

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

AGENDA: WEDNESDAY, NOVEMBER 13TH, 2013

- 1:30 p.m. • **Call to order; determine quorum**
- **Approval of Minutes from the October 16th, 2013 meeting**
- **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Board or County Staff about items which are not scheduled on the day's agenda.
- 1:45 p.m. **William & Marcia Stamm, continued public hearing,** 1175 Trappers Way, Special Review, application for a permit to install a third ISD system on their parcel. The parcel is 56.7 acres and has two separate building envelopes that are approximately 250 feet apart and separated by a small stream in a gully channel. Two existing ISD systems are currently installed on the parcel. The ISD system for which the owners are applying for will be located in a separate building envelope and will receive wastewater from a proposed barn. The Gunnison County Individual Sewage Disposal System Regulations, Section 5-107, C., *More Than One ISDS On A Single Parcel Requires Special Review.* "No more than one ISDS shall be permitted for an undivided parcel without approval of a Special Review pursuant to Section 3-121: *Special Review.*"
Items to be discussed by the Board and County Staff:
- 2:45 p.m. **George, Emily, Joseph & Geoffrey Luchetta, continued public hearing,** 205 Roller Street, Ohio City, Special Review, application for a permit to install an ISD system on a parcel less than one-acre. The parcel is 7,555.618 Square Feet (0.17-acre). The Gunnison County *Individual Sewage Disposal System Regulations*, Section 5-107, A., *Minimum One-Acre Lot Required.* An individual sewage disposal system shall not be permitted to be installed on a parcel of land less than one-acre in size unless Special Review approval has been given (Section 5-107, 4. *Has Received Special Review*).
- 3:45 p.m. **Environmental Health Board and County Staff Discussions:**
Items to be discussed by the Board and County Staff:
- A. Colorado Public Health & Environment, Water Quality Control Commission-On-Site Wastewater Treatment System Regulation: Deadlines for adoption, overview of major changes, scheduling for meetings

Adjourn

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room at 221 N. Wisconsin Street in Gunnison, across the street from the Post Office. Anyone needing special accommodations please contact the Community Development Department (641-0360) before the meeting.

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD SCHEDULED MEETING
NOVEMBER 13, 2013**

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

Present Were:

Lucinda Lull, Chairperson
Rodney Due, EH Board Member
Steve Glazer, EH Board Member Alternate
Crystal Lambert, Building & E.H. Official

Larry Parachini, Vice-Chairperson
Jeff Sellen, EH Board Member
Russ Forrest, Asst. County Manager Economic Dev.
Michelle Spain, Admin. Assistant

Absent Were: Ed Bavouset, EH Board Member Alternate, Eddy Balch, EH Board Member

Other attendees as listed in text.

1:31:11 PM Call to order by Parachini; determine quorum, posting were completed.

1:32:24 PM Approval of Minutes from the October 16th, 2013 meeting Motion by Due 2nd by Sellen to approve, passed

1:36:44 PM **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Board or County Staff about items which are not scheduled on the day's agenda.

Glazer summarized the Voluntary Cleanup Plan (VCUP) proposed by US Energy for the Keystone Mie. After the Division of Hazardous Materials and Waste approved the VCUP, local stakeholders strenuously objected and the Division temporarily suspended the approval. All parties have provided additional information and we are waiting for the Division's next move.

Forrest announced that we will defer to legal council on the amount of involvement that this board may participate in.

Lull announced that Bavouset will not attend this meeting.

1:45:15 PM

William & Marcia Stamm, continued public hearing, 1175 Trappers Way, Special Review, application for a permit to install a third ISD system on their parcel. The parcel is 56.7 acres and has two separate building envelopes that are approximately 250 feet apart and separated by a small stream in a gully channel. Two existing ISD systems are currently installed on the parcel. The ISD system for which the owners are applying for will be located in a separate building envelope and will receive wastewater from a proposed barn. The Gunnison County Individual Sewage Disposal System Regulations, Section 5-107, C., *More Than One ISDS On A Single Parcel Requires Special Review.* "No more than one ISDS shall be permitted for an undivided parcel without approval of a Special Review pursuant to Section 3-121: *Special Review.*" Items to be discussed by the Board and County Staff:

Jerry Greene in the audience, representing the applicant.

Lambert commenced her review. Cathie Pagano conducted a perc test and results were submitted. A new site plan had been submitted and is attached to the file. The water line is also listed on the site plan.

Glazer indicated that he did not receive his packet.

Changes were discussed on the site plan.

Forrest asked if Lambert had any concerns with the new information. Lambert responded no.

Lambert re-iterated that the request is for a 3rd system. No plans have been submitted at this time.

Glazer asked if the 3rd system could be installed and if setbacks could be met.

Lambert indicated that it could.

Parachini asked about the elevations on the maps. Slope across the absorption field.

Lambert did the measurements and the calculations.

Greene responded that they were 3-4 %. Greene discussed his design requirements for this system.

Parachini asked about the sand and grease trap. Will it be installed inside the structure? Greene indicated yes but with a light manhole cover that can be accessed. This will be part of the design and the care and maintenance requirements will also be written into the design.

Glazer asked what the county thinking was on the 2nd system since it was not reviewed.

Lambert indicated that we are unable to determine how many of these system are out there. We also can flag the file internally and so indicate. The review process as it stands today is very precise. Discussion of the 2 other systems were brought up.

Lull reviewed the total acreage of this parcel. Will this at any time be able to be subdivided without County review? Response was no.

Motion by Due to close the public hearing, 2nd Parachini. Closed

Deliberation commenced.

Question on inspection of the other 2 systems. Lambert indicated that they are approved and inspected systems.

Motion by Sellen to approve request as reviewed and updated by staff, 2nd Parachini. Vote called for, approved.

Greene thanked the board.

2:10: 07 pm

Environmental Health Board and County Staff Discussions:

Items to be discussed by the Board and County Staff:

- A. Colorado Public Health & Environment, Water Quality Control Commission-On-Site Wastewater Treatment System Regulation: Deadlines for adoption, overview of major changes, scheduling for meetings

Forrest commenced with a review of our department with this board. How we have looked at our business plan. Forrest gave the BOCC board an overview of this board's possible participation in other actions that may come up from time to time.

Lambert passed out a new schedule of meetings for the review of regulations. (See Attached). Dates by June 30th are crucial. Lambert reviewed the timing of the dates and how important the meetings are.

Forrest indicated that the December 4th meeting will review other counties participation and their reviews. The kickoff is the 4th. Previous documents will be used to review the regulations. This was given to us by the State.

Discussion of dates commenced.

Due has information for all and will share prior to the next meeting. 3 maybe 4 important issues could be facing us.

Sellen indicated the timing of meetings could be hindering him in the future.

Glazer stated concerns of this schedule being pushed into the building season. Glazer indicated that we may be able to condense this schedule.

The majority of the board wanted to see how much could be accomplished early on in the meetings.

See new attached meeting and times.

Review of Stenson's format will be helpful. We have some changes already completed.

Due reiterated that the vault systems will be one of the items that will be an issue.

Forrest indicted that after all items are discussed we would do a joint meeting with the BOCC.

Glazer asked about adjusting our mission. Is this board reactive or proactive?

Forrest indicated that the Community Development Department is currently looking at our MFR (Managing For Results), plan to determine the same things.

Glazer indicated that one of the biggest struggles is cumulated impacts. This item will be put on a future agenda.

Sellen asked if we have any future public hearings.

Lambert responded, not at this time.

=Break=

Robert Williams P.E. enters the meeting

2:49:03 PM

George, Emily, Joseph & Geoffrey Luchetta, continued public hearing, 205 Roller Street, Ohio City, Special Review, application for a permit to install an ISD system on a parcel less than one-acre. The parcel is 7,555.618 Square Feet (0.17-acre). The Gunnison County *Individual Sewage Disposal System Regulations*, Section 5-107, A., *Minimum One-Acre Lot Required*. An individual sewage disposal system shall not be permitted to be installed on a parcel of land less than one-acre in size unless Special Review approval has been given (Section 5-107, 4. *Has Received Special Review*).

Lambert commenced her review. Staff was directed to inspect soils, well locations, and perc hole for ground water. No ground water was found. Soils consisted of light brown, yellowish, colors and primarily gravel. Well status was investigated and the one well in question was not abandoned. These documents were sent to the board. Comment letter was submitted and entered to these minutes.

Parachini asked if there was any indication of high water in the perc holes. Lambert indicated that no recent levels were indicated on site.

Lambert is making a recommendation to deny this application as it has been presented.

Forrest indicated that the applicant can withdraw, or do a continuation for good cause.

Parachini asked about the well location on the map.

Glazer asked who purported that the well was abandoned. Lambert responded that the applicant did. By the looks of the well you would think it was abandoned.

Septic system predates the well. This was verified by the engineer of record.

Williams wanted to make a short presentation and request a continuance. Williams indicated that a Revocable R-O-E permit for the installation of the system north of this parcel was granted by the county in 2006. This will be submitted to these minutes.

Williams indicated one of the wells was drilled in 1975. This failed. The reports from the State may have incorrect information. One of the adjoining land owners will cooperate with easements, or go into an agreement to share a system. Williams reviewed other options. The applicant prefers to negotiate with Santorineos. Questions on the current well that is not being used. This may be contaminating ground water. Continuation time was discussed.

Parachini asked what the letter was referring to. The current application or modifications.

Lambert indicated that application can be continued. The permit, when issued, expires in one year.

Williams indicated that the old well was properly abandoned.

Parachini asked about the owner Mr. Self.

Williams was able to locate a cap with a lock on it on the Self parcel.

Lull asked about Tippet parcel. How do you access this area?

Parachini asked about the sharing of a system. Williams indicated that they design the system on number of bedrooms on both houses. Leaving room for future expansion.

Williams asked about how you would get permission from the County to do this.

Forrest reviewed protocol from the regulations on how to formally continue a Special Review Request.

Williams asked about denying this application what will happen next.

Motion from Glazer to close the public hearing, 2nd by Due. Passed

Lull indicated that the current regulations are not specific on allowing further continuations.

Glazer responded on this. This request not even meet State guidelines. He would like the request withdrawn at this time and resubmitted with better information.

Forrest asked about the relocation of the well or possible acquisition of additional property.

Due questioned why the current letter was submitted if the neighbors were quoted as agreeing to work together on this.

Glazer indicated that the applicant could purchase additional property from another neighbor.

Sellen asked about the issue of this case being precedent setting on future applications.

Forrest responded that this should not interfere with future applications.

Lull wanted to see if the neighbors can work with each other.

Parachini had the same concerns.

Williams reviewed a prior item in the Irwin area. Williams wanted to see if he could have additional time to contact the individuals involved.

Lambert indicated that Ms. Santorineos was willing verbally to negotiate with Luchetta but, did not want the application approved as currently presented.

Williams indicated that he was concerned about new expenses of a public hearing that was put on this applicant.

Motion by Glazer to deny, 2nd by Due.

Williams responded, that the applicant withdraws the application effectively immediately. This was done at 03:44pm.

Glazer withdrew the motion and Due the 2nd.

Discussion ensued on precedent.

New site plan submitted by Williams and will be added to the file.

3:59:02 PM Motion to adjourn Lull. passed

/S/ Michelle Spain
Administrative Assistant
Gunnison County Community Development Department

REVOCABLE R-O-W PERMIT

Attached plans showing the proposed structures, encroachment onto public right-of-way, property lines, sidewalks, curbs, intakes, hydrants, meters, manholes, irrigation ditches or structures, existing fences, or any other affected appurtenance in the project area (to scale and dimension) and sections, as well as evaluations (if applicable).

In consideration of the issuance of a revocable permit for the structure(s) above indicated, applicant agrees as follows:

1. That the structure(s) herein are authorized on a revocable permit basis and are restricted exclusively to the land described.
2. That the permit is limited specifically to the type of structure(s) described on the application.
3. That the applicant shall notify the County twenty-four (24) hours in advance of the start of construction, in order that proper inspection may be made by the County Engineer or his representative.
4. The applicant agrees to indemnify and hold harmless the County of Gunnison, Colorado, officers, employees and agents from and against all liability, claims and demands on account of injury, or loss or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise from or are in any manner connected with the applicant's activities pursuant to this permit if such injury, loss, or damage is caused in whole or in part by the act, omission, error, professional error, mistake, negligence or other fault of applicant, its contractor or sub-contractor. The applicant also agrees to investigate, handle, respond to, and to provide defense from and defend against any such liability, claims or demands at its sole expense. The applicant also agrees to bear all other expenses relating thereto, including court costs and attorney's fees, whether or not any such liability, claims or demands alleged are groundless, false or fraudulent.

The applicant agrees to procure and maintain at its own cost, a policy or policies of insurance sufficient to ensure against all liability claims, demands or other obligations assumed by the applicant pursuant to this Paragraph 4. The County will determine the sufficiency of said insurance coverage prior to approval of this permit.

The applicant further agrees to release Gunnison County, its officers, agents and employees from any and all liability, claims, demands, or actions or causes of actions whatsoever arising from any damage, loss or injury to the applicant or the applicant's property, roads, roadsides, road easements, or right-of-way.

5. That the permit may be revoked whenever it is determined that the structure constitutes a nuisance, destroys or impairs the use of the right-of-way by the public, constitutes a traffic hazard, or property upon which the encroachment, obstruction, or structure exists is required for another or added use by the public; or it may be revoked at any time for any reason deemed sufficient by Gunnison County.

6. That the applicant will remove, at its sole expense, the structure within ten (10) calendar days of receiving written certified notice of revocation of this permit.
7. That in the event said removal of the structure is not accomplished by the applicant within the time period specified in Paragraph 6, Gunnison County is hereby authorized to remove same and has the right to charge and receive payment of any and all work, materials and equipment time utilized to remove same. If applicant refuses to pay these costs, Gunnison County has the right to make an assessment against the property and collect all costs of removal in the same manner as general taxes are collected.
8. That the applicant agrees to perform any maintenance, including landscape maintenance to the structure(s) and it's associated impact on the right-of-way.
9. That the applicant has read and understands all of the terms and conditions set forth in this application.
10. Special Conditions: _____

APPROVAL:

Public Works Director *Marlene D. Brooby* Date 4/11/06

OFFICIAL USE ONLY

Construction Specifications

(If checked below all documents must be submitted before beginning work)

	Required	Y	N	Received from Applicant	Y	N
Traffic Control Plan		<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Landscaping Plan/Reclamation Permit		<input checked="" type="checkbox"/>	<input type="checkbox"/>	issued 3/6/06	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Insurance Provided		<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Follow Up As-Builts		<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Emergency Response Coordination		<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Security Agreement		<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Permit not valid unless all signatures are provided.

November 12, 2013

Planning Commission, Environmental Health Board
Community Development
221 North Wisconsin, Suite D
Gunnison, Colorado 81230

VIA Email - planning@gunnisoncounty.org

Re: Special Review for Individual Sewage Disposal System
Applicants Joseph & Geoffrey Luchetta
Lots 16, 17 and adjacent Alley Block 2, Cauffman's Addition Ohio City

This is my second letter regarding this application. As owner of the adjacent property to the west of the applicant: Block 1 Lots 1-6, and Block 2 Lots 7-12, two separately developable parcels, I reiterate my concern that approval of this application will

- impact the future ability to develop my adjacent property, and
- create a precedent for the future development of parcels less than 20% of the standard one acre regulatory minimum.

Now that I've had a little more time to study the documents associated with this application, I must identify a specific impact of the proposal on Lots 1-6 and their future use:

- the proposed septic system directly conflicts with the existing well on Lot 3.

Contrary to the drawing submitted by Robert Williams, Certified Engineer dated 8/22/2013, which indicates the well on Lot 3 as "abandoned," the well to the best of my knowledge, is not abandoned. Although I neither placed the well, nor am I currently using the well, I do not believe that the well has been closed and sealed as required by law. The well is therefor available for my use, now and in the future. Development of Lots 1-6 will depend upon use of that well, and the applicant's proposed septic drain field would make that impossible.

As a requested special exception to the current building and zoning regulations, the applicant should be required to demonstrate that my adjacent property would not suffer substantial injury – his proposal does not do so. Even if I were somehow required to relocate the existing well on Lot 3 outside of the applicant's 100 foot restricted zone, either to the northern edge of Lot 1 or to the southwestern corner of Lot 6, and placing a septic field in the opposite corner, there is no assurance that the properties to the north or south of my property make that possible.

Again, I would appreciate you letting me know the Commission's response to my concerns and the resolution of this application.

Sincerely,

Kate Santorineos
124 Gunnison St
Ohio City, CO 81237

Mailing address:
13842 Wayside Court
Clarksville, MD 21029

Email: Katems2004@yahoo.com
Phone: 301-854-1889

