

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD**  
**Public Hearing Meeting**  
**May 20, 2010**

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

**Present were:**

Lucinda Lull, Chairperson  
Eddy Balch, EH Board Member  
Richard Stenson, EH Official  
Michelle Spain, Admin Assistant

Steve Glazer, Vice-Chairperson  
Rodney Due, EH Board Member  
Crystal Lambert, EH Staff

**Absent were:** Larry Parachini, Cory Bryndal, Anthony Poponi

**1:20 p.m. Call to order; determine quorum;**

**1:30 p.m. Approval of minutes from the March 8, 2010 meeting; 1:30 p.m.**  
Moved by Glazer 2<sup>nd</sup> by Balch to approve as presented passed.

**1:35 p.m. Unscheduled Citizens;** Discussion of meeting with Board of County Commissioners. Review of the meeting with the BOCC was discussed. Stenson will be meeting with David Baumgartner on this Friday to review all items that the commissioners had questions on. The next meeting with the BOCC is June 15 at 09:20 am. Glazer updated mine plan submitted to the Forest Service. Water court case continues to proceed. Question on appeal process between BOCC and the EH Board. Balch asked if the EH board currently had the final say. Glazer requested that Stenson distribute the changes prior to this meeting for all to review.

During the opening of this meeting the recording device was found to be defective.

A backup recording device was brought in and some of the Unscheduled Citizens information was not recorded.

**1:45 p.m. Public Hearing for Booe Land and Trust Agreement, represented by John and Sue Booe, for a denial of an application for an Individual Sewage Disposal, (ISDS), Permit. (ISDS 2007-077) The application was denied because the size of the lot, (aka "Parcel 2"), does not meet the Gunnison County minimum size requirement of one acre, (ISDS Regulations 3-113). The size of the lot is approximately .49 acres and is located at 1501 CR 813 near Jack's cabin cutoff and the Roaring Judy Ranch.**

All postings have been met and published. Sue Booe was introduced and was asked to commence her request. Parcel 2 owned by both parties. Mrs. Booe submitted a letter from CTL Thompson dated 07-14-2008 for the public record.

Review of this letter was requested by the board. Mrs. Booe then submitted a document showing the location and a brief summary of the use of this parcel. Documents attached at end.

This proposed drip system has a very low failure rate. Discussion of the adjacent home owners and their lands and use were brought up. The properties are unable to be sold separately. Discussion of the parcel split in 1967. The one cabin was moved to it's present location in 1968. The relocation of the cabin was discussed. The 2 parcels are in a land trust agreement and will not be able to be sold separately.

Due asked a question about the trust and how was it set up for future sale of these parcels.

Lull asked if there were any further cabins to be built. No further cabins will be built. Booes indicated that they would be willing to put a condition on this request so that no surviving heirs would be able to sell these as two separate parcels.

Glazer questioned the non existing absorption area and if there was currently plumbing? Mr. Booe responded that the cabin has nothing in it.

Glazer asked what the water supply was. Mr. Booe indicated that there is a surface well at the spring.

Glazer asked about the distances. Due responded that he ran the scale numbers and came up with some of the distances. The question was the distance between the well and the tank. The description of the tank was discussed. Removal of the old tank and installation of a new one was agreed to by the Booes.

Crystal researched the Deed and Trust agreement and indicated that no Deed Restriction was indicated.

Lull asked about the Almont Triangle and the requirements that were on this parcel. This parcel is gated and you would need access to enter these parcels.

Due questioned the system that they want to put in. This system is not recommended for winter use. Air release valves can freeze and this is a concern in the winter months in our area. Mr. Booe responded that there is an alarm on this system for failure. Mr. Booe was sure that this had been checked.

Balch explained what the freezing could do to this type of system. Mr. Booe indicated that this system was designed and is over kill for the use it will have.

Due is concerned that this type of system would not be maintained properly for our climate. Due asked about the set back requirements from the ditch. This needs to be adjusted. The current drawing is lacking some items and may be re-adjusted to accommodate all set backs. Combining both parcels was discussed.

Lull asked if this would involve Land Use Change review. Stenson responded yes.

Glazer asked if this had been surveyed. The survey is in the packet. The question was what is the total parcel size.

Stenson begins is review. See attached write up.

## SPECIAL REVIEW ACTION FORM

**SUBJECT: DRAFT Environmental Health Board action, for JOHN BOOE**  
**LOCATION: .50 +- ACIN SW4 NW4 (AKA PARCEL NO.2) SEC 19 15S 84W Near Jack's Cabin Cut off**  
**ACTION: Special Review**  
**PREPARED BY: Richard Stenson, Environmental Health Official**  
**DATE: Environmental Health Board meeting 5-20-2010**

### PROPOSED ISDS APPLICATION:

**John and Sue Booe** have applied for a permit to **install** an individual sewage disposal system (ISDS) LOCATION: .50 +- ACIN SW4 NW4 (AKA PARCEL NO.2) SEC 19 15S 84W NEAR JACKS Cabin Cut off.

***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 Department conducted a site inspection **6-16-08**. 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: **(Lot less than one acre.)**. Soils were evaluated by the County on 6-26-08. Notes regarding that inspection include the following: **(Lot less than one acre, septic proposal, engineer required for slow perc rates)**. Based on review of the submitted application, and on observations made during the site inspections, the Department did on **12-3-09** 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/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 **12-03-09**, 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 **12-9-09**, 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:

*The applicants would like to:*

1. *Share the absorption area for two lots; and*
2. *The topography of the property declines from all existing springs and ditches; and*
3. *Property is entirely fenced with wood fencing; and*
4. *The submitted engineering proposal is designed to accommodate two structures. One structure contains 2 bedrooms with one and one half bath. The other structure contains one bedroom and one bath, total square footage for both being 1700 square feet; and*
5. *The property is over one half mile from any access road and in excess of one mile from the nearest dwelling.*

### **PUBLIC HEARING:**

The Gunnison County Environmental Health Board conducted a public hearing on this application **5-20-10**. ***(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.
2. That the applicant **has** demonstrated that the requested variance from the *Gunnison County Individual Sewage Disposal System Regulations* is warranted by ***(unique site-specific configuration, site size, soil, hydrologic or geologic conditions; the Board must identify which of these applies)*** that make compliance with the *Regulations* technically and economically infeasible. ***The applicants assert that***

***the site is not near any other residential parcel, and the ISDS would be engineered to provide a system that would be successful for this unique parcel.***

3. That the applicant ***has not*** demonstrated that the requested variance from the *Gunnison County Individual Sewage Disposal System Regulations* is warranted by the proposed restrictions on use, and that approval of this application is subject to compliance with those restrictions.
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*. ***The applicants have suggested that all setbacks can be met.***
5. That the applicant ***has not*** 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.
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 CTL Thompson, is provided to insure that required setbacks are met from water and flood issues.
7. That the applicant ***has*** demonstrated that no substantial injury will result from the granting of this special review approval. ***The applicants stated that the property is over one half mile from any access road and in excess of one mile to the nearest dwelling.***
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 does *approve* the special review application of *John and Sue Booe* LOCATION: .50 +- ACIN SW4 NW4 (AKA PARCEL NO.2) SEC 19 15S 84W NEAR JACKS Cabin Cut off, ISDS permit application 2007-077.

Stenson then indicated the options that this board could rule on. The lot size in the EH Office's opinion this is not in violation of any state laws. Creation of one lot had been discussed with the applicants and the owners really prefer the separation. Evapo transpiration (ET) is not an approved system for our climate. Stenson believed that this ET system should not be used . Soil conditions have been reviewed and an engineer needs to address these concerns. Mrs. Booe

requested to contact her engineer.

Balch requested that new drawings be submitted. He would like to see all set backs addressed.

Due would like to see all engineered designs submitted.

Balch indicated that this board addresses the systems that fail in the winter time.

Lull discussed the selling of this parcel in the future.

Glazer would like the engineer to show a precast septic tank.

Stenson responded that the following was allowed, plastic, poly or concrete are actually acceptable standards of the county.

Lull asked Stenson if we had any responses from the public on this application. Stenson responded that none were submitted.

Glazer asked if the 2" line was adequate if we required other plans. Stenson deferred this to the engineer. Motion by Glazer to continue this hearing for Parcel 2, 2<sup>nd</sup> by Balch.

Questions: Lull do we have to maintain two separate hearings. Stenson responded yes, these are two separate parcels. Deed restrictions were discussed. Glazer indicated that there are several ways to comply.

Secretary asked for a list of items to be addressed.

- 1) Updated and complete engineered drawings
- 2) No ET system, or complete drawings on the air system
- 3) Legal requirements of sale of lot ( deed restriction)
- 4) Replacement area X times 2.

Stenson required a date for continuing. June 10, 2010 @ 1:30pm.

Vote called for yes unanimous.

Lull opens the second hearing for Parcel 1 Booe.

**3:10 p.m. Public Hearing for John and Sue Booe, for a denial of an application for an Individual Sewage Disposal, (ISDS), Permit. (ISDS 2008-017) The application was denied because the size of the lot, (aka "Parcel 1"), does not meet the Gunnison County minimum size requirement of one acre, (ISDS Regulations 3-113). The size of the lot is approximately .49 acres and is located at 1501 CR 813 near Jack's cabin cutoff and the Roaring Judy Ranch.**

Lull opened the public hearing. Lull asked if all posting and publications were made. Motion by Glazer for continuance of this public hearing. 2<sup>nd</sup> Due. To follow on June 10, 2010 immediately after parcel 2.

Mrs. Booe asked when these changes requested needed to be in. Stenson asked for them to be submitted for his review no later than June 4<sup>th</sup> if at all possible. Vote called for, all approved.

3:25 p.m.      **Public Hearing for Doyle and Sarah Saddler for a denial of an application for an Individual Sewage Disposal, (ISDS), Permit. (ISDS 2009-013) The application was denied because the size of the lot, does not meet the Gunnison County minimum size requirement of one acre, (ISDS Regulations 3-113). The size of the lot is approximately .60 acres. The location of the lot is 10078 CR 888, in the town site of Whitepine.**

Lull opens the meeting and introduces Sarah Saddler. Mrs. Saddler started with a slide show. The cabin was built in 1962 and used by this family continually since then. Lull asked the exact location of this site in White Pine. All other people were introduced. Topo map submitted and reviewed. We do have this in the file. Pictures on a slide show where then reviewed. Most pictures contained the old cabin. The engineer stated that the new site was moved in order to meet the county set backs. Discussion on one acre minimum and the use of this property. The Saddlers are very familiar with septic use and maintenance.

Stenson reviewed the application and how the parcel will be used. This is now classified as a new system. The demolition of the original house made this a new system. Stenson indicated that the latest site inspection was made by Crystal Lambert on Monday of this week. Stenson discussed the site visit that was preformed a year ago.

## SPECIAL REVIEW ACTION FORM

**SUBJECT: DRAFT Environmental Health Board action, for Doyle and Sarah Saddler**  
**LOCATION: 10078 CR 888, in the town site of Whitepine, Block 1,5 Whitepine**  
**ACTION: Special Review**  
**PREPARED BY: Richard Stenson, Environmental Health Official**  
**DATE: Environmental Health Board meeting 5-20-2010**

### PROPOSED ISDS APPLICATION:

*Doyle and Sarah Saddler* have applied for a permit to **install** an individual sewage disposal system (ISDS) LOCATION: 10078 CR 888, in the town site of Whitepine, Block 1,5 Whitepine.

***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 Department conducted a site inspection **6-24-09**. 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: **(Lot less than one acre, updated site plan required, existing cabin demolished w/o permit, community water supply probably not in compliance with State, setbacks from water features not met.)**. The applicants revised their plan and provided a new location, basically across the Tomichi River from their earlier proposal on **2-23-10**. Soils were evaluated by the Engineer as a part of the ISDS design on **12-15-09**. Notes regarding that inspection include the following: **(Ground water was encountered at 6 1/2 feet, sand filter mound designed)**. Based on review of the submitted application, and on observations made during the site inspections, the Department did on **3-16-10** 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/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 **3-16-10**, 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 **3-23-10**, 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:

*The applicants disclosed that:*

- 1. This property was purchased as subdivided in 1962; and*
- 2. The latest site plan shows that all county specifications can be met, except for the one acre requirement; and*
- 3. Gunnison County changed the size requirements long after this property was purchased and developed by the family, and the subdivision was approved including siting for the ISDS; and*
- 4. Approving this ISDS will be an environmental improvement to this property by replacing an outhouse with an ISDS system; and*

#### **PUBLIC HEARING:**

The Gunnison County Environmental Health Board conducted a public hearing on this application **5-20-10**. **(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.).**

5. Action on this special review application is property-specific and limited to the circumstances unique to this application.

6. That the applicant **has** demonstrated that the requested variance from the *Gunnison County Individual Sewage Disposal System Regulations* is warranted by **(unique site-specific configuration, site size, soil, hydrologic or geologic conditions; the Board must identify which of these applies)** that make compliance with the *Regulations* technically and economically infeasible. **The applicants assert that the property was approved by Gunnison County in 1962 and a previous cabin was built in 1963. (Note: This application cannot be approved by Gunnison County as a repair to an existing ISDS due to the fact that the owners demolished the existing cabin. They now propose an entirely new site, across the Tomichi Creek, with an entirely new ISDS location.)**

7. That the applicant **has** demonstrated that the requested variance from the *Gunnison County Individual Sewage Disposal System Regulations* is warranted by the proposed restrictions on use, and that approval of this application is subject to compliance with those restrictions. **The applicants propose to utilize a sand filtered mounded system, designed to be site specific for this dwelling and lot.**

8. 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*. **The applicants have suggested that all setbacks can be met.**

9. 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. **The lot is greater than ½ acre.**

10. That the applicant **has** demonstrated that the proposed system will not be a nuisance or injurious to public health, safety or welfare. **The design submitted by Mountain Engineering and Testing has been provided to insure that setbacks and standards have been met.**

11. That the applicant **has** demonstrated that no substantial injury will result from the granting of this special review approval. **The applicants stated that this ISDS will be an improvement to this property by replacing an outhouse with an ISDS.**

12. 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 does *approve* the special review application of *Doyle and Sarah Saddler* 10078 CR 888, in the town site of Whitepine, Block 1,5 Whitepine, ISDS application 2009-013.

Stenson discussed Forest Service right away and that access issues may exist. The Saddlers were told that Public Works will need to sign off on this. Stenson then instructed the board on what action they could take on this application. Slope concerns and drainage concerns were discussed.

Profile hole was filled with water during this inspection. What was the level of the water in the profile hole today? The engineer indicated that it was down to 6 inches.

Glazer discussed the flat bed absorption area. Trenches were discussed instead of leveling the berm. The separation of trenches was discussed. The engineer indicated that this modification could be changed.

Lambert asked about drinking water to the site. They have access to the White Pine water system. Water supply of White Pine was discussed. This had not been approved as a public water system. There is no legal permit for this. This is information that was given to the applicants. Many of the public water systems in this state are now being reviewed.

Glazer asked about the neighbor's septic.

Due asked about the lots in White Pine. Due asked about sloping of this property and would a dosing system be feasible. The engineer responded that this will be a dosing system. Disinfection of this system was questioned by Due. With no electricity how will this be powered. The Saddlers indicated that all items are run on generators at this time.

Stenson listed the following items that need to be addressed by the applicants.

- 1) Adequate lift for waste water removal
- 2) Maximal season ground water
- 3) Design of the leach field in relations to the steep slopes
- 4) Access to the property

Stenson then took questions. The engineer explained the high water in the profile holes. Sand filter would be used and trenches. Electrical parts of this system will be very important.

Lambert asked about the electrical boxes. They do have power in White Pine but not on this particular site. Mr. Saddler believes the water in the profile hole is from snow melt. Mounding of this area was discussed.

The engineer discussed raising and mounding this area. Discussion of this elevation ensued.

Glazer indicated that a final design had not been submitted and continuation of this meeting is warranted so the applicant and staff can have adequate time to review the design and get answers to the questions. Due, Balch and Lull agreed.

Lambert requested that they schedule a further site inspection. If the response was to be made today they would not be able to approve.

Glazer requested the distance of this system to the adjoining property owner be determined.

Balch requested that the power source be defined.

The Ward Deaton letter was then read. The Reed letter was then read. Mr. Saddler then discussed his system compared to the Deaton system. Contacting of adjoining property owners was discussed. These letters are attached.

Is this a gravity flow system at the Deaton's? The septic tank location to the house and set back of the creek was discussed. It was determined that the engineer had the correct information on the drawing. Glazer asked if the Saddlers and their engineer would be able to have all requested information for the meeting on the June 10<sup>th</sup>. The applicants indicated that they would be able to have this information as requested.

Motion by Glazer to continue to this public hearing on June 10, 2010 at 3:15 pm. 2<sup>nd</sup> Due. Vote: yes unanimous. Close the public hearing.

**4:35 p.m. Adjourn.**