

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD  
AGENDA: February 21, 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.

- 1:00 p.m. Call to order; determine quorum, Review and possible Approval of minutes from the February 7, 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. Public Hearing for Donald J. Archuleta, Lots 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, west side of 3<sup>rd</sup> Street, LaVeta Placer, near the town of Pitkin. An Individual Sewage Disposal System Permit was denied because the lots, when combined, (0.8 acres), do not meet the County one acre minimum-requirement. (ISDS Regulations 3-113).**
- 2:30 p.m. OLD BUSINESS. Environmental Health Board discussion of previous meetings and information. No formal action can be taken on discussion items.**
- 3:00 p.m. NEW BUSINESS. Environmental Health Board discussion on items that may be of future importance. No formal action can be taken on discussion items.**
- 3:30 p.m. Adjourn**

# GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

Meeting Minutes  
February 21, 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  
Richard Stenson, E. H. Board Official

Steve Glazer, Vice-Chairperson  
Larry Parachini, Board member  
Rick Richards, Alt. Board member  
Michelle Spain, Secretary for the Board

## **Absent Were:** None

**13:25 Call to Order;** Quorum determined by Lull. All postings had been completed in the paper and designated areas. Review of minutes. Glazer motion to approve the minutes of February 7, 2008 with corrections, Parachini 2<sup>nd</sup>, approved. Richards and Violett abstained from vote. Question from Richards on the status of the draft proposals attached to the minutes. Technically the E H Board had completed their review and we are now waiting for the attorney's opinion. Richards stated his concerns to BOCC during his interview for his EH Board position.

**13:30 Unscheduled Citizens:** Glazer updated the board on the Coal Creek Coalition meeting he attended on the draft of the new proposal for the moratorium in this district. The Lucky Jack project has released that they have acquired a permit for exploratory drilling.

Stenson reported the Emergency Services Department is working with the Planning department on the possible flooding issues this spring, and the impact it may have on individual wells and septic.

Glazer questioned what kind of plan was being implemented concerning these high water run offs this year.

Stenson replied that Gunnison County Emergency Services will be spear heading this for the public. Septic failure in the spring with saturated ground is very common. Waste water treatment plants may also have problems this spring. Planning ahead is a key to this spring run off. Mitigation before a spill, and disinfection after have been discussed.

Richards requested delineation on unscheduled citizens, new and old business. Lull explained what this board has set up.

Bryndal asked what the status of the Billy Laird system was to date. Notice of violation was issued on this property in Irwin and is still in effect. The permit was for a gray water system only. Bryndal indicated that this property is for sale. This property is currently unoccupied. Cease and desist would be the next position taken by the county.

Richards asked if we should notify the broker.

Stenson will add this information to the file.

**13:45 Public Hearing for Donald J. Archuleta, Lots 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, west side of 3<sup>rd</sup> Street, LaVeta Placer, near the town of Pitkin. An Individual Sewage Disposal System Permit was denied because the lots, when combined, (0.8 acres), do not meet the County one acre minimum-requirement. (ISDS Regulations 3-113).**

Vikki and Donald Archuleta were introduced to the board. Stenson commences his review. The packet for this hearing was reviewed. No other comments were received from the notice of public hearing. Review is attached.

## SPECIAL REVIEW ACTION FORM--DRAFT

SUBJECT: Environmental Health Board action, for Donald Archuleta for *LOTS 9,11,13,15,17,19,21,23,25,27,29 WESTSIDE 3<sup>rd</sup> ST, LAVETA PLACER, near the Town of Pitkin.(0.8 acres)*  
ACTION: Special Review

PREPARED BY: Richard Stenson, Environmental Health Official

**DATE: Environmental Health Board meeting *February 21, 2008.***

### **PROPOSED ISDS APPLICATION:**

***Donald Archuleta*** has applied for a permit to ***install*** an individual sewage disposal system (ISDS) at ***LOTS 9,11,13,15,17,19,21,23,25,27,29 WESTSIDE 3<sup>rd</sup> ST, LAVETA PLACER, near the Town of Pitkin.(0.8 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 ***July 2, 2007.*** 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, 100 feet to water course barely met.)*** The Gunnison County Environmental Health Staff conducted an ISDS Technical Inspection on ***July 6, 2007.*** Notes regarding that inspection and evaluation of the proposal relative to Part 5 of the

Regulations include these: (***Engineer required due to noted groundwater in test hole at 80 inches, Stream at west of property 93 feet only, not 100 feet as required, from test hole***). Based on review of the submitted application, and on observations made during the site inspection, the Environmental Health Official did on **November 5, 2007** 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 **November 5, 2007** , 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 **November 27, 2007** 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 **Archuleta Request**)

- 1. The applicant desires to build a small cabin;***
- 2. The applicant proposes a well and septic system situated to have zero impact on neighbors;***
- 3. The applicant will not include a dishwasher or garbage disposal in the plumbing of the building.***

#### **PUBLIC HEARING:**

The Gunnison County Environmental Health Board conducted a public hearing on this application **February 21, 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 existing lots when clustered will be less than one acre, (.8 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; the applicant proposes to build a “small cabin”; the applicant states that there will be no garbage disposal or automatic dishwasher in the cabin.***)
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 Jerry Greene, 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 **Donald Archuleta, Septic permit application 2007-060 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 Jerry Greene, P.E., is used for design and installation;**
- 4. Garbage disposal systems and automatic dishwasher systems are not allowed in the plumbing of the structure;**
- 5. A lot cluster agreement and 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;**
- 6. The Environmental Health staff will require a ground water test hole to be monitored and logged from May 30, 2008 through July 1, 2008 to determine the maximum seasonal ground water. If maximum seasonal ground water is found to be at an elevation less than the recorded 80 inches, the engineer shall provide design modifications to the system which will meet or exceed the Gunnison County ISDS Regulation Part 5 and 6 standards.**

Lot cluster was discussed. The PE Greene will call this office and enter the meeting at 14:00. Perc test done July 6, 2007. Set backs discussed. The 6 requirements for approval can be met as submitted.

Parachini asked when can seasonal ground water tests be conducted. Stenson responded May 1st thru July 1st of this year 2008.

**14:00** Jerry Greene enters the meeting per phone call.

Board members requested that the testing time be extended into a later date.

July 15, 2008 may be a better date.

Questions from the board requested by Stenson.

Richards asked about soils report on this site. Stenson explained the perc test information.

Glazer questioned the lot structure and who owned the adjoining lots. Vacation of street and alley questioned. Lull indicated that the street ends and 3<sup>rd</sup> Street should be Avenue. Lull submitted a plat of the LaVeta area. Discussion, of physical dimensions of the lots in this LaVeta area. Lull gave a brief history of this area.

Bryndal asked about the other Archuleta property. That parcel belongs to a relative.

Violett questioned the reference to proposed conventional ISDS system, and then the mention of the engineered system. Garbage disposal and dish washer are not on the application.

Applicants commenced their review. These lots have been in the Archuleta family for over 58 years. Archuleta reviewed the area and the adjoining people. They submit a display board showing the location with pictures. Five generations of the Archuleta family have lived in this area. No Dishwasher and garbage disposal.

Parachini questioned the size of this cabin. Occupancy of this cabin was questioned. Out houses are rented during the big family reunions.

The Loving property was discussed.

Lull stated that the LaVeta owners have been there for a number of years.

The adjoining property owners and the structures on them were discussed.

Glazer questioned where the septic system was located on the Bemis property. Out houses exist on these properties.

Richards questioned where the slope was on this parcel. Wetlands issue questioned by Richards. None so noted in the site visit by Stenson.

Bryndal asked where the driveway access was. This was so noted on the display.

Greene thanked the board and staff for allowing him to enter the meeting by phone. Greene indicated that this design was made from the information gathered from the site visits. Review of his design commenced. Pumping discussed due to high ground water can be accomplished. Lift station was discussed.

Lull asked about a mound system. Greene was comfortable with this.

Glazer asked about a sand filtration system if a mounded system is needed. A mound system will be determined from the perc test. Glazer wanted to know what materials would be used for this mound system.

Parachini questioned the Eljen design and sand needs to be a part of the absorption field.

Glazer discussed the monitoring well and how the board would like this used.

Richards asked about the measurements from the creek edge to the septic.

Greene will look at this with hard data to support this.

Parachini asked about an effluent filter and Greene will add this to the drawing.

Glazer questioned the washing machine in the attached narrative by the applicant.

Stenson explained the use of the engineers' calculations using garbage disposal and dish washer.

Parachini questioned the size of the building and if the design of this system is large enough for a 1500 sq foot home. 1000 gallon tank will hold a 3 bedroom home.

Glazer questioned the absorption area, for a 3 bedroom home. Greene indicated that there would be room for the absorption area but not the replacement area.

Lull requested any further questions for Greene. He will be made available for the continuation of this meeting.

Lull asked for any further questions. Archuleta indicated that he would be willing to scale the project down. This will be a weekend and summer get away.

**14:54** Close the public hearing.

Deliberations commenced. Lull explained the process. Staff needs to be involved with the engineer on the size of this system.

This is not a conventional system. This needs to be engineered.

Richards did not feel he had enough information to make a decision. Is this an engineered system or conventional system?

Glazer does not want the reference of the State guidelines listed in the staff report. He wanted the monitoring hole to be tested at high water and 2 weeks after high water.

Richards questioned the type of monitoring system.

Glazer wanted this as a monitoring hole for ground water testing. Ecoli, phosphorus, and nitrates need to be tested on an annual basis. Glazer also wanted the clothes washing machine eliminated.

Richards requested this be tabled and brought back to this board with more information. Richards stated that the design calculations include the clothes washer.

Lull indicated that this board was restricting the applicant with too many stipulations.

Parachini would like to see a larger tank. The tank would need to be larger if a mound system is used any way.

Richards asked what the potential for float was. Parachini said very unlikely.

Lull asked what the expense to the applicant is for the additional testing. Richards stated that around \$20.00 annually.

Parachini indicated that he had testing done for around \$56.00. This also did additional testing for his restaurant.

Stenson questioned Glazer on his request of this testing. Who would do this, who would monitor and who would enforce. Glazer responded that the ground water standards must be met to make sure that the system is functioning properly.

Richards stated that you would have to have a control in place for this to be enforceable. The Town of Pitkin does monitor. The inspector measures the solids in the tank. They determine then if the tank needs to be pumped.

Stenson stated that instead the system should be inspected every 3 years by the Pitkin inspector and pumped as necessary.

Parachini supports this inspection, as did Lull.

Bryndal questioned what type of system this board is truly approving. Does default to a mound system need to be looked at now prior to further evaluation.

Violett did agree that a larger tank was needed.

Bryndal would like this board to state their own language for testing, and not use the Pitkin ordinance.

**15:35** Break called.

**15:45** Back in session.

Motion by Parachini to approve this request with 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 Jerry Greene, P.E., is used for design and installation;**
- 4. Garbage disposal systems and automatic dishwasher systems are not allowed in the plumbing of the structure;**
- 5. A lot cluster agreement and 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;**
- 6. The Environmental Health staff will require a ground water test hole to be monitored and logged from May 30, 2008 through July 15, 2008 to determine the maximum seasonal ground water. If maximum seasonal ground water is found to be at an elevation less than the recorded 80 inches, the engineer shall provide design modifications to the**

**system which will meet or exceed the Gunnison County ISDS Regulation Part 5 and 6 standards.**

**7. The size of the tank shall be 1250 gallons minimum.**

**8. The standard of performance shall be consistent with the Town of Pitkin's inspections.**

2<sup>nd</sup> by Violet.

No further discussion, vote called for by Lull. Bryndal, yes - Parachini, yes- Violet, yes- Glazer, no – Lull, yes. Request approved.

Glazer asked staff about additional review of the revised regulations. Staff will be meeting on March the 6<sup>th</sup> with attorney.

The next step for the Archuleta family is a lot cluster agreement and application process with public works.

15:45 Violet leaves

Next meeting is March 6, 2008.

Adjourned 15:49