

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

AGENDA: WEDNESDAY, MAY 14th, 2014

- 1:00 p.m.
- **Call to order; determine quorum**
 - **Approval of Minutes from the April 23rd, 2014 meeting.**
 - **Gunnison County proposed OWTS regulations letter of recommendation.**
 - **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.
- 1:15 p.m. **Fitzgerald and Kerry Young:** Lots 12-15, 26-29 Block 23 Schofield, Special Review, application for a permit to install an ISD system on a parcel less than one-acre. The parcel is 0.926-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*).
- 2:30 p.m. **The Luchetta Trust:** 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*).

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
May 14, 2014

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
Eddy Balch, EH Board Member
Steve Glazer, EH Board Member Alternate
Crystal Lambert, Building & E.H. Official
Michelle Spain, Admin. Assistant

Larry Parachini, Vice-Chairperson
Ed Bavouset, EH Board Member Alternate
Russ Forrest, Asst. County Manager Economic Dev.
Charlie Dominguez, EH & Building Inspector

Absent Were: Jeff Sellen, Rodney Due

Other attendees as listed in text.

- [01:00:05 PM](#)
- **Call to order:** A quorum was determine by Lull.
 - Approval of Minutes from the April 23rd, 2014 meeting. Motion by Parachini 2nd by Glazer to approve the April 23, 2014 meeting minutes. Balch abstained.
 - Gunnison County proposed OWTS regulations letter of recommendation. Motion by Glazer to draft the letter of recommendation to the BOCC for approval of the OWTS regulations, 2nd by Parachini. Further discussion by Balch on vaults. Crystal responded that Due gave positive information on vaults to the BOCC. Our attorney was not present at this meeting. Discussion ensued. Motion passed.
 - **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.

Steve Glazer added additional information on the mine. EPA activities at the mine were discussed. EPA approved the funding for design and construction of the mediation plan. There will be underground assessments to be started this summer. There will be some surface activity in this area. The pilot plan has been abandoned.

01:19:06 PM Fitzgerald and Kerry Young: Lots 12-15, 26-29 Block 23 Schofield, Special Review, application for a permit to install an ISD system on a parcel less than one-acre. The parcel is 0.926-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*).

SPECIAL REVIEW ACTION FORM

SUBJECT: DRAFT Environmental Health Board action
Fitzgerald and Kerry Young
ISDS-11-00164

DATE: May 14th, 2014

SITE LOCATION: Lots 12-15, 26-29 Block 23 Schofield

ACTION: Special Review

PREPARED BY: Crystal Lambert, Building and Environmental Health Official

PROPOSED ISDS APPLICATION:

Fitzgerald and Kerry Young have applied for a permit to install an individual sewage disposal system (ISDS) for a future two bedroom single family residence. Their parcel size is 0.926 Acres.

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*).

GUNNISON COUNTY ENVIRONMENTAL HEALTH OFFICE ACTION:

The application for an ISDS was received on 8/30/11. A proposed system, designed by a Gunnison County licensed system installer, was submitted to the Environmental Health Office on 3/25/14. The proposed construction is for a two bedroom single-family residence. The application was denied by the Environmental Health Office on 3/25/14 because the proposed parcel does not meet the Gunnison County minimum standard of one-acre. An application for Special Review from the owners was received on 4/23/14. A site inspection and soils inspection was conducted by the EH Office on 9/26/11. Previously, the applicants had applied for an ISDS in 2007 (ISDS-07-00070). The approval of a permit required a lot cluster, avalanche study and Special Review approval for a lot less than one-acre. A site and soils inspection was also conducted for that application on 10/11/07. During the site inspection, the inspector noted a possible avalanche risk in the area and required an avalanche risk study to be conducted. An avalanche study report was received on 11/20/08.

APPLICANT'S REQUEST FOR SPECIAL REVIEW:

A request for Special Review, from the owners, was received on April 23rd, 2014. The request for Special Review was received within 30 calendar days after the notice of written denial is postmarked.

The applicant asserts the following reasons for requesting a Special Review:

1. The proposed system design is in conformance with the minimum county standards for ISD systems, except for minimum parcel size, and meets the minimum horizontal distance requirements from water features, pertinent physical features and property lines.
2. The owners originally applied for an ISD system in 2007 for lots 14, 15, 26 & 27 of Block 23 Schofield. After obtaining additional lots 12, 13, 28 & 29

of Block 23 Schofield and clustering all of the lots together the resultant acreage has been increased to 0.926.

PUBLIC HEARING:

On May 14th, 2014, The Gunnison County Environmental Health Board conducted a public hearing on this application.

The following public testimony was given:

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 Environmental Health Board finds that:

1. Action on this special review application is property-specific and limited to the circumstances unique to this application.
2. The applicant has demonstrated that the requested variance from the Gunnison County *Individual Sewage Disposal System Regulations* is warranted by unique site-specific configuration and site size that make compliance with the Regulations technically infeasible.
3. 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 setback requirements, design standards, requirements for system components and general technical standards.
4. The applicant has demonstrated that approval of this Special Review will not be in violation of any minimum standards established in any other applicable federal, state or local rule or regulation.
 - Gunnison County *Individual Sewage Disposal System Regulations*, Section 5-107: C. *More Than One ISDS On A Single Parcel Requires Approval Of A Special Review.*
 - The State of Colorado, Department of Public Health and Environment, Water Quality Control Commission, *On-Site Wastewater Treatment System Regulation*, Regulation #43, 5 CCR 1002-43:
 - Section 43.4 *Applicability*, K. *Prohibition of On-Site Wastewater Treatment System (OWTS) in Unsuitable Areas.* 1. A local board of health may prohibit issuance of OWTS permits in accordance with applicable land use laws and procedures for defined areas in which the local board of health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.
5. The applicant has demonstrated that the proposed system will not be a nuisance or injurious to public health, safety or welfare. The proposed system

meets minimum horizontal distance requirements from water features, pertinent physical features and property lines. The design of the system has taken into account the neighboring parcels.

6. The applicant has demonstrated that no substantial injury will result from the granting of this special review approval. The application is in compliance with the purpose and intent of the Gunnison County *Individual Sewage Disposal System Regulations*.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Environmental Health office file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Environmental Health Board, having reviewed the proposed application and supporting documentation, site observations and public testimony does approve the special review application of Fitzgerald and Kerry Young, ISDS-11-00164, with the following conditions:

1. This permit is limited to activities described within the “Project Description” of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County *Individual Sewage Disposal System Regulations*.
2. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
3. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
4. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

Lull commenced review. The Young's were introduced.



**Gunnison County, Colorado
Community Development Department
Environmental Health Office Staff Report**

ISDS Permit Applicant: Fitzgerald and Kerry Young

ISDS Permit No: ISDS-11-00164

Date: Special Review is scheduled with the Environmental Health Board: 5/14/2014

Prepared by: Crystal Lambert

Property Location: Lots 12-15, 26-29 Block 23 Schofield

Parcel Acreage: 0.926 Acres

CURRENT STATUS OF APPLICATION: The application for an ISDS was received on 8/30/11. A proposed system, designed by a Gunnison County licensed system installer, was submitted to the Environmental Health Office on 3/25/14. The proposed construction is for a two bedroom single-family residence. The application was denied by the Environmental Health Office on 3/25/14 because the proposed parcel does not meet the Gunnison County minimum standard of one-acre. An application for Special Review from the owners was received on 4/23/14.

A site inspection and soils inspection was conducted by the EH Office on 9/26/11.

Previously, the applicants had applied for an ISDS in 2007 (ISDS-07-00070). The approval of a permit required a lot cluster, avalanche study and Special Review approval for a lot less than one-acre. A site and soils inspection was also conducted for that application on 10/11/07. During the site inspection, the inspector noted a possible avalanche risk in the area and required an avalanche risk study to be conducted. An avalanche study report was received on 11/20/08.

SPECIAL REVIEW ACTION REQUESTED: Special Review is being requested for the consideration of individual sewage disposal (ISD) system on a parcel less than one acre. 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*).

ATTACHMENTS:

1. Septic permit application for ISDS-11-00164;
2. Assessor property record;
3. Site plan and building plan;
4. ISDS design;
5. Letter from owner specifying direct neighbors and aerial view setback from stream;
6. Plat map;
7. Environmental Health Office letter of denial;
8. Application for Special Review from owner;
9. EH Office site inspection, 9/26/11;
10. EH Office soils inspection 9/26/11;
11. Avalanche risk assessment, 11/7/08;

COMMENTS & BACKGROUND: In the time between when the first application for an ISDS was submitted (7/12/07) and the second application for an ISDS was submitted (8/30/11), the applicants acquired additional land and clustered the lots together. The original proposed site and the currently proposed site are approximately 20 feet apart.

Gunnison County has informed the applicants that an individual sewage disposal system shall not be permitted to be installed on a parcel of land less than one-acre in size unless the application has received Special Review approval.

POSSIBLE ACTIONS BY THE GUNNISON COUNTY ENVIRONMENTAL HEALTH (EH) BOARD:

- A. The EH Board may place special conditions on the granting of a Special Review approval, but may approve an application for Special Review only under the following unique, site-specific conditions (3-121, E. *Conditions of Special Review Approval*):
 - 1. Application has been finally denied;
 - 2. Variance warranted by unique site-specific characteristics;
 - 3. Approval will not result in substantial variance from requirements;
 - 4. Approval will not violate minimum standards;
 - 5. Proposed system will not injure public health;
 - 6. Approval will not result in substantial injury.
- B. The EH Board may make a decision to continue the hearing (3-121, F. *Final Decision and Conditions of Approval*).
- C. The EH Board may make a decision not to approve the proposed application (3-121, F. *Final Decision and Conditions of Approval*).

GUNNISON COUNTY COMMENTS REGARDING THIS REQUEST FOR SPECIAL REVIEW:

The lot size (0.926 Acre) does not meet the one-acre minimum required by Gunnison County (Section 5-107, *Minimum Required Parcel Size*). A proposed ISDS system, designed by a Gunnison County licensed installer has been submitted and appears to meet the minimum horizontal distance requirements from water features, pertinent physical features and property lines.

The proposed engineered ISD system is designed in consideration of a technical soils inspection that was conducted on 9/26/11. The inspection result was a soils percolation test of 11.3 minutes per inch. Silty and clayey soils were noted, ground water and bedrock was not encountered to a depth of 8 feet. The average slope across the site is approximately 4-10%. The soil treatment area of a 2 bedroom (4 person) single-family residence using a soil percolation rate of 11.3 minutes per inch would need to be a minimum of 302.54 square feet (without a garbage disposal or washing machine). By utilizing infiltrator chambers, a reduction of 40% can be applied to the soil treatment area size lending to a minimum field size of 182 square feet (or 19 chambers). The proposed design utilizes 20 infiltrator chambers on scarified native soil gravity fed from a 1,000 gallon septic tank.

The applicable section from the State of Colorado, Department of Public Health and Environment, Water Quality Control Commission, *On-Site Wastewater Treatment System Regulation*, Regulation #43, 5 CCR 1002-43 would be Section 43.4 *Applicability*, K. *Prohibition of On-Site Wastewater Treatment System (OWTS) in Unsuitable Areas*. 1. A local board of health may prohibit issuance of OWTS permits in accordance with applicable land use laws and procedures for defined areas in which the local board of health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.

In consideration of Section 3-121: *Special Review*, E. *Conditions of Special Review Approval*, items 1 through 6:

1. The application was formally denied on March 25th, 2014.
2. The proposed development meets the minimum horizontal distance requirements from water features, pertinent physical features and property lines. The parcel encompasses 0.926 Acres in Schofield. The proposed system will receive wastewater from a future 2 bedroom single family residence.
3. Mark Hocradl from Mark's Backhoe Services, a licensed Gunnison County installer, has submitted a system design that is in conformance with the minimum county standards for ISD systems, except for minimum parcel size, and meets the minimum horizontal distance requirements from water features, pertinent physical features and property lines. The proposed 7.2% variance from the 1-acre parcel size minimum does not result in a substantial variance.
4. The Gunnison County ISDS Regulations state that an ISD system shall not be permitted to be installed on a parcel of land less than one acre in size unless the application has been denied and subsequently approved within the Special Review process pursuant to Section 3-121: *Special Review* (Section 5-107, *Minimum Required Parcel Size*, 4. *Has Received Special Review Approval*).

The applicable section from the State of Colorado, Department of Public Health and Environment, Water Quality Control Commission, On-Site Wastewater Treatment System Regulation, Regulation #43, 5 CCR 1002-43 would be Section 43.4 *Applicability*, K. *Prohibition of On-Site Wastewater Treatment System (OWTS) in Unsuitable Areas*. 1. A local board of health may prohibit issuance of OWTS permits in accordance with applicable land use laws and procedures for defined areas in which the local board of health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.

5. The proposed system meets minimum horizontal distance requirements from water features, pertinent physical features and property lines. The design of the system has taken into account the neighboring parcels.
6. Notice of this Public Hearing has been published and posted. Adjacent property owners within 500 feet of each boundary of the entire parcel have each been sent a notice via certified mail. After reviewing the proposed development, site characteristics and preliminary design it appears that the application is in compliance with the purpose and intent of the Gunnison County Individual Sewage Disposal System Regulations.

Lambert started the review from the beginning of the Young's initial application. Additional lots were obtained and clustered and an avalanche risk assessment was conducted. These items have been submitted. The Young's request is 7.2% variance from the one-acre parcel size requirement and may not be considered a substantial variance. Notice was given and posted on the site.

Mr. Young added that when they originally purchased the property they did not have to meet this one acre requirement. It took the Young's 3 years to purchase the additional property.

The adjoining property under Michel's was discussed.

Parachini asked if Schofield was considered a sensitive area.

Lambert responded that there was no evidence of wetlands in proximity of the site.

The avalanche risk assessment concluded risk to be south of the parcel. Site specific risk was not identified.

Lull indicated that the area has not been labeled as a sensitive area.

Balch asked about the water source. Currently showing access to a spring or haul water in. Young did respond that the possibility of plumbing to the spring was researched.

Glazer asked about the cistern. Young responded to the actual source would be water to be hauled. This cabin will be used as a summer home at this time. Lull read the email submitted by Due.

From: Rodney Due [<mailto:RDue@crestedbutte-co.gov>]

Sent: Monday, May 12, 2014 5:19 PM

To: Crystal Lambert

Subject: RE: 2:15 PM BOCC work session tomorrow (May 13th) at our normal meeting room

Crystal,

I am not able to attend the Special Review of the two applications before the Environmental Health Board on Wednesday the 13 of May 2014, but I would ask that my comments be read to the board. I am concerned about the Special Review for the Luchetta Trust application. They are requesting an 83% variance from our 1-acre parcel size minimum. I believe this would result in a substantial variance from our OWTS Regulations. At the same time, it is difficult for me not to look at the "Fitzgerald and Kerry Young" Special Review, being reviewed. In 2007 the applicants had applied for an ISDS, and the approval of a permit "required" a lot cluster, avalanche study, and Special Review approval for a lot less than one-acre. The applicants clustered additional lots, and got very close to 1 acre (.926 acres), submitted an avalanche study, and came back for Special Review. The applicants did everything that was ask of them, and are asking for a 7% variance from the 1-acre parcel size minimum. I do not believe this request creates a substantial variance from our OWTS Regulations.

Thank you for your consideration,
V/R

Rodney E Due
Director of Public Works
Town of Crested Butte
(970) 349-5338 Ext 114

Lambert asked if there was other items from her. None at this time.

Lull indicated that a garbage grinder was selected on the sizing of the treatment area.

Young responded that no electric dishwasher or garbage grinder will be installed.

Lambert indicated that this would not be an engineered system.

Parachini wanted to compliment the applicants for this preparation and due diligence.

=Close the public hearing. =

No further questions of the board. Lull reviewed once again the request. An error was caught indicating this was to be an engineered system. This is not required.

Lull continued with the standards as set by the regulations.

Motion my Balch 2nd by Parachini to accept the application as presented. Glazer questioned the wording of this motion. Glazer amended the motion as follows.

- 1) Approval will not result in substantial variance from requirements.
- 2) Approval will not violate minimum standards.
- 3) Proposed system will not injure public health.
- 4) Approval will not result in substantial injury.

Vote on final motion. Passed. 01:43 PM

02:10 PM . The Luchetta Trust: 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*).

Robert Williams, Engineer of record.

Lull opened the review for the Luchetta Trust. Lull read the request for review.



**Gunnison County, Colorado
Community Development Department
Environmental Health Office Staff Report**

ISDS Permit Applicant: Luchetta Trust

ISDS Permit No: ISDS-10-00022

Date: Special Review is scheduled with the Environmental Health Board: 5/14/2014

Prepared by: Crystal Lambert

Property Location: 205 Roller Street; Lots 16, 17 & adj alley block 2 Caufmans Addition Ohio City

Parcel Acreage: 7,555.618 Square Feet (0.17-acres)

CURRENT STATUS OF APPLICATION: The application for an ISDS was received on 6/02/2010. A proposed system, designed by a professional engineer was submitted to the Environmental Health Office on 9/18/2013. The application with the proposed system design was denied by the Environmental Health Office and subsequently went into the Special Review process with the Environmental Health Board. During the Public Hearing with the Environmental Health Board on 11/13/13, the project engineer, representing the owner, withdrew the request for Special Review. On 3/31/14, the owner submitted a request for re-consideration of the proposed system along with a site modification. The application was denied by the Environmental Health Office on 4/2/14 because the proposed parcel does not meet the Gunnison County minimum standard of one-acre. An application for Special Review from the owners, represented by Robert L. Williams, PE was received on 4/9/14.

SPECIAL REVIEW ACTION REQUESTED: Special Review is being requested for the consideration of individual sewage disposal (ISD) system on a parcel less than one acre. 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*).

ATTACHMENTS:

12. Septic permit application for ISDS-10-00022;
13. Assessor property record;
14. Letter from owner requesting re-consideration of proposed system with site modification (well abandonment);
15. Well abandonment report;
16. Copy of denial letter sent certified return receipt, 4/2/14;
17. Request for special review received, 4/11/14;
18. Letter from engineer concerning well abandonment, 4/9/14;
19. Letter from engineer addressing site-specific conditions, 4/9/14;
20. Engineer design conditions and calculations, revised 4/9/14;
21. Engineer design specifications and site plan;
22. Adjacent property owner list;
23. Horizontal setback and influence zone layout;
24. Previous well permit for abandoned well on neighboring parcel within 100 feet of proposed system;
25. Previous well permit on Luchetta parcel and abandonment report;
26. New well permit on Luchetta parcel meeting 100 foot setback from proposed system;
27. Environmental Health Office Site Inspection Report 9/25/13;
28. Environmental Health Office Technical Soils Inspection conducted on 6/26/01;
29. Environmental Health Office photos from soil profile hole near proposed system on 10/18/2013;

COMMENTS & BACKGROUND: The Luchetta family previously applied for an individual sewage disposal system in 2000 (ISDS-2000-00127). That application was denied because the parcel was less than one-acre and the proposed system did not meet the minimum horizontal setback requirement to an existing well. The Luchetta family applied for a special review (Environmental Health Board meeting 8/9/01). The Special Review was not approved by the Environmental Health Board.

A new application was submitted in 2010 along with engineered plans for a vault system. The vault system was not approved. A revised engineered ISD system was received on 8/22/2013. The proposed system was denied by the EH Office because the parcel is less than one-acre. The Luchetta family applied for a Special Review (Environmental Health Board meetings 10/16/13 and 11/13/13). During the process of Special Review, a well within 100 feet of the proposed ISD system was determined not to be abandoned. During the 11/13/13 public hearing, the project engineer, representing the owner, withdrew the request for Special Review.

On 3/31/14, the owner submitted a request for re-consideration of the proposed system along with a well abandonment report. The application was denied by the Environmental Health Office on 4/2/14 because the proposed parcel does not meet the Gunnison County minimum standard of one-acre. An application for Special Review from the owners, represented by Robert L. Williams, PE was received on 4/9/14.

Gunnison County has informed the applicants that an individual sewage disposal system shall not be permitted to be installed on a parcel of land less than one-acre in size unless the application has received Special Review approval.

POSSIBLE ACTIONS BY THE GUNNISON COUNTY ENVIRONMENTAL HEALTH (EH) BOARD:

- A. The EH Board may place special conditions on the granting of a Special Review approval, but may approve an application for Special Review only under the following unique, site-specific conditions (3-121, E. *Conditions of Special Review Approval*):
 7. Application has been finally denied;
 8. Variance warranted by unique site-specific characteristics;
 9. Approval will not result in substantial variance from requirements;
 10. Approval will not violate minimum standards;
 11. Proposed system will not injure public health;
 12. Approval will not result in substantial injury.

- B. The EH Board may make a decision to continue the hearing (3-121, F. *Final Decision and Conditions of Approval*).
- C. The EH Board may make a decision not to approve the proposed application (3-121, F. *Final Decision and Conditions of Approval*).

GUNNISON COUNTY COMMENTS REGARDING THIS REQUEST FOR SPECIAL REVIEW:

The lot size (7,555.618 Square Feet or 0.17-Acre) does not meet the one-acre minimum required by Gunnison County (Section 5-107, *Minimum Required Parcel Size*). A proposed ISDS system, designed by a professional engineer has been submitted and appears to meet the minimum horizontal distance requirements from water features, pertinent physical features and property lines.

The proposed engineered ISD system is designed in consideration of a technical soils inspection that was conducted in June of 2001. The inspection result was “failed” with an average rate of 6 minutes per inch and a concern of “alluvial soils”. The engineered design proposes to import a 12” layer of replacement soils with a design percolation rate of 12 minutes per inch. A second soils inspection was conducted on 10/18/2013 by Crystal Lambert. The inspection included the evaluation of a profile hole in the vicinity of the proposed septic tank. The hole was dug to a depth of approximately 8 feet. No groundwater was encountered to the final depth of the hole. The soils are describes as light brown to light yellowish, dry, sand with 70-90% well rounded gravel, cobbles and boulders. Roots were found to approximately 18 inches.

The applicable section from the State of Colorado, Department of Public Health and Environment, Water Quality Control Commission, *On-Site Wastewater Treatment System Regulation*, Regulation #43, 5 CCR 1002-43 would be Section 43.4 *Applicability*, K. *Prohibition of On-Site Wastewater Treatment System (OWTS) in Unsuitable Areas*. 1. A local board of health may prohibit issuance of OWTS permits in accordance with applicable land use laws and procedures for defined areas in which the local board of health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.

In consideration of Section 3-121: *Special Review*, E. *Conditions of Special Review Approval*, items 1 through 6:

- 7. The application was formally denied on April 2nd, 2014.
- 8. The proposed development meets the minimum horizontal distance requirements from water features, pertinent physical features and property lines. The parcel encompasses 0.17-acre in the Town of Ohio City which was platted and filed in 1882 as a series of individual lots. The proposed system will receive wastewater periodically from a RV unit and be designed to accommodate wastewater from a future 3 bedroom single family residence.
- 9. Robert L. Williams, PE has submitted a system design that is in conformance with the minimum county standards for ISD systems, except for minimum parcel size, and meets the minimum horizontal distance requirements from water features, pertinent physical features and property lines. Approval of the proposed design would result in an 83% variance from the 1-acre minimum standard, which may be considered substantial.
- 10. The Gunnison County ISDS Regulations state that an ISD system shall not be permitted to be installed on a parcel of land less than one acre in size unless the application has been denied and subsequently approved within the Special Review process pursuant to Section 3-121: *Special Review* (Section 5-107, *Minimum Required Parcel Size*, 4. *Has Received Special Review Approval*).

The applicable section from the State of Colorado, Department of Public Health and Environment, Water Quality Control Commission, *On-Site Wastewater Treatment System Regulation*, Regulation #43, 5 CCR 1002-43 would be Section 43.4 *Applicability*, K. *Prohibition of On-Site Wastewater Treatment System (OWTS) in Unsuitable Areas*. 1. A local board of health may prohibit issuance of OWTS permits in accordance with applicable land use laws and procedures for defined areas in

which the local board of health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.

11. The proposed system meets minimum horizontal distance requirements from known water features, pertinent physical features and property lines. The design of the system has taken into account the neighboring parcels.
12. Notice of this Public Hearing has been published and posted. Adjacent property owners within 500 feet of each boundary of the entire parcel have each been sent a notice via certified mail.

Lambert reviewed the application and request for Special Review. The request is for an 83% variance from the minimum one-acre parcel size and may be considered substantial. Lull asked about the setbacks. All setbacks appear to be met. Lambert indicated that the well within 100 feet of the proposed system had been officially abandoned and a State well abandonment report had been received.

Lull asked Williams how big the lots are. 120 X 50 from Mr. Luchetta.

Parachini asked about the scale of the site plan that was submitted. 150 X 50. 7555 sq ft.

Currently they have an outhouse on this parcel. One well was abandoned. A new well was installed about 10 years ago. Wells were located by Williams on the site plan. 3 of them were also operating for residential use.

Glazer requested that the absorption fields be identified and presented visually on a larger site plan for the Board's review.

Williams then located them.

Abandoned wells were discussed. The state filing was noted. The abandonment reports from the State were discussed and so noted.

Balch asked if the Depot property had a well. None so noted. 3 abandon wells were discussed.

Parachini lots 1-12 controlled by one family. What could someone do with lots 1-6. Where could the absorption fields be located? Influence zones for existing wells was shown. Influence zones for absorption fields was then discussed and shown.

Glazer asked about the 100 foot zone. This was marked on the site plan.

Parachini indicated that he was not so sure about the location of the one absorption field. Both the engineer and owner indicated that this had been verified.

Williams indicated that there is no major impact to the adjoining property owners. Luchetta indicated that at least the last 50 years this has been in the Luchetta family.

Bavouset asked about purchasing additional lots. Why doesn't the family seek this option? The neighbors do not wish to sell any property.

Parachini asked about how many people will hold in the RV. 9 can sleep but they have never had this many. The reason for the home is to abandon the use of the RV. Parachini asked if they would be willing to abandon the service port for the RV once the residence was constructed. Luchetta confirmed this would be agreeable.

Santorini did not comment on this public hearing.

Rodney Due was unable to attend this meeting but attached is his email on this request.

Crystal,

I am not able to attend the Special Review of the two applications before the Environmental Health Board on Wednesday the 13 of May 2014, but I would ask that my comments be read to the board. I am concerned about the Special Review for the Luchetta Trust application. They are requesting an 83% variance from our 1-acre parcel size minimum. I believe this would result in a substantial variance from our OWTS Regulations. At the same time, it is difficult for me not to look at the "Fitzgerald and Kerry Young" Special Review, being reviewed. In 2007 the applicants had applied for an ISDS, and the approval of a permit "required" a lot cluster, avalanche study, and Special Review approval for a lot less than one-acre. The applicants clustered additional lots, and got very close to 1 acre (.926 acres), submitted an avalanche study, and came back for Special Review. The applicants did everything that was ask of them, and are asking for a 7% variance from the 1-acre parcel size minimum. I do not believe this request creates a substantial variance from our OWTS Regulations.

Thank you for your consideration,
V/R

Rodney E Due
Director of Public Works
Town of Crested Butte
(970) 349-5338 Ext 114

Lull discussed the small lots in these remote areas. She indicated that this is a definite upgrade from the current installed pit privy. Lull indicated that she felt that there was little expectation of massive future development. She reiterated the current use of the lots in this area.

Glazer asked what the distance to ground water is. The well drilling reports and Williams indicated that it is 65'.

Lull indicated that this is a total upgrade.

Williams agreed that this is a large (%) percent variance request.

Glazer did not agree that this application was not creating accumulative impact to ground water.

Williams asked where this was addressed in the current regulations.

Glazer reiterated that this board had the responsibility to protect ground water.

Lambert discussed the general policy statement in the regulations. Accumulative impacts was discussed by Glazer.

Williams reiterated that he is also responsible for engineering systems to meet this safety issue. Surface water was discussed. Ground water depth was listed on the current well permit and verified by Balch.

Balch asked about the square footage listed on the well permit.

Luchetta indicate that was prior to the alleys vacation.

Glazer wanted the letter from Williams engineering on the old untapped well discussed. Has this well been capped? If not this must be completed.

Lambert read the report on the well and showed that it was capped.

Luchetta brought up the fact that his family had dealt with the well concern on land owned by another party. His family has addressed these safety issues even when they are not on Luchetta property.

Public Hearing closed. 02:58PM

Lull reiterated her opinion on the request. She indicated that the applicants have done all they have been asked to do.

Bavouset requested that this application move on and the port for the RV be removed once the home was built and certificate of occupancy was given.

Lull reviewed that special conditions can be placed on this request for approval. All setbacks can be met, public health and injury discussed.

Balch asked what the plan for the existing cabin was. Luchetta responded it is currently being used as storage shed. The well is not connected to the home. A hose is used to supply water to the RV. Waste is currently collected in the holding tank for the RV and transferred at a collection facility.

Motion to approve by Bavouset once the certificate of occupancy is issued, this will trigger the removal of the port for the RV, 2nd Lull. Call for vote. Balch-yes, Bavouset-yes, Parachini-no, Lull- yes, Glazer-no. Passed.

Parachini indicated his concern is the cumulative impact from these small lots.

Glazer indicated that Central water and sewer is the answer.

Balch indicated that centralization may not be cost feasible.

Forest injected that land use policy and land use standards was placed in for density control.

Lull indicated that this is a definite improvement to what is currently existing.

Dates reviewed for July 1st the next schedule meeting with BOCC for formal posting to follow.

Motion to adjourn Balch, 2nd Parachini passed. 03:14PM

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