municipal residents on each Planning Commission. Because of Park City's dynamics, they might want to control what they see coming into the City.

Chair Carson closed the public hearing.

Council Member Ure made a motion to approve the amendments to the Eastern Summit County Development Code through adoption of Ordinance 841 as proposed, with up to two Planning Commissioners from the municipalities being able to serve on the Planning Commission. The motion died for lack of a second.

Council Member Robinson was inclined to allow three municipal residents to serve on both Planning Commissions. It is a discretionary decision by the County Council, and he would prefer to have the flexibility.

Council Member McMullin was inclined to allow two municipal residents to serve on both Planning Commissions. She commented that the Snyderville Basin Planning Commission represents a planning area that covers a vast majority of the County's population, and two Planning Commissioners would be sufficient from the one city on that side of the County.

Chair Carson stated that she would like more flexibility on the eastern side of the County, because there are more cities, and they are more limited on the number of people who apply.

Council Member McMullin noted that the majority of the population on the eastern side of the County is in the cities and not in the unincorporated area.

Council Member Armstrong agreed that they have more municipalities on the east side, and he anticipates a lot more growth there. As that growth comes, those cities will expand in size, and he expressed concern that the pool of candidates outside the municipalities would shrink. He was concerned about not having the flexibility to acquire the skill sets they might need on the Eastern Summit County Planning Commission. He believed they need to be consistent in the number they allow in both planning areas.

Council Member Ure noted that almost all the cities in eastern Summit County have a difficult time getting anyone to run for Mayor or City Council, and he doubted that a lot of people from those municipalities would be willing to serve on the Planning Commission.

Council Member Ure made a motion to approve the amendments to the Eastern Summit County Development Code regarding Planning Commission residency requirements, as amended by Staff, through the adoption of Ordinance 841, based on the following Findings of Fact and Conclusions of Law contained in the staff report:

Findings of Fact:

- 1. In 2013, concerns were raised that municipal residents were disqualified from sitting on the Snyderville Basin Planning Commission.**
- 2. The County Attorney conducted an in-depth analysis of the formation of the Snyderville Basin Planning District and concluded that, when the Planning District was formed in 1995, it was not formed as a township, which has residency limitations.**
- 3. Concerns have again been raised over the eligibility of municipal residents to serve on the SBPC.**
- 4. On February 24, 2015, the County Attorney opined that the Planning Commission boundaries included Park City Municipal Corporation.**
- 5. On March 4, 2015, the Council discussed at a work session the public policy behind having municipal residents sit on its Planning Commissions.**
- 6. The Council determined the number of municipal residents on any single Planning Commission should not constitute a majority.**
- 7. The Council directed the Planning Commission to consider clarifications and modifications to Chapter 10 of the Code relating to the Planning District and its Planning Commission composition.**
- 8. On April 2, the Eastern Summit County Planning Commission held a public hearing and voted to continue the public hearing to allow time for Staff to gather further information.**
- 9. On May 7, 2015, the ESCPC held a public hearing and reviewed the amended language. It was the decision of the ESCPC to forward a positive recommendation to the SCC by a vote of 4-2.**
- 10. On April 28, 2015, the Snyderville Basin Planning Commission held a public hearing and voted unanimously to forward a positive recommendation to the SCC.**

Conclusions of Law:

- 1. The amendments clarify and modify provisions relating to the Planning District and its Planning Commission composition so as to protect the public health, safety, and welfare of its residents.**

The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

Council Member Ure made a motion to approve the amendments to the Snyderville Basin Development Code regarding Planning Commission residency requirements, with the amendment to allow up to two residents of municipalities to serve on the Planning Commission, through the adoption of Ordinance 842, based on the following Findings of Fact and Conclusions of Law contained in the staff report:

Findings of Fact:

1. In 2013, concerns were raised that municipal residents were disqualified from sitting on the Snyderville Basin Planning Commission.
2. The County Attorney conducted an in-depth analysis of the formation of the Snyderville Basin Planning District and concluded that, when the Planning District was formed in 1995, it was not formed as a township, which has residency limitations.
3. Concerns have again been raised over the eligibility of municipal residents to serve on the SBPC.
4. On February 24, 2015, the County Attorney opined that the Planning Commission boundaries included Park City Municipal Corporation.
5. On March 4, 2015, the Council discussed at a work session the public policy behind having municipal residents sit on its Planning Commissions.
6. The Council determined the number of municipal residents on any single Planning Commission should not constitute a majority.
7. The Council directed the Planning Commission to consider clarifications and modifications to Chapter 10 of the Code relating to the Planning District and its Planning Commission composition.
8. On April 2, the Eastern Summit County Planning Commission held a public hearing and voted to continue the public hearing to allow time for Staff to gather further information.
9. On May 7, 2015, the ESCPC held a public hearing and reviewed the amended language. It was the decision of the ESCPC to forward a positive recommendation to the SCC by a vote of 4-2.
10. On April 28, 2015, the Snyderville Basin Planning Commission held a public hearing and voted unanimously to forward a positive recommendation to the SCC.

Conclusions of Law:

1. The amendments clarify and modify provisions relating to the Planning District and its Planning Commission composition so as to protect the public health, safety, and welfare of its residents.

The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

The County Council meeting adjourned at 6:45 p.m.

Council Chair, Kim Carson

County Clerk, Kent Jones

Introductions of the 2015 Summit County Fair Royalty

Rodeo Queen Royalty

Queen Coree Jacobsen, Coalville

1st Attendant Bush Elise, Francis

2nd Attendant Jaycee Marchant, Kamas

2015 Little Buckaroo Princess Royalty

Queen McKardy Kelly, Midway

1st Attendant Hanna Smith, Syracuse

2015 Miss Summit County Royalty

Queen Alyson Rockhill, Kamas

1st Attendant McCall Grajek, Kamas

2nd Attendant Samantha Offret, Oakley



STAFF REPORT

To: Summit County Council
From: Philip Bondurant Summit County Health, Ray Milliner, County Planner
Date of Meeting: August 5, 2015
Type of Item: Code Amendment – Public Hearing Possible Action
Process: Legislative

RECOMMENDATION: Staff recommends that the Summit County Council review the proposal to create language limiting the use of wood burning appliances in the Snyderville Basin, and approve the proposed ordinance.

Proposal

The purpose of the amendments is to regulate the installation of wood burning stoves and other types of wood burning appliances in new construction and remodels of existing buildings within the Snyderville Basin.

Background

On February 11, 2015 the County Council adopted a temporary zoning ordinance mandating a 6 month moratorium on the installation of wood burning stoves and wood burning appliances in new construction and remodels in the Snyderville Basin Planning area. The moratorium was initiated by the Summit County Health Department in conjunction with the County Planning Department. The stated rationale for the moratorium was:

“Western Summit County, particularly the Snyderville Basin, is geographically an area prone to inversions and haze during the winter months. While air quality in western Summit County remains generally good, there is evidence that air quality is deteriorating. Also, the area is surrounded by counties that frequently violate federal standards for PM2.5 and ozone. We believe now is the time to put in place regulations aimed at protecting air quality moving forward, and at helping avoid the poor air quality that many of our neighboring counties now experience.”

Council directed staff to draft an develop an ordinance with the specific aim to protect air quality and personal exposure to wood smoke toxins and present it to the Snyderville Basin Planning Commission for review, and a recommendation to the Council.

Staff created language and brought it to the Planning Commission for a work session on May 12, 2015 and again on July 14, 2015. The Commission reviewed the document, suggested changes and on July 14, forwarded a positive recommendation to the County Council.

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: Policy 5.19 of the Snyderville Basin General Plan States:

“Preservation of Air Quality: Ensure that development does not contribute significantly to the degradation of air quality and minimizes the impacts of wood burning stoves, automobiles, or other similar air quality pollutants.”

The proposed amendments are consistent with this policy.

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 prohibition is written for the entire Snyderville Basin Planning Area. Therefore, it applies all uses and properties within the area.

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: The purpose of the restriction is to restrict the impact of smoke from wood burning devices on nearby properties and the general population of the Snyderville Basin.

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: Smoke from wood burning devices in the Snyderville Basin is released directly into the area where people spend most of their time at an elevation that does not promote dispersion. Studies show that within a single square mile of a residential area, wood smoke concentrations varied by three orders of magnitude. A neighbor burning wood can raise the amount of pollution you are exposed to over 100 times greater than what is recorded at the nearest monitoring station.

These regulations are designed to mitigate the impacts from that smoke on the general population.

Recommendation

Staff recommends that the Summit County Council review the proposal to create language limiting the use of wood burning appliances in the Snyderville Basin, and approve the attached ordinance per the findings of fact and conclusions of law written below.

Findings of Fact

1. The goal of Chapter 5 of the Snyderville Basin General Plan (“General Plan”) is to ensure that all development undertaken is compatible and in harmony with the surrounding mountain environment while maintaining ecological balance and protecting the scenic and historic qualities of the Snyderville Basin.
2. in furtherance of this goal, §10-1-1(D) of the Summit County Code (“Code”) provides that within the Snyderville Basin Planning Area it is the intention of the County to manage the development of land so as to protect and enhance both the mountain environment and resort nature of the area; and,
3. Western Summit County, particularly the Snyderville Basin, is geographically an area prone to inversions and haze during the winter months. While air quality in western Summit County remains generally good, there is evidence that air quality is deteriorating, as the area is surrounded by counties that frequently violate federal standards for PM2.5 and ozone
4. Wood smoke is even more toxic than other particulate pollution, and contains over 200 chemicals and compound groups. Components of wood smoke are very similar to those in cigarette smoke. They include particulate matter, carbon monoxide, formaldehyde, sulfur dioxide, nitrogen oxides, dioxins, and polycyclic aromatic hydrocarbons.

Furthermore, like with cigarettes, those who are doing the wood burning, are the most victimized by the pollution generated.

5. In addition to contributing to poor overall air quality, wood burning creates hot spots of pollution and “local victims” not revealed by monitoring stations. The largest single source of outdoor fine particles (PM2.5) entering into our homes in many American cities is our neighbor's fireplace or wood stove. Only a few hours of wood burning in a single home at night can raise fine particle concentrations in dozens of surrounding homes throughout the neighborhood and cause high concentrations of toxic substances.
6. Unlike most other sources of pollution, home wood burning emissions are released directly into the area where people spend most of their time at an elevation that does not promote dispersion. Studies from California show that within a single square kilometer of a residential area, wood smoke concentrations varied by three orders of magnitude. A neighbor burning wood can raise the amount of pollution you are exposed to over 100 times greater than what is recorded at the nearest monitoring station.
7. Wood burning also has an enormous impact on community wide pollution levels. Studies have estimated that wood/biomass combustion contribute 10-40% of the fine particle concentrations (PM2.5) in large cities such as Seattle, Phoenix, and Salt Lake. A study in Los Angeles showed that in the winter, residential wood combustion contributed 30% of primary organic aerosols (probably the most important mass component of particulate pollution), which is a greater percentage than that caused by motor vehicle exhaust. A recent study from researchers at the University of Utah showed that smoke from fireplaces, wood stoves and grills was responsible for as much direct PM2.5 as vehicles during certain conditions. There is no reason to believe this will not hold true in Summit County.
8. According to the California Air Resources Board, the inhalable particle pollution from one wood stove is equivalent to the amount emitted from 3,000 gas furnaces producing the same amount of heat per unit. The EPA estimates that a single fireplace operating for an hour and burning 10 pounds of wood will generate more inhalable toxins than 120,000 cigarettes. Also, while EPA certified wood stoves may be cleaner than old wood stoves, they still cannot begin to approach the emissions level of a natural gas furnace.
9. Wood smoke is not just an outdoor problem. There is no practical way to prevent wood smoke pollution from seeping into nearby homes. The extremely small size of the particles results in the particles remaining suspended in the atmosphere for long periods making a disproportionate contribution to air shed pollution. Stagnant conditions and winter temperature inversions result in wood smoke hanging close to the ground, easily penetrating homes and buildings. A single wood-burning household can envelope adjacent and downwind homes with some of the most dangerous pollution there is. Indoor concentrations in homes nearby were found to average 75% as high as outdoor concentrations. This demonstrates how significant the creation of “local victims” is in assessing the true extent of the health impacts of wood burning. What goes up your chimney ends up in your neighbor’s living room even on a “green burn” day. This is similar to being exposed to second hand tobacco smoke

10. Ultrafine particles are more potent in inducing inflammatory responses than fine particles. Wood smoke produces high levels of free radicals and DNA damage. The EPA estimates that the lifetime cancer risk from wood stove smoke is twelve times greater than that from an equal volume of second hand tobacco smoke. Burning two cords of wood produces the same amount of mutagenic particles as driving 13 gasoline powered cars 10,000 miles each at 20 miles/gallon
11. The preponderance of smoke from wood-burning stoves and fireplaces (together, “Wood-Burning Appliances”) in the Snyderville Basin represents a potential risk to human health and the natural environment
12. As currently drafted, the Summit County Code does not set forth specific criteria or a process for the regulation of Wood-Burning Appliances
13. §1-12-3 of the Summit County Code of Health (“Health Code”) prohibits the sale and installation of wood burning stoves that are not EPA Phase 2 certified.

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
- Exhibit B. Health and Wood Burning Information

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

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN
DEVELOPMENT CODE SECTION 10-4-2 PROHIBITING THE INSTALLATION OF WOOD-BURNING
APPLIANCES IN NEW CONSTRUCTION AND REMODELS IN THE SNYDERVILLE BASIN PLANNING
AREA**

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, air quality; and,

WHEREAS, the goal of Chapter 5 of the Snyderville Basin General Plan (“General Plan”) is to ensure that all development undertaken is compatible and in harmony with the surrounding mountain environment while maintaining ecological balance and protecting the scenic and historic qualities of the Snyderville Basin; and

WHEREAS, in furtherance of this goal, §10-1-1(D) of the Summit County Code (“Code”) provides that within the Snyderville Basin Planning Area it is the intention of the County to manage the development of land so as to protect and enhance both the mountain environment and resort nature of the area; and,

WHEREAS, western Summit County, particularly the Snyderville Basin, is geographically an area prone to inversions and haze during the winter months. While air quality in western Summit County remains generally good, there is evidence that air quality is deteriorating, as the area is surrounded by counties that frequently violate federal standards for PM2.5 and ozone; and,

WHEREAS, wood smoke is even more toxic than other particulate pollution, and contains over 200 chemicals and compound groups. Components of wood smoke are very similar to those in cigarette smoke. They include particulate matter, carbon monoxide, formaldehyde, sulfur dioxide, nitrogen oxides, dioxins, and polycyclic aromatic hydrocarbons. Furthermore, like with cigarettes, those who are doing the wood burning, are the most victimized by the pollution generated; and,

WHEREAS, in addition to contributing to poor overall air quality, wood burning creates hot spots of pollution and “local victims” not revealed by monitoring stations. The largest single source of outdoor fine particles (PM2.5) entering into our homes in many American cities is our neighbor's fireplace or wood stove. Only a few hours of wood burning in a single home at night can raise fine particle concentrations in dozens of surrounding homes throughout the neighborhood and cause high concentrations of toxic substances; and,

WHEREAS, unlike most other sources of pollution, home wood burning emissions are released directly into the area where people spend most of their time at an elevation that does not promote dispersion. Studies from California show that within a single square kilometer of a residential area, wood smoke concentrations varied by three orders of magnitude. A neighbor burning wood can raise the amount of pollution you are exposed to over 100 times greater than what is recorded at the nearest monitoring station; and,

WHEREAS, wood burning also has an enormous impact on community wide pollution levels. Studies have estimated that wood/biomass combustion contribute 10-40% of the fine particle concentrations (PM2.5) in large cities such as Seattle, Phoenix, and Salt Lake. A study in Los Angeles showed that in the winter, residential wood combustion contributed 30% of primary organic aerosols (probably the most important mass component of particulate pollution), which is a greater percentage than that caused by motor vehicle exhaust. A recent study from researchers at the University of Utah showed that smoke from fireplaces, wood stoves and grills was responsible for as much direct PM2.5 as vehicles during certain conditions. There is no reason to believe this will not hold true in Summit County; and,

WHEREAS, according to the California Air Resources Board, the inhalable particle pollution from one wood stove is equivalent to the amount emitted from 3,000 gas furnaces producing the same amount of heat per unit. The EPA estimates that a single fireplace operating for an hour and burning 10 pounds of wood will generate more inhalable toxins than 120,000 cigarettes. Also, while EPA certified wood stoves may be cleaner than old wood stoves, they still cannot begin to approach the emissions level of a natural gas furnace; and,

WHEREAS, wood smoke is not just an outdoor problem. There is no practical way to prevent wood smoke pollution from seeping into nearby homes. The extremely small size of the particles results in the particles remaining suspended in the atmosphere for long periods making a disproportionate contribution to air shed pollution. Stagnant conditions and winter temperature inversions result in wood smoke hanging close to the ground, easily penetrating homes and buildings. A single wood-burning household can envelope adjacent and downwind homes with some of the most dangerous pollution there is. Indoor concentrations in homes nearby were found to average 75% as high as outdoor concentrations. This demonstrates how significant the creation of “local victims” is in assessing the true extent of the health impacts of wood burning. What goes up your chimney ends up in your neighbor’s living room even on a “green burn” day. This is similar to being exposed to second hand tobacco smoke; and,

WHEREAS, ultrafine particles are more potent in inducing inflammatory responses than fine particles. Wood smoke produces high levels of free radicals and DNA damage. The EPA estimates that the lifetime cancer risk from wood stove smoke is twelve times greater than that from an equal volume of second hand tobacco smoke. Burning two cords of wood produces the same amount of mutagenic particles as driving 13 gasoline powered cars 10,000 miles each at 20 miles/gallon; and,

WHEREAS, the preponderance of smoke from wood-burning stoves and fireplaces (together, “Wood-Burning Appliances”) in the Snyderville Basin represents a potential risk to human health and the natural environment; and,

WHEREAS, as currently drafted, the Code does not set forth specific criteria or a process for the regulation of Wood-Burning Appliances; and,

WHEREAS, §1-12-3 of the Summit County Code of Health (“Health Code”) prohibits the sale and installation of wood burning stoves that are not EPA Phase 2 certified; and,

WHEREAS, the Snyderville Basin Planning Commission held a public hearing on July 14, 2015; and

WHEREAS, the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on July 14, 2015; and

WHEREAS, the County Council held a public hearing on August 5, 2015; 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 4. **Effective Date.** This Ordinance shall take effect fifteen immediately after publication.

Enacted this 5th day of August, 2015.

ATTEST:

SUMMIT COUNTY COUNCIL

Kent Jones
Summit County Clerk

Kim Carson, Chair

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

Code Amendments

VOTING OF COUNTY COUNCIL:

Councilmember Carson	_____
Councilmember Robinson	_____
Councilmember Ure	_____
Councilmember Armstrong	_____
Councilmember McMullin	_____

August 5, 2015

Exhibit A

10-4-2: ENVIRONMENTAL CRITERIA:

- A. Air Quality: Developments which produce emissions to the air shall, at a minimum, demonstrate compliance with all state air quality standards, as evidenced by the issuance of any permits required for their emissions by the state.
1. Solid Fuel-Burning Devices Prohibited. The installation of a Solid Fuel-Burning Device in any Development within the Snyderville Basin Planning District is prohibited.
 2. Burning of Certain Materials Prohibited. The burning of the following materials within the Snyderville Basin Planning District is prohibited:
 - a. Garbage,
 - b. Treated wood,
 - c. Plastic products,
 - d. Rubber products,
 - e. Waste petroleum products,
 - f. Paints and paint solvents,
 - g. Coal, or
 - h. Any other material not intended by a manufacturer for use as fuel in a wood burning fireplace, wood burning heater, or outdoor wood burning device.
 - i. Open burning of building materials, rubbish or garbage, except ordinary yard waste when permitted by the fire district.
 3. Exceptions to Solid Fuel-Burning Device Prohibition. The prohibition set forth in 10-4-2(A)(1) does not apply to:
 - a. The installation of a Solid Fuel-Burning Device where the device acts as the sole source of heat for a Structure, and said device meets the applicable minimum EPA requirements for clean burning devices as set forth in Title 40, Part 60, Subpart AAA of the Code of Federal Regulations, as amended, “Standards of Performance for New Residential Wood Heaters,” which regulations are incorporated herein by this reference (“EPA Standard”); or
 - b. The installation of a Solid Fuel-Burning Device where natural gas or propane service is limited or unavailable, and said device meets the EPA Standard.
 4. Upgrades to Existing Solid Fuel-Burning Devices. Existing Solid Fuel-Burning Devices which do not meet the EPA Standard may be upgraded to a device that does meet the EPA Standard without violating 10-4-2(A).

5. Wood-Fired Pizza Ovens. A wood-fired pizza oven utilized in a restaurant which receives an approval to operate from the Summit County Health Department is exempt from 10-4-2(A).
6. Home Heating Rebate Program. There is hereby granted a Carbon Footprint Rebate (“Rebate”) of up to one hundred dollars (\$100.00) towards any Summit County building permit fee for each Development activity which results in the elimination of an existing Solid Fuel-Burning Device; or the replacement of such device with an electric or gas-fueled fixture, or with an approved Solid Fuel-Burning Device meeting the EPA Standard as set forth in 10-4-2(A)(5). Such Rebate shall be granted upon approval of the building permit or permits for the remodeling activity resulting in the elimination or replacement of the existing Solid Fuel-Burning Device.

10-11-1: TERMS DEFINED:

Fireplace: A fireplace is a wood-burning appliance intended to be used primarily for aesthetic enjoyment and not as a space heater. An appliance is a fireplace if it is in a model line that satisfies the requirements in paragraphs (1), (2) or (3) of this definition.

(1) The model line includes a safety listing under recognized American or Canadian safety standards, as documented by a permanent label from a nationally recognized certification body affixed on each unit sold, and that said safety listing only allows operation of the fireplace with doors fully open. Operation with any required safety screen satisfies this requirement.

(2) The model line has a safety listing that allows operation with doors closed, has no user-operated controls other than flue or outside air dampers that can only be adjusted to either a fully closed or fully opened position, and the requirements in either paragraph (2)(i) or (2)(ii) of this definition are satisfied.

(i) Appliances are sold with tempered glass panel doors only (either as standard or optional equipment), or

(ii) The fire viewing area is equal to or greater than 500 square inches.

(3)(i) A model line that is clearly positioned in the marketplace as intended to be used primarily for aesthetic enjoyment and not as a room heater, as demonstrated by product literature (including owner's manuals), advertising targeted at the trade or public (including web-based promotional materials) or training materials is presumptively a fireplace model line.

(ii) The presumption in paragraph (3)(i) of this definition can be rebutted by test data from an EPA-approved test laboratory reviewed by an EPA-approved third-party certifier that were generated when operating the appliance with the door(s) closed, and that demonstrate an average stack gas carbon dioxide (CO₂) concentration over the duration of the test run equal to or less than 5.00 percent and a ratio of the average stack gas CO₂ to the average stack gas carbon monoxide (CO) equal to or greater than 15:1. The stack gas average CO₂ and CO concentrations for the test run shall be determined in accordance with the requirements in CSA B415.1-10 (IBR, see §60.17), clause 6.3, using a sampling interval no greater than 1 minute. The average stack

gas CO₂ and CO concentrations for purposes of this determination shall be the average of the stack gas concentrations from all sampling intervals over the full test run.

Masonry Heater: A Masonry Heater is a factory-built or site-built wood-burning device in which the heat from intermittent fires burned rapidly in the firebox is stored in the refractory mass for slow release to building spaces. Masonry heaters are site-built (using local materials or a combination of local materials and manufactured components) or site-assembled (using factory-built components), solid fuel-burning heating appliances constructed mainly of refractory materials (*e.g.*, masonry materials or soapstone. They typically have an interior construction consisting of a firebox and heat exchange channels built from refractory components, through which flue gases are routed.

Stove, Pellet: (sometimes called pellet heater or pellet space heater) means an enclosed, pellet or chip fuel-burning device capable of and intended for residential space heating or space heating and domestic water heating. Pellet stoves include a fuel storage hopper or bin and a fuel feed system. Pellet stoves include, but are not limited to:

- (1) Free-standing pellet stoves—pellet stoves that are installed on legs or on a pedestal or other supporting base.
- (2) Pellet stove fireplace inserts—pellet stoves intended to be installed in masonry fireplace cavities or in other enclosures.
- (3) Built-in pellet stoves—pellet stoves intended to be recessed into the wall.

Solid Fuel-Burning Device: A solid fuel-burning device is a device which is designated to burn any form of solid fuel, and includes Fireplaces, Wood Heaters, Pellet Stoves and Masonry Heaters.

Wood Heater: A wood heater is an enclosed, wood burning-appliance capable of and intended for residential space heating or space heating and domestic water heating. These devices include, but are not limited to, adjustable burn rate wood heaters, single burn rate wood heaters and pellet stoves. Wood heaters may or may not include air ducts to deliver some portion of the heat produced to areas other than the space where the wood heater is located. Wood heaters include, but are not limited to:

- (1) Free-standing wood heaters—Wood heaters that are installed on legs, on a pedestal or suspended from the ceiling.
- (2) Fireplace insert wood heaters—Wood heaters intended to be installed in masonry fireplace cavities or in other enclosures.
- (3) Built-in wood heaters—Wood heaters that are intended to be recessed into the wall.

Wood-Fired Pizza Oven: A wood-fired pizza oven is an oven that is fueled solely by wood, is utilized for the baking of traditional-style pizzas and is located within a permanent Structure.

Health and Wood burning

Western Summit County, particularly the Snyderville Basin, is geographically an area prone to inversions and haze during the winter months. In response to citizen concern related to air quality, the Summit County Board of Health, with support from the Summit County Council, authorized the purchase of air quality monitors in 2010. The Summit County Health Department runs the monitors and reports real-time PM2.5 and ozone data.

While air quality in western Summit County remains generally good, there is evidence that air quality is deteriorating. Also, the area is surrounded by counties that frequently violate federal standards for PM2.5 and ozone. We believe now is the time to put in place regulations aimed at protecting air quality moving forward, and at helping avoid the poor air quality that many of our neighboring counties now experience.

Wood smoke is even more toxic than other particulate pollution, and contains over 200 chemicals and compound groups. Components of wood smoke are very similar to those in cigarette smoke. They include particulate matter, carbon monoxide, formaldehyde, sulfur dioxide, nitrogen oxides, dioxins, and polycyclic aromatic hydrocarbons. Furthermore, like with cigarettes, those who are doing the wood burning, are the most victimized by the pollution generated.

In addition to contributing to poor overall air quality, wood burning creates hot spots of pollution and “local victims” not revealed by monitoring stations. The largest single source of outdoor fine particles (PM2.5) entering into our homes in many American cities is our neighbor's fireplace or wood stove. Only a few hours of wood burning in a single home at night can raise fine particle concentrations in dozens of surrounding homes throughout the neighborhood and cause high concentrations of toxic substances.

Unlike most other sources of pollution, home wood burning emissions are released directly into the area where people spend most of their time at an elevation that does not promote dispersion. Studies from California show that within a single square kilometer of a residential area, wood smoke concentrations varied by three orders of magnitude. A neighbor burning wood can raise the amount of pollution you are exposed to over 100 times greater than what is recorded at the nearest monitoring station.

Wood burning also has an enormous impact on community wide pollution levels. Studies have estimated that wood/biomass combustion contribute 10-40% of the fine particle concentrations (PM2.5) in large cities such as Seattle, Phoenix, and Salt Lake. A study in Los Angeles showed that in the winter, residential wood combustion contributed 30% of primary organic aerosols, (probably the most important mass component of particulate pollution), more than motor vehicle exhaust. A recent study from researchers at the U. of Utah showed that smoke from fireplaces, wood stoves and grills was responsible for as much direct PM2.5 as vehicles during certain conditions. There is no reason to believe this will not hold true in Summit County.

According to the California Air Resources Board, the inhalable particle pollution from one wood stove is equivalent to the amount emitted from 3,000 gas furnaces producing the same amount of heat per unit. The EPA estimates that a single fireplace operating for an hour and burning 10 pounds of wood will generate more inhalable toxins than 120,000 cigarettes. Also, while EPA certified wood stoves may be cleaner than old wood stoves, they still cannot begin to approach the emissions level of a natural gas furnace.

Wood smoke is not just an outdoor problem. There is no practical way to prevent wood smoke pollution from seeping into nearby homes. The extremely small size of the particles results in the particles remaining suspended in the atmosphere for long periods making a disproportionate contribution to air shed pollution. Stagnant conditions and winter temperature inversions result in wood smoke hanging close to the ground, easily penetrating homes and buildings. A single wood-burning household can envelope adjacent and downwind homes with some of the most dangerous pollution there is. Indoor concentrations in homes nearby were found to average 75% as high as outdoor concentrations. This demonstrates how significant the creation of “local victims” is in assessing the true extent of the health impacts of wood burning. What goes up your chimney ends up in your neighbor’s living room even on a “green burn” day. This is similar to being exposed to second hand tobacco smoke.

Ultrafine particles are more potent in inducing inflammatory responses than fine particles. Wood smoke produces high levels of free radicals and DNA damage. The EPA estimates that the lifetime cancer risk from wood stove smoke is twelve times greater than that from an equal volume of second hand tobacco

smoke. Burning two cords of wood produces the same amount of mutagenic particles as driving 13 gasoline powered cars 10,000 miles each at 20 miles/gallon.

Burning Wood: Pollution and Health Impacts

Wood fires are hazardous to health and are especially problematic during inversion periods. Wood smoke impacts everyone, but children, older adults, and people with lung or heart disease are particularly vulnerable. Although it may feel cozy, it is harming your health and the health of others. Please help the community by putting the wood aside.

Hearthside hazards

Fine particles known as particulates are carried into our lungs when we breathe wood smoke. They can cause a variety of health problems, and are a serious concern for federal and regional air-quality agencies.

Unseen harm

Smoke particles are so fine they can slip past macrophages, immune cells inside the alveoli that destroy foreign particles. We cannot see the tiny particles that are being embedded in our lungs.

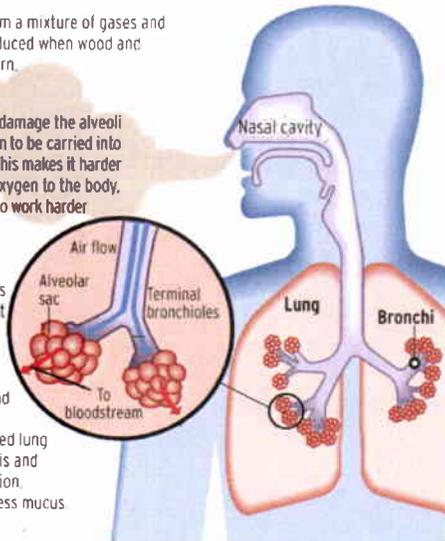
Substance	Size	
	Micrometers	Inch
90% of wood smoke particles	1 micron	0.00004
Red blood cell	8 microns	0.0003
Human hair	70 microns	0.003

Smoke comes from a mixture of gases and fine particles produced when wood and organic matter burn.

Particulates can damage the alveoli which allow oxygen to be carried into the bloodstream. This makes it harder to get sufficient oxygen to the body, causing the heart to work harder to compensate.

Particulates may cause more deaths in people with heart disease.

Smoke effects range from eye and respiratory tract irritation to reduced lung function, bronchitis and asthma exacerbation, coughing and excess mucus.



Sources: EPA, South Coast Air Quality Management, NOAA

The Register

Exposure To Wood Smoke

The particulate matter in wood smoke is tiny and even doors and windows cannot keep it out. Up to 70 percent of the wood smoke that exits a chimney reenters nearby homes.

One older wood burning fireplace or stove pollutes as much as **five dirty diesel buses**.

One fireplace can emit as much particulate pollution as **90 SUVs**.

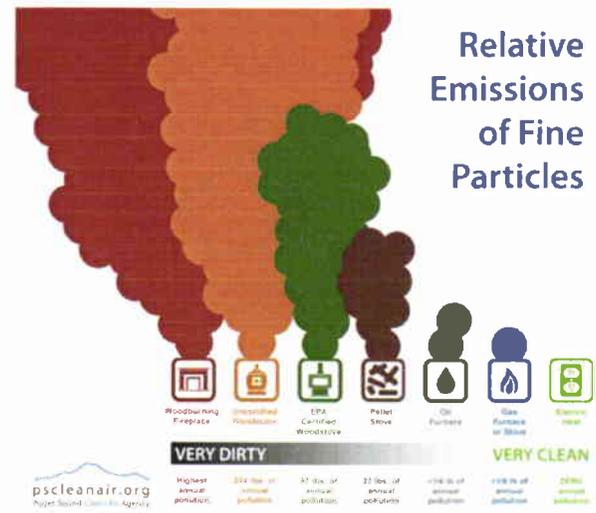
Health Effects of Wood Smoke

The chemical components of wood smoke are harmful. Wood smoke contains fine particulate matter, carbon monoxide, sulfur dioxide, formaldehyde, and various chemicals that can scar the lungs. Wood smoke also contains chemicals linked to cancer, including dioxin and polycyclic aromatic hydrocarbons.

Wood smoke depresses the immune system and damages the layer of cells in the lungs that protect and clean the airways.

Short term effects of wood smoke exposure include coughs, headaches, and eye and throat irritation.

Exposure to the fine particles of smoke increases the risk of heart attacks, strokes, arrhythmias, chest pain, palpitations, shortness of breath and fatigue.



BreatheUTAH

For more information visit www.BreatheUtah.org/WoodSmoke

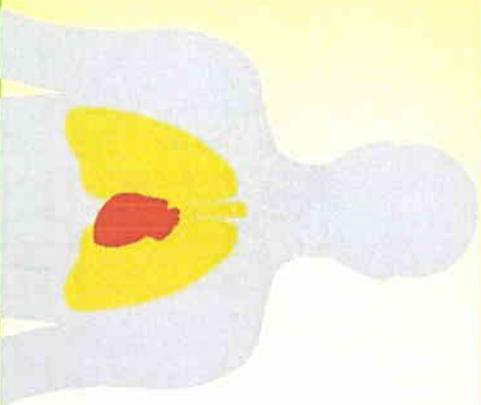
WOOD SMOKE AND YOUR HEALTH

Wood smoke may smell good but it's not good for you. With a few simple steps you can help reduce wood smoke to protect your health and the air we breathe.

DID YOU KNOW?

One old, inefficient wood stove can emit as much air pollution as 5 dirty old diesel trucks.

Tiny particles in wood smoke can affect your health



HEART IMPACTS

Increases the risk of heart attack, irregular heartbeat, heart failure, stroke and early death.



LUNG IMPACTS

Triggers asthma attacks and aggravates other lung diseases and damages children's lungs.

WHO IS AT GREATER RISK?

Older adults
Children and teens
People with heart or lung disease

Four easy steps to reduce wood smoke

1

Burn dry, seasoned wood that has been split, stacked, covered and stored.



3

Use a cleaner-burning gas or wood stove.



2

Test wood with a moisture meter (20% moisture or less is best).



4

Provide sufficient air to the fire; never let it smolder.



EXHIBIT B