

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
AGENDA: May 21, 2009**

**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;**
- 1:20 p.m. Approval of minutes from the May 7, 2009 meeting;**
- 1:30 p.m. Unscheduled Citizens;**
- 1:45 p.m. Public Hearing for Alice Daniel and Claude Young, owners of Lots 1-4 and 5-12, Block 1, LaVeta Addition, near the town of Pitkin, represented by Kent and Janelle Lacey, for a denial of an application for an Individual Sewage Disposal, (ISDS), Permit. Their application was denied because the size of the lots, when combined, would not meet the Gunnison County minimum size requirement of one acre, (ISDS Regulations 3-113). The size of lots, when combined, would be 0.86 acres.**
- 3:45 p.m. Scheduling and planning for next meetings;**
- 4:00 p.m. Adjourn.**

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

Meeting Minutes

May 21, 2009

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

Present Were:

Lucinda Lull, Chairperson
Larry Parachini, Board Member
Richard Stenson, E.H. Official
Michelle Spain, Sec. for the Board

Steve Glazer, Vice-Chairperson
Corey Bryndal, Board Member
Crystal Lambert, E. H. Staff

Absent: None

01:21 p.m. Call to order by Lull, a quorum was determined. The order of business was review of the May 7, 2009 meeting and ratify the election of new officers. Lucinda Lull, Chairperson, Steve Glazer, Vice-Chairperson. Motion by Parachini to accept Lull as Chairperson and Glazer as Vice-Chairperson, 2nd by Bryndal. Vote called for Lull-yes, Glazer-yes, Parachini-yes, Bryndal-yes.

Meeting schedule discussed and will remain in the same format and calendar schedule through 2009. Motion by Glazer to accept, 2nd by Parachini. Vote called. Lull-yes, Glazer-yes, Parachini-yes, and Bryndal-yes.

Electronic packets discussed. This will be the delivery format at this time to reduce expenses.

July 3, 2008 minutes reviewed. Motion to approve the July 3, 2008 minutes as amended by Glazer. 2nd by Parachini. Passed.

01:20 p.m. Review of minutes from the May 7, 2009 meeting. Corrections requested by Glazer. Motion by Glazer to approve the May 7, 2009 minutes with corrections. 2nd Parachini. Passed.

01:33 p.m. Unscheduled Citizens: Stenson offered a review of his meeting with the Western Slope State ISDS Coordinator, Barbara Dallemand. Stenson explained that she is partial to renewable septic permits.

Glazer questioned her FTE status. Stenson indicated that he would verify her status.

Information handouts on potential health risks of consuming water from the Antelope Hills HOA Water System will be prepared and brought to the enforcement committee for review.

Stenson announced that he will not be running for the board of the Colorado Environmental Health Association.

Regulations are still on the docket but will need to be reviewed by Joanne Williams, David Baumgartner, and Richard Stenson. Performance standards, policy statements on ownership

requirements for septic location are some of the items that are in question. Once the time has been set, all board members shall be notified. Septic system location by owners was discussed.

Bryndal brought to the board's attention that the Irwin Lodge is currently activating the snow cat tour operation. They have indicated that no food would be served but that has not been confirmed.

Stenson explained that the CDPHE waste water permit is still active status with the state but the structure location and waste water discharge are being investigated.

Glazer requested that Stenson inspect the property and investigate the use and make sure it is in compliance with the County's ISDS regulations. Further discussion of ownership of the parcel was discussed. A formal complaint request was made by Glazer, 2nd Bryndal. Vote called for. Passed.

1:53 p.m. Public Hearing for Alice Daniel and Claude Young, owners of Lots 1-4 and 5-12, Block 1, LaVeta Addition, near the town of Pitkin, represented by Kent and Janelle Lacey, for a denial of an application for an Individual Sewage Disposal System (ISDS) Permit. Their application was denied because the size of the lots, when combined, would not meet the Gunnison County minimum size requirement of one acre, (ISDS Regulations 3-113). The size of lots, when combined, would be 0.86 acres.

Stenson verified that that the Public Hearing Notice was posted on site and in all required locations of the County and in the Gunnison Country Times.

Robert Williams, P.E. was introduced as the system design engineer and representative for the Laceys. Purchase of land around these lots was discussed. Williams introduced a map showing the location.

Lull reviewed the official plat of the Laveta Addition. Lot size was discussed. 25X125 is the presumed lot size.

Glazer explained that a map from a different area entirely (the wrong map) was sent to the board members and he expressed concern regarding the setbacks from septic system to well location represented on the map he was given.

The correct map was located and Glazer requested that the correct map be recognized officially into the Public Hearing.

It was noted that Allen Moores had inspected the changes on the road and approved the new location.

Bryndal questioned the joint ownership of these parcels and asked if they will be clustered and recorded as having one owner. Bryndal asked about setbacks from the septic system to the river. Stenson answered that the setbacks from septic system components to the river were within county standards.

Williams continued his briefing by explaining where the house, well, and septic system components will be located. Williams further discussed the percolation rates and the determination of leach field size.

Glazer asked about this board approving an ISDS in a non-approved subdivision. Stenson indicated that would not be an issue on this request.

Williams explained that the potential buyers (Laceys) are requesting approval before the sale is closed.

Parachini asked if the 50 foot set back requirements from well to septic tank could be met.

Stenson explained that slope was not an issue on this parcel.

Glazer questioned Williams on the calculation for determining the average percolation rate.

Basis of denial of the permit request was recognized as being due to the lot size.

Stenson determined that an engineered septic design is required based upon the results of the ISDS Technical Inspection.

Lull requested Williams to continue before any further questions are asked.

Williams discussed the soils report.

The proposed number of bedrooms was discussed.

Lull, relocation of the road was discussed.

Glazer discussed the site plan, specifically the location of the ISDS components and the well location. The Site plan located in the packet is superseded by the one that was submitted at the beginning of this hearing.

Lull was handed the new site plans by Lambert.

Parachini asked why a distribution box was used in the design of the septic system as apposed to manifold system.

Parachini asked what kind of access to the box would be provided. Williams responded that a stake or location marker of some sort will be installed.

Stenson had concerns with the engineering that was submitted.

Discussion of these items continued.

Williams discussed even distribution splits on his design. Williams completed explaining the system design.

Stenson commenced his review.

According to the engineer's design the application will be amended reflecting a change in the number of bedrooms from 2 to 3 bedrooms. Review of site and road relocation. Slope steepness discussed. Close to one acre is size, lot clustering also needs to be done. Soils were discussed. A bed with chambers was the original design but with the 7 minute test Stenson had concerns. Fractures in the bedrock were discussed.

Williams relocated the septic field site and was able to bypass the fracture zone.

Williams agreed they could reduce the size of the field if a sand filter was added to the leach field design. Stenson agreed that he and the engineer should go and review this site once again together.

**GUNNISON COUNTY
ENVIRONMENTAL HEALTH OFFICE REPORT**

TO: Environmental Health Board

PREPARED BY: Richard Stenson, Environmental Health Official

DATE: May 15, 2009

APPLICANT: Alice Daniel and Claude Young, owners, represented by Kent and Janelle Lacey, and Robert Williams, P.E.

STATUS of APPLICANT:

- Work Session date: _____
- Public hearing date: May 21, 2009
- Action by Board date: _____

PROPERTY LOCATION: *Lots 1-4 and 5-12, Block 1, LaVeta Addition, near the town of Pitkin.*

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 July 23, 2008, the County found that the lots, when combined and legally clustered, are 0.86 of an acre.

ATTACHMENTS:

1. Septic permit application for permit 2007-131 (**3-105**);
2. Site inspection information (**3-109**);
3. Assessor's Record of Property;
4. ISDS Technical Soils Inspection, (**5-101**);

5. Copy of Denial Letter dated January 13, 2009 **(3-125)**;
6. Special Review Application, January 29, 2009 **(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: Kent and Janelle Lacey have applied to construct a residential septic system. The lots, when combined and clustered, would be less than one acre in size, (.86 acres) and, therefore, the ISDS permit was denied. Lot Cluster approval from the Planning Department, as well as 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:

Mr. and Mrs. Lacey 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 site and soils technical (perc) inspections.

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. Mr. and Mrs. Lacey have demonstrated that the requested variance is warranted;
3. The approval will not result in substantial variance from the regulations;
4. The owners have demonstrated that the approval will not be in violation of any minimum State or Federal standards;
5. The owners have demonstrated that the proposed system will not be a nuisance or injurious to public health, safety or welfare;
6. The owners have demonstrated 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 (.86 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 January 13, 2009 after the application was considered complete.

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

The proposed system appears to meet the county setbacks. The owners propose a 2 bedroom, 2 bathroom single family residence on the .86 acre lot. They further stated that the property can be utilized for a single family residence, 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 Gunnison County standards can be met.

4. The owners 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 owners 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 owners 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.

SPECIAL REVIEW ACTION FORM

SUBJECT: Alice Daniel and Claude Young, owners, represented by Kent and Janelle Lacey, and Robert Williams, P.E. Lots 1-4 and 5-12, Block 1, LaVeta Addition, near the town of Pitkin.

ACTION: Special Review—May 21, 2009
PREPARED BY: Richard Stenson, Environmental Health Official,

DATE: Environmental Health Board meeting May 15, 2009

PROPOSED ISDS APPLICATION:

Alice Daniel and Claude Young, owners, represented by Kent and Janelle Lacey, have applied for a permit to *install* a residential individual sewage disposal system (ISDS) to serve **Lots 1-4 and 5-12, Block 1, LaVeta Addition, near the town of Pitkin. (0.86 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 23, 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 Lot Cluster required prior to permits.) 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 ***January 13, 2009***, 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 ***January 13, 2009***, and a copy is attached to this Decision document. **On May 21, 2009, the Gunnison County Environmental Health Board conducted a Public Hearing regarding this application.**

APPLICANT’S REQUEST FOR SPECIAL REVIEW:

The applicant filed a written application for special review on ***January 29, 2009***, 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 **Request**):

- 1. The proposed ISDS can be installed on the property in accordance with the County regulations except for the size of parcel;***
- 2. “All required horizontal separation distances can be maintained on the site and the installation of the system on the lot will not effect any adjacent properties, in respect to the future installation of water wells and sewage disposal systems” ...;;***
- 3. 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 21, 2009**. ***(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, (.86 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 Alice Daniel and Claude Young, owners, represented by Kent and Janelle Lacey, Lots 1-4 and 5-12, Block 1, LaVeta Addition, near the town of Pitkin **Septic permit application 2007-131 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 of Lot cluster, access and reclamation from the Gunnison County Public Works Department will need to be completed prior to the issuance of ISDS or Building permit.***

Lull asked if the State guidelines of density were an issue.

Bryndal asked about the large field and is there a replacement field available. Stenson indicated that after his site visit there is more than adequate room for X times 2. The engineer agreed.

Parachini asked about how long they will it take go re-inspect this.

Parachini made a motion to continue this after the inspection by Stenson and Williams and this board will then review after all findings have been updated.

Backfill of the test hole was completed for liability reasons.

Lull agrees that this needs to be re-inspected and possibly re-done with finding being brought back.

No comments from adjoining property owners at this time.

Next meeting is June 18th.

A well will be installed.

Request was made to contact the purchasers to see if the delay will hinder the sale.

Glazer requested a recess for the engineer to contact his client.

Recess: 03:05pm

After consulting with the applicants Williams proposed the following solution. He will put a 1 foot sand filter underneath and then this will correct and address any problems. Stenson agreed that this filter should happen and it would then meet the county's requirement and standards.

Close the Public hearing 03:21 pm.

Parachini made a motion to accept this variance with the following:

- 1) The Construction and operation of the ISDS b 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) 12 inch sand layer be added to engineered design
- 4) Lot cluster approved
- 5) Road to be located and approved

2nd Glazer, Vote called for. Lull-yes, Glazer-yes, Parachini-yes, Bryndal-yes.

Glazer had a question on the site involving who had jurisdiction.

Water quality monitoring was discussed by Glazer and Stenson for the Pitkin area.

Next meeting June 18, 2009 at 1:15 pm.

Glazer asked about systems that have monitoring programs on systems. How are they being enforced? A cease and desist can be issued.

Enforcement committee discussed.

Adjourned. 03:35 pm

