

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
AGENDA: June 5, 2008**

**Planning Commission Meeting Room, Blackstock Government Center,
Gunnison County 221 N. Wisconsin, second floor.
All meetings are open to the public.**

Anyone needing special accommodations please contact the Environmental Health Office prior to the meeting.

1:15 p.m. Call to order; determine quorum, Review and possible Approval of minutes from the March 6, 2008 meeting;

1:30 p.m. Unscheduled Citizens: Limit to 5 minutes per item. No formal action can be taken at this meeting.

1:45 p.m. OLD BUSINESS. Environmental Health Board discussion of previous meetings and information. Review of County Attorney recommendation of Proposed ISDS Regulation Amendments. Formal action can be taken on reviewed items.

3:00 p.m. Public Hearing for David and Sue Bratton, Lot 17, Whitewater Estates, near Harmel's Guest Ranch, for a denial of an application for an Individual Sewage Disposal, (ISDS), Permit. Their application was denied because the parcel did not meet the Gunnison County minimum size requirement of one acre, (ISDS Regulations 3-113). The lot is 0.89 acres.

4:30 p.m. Adjourn

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

Meeting Minutes

June 5, 2008

The Gunnison County Environmental Health Board conducted a meeting in the Commissioners' Meeting Room in the Blackstocks Government Center.

Present Were:

Lucinda Lull, Chairperson
Ted Violett, Board Member
Corey Bryndal, Board Member
Michelle Spain, Secretary for the Board

Steve Glazer, Vice-Chairperson
Larry Parachini, Board Member
Richard Stenson, E. H. Board Official

Absent Were: None

01:20 p.m. Call to order, by Lull, at this time the Public Hearing for Bratton's is opened. This meeting was then recessed. Parachini moved to open and immediately recess this public notice for Bratton, 2nd Bryndal passed.

Glazer requested that the notices and the agendas be published. Meeting called to order quorum was determined. Minutes of March 6, 2008 meeting were reviewed. Glazer indicated the minutes were not complete and were not adequate for them to approve. Minutes need to be more descriptive for this board. February meeting had a better format.

Lull requested that the section of the regulations be hi-lighted and then staff reiterate the comments by this board.

Parachini asked if the tape could be referenced on the minutes. Discussion on tapes and minutes discussed.

Glazer made a motion 2nd by Violett to table minutes until next meeting. Passed

01:30 p.m. Unscheduled Citizens. Lull asked if any type of letter had been written to Richards to thank him for his service.

Bryndal asked about a letter to the editor in our paper.

Violett asked if this were a common practice for board members leaving.

Lull has sent a letter of thank you.

Glazer stated that on May 24, 2008 the Water Quality Control Division issued it's 3rd draft for the Lucky Jack mine permit. This permit should be issued at the end of June 2008. A Vista volunteer is on site to assist with compliance issues. Crested Butte South Water and Sanitation district is requesting an expansion and Glazer would like this board to review this information. Stenson and Jack Dietrich with Crested Butte South Water and Sanitation made a presentation last week to the BOCC. Glazer discussed the MTCB Water and Sanitation's expansion in the past and thought that this board had reviewed their plans.

Parachini addressed the board on Schumacher's project in Castle Mountain. There is a huge tank located on this parcel and Parachini asked if any one knew what the purpose of this tank was for. Parachini asked how many permits have been applied this year.

Stenson responded this year 24 last year 44 were applied for. Building permits are also down.

Glazer continued with his Crested Butte South information to the board on the capacity levels. Glazer indicated it exceeded 100%, the presentation from CBS was 44%. The 201 study was discussed. Facility plan update between the state and local governments was discussed. The last study was completed in 1994.

Stenson discussed the sewer line expansion north of Gunnison.

Glazer explained the 201 section of the water quality act. He discussed the different waste water plants in the north end of the valley. Each plant was discussed by Glazer as to their boundaries for expansion. 201 studies are very expensive and time consuming for all involved.

Lull asked if all owners in Crested Butte South were on the central sewage system? Stenson indicated that parts of the 3rd and 4th filings are still not tied in.

Glazer indicated concern of the unstable slope area on the 3rd & 4th filings. Riverland Industrial area was discussed by Glazer.

Bryndal asked if there were other plants that were nearing their max levels. The East River Water and Sanitation may be changing some of their designs but nothing has been submitted.

Glazer questioned what the Whetstone Business Park's capacity was. Hidden Mine Ranch was discussed.

Stenson requested that the draft of the ISDS regulations that are handed out be reviewed by this board and discussed in the next meeting. 1041 regs are still being reviewed by the attorney. The enforcement section and the Crested Butte district section are the only items missing.

Lull requested a copy of the 1995 regulations. Glazer asked if Stenson had a proposed time line. We are still waiting on the enforcement section and 1041 section. Glazer stated his frustration that this has been going on for the last 4 years and nothing has been approved. Fee structures past and present were discussed. Irwin Lodge was discussed.

Break 02:40 pm

Bryndal talked to Alan Moores that they will cut back on mag chloride use.

03:02 p.m. Public Hearing for David and Sue Bratton, Lot 17, Whitewater Estates, near Harmel's Guest Ranch, for a denial of an application for an Individual Sewage Disposal, (ISDS), Permit. Their application was denied because the parcel did not meet the Gunnison County minimum size requirement of one acre, (ISDS Regulations 3-113). The lot is .89 acres.

Lull re-opened the Public Meeting. The applicant came forward with the presentation. John Cattles the contractor, David Bratton the owner, Tammy Hamilton, with Robert Williams Engineering, were all introduced. Mr. and Mrs. Pope adjacent property owners were introduced.

AJ Cattles with the contracting company also was in attendance. Confirmation of proper notice was given.

Tammy commenced her presentation. Tammy gave a brief background of her engineering education. The location of site was discussed. The Popes and Caufields are the two closest adjoining owners.

Glazer asked how many of the lots are not yet developed. Mr. Bratton indicated that this was the last lot in this area. The total number of lots in this subdivision was discussed. The Cannon property was discussed as to location of this lot. Lot size of the adjacent lots was discussed.

Stenson indicated that since 1996 we have issued only one other permit in this area.

All set backs can be met from wells, septic, and adjoining owners. All state and federal minimums can be met. With this engineered design no impact will be seen by the adjoining owners. Site plan presented and reviewed. All set backs are designated. Replacement absorption field will meet the set back requirements. This system will be 1500 gallons with a pump station and 36 chambers. The driveway is located on the site. Specs, perc rate were discussed. The design was then reviewed. Absorption field lay out was reviewed and the flow, and the location of the sand bed. The single line was questioned. Hamilton indicated that it was a pressurized system. Stenson will test at the final inspection.

Parachini asked why the area for the secondary field was not chosen as the 1st site. Cattles responded that the vegetation will not need to be disturbed or trees removed on the primary site. Garbage disposals discussed and the owner was asked if they could not put this in. The owner indicated he could utilize this house with out it.

Glazer explained the organic clogging of the absorption filed from garbage disposals.

Lull asked about the perc holes. Stenson indicated that he does not expect to hit ground water. Hamilton does not expect seasonal ground water levels.

Violet asked about continuous monitoring. Lot size again reiterated.

Staff commences review. **GUNNISON COUNTY
ENVIRONMENTAL HEALTH OFFICE REPORT**

TO: Environmental Health Board

PREPARED BY: Richard Stenson, Environmental Health Official

DATE: May 5, 2008

APPLICANT: David and Sue Bratton

STATUS of APPLICANT:

- Work Session date: _____
- Public hearing date: June 5, 2008
- Action by Board date: _____

PROPERTY LOCATION: *LOT 17, Whitewater Estates, 4.4 miles east of Harmels on County Road 742, (Taylor River Road).*

SPECIAL REVIEW ACTION REQUESTED: Variance from section **3-113**, Minimum Parcel Size. "An individual sewage disposal system shall not be permitted to be installed on a parcel of land less than acre in size unless part of a subdivision approved by the County prior to the adoption of these Regulations if that approval included siting for ISDS systems." During the site inspection of March 14, 2008, the County found that the lot is 0.89 of an acre.

ATTACHMENTS:

1. Septic permit application for permit 2007-132 (**3-105**);
2. Site inspections information (**3-109**);
3. Assessor's Record of Property;
4. ISDS Technical Soils Inspection, part of engineer report (**5-101**);
5. Copy of Denial Letter dated April 9, 2008 (**3-125**);
6. Special Review Application (**3-127**);
7. Site plan and location plan; (**3-107.7**);
8. Individual Sewage Treatment System Specifications and design by Robert Williams, P.E. (**3-111**)

SPECIAL INFORMATION: Gunnison County Individual Sewage Disposal Regulations section 3-113.) **Please, see regulations.**

COMMENTS:

The Brattons have applied to construct a residential septic system on their lot. The lot was found to be less than one acre in size, (.89 acres) and was, therefore, denied a permit. Approval for access and reclamation from the Gunnison County Public Works Department will need to be completed prior to the issuance of ISDS or Building permits.

BACKGROUND:

The Brattons have applied to build an ISDS for a single family residence on the lots.

Gunnison County denied the application because an ISDS is not to be permitted to be installed on a parcel of land less than one acre in size...(3-113).

Gunnison County did a site inspection. The engineer has provided the soils technical information with the ISDS design and site plan.

POSSIBLE ACTIONS BY THE GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

A. The EH Board may issue a special review approval if the following conditions are met: (3-127.2)

1. The application was denied;
2. The Brattons demonstrate that the requested variance is warranted;
3. The approval will not result in substantial variance from the regulations;
4. The Brattons demonstrate that the approval will not be in violation of any minimum State or Federal standards;
5. The Brattons demonstrate that the proposed system will not be a nuisance or injurious to public health, safety or welfare;
6. The Brattons demonstrate that no substantial injury will result from the granting of the approval.

B. The EH Board may make a final decision to place special conditions on the granting of this Special Review Approval. (3-127.5)

C. The EH Board may make a decision to continue the hearing. (17.105.8),

D. The EH Board may make a final decision to disapprove the application for Special Review. The decision is subject only to judicial review as provided by law. (17-105.10)

Gunnison County Environmental Health Office comments of this Special Review Application

This lot size (.89 acre) does not meet the one acre minimum required by the County (3-113). The Colorado Department of Public Health and Environment *GUIDELINES ON INDIVIDUAL SEWAGE DISPOSAL SYSTEMS--REVISED 2000* gives the local boards of health, (in Gunnison County that would be the County Commissioners), the opportunity "...to consider the prohibition of permits for individual sewage disposal systems in defined areas which contain or are subdivided for a density of more than two dwelling units per acre..." (**Section IV-K State Guidelines, 25-10-110 C.R.S Prohibition of Individual Sewage Disposal Systems in Unsuitable Areas**)" The Staff has the following comments regarding this application:

1. The application was denied;

The application was denied on April 9, 2008 after the application was considered complete.

2. The Brattons have demonstrated that the requested variance is warranted;

The proposed system appears to meet the county setbacks. The owners propose a 3 bedroom, 2.5 bathroom single family residence on the .89 acre lot. They further stated that the property cannot be utilized for a single family residence as are all other lots in the Whitewater Estates subdivision, and the size of lot does not constitute a substantial variance from the county standards. The County Staff agrees that the proposal would be consistent with the purpose and intent of the ISDS Regulations.

3. The approval will not result in substantial variance from the regulations. Robert Williams, P.E. submitted a design on which shows required setbacks, and design standards for design. The staff found that the standards can be met.

4. The Brattons will need to demonstrate that the approval will not be in violation of any minimum standards;

Minimum standards for size of property are defined by Gunnison County ISDS Regulations (one acre) and the Colorado Department of Public Health and Environment. The *GUIDELINES ON INDIVIDUAL SEWAGE DISPOSAL SYSTEMS--REVISED 2000* gives the local boards of health, (in Gunnison County that would be the County Commissioners), the opportunity "...to consider the prohibition of permits for individual sewage disposal systems in defined areas which contain or are subdivided for a density of more than two dwelling units per acre..." (Section IV-K State Guidelines, 25-10-110 C.R.S Prohibition of Individual Sewage Disposal Systems in Unsuitable Areas)" Staff believes that this application would not fit into the category of density of more than two dwelling units per acre. Therefore, the application would not be in violation of that standard of lot size.

5. The Brattons will need to demonstrate that the proposed system will not be a nuisance or injurious to public health, safety or welfare

The design submitted for this proposal by Robert Williams, P.E. shows horizontal and vertical setbacks from water features, and property lines.

Additionally, the staff understands that the proposed design provides enough surface area that would be designated and set aside for future absorption area. Such an area is to be equal to or greater than the existing area.

6. The Brattons will need to demonstrate that no substantial injury will result from the granting of this special review approval;

Adjacent property owners and the public have been given proper Notice of Public Hearing. The Gunnison County Environmental Health staff agrees that such a system would be in compliance with the purpose (1-102) of the Regulations.

The Pope's believe that the assessor's record may be incorrect and this parcel may actually be larger.

Glazer questioned what part of the .89 acre is occupied by the river. Mr. Pope filed with the county to take possession of the property under the river. He also indicted that the assessor's records are not accurate.

Stenson asked why Glazer needed to know the total layout of land. Surface layout with water bodies were discussed. Building site discussed.

Glazer asked about the depth of the service line from the house to the septic. Pipe location, insulation, and type of pipe were discussed to prevent freezing. What is the depth of this line was the question from Glazer. Gravity fed to the tank.

Stenson indicated that it would have to meet the County's and the State's plumbing requirements. This would be inspected by the county. The L shape design was discussed.

90 degree turns need to be eliminated per Parachini. Performanced based maintenance was then discussed.

Stenson suggested that a 3 year maintenance contract be signed by the owners to make sure this system is operating safely.

Parachini stated that you have a mechanical system that needs to be inspected on a regular basis.

Glazer asked if there was any plumbing in the garage. The contractor indicated that there is a service sink.

Lull asked Parachini if two 45 degree angles should be put in use as an option. Effluent lines differ from sewer lines.

Parachini indicated that this would be a better system than an L shape.

Glazer asked what the grading was on the absorption field. Pressure dose system was explained to Glazer by Stenson. Glazer wanted an explanation of end cap profile. Parachini explained that this was for cleaning and inspection. The Popes property is directly adjacent to this parcel.

The Popes commented on the proposal. They have no problems with this proposal, but they wanted to indicate that the assessor's records are incomplete. They stated that the recording department has this information but this has not been given to the assessors.

Glazer indicated that the assessors do have this information of record at this time. They are in agreement with the components of this design. The Heubert Caulfield letter is entered into the public record. This letter will be scanned to this file. Mr. Caulfield owns Lot 16.

The contractor responded that all set backs are met on this lot.

Glazer asked what the mitigation was to being in the outer buffer. Silt fence will be installed, during construction, trees boulders shrubs shall remain in place, excavation from the water shall be done, proper landscaping shall be done. Glazer asked if the 2 adjacent lot septic systems had been permitted. Both have been and one has been in the ground for 20 years. If any repair is required the current regulations will be the governing tool. Glazer commented that the Caufield letter is directed to the building codes.

SPECIAL REVIEW ACTION FORM--DRAFT

SUBJECT: Environmental Health Board action, for David and Sue Bratton. *Lot 17, Whitewater Estates (0.89 acres)*

ACTION: Special Review
PREPARED BY: Richard Stenson, Environmental Health Specialist
DATE: Environmental Health Board meeting *June 5, 2008*.

PROPOSED ISDS APPLICATION:

David and Sue Bratton have applied for a permit to **install** an individual sewage disposal system (ISDS) at **LOT 17, Whitewater Estates, 4.4 miles east of Harmels on County Road 742, (Taylor River Road), (0.89 acres)**.

The Gunnison County Individual Sewage Disposal System Regulations, Section 3-113 states, an individual sewage disposal system shall not be permitted to be installed on a parcel of land less than one (1) acre in size unless part of a subdivision that was approved by the County prior to adoption of these regulations...

GUNNISON COUNTY ENVIRONMENTAL HEALTH DEPARTMENT ACTION:

The Gunnison County Environmental Health Staff conducted a site inspection on **March 14, 2008**. Notes regarding that inspection and evaluation of the proposal relative to Sec. 1-104 of the *Gunnison County Individual Sewage Disposal System Regulations* include these: ***(Denial for less than one acre, need verification that variable outer buffer is met with proposed plan.)*** ***The engineer provided a design which included a site plan, soils technical-report and ISDS design.*** Based on review of the submitted application, and on observations made during the site inspection, the Environmental Health Official did on **April 9, 2008** determine that the granting of this application would be in violation of the *Gunnison County Individual Sewage Disposal System Regulations*, and granting the application would create or continue a nuisance or be detrimental to the public health, safety and welfare, and denied the

application. Written notice of that denial, including specific reasons for it, was issued to the applicant by certified mail **April 9, 2008**, and a copy is attached to this Decision document.

APPLICANT'S REQUEST FOR SPECIAL REVIEW:

The applicant filed a written application for special review on **April 17, 2008** within 30 days of the postmark of the Notice of Denial of the **permit application/denial of appeal**. The applicant asserts the following grounds for special review: (See the attached **Bratton Request**):

- 1. The property was divided into lots before the county instituted the one-acre minimum requirement;**
- 2. Without the septic permit, the property cannot be utilized for a single family residence, as are all other lots in the subdivision;**
- 3. The property is approximately .90 acres and does not constitute a substantial variance from county standards;**
- 4. An engineered septic system plan has been provided which will provide for the needs of the proposed residence, while protecting the environmental health of the property and surrounding properties. It does not violate any minimum standards of any other governing body.**

PUBLIC HEARING:

The Gunnison County Environmental Health Board conducted a public hearing on this application **May 15, 2008**. ***(Include language of testimony offered by persons at the hearing, citing if they are adjacent landowners, etc., and reference any written or phoned comments received from the public).***

FINDINGS:

Based on a review of all the information included within the Environmental Health Office file for this application, and consideration of any and all testimony and public input relative to this application, the Gunnison County Board of Environmental Health finds that: **(The Gunnison County Individual Sewage Disposal System Regulations, Sec. 3-127 (2) requires that the Board may issue a special review approval ONLY under the following property specific conditions. Additional findings or expansions of these findings may be included which more specifically address such things as grade of slope, mitigation proposed by applicant, etc.).**

1. Action on this special review application is property-specific and limited to the circumstances unique to this application. ***(The applicant has shown that there is***

sufficient room on this application for Gunnison County setbacks to be met including setbacks to individual wells on this and adjacent properties.)

2. That the applicant **has** demonstrated that the requested variance from the *Gunnison County Individual Sewage Disposal System Regulations* is warranted by **(The lot is less than one acre, (.89 acre) and no adjacent land is available.)** that make compliance with the *Regulations* technically and economically infeasible.
3. That the applicant **has** demonstrated the requested variance from the *Gunnison County Individual Sewage Disposal System Regulations* is warranted by the proposed restrictions on use, and approval of this application is subject to compliance with those restrictions. **(The applicant proposes the use of an engineered ISDS which will meet the design standards of the Gunnison County Regulations site specific for this application.)**
4. That the applicant **has** demonstrated that approval of this special review will not result in substantial variance from the requirements of the *Gunnison County Individual Sewage Disposal System Regulations*, including but not limited to Sec. 1-104, the general policies of those *Regulations*. **(All current County setbacks can be met.)**
5. That the applicant **has** demonstrated that this special review /approval will not be in violation of any minimum standards established in any other applicable federal, state or local rule or regulations including but not limited to those minimum standards issued under authority of Article 10, Title 25, C.R.S. 1973 as it may be amended. **(Colorado ISDS Guidelines can be met with this application.)**
6. That the applicant **has** demonstrated that the proposed system will not be a nuisance or injurious to public health, safety or welfare. **(The engineering by Robert Williams, P.E., is provided to insure that required setbacks are met.)**
7. That the applicant **has** demonstrated that no substantial injury will result from the granting of this special review approval. **(The applicant will use a Gunnison County licensed installer. The engineer and County will review the installation as required under section 3-123)**
8. The preponderance of evidence presented by the applicant **does** sufficiently prove that this application should be granted.

DECISION:

Based on its review of all the documentation of the file for this application, the Gunnison County Board of Environmental Health **approves** the special review

application of *David and Sue Bratton, Septic permit application 2007-132 under the following conditions:*

- 1. The Construction and operation of the ISDS be in accordance with the 1995 Gunnison County ISDS Regulations, revised;**
- 2. If a central wastewater line is installed within the required connection distance, the owner of the system shall be required to tie on, immediately;**
- 3. The design submitted by Robert Williams, P.E., is used for design and installation;**
- 4. Approval for access and reclamation from the Gunnison County Public Works Department will need to be completed prior to the issuance of ISDS or Building permit.**

Motion by Glazer to close public hearing, 2nd by Parachini. Passed

04:15pm Deliberations commenced.

Parachini

- 1) No 90 degree turns in the lines
- 2) No garbage disposal
- 3) Maintenance agreement as follows. If less than 30% of the septic tank volume is liquid it shall be cleaned in compliance with section 13-108 of the ISDS regulations.
- 4) Line from the lift station to absorption area needs a 2 way clean out for possible frost.
- 5) Require a monitoring port in addition to the observation ports located on the outside adjacent to the absorption area. 4 inch pipe. This is a code requirement.

Glazer accepted these conditions.

Bryndal asked if this maintenance contract could be recorded with the property title.

Motion for approval by Parachini based upon the above listed conditions, 2nd by Glazer.

Call for vote. Bryndal – yes, Parachini – yes, Violet – yes, Glazer – yes, Lull – yes.

Next meeting June 19, 2008 01:15 pm

04:30 p.m. Motion by Glazer to adjourn, 2nd Bryndal passed.

