David Snyder - R317-4 Comments

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Jesse Lassley: Stakeholder- Land Development
Re. Rule Rewrite R317-4

First off, I want to take the time to thank David Snyder for rewriting R317-4 and the daunting task it may have been for the last two years to arrive at our "Straw-man" draft. After many hours of reviewing the current and draft version of R317-4 I found many issues that should be addressed. I want to point out that there are many technical areas that I am probably not addressing, but my main goal is to address the concerns of the public and what we experience when the "straw-man" becomes reality.

TECHNOLOGY. The new 55 page draft could be radically decreased in size if we look to technology to solve our problem and decrease additional regulation. Currently, the state of Utah has adopted the ability for alternative pack bed media systems to be utilized. These systems can produce an effluent that is 98% cleaned. Although the draft highlights such systems, the rule doesn't enforce that local health departments adopt such systems for the public when the systems may be deemed necessary. The rule should mandate that all Utah state health departments adopt alternative septic systems as an option for home owners that cannot meet the standards of a traditional septic system. Also, if developers utilize technology that is proven to be safer for the public the developers should be incentivized and rewarded for implementing such systems into their developments. For example, if a traditional septic system is 1/8 as good as a pack bed media system and a developer implements the better technology into their development then the developer should benefit 8 times in density. This density increase wouldn't be automatic but would be given to the developer as a bar that can be met if the local jurisdiction grants such a zoning increase.

CLAIRTY. The number one problem in rules and regulations is making the language too vague, so that interpretation can be different on many fronts. For example, soils tests seem to be the wrong answer. If you took a room of individuals and they were tasked

with the job of identifying the same soil type, I would bet that you would have a 50% chance that the results would be different. Create the "Gold Stand". The perc test should be the only method used to determine whether or not a lot should be deemed buildable. The perc test tells us how fast or slow fluid moves though soil and allows professionals to design systems that are the correct size for property owners. The test is simple and accurate. If the local health department is concerned about how "certified" perc test specialists are conducting their tests, then the health department officials should be mandated to be present while the tests are conducted.

ENFORCEMENT. The new rule should address more enforcement with certified test specialists and have rules in place that cuts deep if a tester breaks the rules. How many certified testers have had their licenses revoked? Two strikes and you're out. If you are a tester that is found breaking state regulation for the first time then he/she should lose their certification for 6 months. The next time they are found breaking the rules their certification should be revoked forever. On the other spectrum regulators should be bound to similar standards when abusing their powers.

THIRD PARTY VARIFICATION. If a landowner feels that a local health department has misinterpreted a rule and is therefore precluding the landowner from building, then the landowner should be able to have a neutral third party verify the rule. This verification could be concluded by the property right ombudsmen. If the property owner isn't happy with the final decision of the property rights ombudsmen then they should be able to appeal their decision to the civil court system.

SIMPLIFY The RULE. Let's cut out the fat. Rules such as slope requirements, lots size increases, unsuitable soils, unbuildable lots, and increased tank sizes should be removed from the rule. We currently have perc tests and technology that should solve 99% of our problems.

I plan on submitting more in depth comment at the Oct 1st meeting. Have a wonderful weekend …

Best Regards,

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