

# COTTONWOOD HEIGHTS

## RESOLUTION No. 2018-12

### A RESOLUTION EXPRESSING OPPOSITION TO HOUSE BILL 135

**WHEREAS**, most of the residents of the city of Cottonwood Heights (“*Cottonwood Heights*”) obtain their culinary water service from the public utilities department of Salt Lake City (“*SLC*”), which owns and operates a water treatment plant and all related water distribution lines in Cottonwood Heights and elsewhere in the Salt Lake valley; and

**WHEREAS**, SLC has provided culinary water service to much of the Salt Lake valley for well over 100 years and, in furtherance of that function, has carefully guarded the watersheds in the nearby canyons from contamination by exercising so-called “extraterritorial jurisdiction” under UTAH CODE ANN. 10-8-15 and predecessor and related statutes of the state of Utah; and

**WHEREAS**, due in significant part to SLC’s careful watch over the vital watersheds which provide culinary water to the residents of much of the Salt Lake valley—which is located in the second most arid of all the United States—the residents of Cottonwood Heights enjoy access to ample supplies of safe, pure culinary water; and

**WHEREAS**, House Bill 135 (“*HB 135*”) currently pending before the 2018 Utah Legislature (the “*Legislature*”), entitled “Extraterritorial Jurisdiction Amendments,” proposes to significantly limit the extraterritorial jurisdiction that has enabled SLC to provide ample safe, pure culinary water to the Cottonwood Heights area for so long; and

**WHEREAS**, after studying HB 135, the Cottonwood Heights city council (the “*Council*”) believes that enactment of HB 135 by the Legislature would be ill-advised and likely would result in a diminution of the quantity and quality of safe, pure culinary water available to the city’s residents; and

**WHEREAS**, the Council met in regular session on 27 February 2018 to consider, among other things, formally voicing opposition to HB 135 for the reasons specified above; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to voice its opposition to HB 135 as proposed;

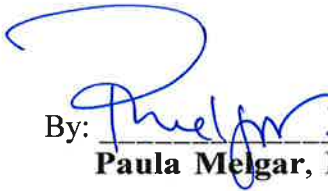
**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Cottonwood Heights that the Council (a) opposes HB 135 for the reasons specified above; and (b) encourages the Legislature to reject passage of HB 135.

This Resolution, assigned no. 2018-12, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 27<sup>th</sup> day of February 2018.

**ATTEST:**

**COTTONWOOD HEIGHTS CITY COUNCIL**

By: 

Paula Melgar, Recorder



By: 

Michael J. Peterson, Mayor

**VOTING:**

Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input type="checkbox"/>	Nay <input checked="" type="checkbox"/> Abstain
Tali C. Bruce	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 27<sup>th</sup> day of February 2018

RECORDED this 27 day of February 2018

CENTRAL WASATCH COMMISSION  
7260 Racquet Club Drive, Suite 3  
Cottonwood Heights, UT 84121

February 28, 2018

**HAND-DELIVERED**

UTAH STATE LEGISLATURE  
c/o President Wayne L. Niederhauser and  
Speaker Greg Hughes  
State Capitol  
350 North State Street  
Salt Lake City, UT 84114

Greetings:

The undersigned are members of the Board of Commissioners of the Central Wasatch Commission (the “CWC”), an interlocal entity formed last year by Salt Lake County, Salt Lake City, Sandy City and the city of Cottonwood Heights, which now also includes representatives of the Utah Department of Transportation and the “Wasatch Back” entities of Summit County and Park City. The CWC’s purpose is to better assure the wise stewardship of the Wasatch mountain range in Salt Lake and Summit counties—including its watershed, recreational areas and natural beauty—so that the present and future generations can continue to benefit from that wonderful and integral part of Utah’s natural environment.

A package of bills have been introduced in the 2018 general session that we believe pose risk to the CWC’s area of jurisdiction. These bills include HB 135 (Noel) on municipal extraterritorial jurisdiction over sources of drinking water and HB 136 (Noel) on federal designations. It appears that these, and several other, bills were packaged together and are championed primarily by special interests.

HB 135 significantly modifies the section of state code that gives first-class cities “extra-territorial” jurisdiction to protect their sources of culinary water from pollution when those water sources are located outside the municipal boundaries. HB 135 removes the jurisdiction of first-class cities over the entire watershed, and instead restricts this jurisdiction to 300 feet on either side of the stream in which water is taken.

Limiting municipal authority to protect water from pollution to 300 feet on either side of the stream does not account for all of the identified pollution vulnerabilities, which are increasing due to multiple factors, such as the burgeoning recreational visitation to the Wasatch canyons. Due to the steepness and geology of these watersheds, it takes just a few hours for pollutants anywhere in the Big Cottonwood and Little Cottonwood watersheds to reach water treatment plants. Consequently, we believe that HB 135 would put the drinking water sources for more than 500,000 people in Salt Lake County at risk for pollution.

HB 136 requires government entities (and their employees and representatives) that advocate or lobby for a federal designation within the state to bring the proposal to the Natural Resources, Agriculture, and Environment interim committee for feedback. The definition of “federal designation” in HB 136 is sweeping, and includes a national monument, national conservation area, national recreation area, research natural area, wilderness area/wilderness study area, and an “area of critical environmental concern.”

We believe that HB 136 could impede—and indeed is targeted to impede--the local initiative to create the Central Wasatch National Conservation and Recreation Area (CWNCRA) Act, which was introduced by Congressman Jason Chaffetz in 2016 and is up for possible reintroduction by Congresswoman Mia Love. The CWNCRA is a locally supported outcome of the CWC and the prior Mountain Accord process.

We believe that the sweeping scope of HB 135 and HB 136 and their potential adverse impact on the CWC’s “Wasatch Front” and “Wasatch Back” jurisdiction merits detailed interim study to better define what, if any, compelling public interest problems exist which need to be addressed via amendments to current state law, and the best way to safely address any such issues without triggering adverse unintended consequences.

Thank you for your thoughtful consideration of these issues, and for your exemplary work on behalf of our state and its residents.

Very truly yours,

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**Chris McCandless**, Chair and Sandy City Councilmember

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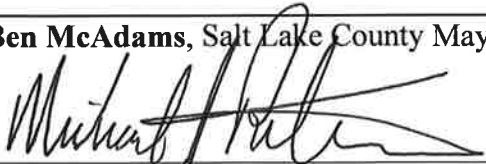
**Jackie Biskupski**, Co-Chair and Salt Lake City Mayor

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**Ben McAdams**, Salt Lake County Mayor

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**Jim Bradley**, Salt Lake County Council



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**Michael Peterson**, Cottonwood Heights Mayor

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**Andy Beerman**, Park City Mayor

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**Carlos Braceras**, Director of UDOT