



# **Gunnison County Environmental Health Board**

## **Agenda: March 21, 2019**

- 1:15 p.m.** Call to order; determine quorum
- 1:17 p.m.** Organizational business
- Election of officers
  - Posting locations
  - Meeting times
- 1:30 p.m.** Approval of minutes from the March 29, 2018 meeting
- 1:35 p.m.** **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.
- 1:40 p.m.** County Attorney's Office discussion
- 2:15 p.m.** **Public Hearing:** Eric and Kecia Replogle for an OWTS on a parcel less than one acre at 1310 Cove Road.
- 3:15 p.m.** **Public Hearing:** Cochran Family Trust for an OWTS on a parcel less than one acre at 1326 Cove Road.

### **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  
Agenda: March 29, 2018**

- 1:15 p.m.** Call to order; determine quorum
- 1:17 p.m.** Approval of minutes from the February 22, 2018 meeting
- 1:20 p.m.** 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.
- 1:30 p.m.** **Public Hearing: Proposed Revisions to the Gunnison County OWTS Regulations.** The Gunnison County Community Development Department has prepared draft revisions to the current OWTS Regulations that are no less stringent than the OWTS Act, C.R.S. §25-10-101, et seq. and Colorado Water Quality Control Commission OWTS Regulation No. 43, 5 CCR 1002-43. Regulation 43, Section 43.4.A.2., requires that local jurisdictions promulgate OWTS regulations that are as stringent as Regulation 43 by June 30, 2018.

**Adjourn**

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**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD**  
**March 29, 2018**

The Gunnison County Environmental Health Board conducted the March 29, 2018 meeting, in the Planning Commission Meeting Room at the Blackstock Government Center.

**Present Were:**

Lucinda Lull, Chairperson  
Larry Parachini, Vice-Chairperson  
Eddy Balch, EH Board Member  
Rodney Due, EH Board Member  
Ed Bavouset, EH Board Member  
Bill Barvitski, EH Board Member Alternate

Crystal Lambert, Building and EH Official  
Charlie Dominguez, EH and Building Inspector  
Rebecca Ricord, Administrative Assistant  
Cathie Pagano, Community Development Director

**Audience:**

John Billingsley  
Gary Moore  
Earl Fay  
Leonard Wasilenski  
Kari Roberts  
Gerald Lain  
Jaima Giles  
Brieonna Aljets  
Lucia Lebon  
Austin Chambers  
Bill Nesbitt  
Steve Mills  
James Sharpton  
Ramon Reed

**Call to order:** A quorum was determined by Lull at 1:16 pm. The meeting was properly noticed and verified by Lambert.

\*\*\*\*

**Approval of Minutes:**

Approval of Minutes from the February 22, 2018 meeting. **Moved by:** Parachini, Seconded by Due to approve the February 22, 2018 meeting minutes as presented. Voting Yes; Board Members Lull, Due, Balch and Parachini.

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**Unscheduled citizens:**

None.

\*\*\*\*

**Public Hearing: Proposed Revisions to the Gunnison County OWTS Regulations.** The Gunnison County Community Development Department has prepared draft revisions to the current OWTS Regulations that are no less stringent than the OWTS Act, C.R.S. §25-10-101, et seq. and Colorado Water Quality Control Commission OWTS Regulation No. 43, 5 CCR 1002-43. Regulation 43, Section 43.4.A.2., requires that local jurisdictions promulgate OWTS regulations that are as stringent as Regulation 43 by June 30, 2018.

Lull opened the public hearing at 1:30. Lambert explained that the hearing had been publically noticed for 30 days. The proposed draft regulations have been revised to be no less stringent than the State's Regulation 43: OWTS Regulation and must be adopted by June 30, 2018. From the work session on February 22, 2018 Lambert updated the draft with the changes recommend by the Environmental Health Board ("Board"), including changes to the installer and cleaner license section. Additionally, Lambert explained that she has been meeting with the County Attorney's Office regarding the proposed regulations. Parachini questioned if the licensed installer and cleaner/hauler courses are offered online. Lambert was unsure and would have to look into it. Lull wanted to know when the trainings could be brought to Gunnison. Lambert stated that would need to be set-up with NAWT and CPOW and could be as soon as this summer, if desired.

March 29, 2018 EH Board Meeting

Date approved

Lambert explained that the draft Gunnison County OWTS Regulations had been sent to the State for review. The State's review letter had been received. In the State's review letter, they recommended that the Board review table 7.2, vertical separation distance table and commented that "it is recommended that at some level of treatment a reduction and separation distance be allowed, the application of your proposed regulation may actually deter someone from installing a higher level treatment system, which they may have otherwise installed." Lambert stated that this Section, as proposed, is more stringent than what the State requires and there is room for discussion. Lambert notified the Board that any future changes to the proposed draft will also need to be reviewed by the State.

Lambert further explained formatting and organizational changes to the draft that had been made since their last meeting. They are: The Transfer of Title section is located in Appendix C, starting on page 119. The Marble OWTS district was also moved to an Appendix. The OWTS Special District was moved from the appendix to Section 16. Lambert explained that there are areas in the proposed OWTS Regulations that are not required by the State, however they are recommended by the State. They are: Transfer of Title and contractor licensing. There are approximately 21 counties throughout the State that are either adopting the Transfer of Title program or are looking at adopting it. Balch inquired if there was any feedback from the State regarding contractor licensing and Lambert reported that the State supports and recommends the contractor licensing and training program.

#### Public Comment and discussion of proposed OWTS Regulations

Gary Moore, Gunnison County licensed OWTS installer and NAWT certified inspector, inquired about any additional certification requirements. Lambert explained that, as a licensed OWTS Installer, he would need to obtain NAWT certification as a OWTS Installer in order to maintain his Gunnison County license. Moore inquired about a grace period for obtaining the training and certification. Lambert explained that the current draft provides the currently licensed professionals with two years to obtain their training and certifications. New applicants for a Gunnison County OWTS license would need to obtain the training and certification before receiving their license. Moore stated that he has been discussing the proposed Transfer of Title program with people in his area and feels that the Transfer of Title program would be a violation of civil rights and wanted more clarification of the procedures for the process.

Lambert provided a brief overview of the Transfer of Title program and described what implementation of the program would look like for OWTS owners and users. A NAWT certified inspector would inspect existing OWTS to verify that they are functioning as designed and not in a state of failure prior to transferring the title of real property. If the system, or a component of the system, is shown to be in a state of failure, then the OWTS would need to be repaired before the Department can issue an acceptance document. An acceptance document will be issued by the Department for systems that are shown to be working as designed and not in a state of failure. It is anticipated that an acceptance document could be issued at the counter with minimal review time. Lambert explained that a conditional acceptance document could be issued, if the property is not accessible such as during winter, if the NAWT inspector verifies that they have been hired for the inspection and will conduct it as soon as the property is accessible and the people receiving the property agree to repair any component found to be in a state of failure within 90 days of the inspection. Lambert reviewed conditions when a property would be exempt from the Transfer of Title program, such as for newer systems installed or repaired within the previous 4 years.

Moore shared concern about systems that may not be built to current standards, such as Arrowhead type systems, would not be given an acceptance document. Lambert explained that the Transfer of Title inspection program is only to show that a system is functioning as designed and not to require that existing systems be brought up to the current installation requirements.

Lebon, Real Estate Professional, worried that the inspector may not be familiar with the system and will fail them.

Concerning the Transfer of Title program, Bill Nesbitt wanted to know the following: what is the purpose of the program, what happens in the winter, and why provide 90 days to repair a system that is shown to be failing. Parachini stated that you don't have to necessarily pump the tank to do the inspection, that a lot could be learned just by observing the contents of the tank. Moore disagrees and Lambert stated that it is up to the inspector to require that or not. Lambert explained that the purpose of this program is the protection of Public Health, Safety and Welfare. Lambert further explained that the 90 day grace period for a repair is given but, as with any OWTS, if there is an immediate risk to public health and safety other sections of the body of the OWTS Regulations address the response, which is less than 90 days. Nesbitt suggested those sections be included in the Transfer of Title Appendix.

Billingsley, Gunnison County licensed OWTS Installer and cleaner/hauler and NAWT certified Inspector, stated that he is in support of the Title of Transfer section to protect his profession. Lambert asked how many failed systems Billingsley has seen. Billingsley said that he knows of 33 systems that are failing and aren't functioning as designed. In regards to the proposed Standards of Performance of all licensed OWTS cleaner/hauler, Billingsley shared that he is not comfortable being required to report failing systems to the County, He feels that being required to tell on them would undermine the trust his customers have in him and the care of their OWTS. Lebon, Real Estate Professional, inquired if there is a window from closing that the inspection has to be completed. Lambert explained that the current draft provides 12 months for the inspection and 12 months for the acceptance document, giving a total of two years.

Roberts wanted to know about other Counties that have implemented the Transfer of Title program and how its working. Lambert explained that several counties adopted this program in 2014, when we were all first required to align with Regulation 43 and that she has not heard of any fatal flaws or struggles. The current draft was initially modelled after what Weld County is proposing, at the recommendation of the Division, because of the simplicity. Roberts is in support of the Transfer of Title program and would like more information on how it will work in Gunnison County. Lambert explained that the first step is to get it on the books and focus on outreach and education rather than enforcement.

Jiles wanted to know if a property is on the market for longer than one year will the seller be required to have another inspection conducted. Lambert explained that it would depend on the use of that system during the time it was on the market. If the system has not been used, or has been lightly used, then it should be fine. If the system has been getting hammered with heavy use then an inspector should take a look and possibly renew or amend the inspection report. Due expressed his opinion that the inspection reports should be valid for longer than 12 months, maybe to 3 years. Jiles questioned whose responsibility it would be if the system fails after and the property is transferred especially in cases where the inspection hasn't been done yet because of the weather. Lambert stated that it would be up to the current owner of the property and OWTS. Lambert went over the section on conditional acceptance of title document requirements. Chambers wanted to know if the intent that a conditional permit would be issued as a matter of course or is it something that in the future the department could change their mind since it says "may". Lambert will review the word "may" with the Board and the County Attorney's Office.

Lain shared that he believes it would be beneficial that the County talk to someone who has been in business for years and develop a user's guide for the public and realtors to look at and use. Parachini stated that the Transfer of Title program protects consumers as well and the Public Health, Safety and Welfare.

Lambert began the discussion of the Licensed OWTS Installer and Cleaner/Septage Hauler section and explained that Gunnison County has required professionals become licensed through Gunnison County for a number of years already. The major proposed change to this section is to require additional educational training and certification. Moore stated that a lot of people coming to our area do not know much about septic systems and that it would be beneficial for the County to make a dos and don'ts documents for those owners. Lambert reported that the County does have those and they have been offered but not very popular. Moore believes that the public needs to be educated. Balch stated that that is something the Board is trying to work on and address.

Parachini thought it would be great if there was a program to provide owners with low interest rates to fix their systems. Lambert will inquire with the State to see if they know of any program. Billingsley shared his belief that the County should enforce the licensing requirements for professionals who fail to follow the Regulations. Roberts, Professional Engineer, inquired about table 7-1, regarding setbacks distances to waterbodies and wanted to know why the County is so much more stringent than the State. Lambert stated the reason is because Gunnison County is the headwaters and holds the protection of water quality, public health, safety and welfare in the highest regards. There is an avenue for a variance from those setback distances with the Environmental Health Board but they cannot be granted administratively by staff. Lambert reported that the first work session with the County Commissioners is scheduled for April 24 and that a Public Hearing with the County Commissioners is tentatively scheduled for June 5, 2018 and that date may change.

The Board discussed and recommended changing the following:

Revise the length of time a NAWT Inspection is valid for from 12 months to 24 months.

The deletion of Section C of Appendix C, requiring that *Transfer of Title Acceptance Documents shall only be issued for properties served by a permitted OWTS, unless the OWTS on the property clearly predates the OWTS permitting program adopted by Gunnison county on March 25, 1998.....*

**Moved by:** Bavouset, Seconded by Balch to close the public hearing and approve the draft of the OWTS regulations with the recommended changes from the Board and move forward with the Board of County Commissioners work session on April 24, 2018. Voting Yes; Board Members Lull, Due, Balch and Parachini.

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Moved by Parachini, Seconded by Balch to adjourn the March 29, 2018 meeting of the Environmental Health Board at 3:32 P.M. The motion passed unanimously with Lull, Parachini, Balch, Bavouset and Due, voting Yes.

\*\*\*\*

/S/ Rebecca Ricord  
Administrative Assistant III  
Gunnison County Community Development Department

DRAFT



**GUNNISON COUNTY, COLORADO  
COMMUNITY DEVELOPMENT DEPARTMENT, ENVIRONMENTAL  
HEALTH OFFICE STAFF REPORT**

**Eric and Kecia Replogle**

Application No: OWTS-18-00274  
 Date application scheduled with EH Board: March 21, 2019  
 Prepared by: Crystal Lambert, Building & EH Official

<b>APPLICANT/OWNER:</b>	Eric and Kecia Replogle 11850 Joyful Way, Montrose, CO 81401
<b>PROJECT DESCRIPTION:</b>	The applicant is proposing a one-family dwelling served by an on-site wastewater treatment system (OWTS) and a community water supply on a vacant parcel less than one acre within the Masden Lake Fork Cove Subdivision. Applications for both building and OWTS permits were received by the Community Development Department on November 15, 2018.
<b>CURRENT STATUS OF OWTS APPLICATION:</b>	The OWTS application was denied by the Environmental Health Office on November 30, 2018 because the proposed parcel does not meet the Gunnison County minimum standard of one-acre in accordance with <i>Section 3.A.9 of the Gunnison County OWTS Regulations</i> .
<b>ENVIRONMENTAL HEALTH BOARD ACTION REQUESTED:</b>	A request for a Public Hearing with the Environmental Health Board for the consideration of a variance to <i>Section 3.A.9 of the Gunnison County OWTS Regulations</i> was received on January 9, 2019 and prepared by the OWTS design professional, Bob W. Hurford, PE.
<b>PROPERTY LOCATION:</b>	1310 Cove Road, Site 48 Masden Lake Fork Cove.
<b>AREA DESCRIPTION:</b>	Masden Lake Fork Cove is approximately 30 miles south west of Gunnison off of Highway 50. The subdivision area encompasses approximately 58 acres and has 80, 0.3 acre circular parcels that are 130 feet in diameter.

	<p>The circular parcels are surrounded by approximately 32 acres of common area. Masden Lake Fork Cove predates Gunnison County's current subdivision review and approval process and is an existing, non-conforming area. Approximately 50% of the parcels within the subdivision are developed.</p> <p>The subdivision is bordered on the east, west, and south by a 1,065 acre agricultural use parcel. The northern border is split with National Park Service land to the east and a vacant parcel to the west. The closest commercial use is an RV resort and waste receiving site approximately 0.5 miles away.</p>
<p><b>ATTACHED EXHIBITS:</b></p>	<ul style="list-style-type: none"> <li>▪ OWTS application</li> <li>▪ Aerial photographs of the subdivision</li> <li>▪ Plat of survey of homeowners association boundary</li> <li>▪ OWTS proposed design</li> <li>▪ Proposed floor plan layout</li> <li>▪ Property Owner's Association project approval letter</li> <li>▪ Staff site inspection report</li> <li>▪ Letter of application denial</li> <li>▪ Request for variance</li> </ul>
<p><b>ENVIRONMENTAL BOARD TASKS AT PUBLIC HEARING:</b></p>	<ul style="list-style-type: none"> <li>— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application</li> <li>— Confirmation of adequate public notice: <ul style="list-style-type: none"> <li>• Posting of legal notice in the County's official newspaper at least 20 days prior the hearing.</li> <li>• Posting of public hearing notice at the County posting locations.</li> <li>• Mailing of public hearing notice to all owners of properties who own surface rights within 500 feet of each boundary of the entire parcel at least 20 days prior to the hearing.</li> <li>• Posting of the public hearing notice in a conspicuous location at or near the parcel.</li> </ul> </li> <li>— Hear applicant presentation</li> <li>— Hear staff comments</li> <li>— Ask questions, identify and consider issues</li> <li>— Hear applicant response and staff response</li> <li>— Continue public hearing or close public hearing.</li> </ul>

**Variance Request Submittal Analysis**

<b>Variance request submittals shall include the following items:</b>	<b>Applicant Submittal Summary</b>	<b>Staff Comments</b>
<p>Site-specific request identifying the specific criteria from which a variance is being requested. Section 3.M.1.b(1)</p>	<p>Site specific variance request for the approval of an OWTS on a parcel of land less than one acre.</p>	<p>Per Section 3.A.9 of the <i>Gunnison County OWTS Regulations</i>, an OWTS shall not be permitted to be installed on a parcel of land less than one acre in size. This is a local County requirement as the State of Colorado OWTS Regulations do not contain a requirement regarding parcel size. The subdivision is existing and non-conforming and predates Gunnison County's current subdivision review and approval process.</p>
<p>Technical justification by a professional engineer or professional geologist, which indicates the specific conditions which exist and/or the measures which will be taken that support a finding that the variance shall result in no greater risk than that associated with compliance with the requirements of the OWTS Regulations. Section 3.M.1.b(2)</p>	<p>The common area surrounding the circular parcels along with community water service meets the intent of the one-acre parcel minimum for OWTS.</p>	<p>There are 80, 0.3 acre parcels in the approximately 58 acre subdivision, which equates to approximately 0.725 acres per parcel if the common area is equally divided. A State permit for a Public Water Service has recently been re-activated and compliance with the State's requirements will be verified upon activation of the water service on or about April 30<sup>th</sup>.</p>
<p>A discussion of alternatives considered in lieu of the requested variance. Section 3.M.1.b.(3)</p>	<p>No alternative is known given that the parcel is less than one acre.</p>	<p>According to the Assessor's Office records, the applicant owns the two vacant parcels next to the subject parcel, they are parcels 76 and 77, however, the parcel boundaries do not converge and are separated by "common area" owned by the Property Owners Association, therefore, the parcels cannot be combined or clustered together to form a larger parcel. The Property Owners Association has stated that may be willing to grant easements in the common area but they will not sell any of the common area property.</p>

<p>Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment. Section 3.M.1.b.(4)</p>	<p>Infiltrator (graveless) chambers will be used in the design of the soil treatment area (field) which will reduce the size of the system. Additionally, the common area buffer lends to additional acreage.</p>	<p>Graveless chambers are commonly utilized in Gunnison County and throughout Colorado. In accordance with Table 10-3 of the <i>OWTS Regulations</i>, a 30% reduction in field size can be taken for chambers. A visual and tactile evaluation of the soil, in accordance with Section 5.D. was not performed. The 0.35 long-term-acceptance-rate (LTAR) of the soil was estimated based on previous experience in the area where blocky, clay loamy soils have been determined, however, those site were further downhill of the subject site. Soil profile test pits and a visual and tactile evaluation of the soil will be required prior to final approval of a design. The approved design may, or may not, include chambers and may, or may not, include pressurized distribution depending on the soil type found.</p>
<p>A statement of the hardship that created the necessity for the variance. Section 3.M.1.b.(5)</p>	<p>The parcel is less than one-acre.</p>	

**Section 3.M.2.: Prohibitions on the granting of variance requests**

<b>Prohibitions on the granting of variance requests:</b>	<b>Staff comments:</b>
No variance shall be issued where the property can accommodate a conforming OWTS. Section 3.M.2.a.	The variance request is for an OWTS on a parcel less than one-acre. If the variance request is approved, a proposed design will only be accepted for an OWTS permit if it meets the design requirements of the OWTS Regulations.
No variance shall be issued to mitigate an error in construction involving any element of property improvements. Section 3.M.2.b.	The parcel is currently undeveloped and vacant. The subdivision predates Gunnison County's current subdivision review and approval process.
No variance shall be allowed on the grounds of cost of compliance. Section 3.M.2.c.	A claim of cost burden has not been made in this case.
No variance shall be issued if it will result in a setback reduction to an offsite physical feature that does not conform to the minimum setbacks defined in Table 7-1 of this regulation without proof of compliance of Section 3.M.5. Section 3.M.2.d.	The minimum setbacks to off-site physical features appear to be met with the proposed development plan. Future development on adjacent parcels would require thoughtful planning in relation to the proposed development and minimum setback distances to water lines, water cisterns, OWTS components and structures.
No variance shall be issued if it reduces the separation to ground water or bedrock based on the level of treatment in Table 7-2. Section 3.M.2.e.	A limiting layer has not been encountered and is not anticipated in the area.
No variance from the horizontal setback from a well shall be issued unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors. Section 3.M.2.f.	A private well is not proposed and the neighboring properties are, or will be, served by a Public Water Service. The applicant has supplied a project approval letter from the Property Owner's Association that indicates a water cistern may be utilized. The proposed plans indicate an indoor storage tank. The proposed water supply line is not identified on the site plan. In order for the Department to verify that the proposed development plan is in compliance with the OWTS Regulations for setbacks to water lines and cisterns, the applicant will need to provide a plan that shows the location of these items.
No variance shall be issued for the installation of a higher level treatment system based on sizing or separation reductions without the Department having a maintenance and oversight program. Section 3.M.2.g.	A higher level treatment system is not proposed.

**Staff Recommendation on the application for a variance to the *Gunnison County OWTS Regulations*:**

Staff recommends approval of Eric and Kecia Replogle's application for a variance to the Gunnison County OWTS Regulations, Section 3.A.9, for an OWTS on a parcel less than one acre with the condition that the following information is provided so that staff can ensure that minimum design requirements are met:

1. A visual and tactile evaluation of the soil in the vicinity of the soil treatment area, as required by *Section 5.D* of the *Gunnison County OWTS Regulations*, so that the Long Term Acceptance Rate of the soil can be confirmed for the system sizing and type.
2. An updated site plan that shows the location of the water supply lines and a cistern, if proposed, so that compliance with the minimum horizontal setback distances found in *Table 7-1* of the *Gunnison County OWTS Regulations* can be confirmed.

OWTS - 18-00274



Gunnison County, CO  
Community Development Department  
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230  
Phone: (970) 641-0360 FAX: (970) 641-8585  
Website: [www.gunnisoncounty.org/planning.html](http://www.gunnisoncounty.org/planning.html)  
Email: [planning@gunnisoncounty.org](mailto:planning@gunnisoncounty.org)

**ON-SITE WASTEWATER TREATMENT SYSTEM (OWTS)  
PERMIT APPLICATION**

Application Fee- Residential New- Due at Submittal: \$825.00  
Application Fee- Commercial New or Replacement- Due at Submittal: \$925.00  
Application Fee- Residential Repair- Due at Submittal: \$315.00  
Application Fee- Residential and Commercial Tank Replacement Only- Due at Submittal: \$150.00  
Application Fee- System Alteration or Expansion- Due at Submittal: \$500.00

Application Received Date: 11-15-18  
Application Fee Paid: 11-15-18 ✓

2048

OWNER: Eric Replogle  
MAILING ADDRESS: 11833 Joyful Way Montrose CO  
DAY PHONE: \_\_\_\_\_ CELL PHONE: 970-209-1864  
EMAIL ADDRESS: ericreplogle@gmail.com

LICENSED SEPTIC CONTRACTOR: Same as above  
MAILING ADDRESS: \_\_\_\_\_  
DAY PHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_

PRIMARY PROJECT CONTACT PERSON: Same as above  
DAY PHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_

DESCRIPTION OF PARCEL (legal description, site address): Lot 48 Cove Road  
Madden Lake Fork Cove Subdivision

PARCEL SIZE: .33? ACRES

HAVE YOU APPLIED FOR A LAND USE CHANGE PERMIT? \_\_\_\_\_  
 Is this application for a secondary residence?  
 Do you need a lot cluster? ( Do you own adjacent lots that are less than one acre, if so you may need a lot cluster)

WHAT TYPE OF PERMIT ARE YOU REQUESTING?  
 New  
 Alteration  
 Repair

Project Description (Please identify all existing buildings/development and all proposed buildings/development on the parcel.)  
New cabin as submitted

Description of Proposed Development

SCANNED

- Single-Family Residence
- Multi-Family Residence
- Commercial; describe use: \_\_\_\_\_
- Other: \_\_\_\_\_

Number of Bedrooms: 2 Number of Baths: 3 Number of Kitchens: 1

For commercial note the square footage, number of seats if it is a food/bar establishment, number of rooms for hotel/motel/B-N-B facility, number of employees. \_\_\_\_\_

**Type of System Proposed** (For engineered systems, provide the design, stamped and signed by a Colorado Licensed Professional Engineer)

- Conventional Septic System Design
- Engineered System; Engineer Name: Bob Hurford Phone: 970-269-4615
- Other: \_\_\_\_\_

**Description of the Proposed and/or Exiting Water Source.** Description of proposed/existing water source; if such proposed source is by well, copy of the well permit may be required to verify the location of the well; and, if such source is a central system, documentation from the operator of that system that water will be supplied:

existing piped alliance water source serving subdivision

**THE FOLLOWING INFORMATION IS NEEDED FOR THE SUBMITTAL OF ALL OWTS APPLICATIONS:**

- Report from Site and Soils Evaluation and Site Plan.** The report from the Site and Soil Evaluation in accordance with Section 5-110: *Report and Site Plan* of the *Gunnison County OWTS Regulations* (see page 9 for description).
- Vicinity Map.** General area map showing the location of the proposal on a typical U.S. Geological Survey map, U.S. Forest Service map or County parcel map, available from the Gunnison County Geographic Information Services Department or the Gunnison County Assessor's Office.
- System Design.** The system design document shall contain all plan details necessary for permitting, installation and maintenance and shall include a brief description of the facility and its proposed use, basis and calculations of design flow, and influent strength in accordance with Section 5-111: *Design Document* of the *Gunnison County OWTS Regulations* (see page 10 for description).
- A copy of the recorded **Warranty Deed** is required for proof of ownership. This may be obtained from the Recorder's Office, located on the first floor of the Blackstock's Government Center. The Recorder's Office can be reached by phone at 970-641-2038.
- Letter of Consent.** If applicable, a letter from the property owner acknowledging a person other than the owner may apply for permits.
- Copy of **Well Permit**, if applicable
- Application Fee. **Fees** are determined by type of OWTS permit and proposed use. \*See fee schedule.

**GUNNISON COUNTY PUBLIC WORKS  
ACCESS DETERMINATION**

SIGNATURE OF OWNER OR CONTRACTOR: 

DATE: 11-15-18

RECEIVED



Scale = 1:20000

The data herein is general in nature and not assumed to be complete nor accurate in its entirety and is therefore to be used with all discretions necessary. The data portrayed should not be relied upon to establish legal title, boundary lines, the precise location of improvements, ownership, easements or public right-of-ways.

Thursday, February 07, 2019



Scale = 1:4400

The data herein is general in nature and not assumed to be complete nor accurate in its entirety and is therefore to be used with all discretions necessary. The data portrayed should not be relied upon to establish legal title, boundary lines, the precise location of improvements, ownership, easements or public right-of-ways.

Tuesday, March 12, 2019





Bob Hurford, P.E.

bwhurford@gmail.com

October 12, 2018

Gunnison County Planning and Building  
221 N. Wisconsin Street  
Gunnison, CO 81230

**RE: Onsite Wastewater Treatment System Report – Eric Replogle Cabin  
Lot 48 - Masden Lake Fork Cove Subdivision  
Gunnison County**

This letter report presents the results of the preliminary data, detailed site evaluation, and soil treatment area (STA) characterization at the above referenced site for a proposed Onsite Wastewater Treatment System (OWTS). The design engineering plans and site plan for the proposed OWTS are enclosed with this letter.

#### **Project Information**

The proposed OWTS will treat and dispose domestic sewage from a new two bedroom home. The site consists of a 0.33-acre lot within the Masden Lake Fork Cove Subdivision, located at Lot 48 Cove Road. Because the parcel is less than 1-acre in size, the owner will necessarily apply for a variance as part of the review and approval process according to the current regulations for this proposed OWTS system .

#### **OWTS Site Conditions**

The site topography is on a bench and is generally flat with a 4 to 5 percent slope at the northeast edge of the lot. The parcel is vegetated with native grasses, sagebrush, and cactus. The area is characterized by dark brown organic soil atop clay loam and gravel soil to about 4-feet. I inspected a soil profile test pit the owner excavated on April 22, 2018, in the vicinity of the proposed STA. The profile pit was excavated to approximately 8-ft and no bedrock or groundwater was encountered. The soil conditions were dry throughout the entire soil profile. The proposed STA location will receive and treat effluent satisfactorily.

#### **Soil Treatment Area (STA) Characterization**

My recommendation is to keep the bottom of the treatment area relatively shallow to take advantage of the good quality soil conditions that exist at depths shallower than 4-feet. In addition, there can be large boulders with increasing depth. Three 10-inch diameter percolation test holes were installed from approximately 24 to 30 inches deep in the vicinity of the soil treatment area. The average percolation rate for the three percolation tests conducted is approximately 11-minutes per inch. This value is representative of the expected soil percolation rate for the proposed soil treatment area and provides the basis for using the Long Term Acceptance Rate (LTAR) value of 0.8 (Table 7-1 of Gunnison County On-Site Wastewater Treatment Regulations) for designing and sizing the soil treatment area.

→ need visual & tactile evaluation as basis of design

SCANNED

**Proposed OWTS & Conclusions**

The design calculations for the OWTS, as well as the plans and specifications needed for installation, are enclosed with this report. The system components and their horizontal and vertical locations must be inspected and approved by me and inspected by the local county official prior to final cover and backfilling. Based on the current regulations for a two bedroom home and the results of the percolation testing, the OWTS design will consist of a 1,000 gallon (minimum) septic tank and trenches utilizing Infiltrator Chambers. Each trench will consist of twelve chambers each as depicted on the design sheet SP2. My professional advice is to install the STA chambers parallel with the topography, down slope from the house as shown on the site plan. This will result in the best possible long term effluent treatment performance of the OWTS. Please refer to the design drawings and contact me if you have any questions or concerns regarding the contents of this letter report or the enclosure.

Sincerely,



Bob W. Hurford, P.E.  
#37799  
970-209-4615



Lot 48 Masden Lake Fork Cove Subdivision , April 22, 2018



NEW HOME FOR:  
ERIC REPLOGLE

LOCATION OF WORK: ADDRESS TBD  
CITY - MASDEN LAKE FORK COVE SUBDIVISION  
COUNTY - GUNNISON  
STATE - COLORADO

### GENERAL NOTES

1. DRAWINGS SHALL NOT BE SCALED. ALL WORK SHALL BE LAID OUT BY DIMENSIONS.
2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES AND TO EXERCISE PROPER PRECAUTIONS. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
3. THE DESIGN LOADS SHOWN ARE ASSUMED LOADS. THE OWNER AND CONTRACTOR ARE RESPONSIBLE FOR CHECKING THE ACTUAL SOIL AND SNOW LOAD REQUIREMENTS. THE OWNER & CONTRACTOR ARE ALSO RESPONSIBLE TO OBTAIN A SOILS REPORT.
4. IN THE EVENT OF CONFLICT BETWEEN PERTINENT CODES AND REGULATIONS AND REFERENCED STANDARDS OF THESE SPECIFICATIONS, THE MORE STRINGENT PROVISIONS SHALL GOVERN.
5. ANY DISCREPANCIES, OMISSIONS OR ERRORS EXISTING IN THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF WDR CAD SERVICE FOR CORRECTION PRIOR TO COMMENCING WORK AND WITH IN 7 DAYS FROM THE DATE OF THE DRAWINGS. FAILURE TO DO SO CONSTITUTES FINAL ACCEPTANCE OF THE DRAWINGS. ANY CHANGES MADE AFTER THE ACCEPTANCE TIME FRAME SHALL RELEASE THE DRAFTSMAN FROM ANY FUTURE RESPONSIBILITY. THE CONTRACTOR, DEVELOPER AND THE HOMEOWNER ARE TO VERIFY ALL CONDITIONS, DIMENSIONS AND SPECIFICATIONS PRIOR TO AND THROUGHOUT THE CONSTRUCTION PHASES.
6. ALL MANUFACTURED ITEMS SHOWN ON THESE PLANS SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S INSTALLATION INSTRUCTIONS.

### BUILDING DATA

#### APPLICABLE CODES

1. INTERNATIONAL RESIDENTIAL BUILDING CODE (IRC) - 2015 EDITION
2. INTERN'L MECHANICAL CODE (IMC) - 2003 EDITION
3. INTERN'L PLUMBING CODE (IPC) - 2003 EDITION
4. UNIFORM FIRE CODE (UFC) - 2003 EDITION
5. NATIONAL ELECTRICAL CODE (NEC) - 2014 EDITION
6. ALL LOCAL AND STATE ORDINANCES AND CODES.

FROST DEPTH: 36"  
ROOF LOADS: 62 PSF LIVE 20 PSF DEAD  
FLOOR LOADS: 40 PSF LIVE 15 PSF DEAD  
SOIL BEARING: AS PER ENGINEER  
DESIGN WIND LOADS: 90 MPH 3-SECOND GUST  
SEISMIC ZONE C  
ALTITUDE: 7,880-FT

### DRAWING LIST:

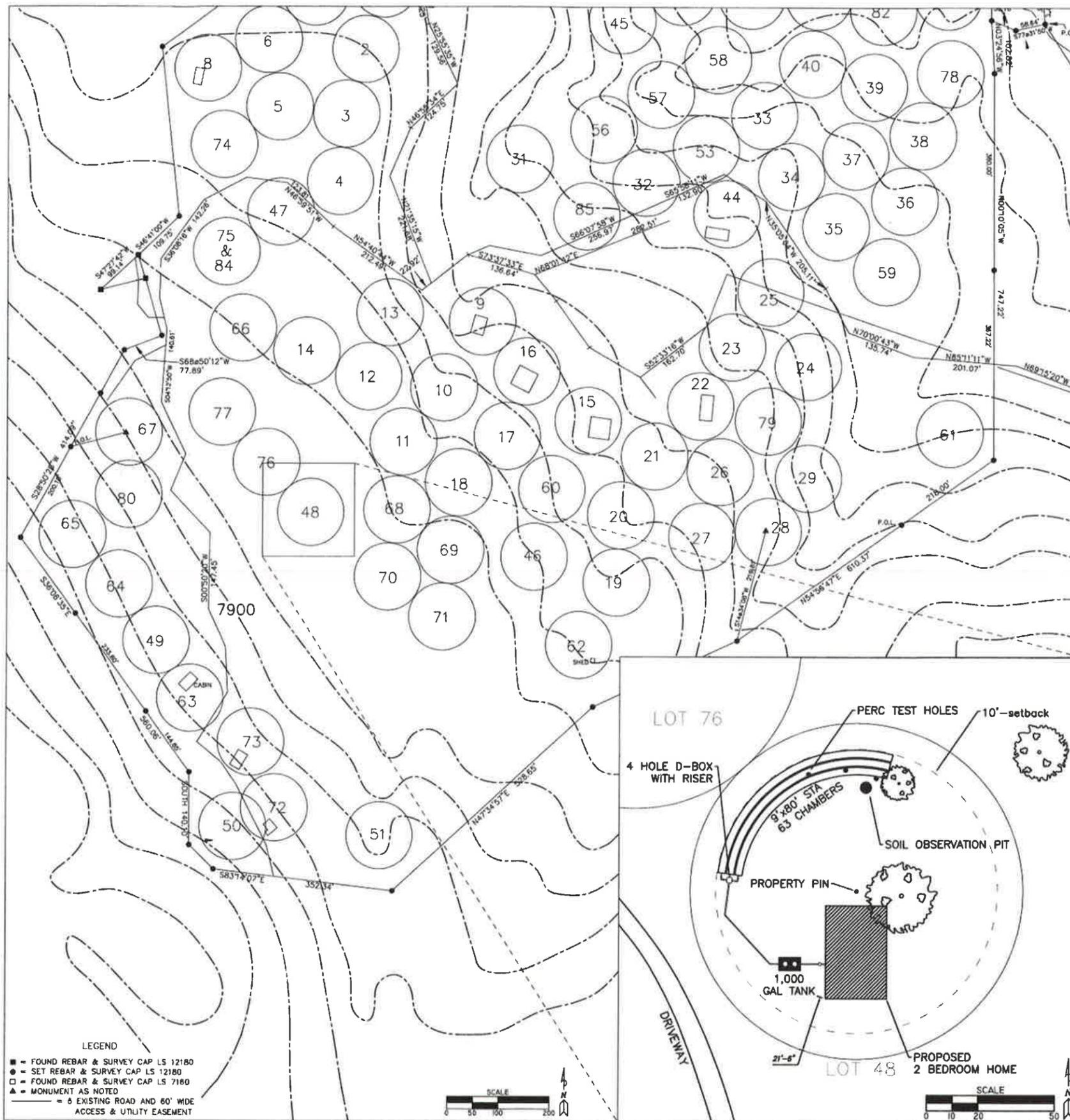
DWG#	DWG NAME
SP1	COVER PAGE & SITE PLAN
SP2	OWTS DESIGN AND DETAILS
S1	FOUNDATION PLAN
S2	FOUNDATION DETAILS

#### SETBACK DISTANCES FOR SOIL TREATMENT AREA

WATER WELLS - 100 FT  
DOMESTIC WATER LINE - 25 FT  
DWELLING - 20 FT  
PROPERTY LINES - 10 FT  
LINED OR PIPED DITCH - 10 FT  
DRY GULCH - 10 FT  
EASEMENTS/PROPERTY LINES - 10 FT

#### SETBACK DISTANCES FOR SEPTIC AND DOSING TANKS

DOMESTIC WATER LINE - 10 FT  
DWELLING - 5 FT  
PROPERTY LINES - 10 FT  
LINED OR PIPED DITCH - 10 FT  
DRY GULCH - 10 FT  
EASEMENTS/PROPERTY LINES - 10 FT



Bob W. Hurford, P.E.  
Colorado Professional Engineer  
License #37799  
Insured

81773 Hwy 90  
Montrose, CO 81403  
tele: 970.209.4615  
bwhurford@gmail.com



ERIC REPLOGLE  
Lot 48 Cove Road  
Madsen Lake Fork Cove Subdivision  
Gunnison County

#### REVISIONS:

10/08/2018  
1/07/2019

#### PLAN NUMBER:

Replogle Cabin.dwg

#### DRAWING TITLE:

Site Plan

#### SCALE:

1"=10'  
24x36d

#### PLOT DATE:

1/07/2019

#### SHEET NO:

SP1



Bob W. Hurford, P.E.  
 Colorado Professional Engineer  
 License #37799  
 Insured  
 61773 Hwy 90  
 Montrose, CO 81403  
 tele: 970.209.4815  
 bwhurford@gmail.com



ERIC REPLOGLE  
 Lot 48 Madsen Lake Fork Cove Subdivision  
 Gunnison County

- GENERAL NOTES:**
- DESIGN AND OVERALL CONSTRUCTION SHALL CONFORM TO THE GUNNISON COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS AMENDED JUNE 19, 2018.
  - SEED THE FINISHED SURFACE OF SOIL TREATMENT AREA AND DISTURBED SOIL AREAS AFTER CONSTRUCTION.
  - PRIOR TO CONSTRUCTION, SUBMIT ALL APPLICATIONS, PAY ALL FEES, AND OBTAIN THE PROPER PERMITS FROM GUNNISON COUNTY.
  - THE ENGINEER, WITH 48 HOURS NOTICE, WILL MAKE FIELD OBSERVATIONS OF THIS WORK. THE FOLLOWING OBSERVATIONS WILL BE REQUIRED:
    - AFTER INSTALLATION OF INFILTRATOR SYSTEM LEFT EXPOSED TO CONFIRM LEVEL CONSTRUCTION WITHIN 1" MAXIMUM TOLERANCE.
    - AFTER COMPLETION OF WORK.

**DESIGN DATA & PERC. TESTING RATES**  
 4/23/2018: AVERAGE ABSORPTION RATE FOR TEST PITS IN THE VICINITY OF THE DISPOSAL AREA = 11 MIN./INCH.

TEST PIT	PERC RATE
①	14 MIN/IN
②	08 MIN/IN
③	11 MIN/IN
AVERAGE	11 MIN/IN

**DESIGN FLOW CALCULATIONS**  
 2 BEDROOM HOUSE: OCCUPANCY = 4 PERSONS MINIMUM (SECTION 5-112 C)  
 4 PERSONS X 75 GAL./PERSON/DAY = 300 GAL./DAY (Table 6-1)

**SOIL TREATMENT AREA SIZING PER GUNNISON COUNTY ENV. HEALTH OFFICIAL**  
 AREA REQUIRED = DESIGN FLOW/LTAR = 300 gpd/0.35 = 857 sq.ft. (from Table 7-1, LTAR = 0.35 PER DIRECTION FROM GUNNISON COUNTY ENV. HEALTH OFFICIAL)

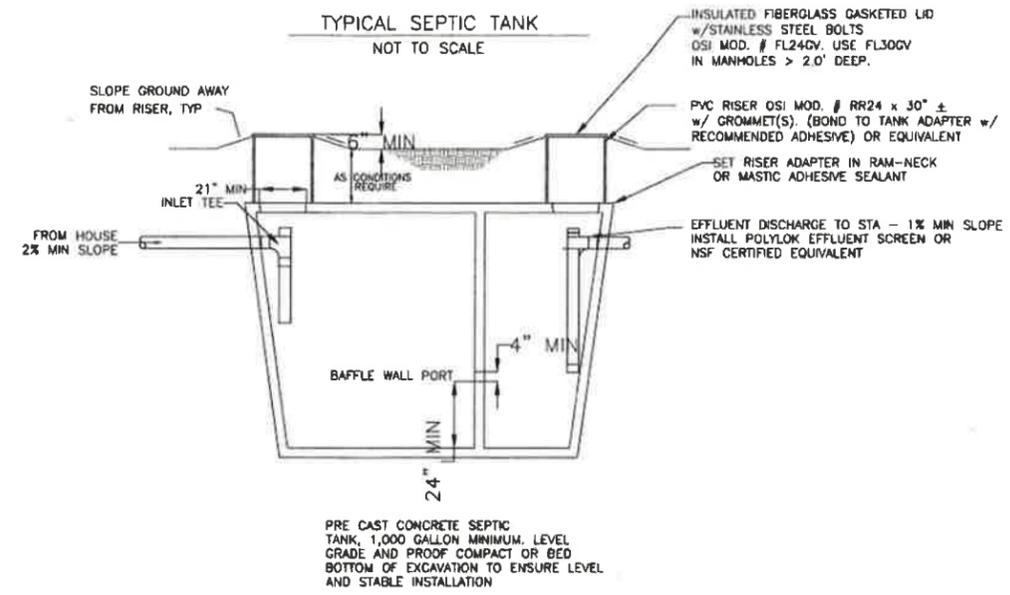
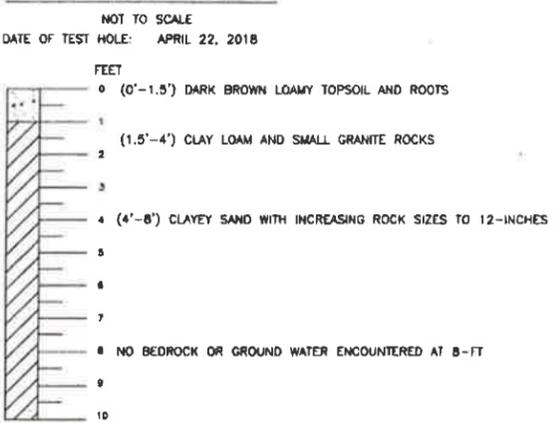
SIZE ADJUSTMENT FACTOR FOR APPLICATION TO BED = 1.2  
 857 sq.ft. X 1.2 = 1028 sq.ft. (from Table 7-2)

SIZE ADJUSTMENT FACTOR FOR MEDIA TYPE = 0.7 FOR CHAMBERS  
 1028 sq.ft. X 0.7 = 720 sq.ft. (from Table 7-3)

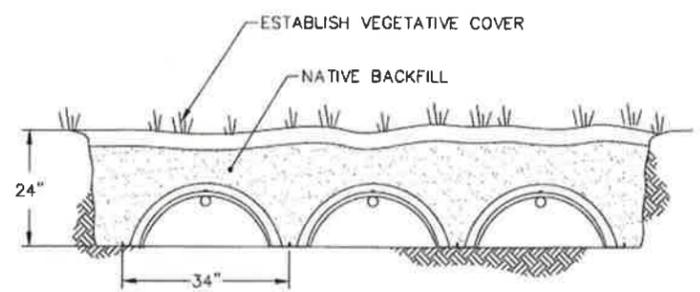
(NEED 63 CHAMBERS FOR REQUIRED 720 FT<sup>2</sup> TREATMENT AREA)

**SEPTIC TANK SIZING**  
 2 BEDROOM HOUSE = 1,000 gallon capacity minimum size. (Table 6-2)

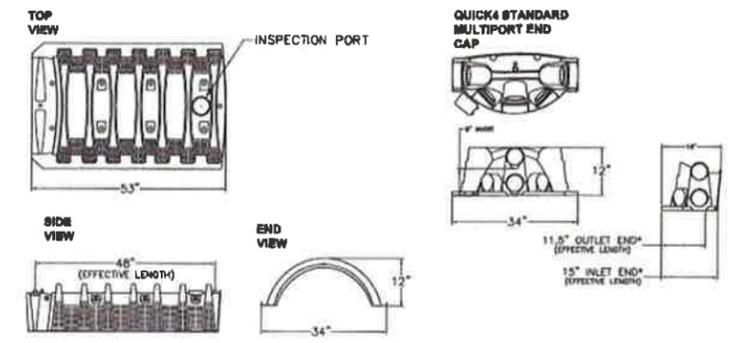
**PROFILE TEST PIT LOG**



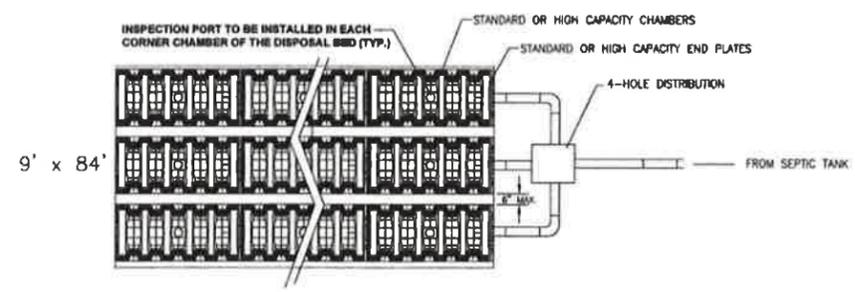
**INFILTRATOR WATER TECHNOLOGIES QUICK4 STANDARD CHAMBER TYPICAL BED DETAIL SECTION VIEW (NOT TO SCALE)**



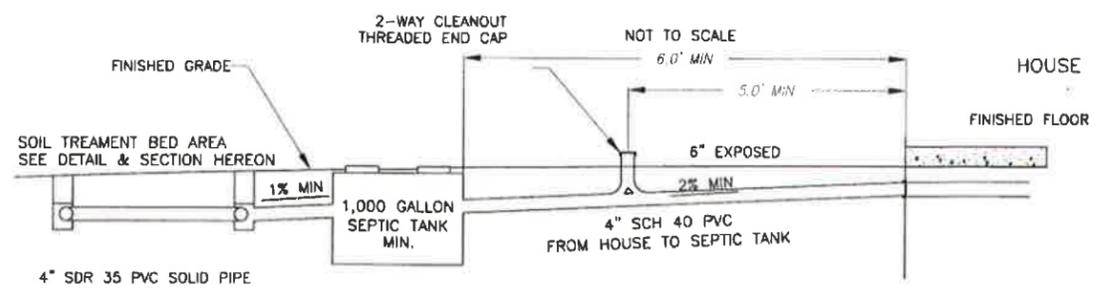
**INFILTRATOR WATER TECHNOLOGIES QUICK4 STANDARD CHAMBER PRODUCT SPECIFICATIONS (NOT TO SCALE)**



**QUICK4 STANDARD CHAMBER BED CONFIGURATION**  
 63 CHAMBERS TOTAL IN BED  
 3 ROWS OF 21 CHAMBERS PER ROW



**OWTS PROFILE SCHEMATIC**  
 NOT TO SCALE



REVISIONS:  
 10/08/2018  
 1/07/2019

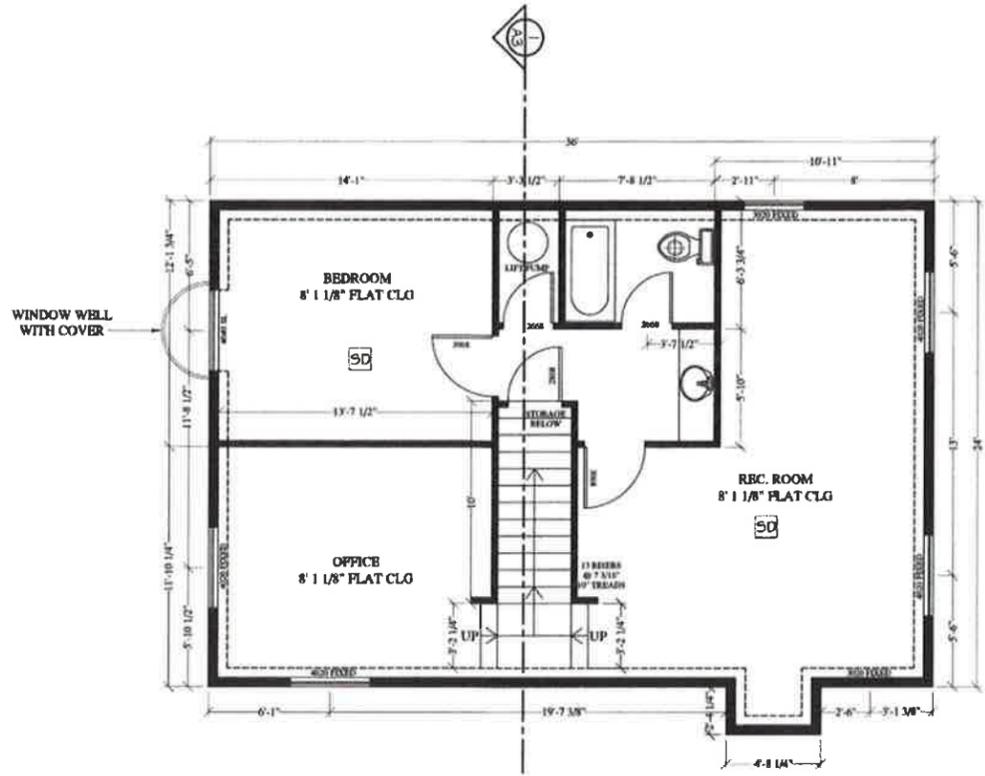
PLAN NUMBER:  
 Replogle Cabin.dwg

DRAWING TITLE:  
 Foundation Details

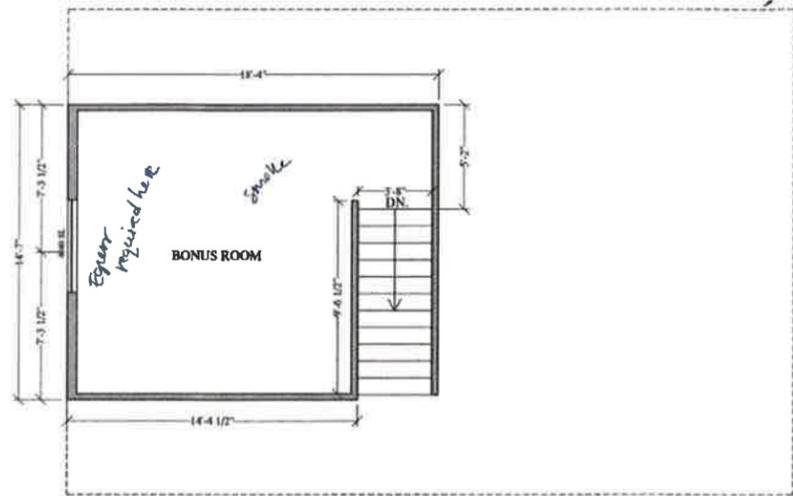
SCALE:  
 3/4" = 1'  
 24x36D

PLOT DATE:  
 1/07/2019

SHEET NO:  
 SP2

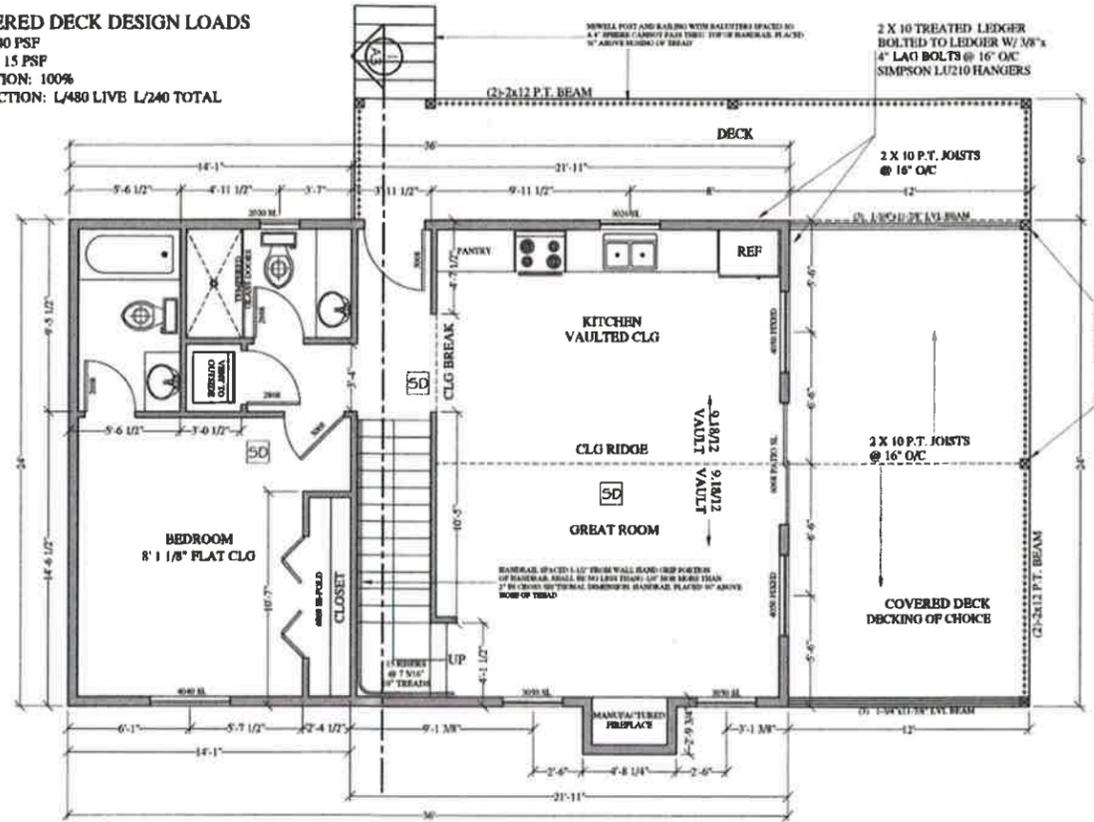


1 Lower Level Floor Plan  
SCALE: 1/4" = 1'-0"



3 Bonus Floor Plan  
SCALE: 1/4" = 1'-0"

**COVERED DECK DESIGN LOADS**  
LIVE: 40 PSF  
DEAD: 15 PSF  
DURATION: 100%  
DEPLETION: L/480 LIVE L/240 TOTAL



2 Main Level Floor Plan  
SCALE: 1/4" = 1'-0"

APPROVED  
Ce 11-30-18  
GUNNISON COUNTY

LOWER LIVING AREA	864 SQUARE FEET
MAIN LIVING AREA	864 SQUARE FEET
BONUS ROOM AREA	230 SQUARE FEET
COVERED DECK	288 SQUARE FEET
DECK	203 SQUARE FEET

REVISIONS	BY
1ST REVIEW	08-15
2ND REVIEW	
3RD REVIEW	

WDR CAD SERVICE, LLC  
RESIDENTIAL DRAFTING & DESIGN  
E-MAIL - WAYNE@WDRCADSERVICE.COM  
970.964.4305 OFFICE



ERIC REPLOGLE  
GUNNISON COUNTY

SHANE OWNER WAYNE
DATE 10-03-18
SCALE 1/4" = 1'-0"
JOB NO. 560
SHEET A2

LAKE FORK COVE ALLIANCE, INC  
490 30 3/4 ROAD  
GRAND JUNCTION, CO  
81504

The Lake Fork Cove Alliance, Inc approves of the plans as provided for the construction of a cabin on the Replogle Lot, #48, in the Lake Fork Cove Subdivision.

The following guidelines are to be abided by as set forth by the Lake Fork Cove Alliance.

- All construction is to follow Gunnison County building guidelines with a building permit secured before construction begins.
- The building will be built on the lot defined above and will not infringe on any Alliance Property.
- After the payment of the water tap fee a consultation and approval by the Alliance Board will take place in order for the water line construction to take place.
- The owner is responsible for the water line construction to tap into the existing Alliance property.
- If a water cistern is to be installed it will not exceed 500 gallons as set for by the Alliance members.

Respectfully,

Carla Alley, President of Lake Fork Cove Alliance, Inc  
970-773-4702

SCANNED

# OWTS Site Inspection

Application #: 2018-00274

Date: 11-28-2018

Owner: **Eric Replogle**

Installer: Gunnison County licensed installer required-owner plans to take installers test to install this system and provide service to other property owners

Site Address: 1310 Cove Road (Lot 48 Masden Lake Fork Cove)

Lot corners staked and labeled, or defined if parcel is large? It was snowing heavily during the site inspection and the ground surface was buried with snow. The center pin of the circular lot (D=130') was found.

Location of proposed structure staked and labeled? No. The general location of the structure and OWTS was pointed out by the owner during the site inspection.

Proposed system components staked and labeled (tank, STA, etc.)? No.

General location pointed out during the site inspection.

Well and/or other potable water sources staked and labeled? No. The Subdivision is served by a State permitted Public Water Supply. The proposed water service line location to the site is currently unknown.

Other pertinent physical features staked and labeled? Although the site was covered with snow, there are no other pertinent physical features anticipated at this site based on inspector's previous observations of this area.

Site conditions concur with the findings of the Site and Soil Evaluation?

Generally, except for the determination of the Long Term Acceptance Rate of the soil.

Site adequate as are required by LUR & OWTS Regs:

Minimum parcel size requirements: No. This parcel is 0.3 Acres (less than the required one acre according to Section 3.9.a. of the Gunnison County OWTS Regulations

Flood hazards (check for floodplain if not mapped): No

Ground slope in excess of twenty percent requires engineer: No

Probability of high groundwater or shallow bedrock in area: Low

Geologic hazards (avalanche, rockfall, soil creep, etc.): No known

Water quality--check for setbacks to water bodies including wetlands, ponds, irrigation ditches, gulches, etc.: No known water bodies in area of proposed OWTS

Check for visibility on ridgelines from County Roads: OK

Proposed use of site verified-Residential, Commercial, Agricultural? Residential

Other water sources verified-walking the site within 200' of the proposed system?

No Known water bodies within 200 feet of the parcel

Additional Comments:

Inspector and findings: Crystal Lambert, Building and Environmental Health Official and Rachel Sabatto, Planner, inspected this site for the proposed building and septic plans with the owner, Eric Replogle. The site is less than one acre and therefore a septic (OWTS) permit cannot be approved administratively. Additionally, the proposed soil treatment area has been designed solely using results of percolation testing instead of a visual and tactile determination, as required in Section 5.D. of the Gunnison County OWTS Regulations. Staff suspects, based on shallow hole observations during the site inspection and knowledge of the soil in the area, that the soil is a Clay loam with blocky texture and a LTAR of 0.35, NOT a single grained loamy sand with an LTAR of 0.8. The blocky nature of the soil in this location can lend towards faster percolation rates and the discrepancy between the percolation results and the visual and tactile evaluation results.



November 30, 2018

Eric Replogle  
11850 Joyful Way  
Montrose, CO 81401

Re: Denial of application for On-site Wastewater Treatment System

Dear Eric Replogle:

This letter is to give you official notice pursuant to the Gunnison County On-site Wastewater Treatment System (OWTS) Regulations, Section 3.E.2., that your proposed application with the design received on November 15, 2018 and given the application number OWTS-18-00274, for your parcel at 1310 Cove Road, Lot 48 Masden Lake Fork Cove has been denied.

The granting of your application would be in violation of the Gunnison County OWTS Regulations, Section 3.A.9. which states that an OWTS shall not be permitted to be installed on a parcel of land less than one acre in size. The granting of your application would also violate Section 5.D. which states that the long term acceptance rate (LTAR) of soil for a soil treatment area shall be the more restrictive LTAR determined through the visual and tactile evaluations and the percolation tests, if percolation tests were conducted.

You may request a hearing for a variance with the Gunnison County Environmental Health Board. A complete variance request submittal, along with the required fee of \$750 must be received no later than 60 days after this denial letter is postmarked. A complete variance request submittal, in accordance with Section 3.M.1.b., includes the following items:

1. Site-specific request identifying the specific criteria from which a variance is being requested;
2. Technical justification by a professional engineer or professional geologist, which indicates the specific conditions which exist and/or the measures which will be taken that support a finding that the variance shall result in no greater risk than that associated with compliance with the requirements of these *Regulations*. Examples of conditions which exist, or measures

which might be taken, include but are not limited to the following: evidence of a natural or manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; placement of a manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; soil replacement with sand filter media to reduce the infiltration rate of the effluent such that the travel time of the effluent from the absorption field to the physical feature is no less than the travel time through the native soils at the prescribed setback and Treatment Level 2;

3. A discussion of alternatives considered in lieu of the requested variance
4. Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment
5. A statement of the hardship that created the necessity for the variance.

A copy of the Gunnison County OWTS Regulations, Section 3.M., is attached.

If you have any questions, please call or email me. Thank you.



Crystal Lambert

Gunnison County Building & Environmental Health Official  
970-641-7688      clambert@gunnisoncounty.org

January 9, 2019

Crystal Lambert, Building & Environmental Health Official  
Gunnison County Offices of Planning, Building and Environmental Health  
221 N. Wisconsin Street, Suite D  
Gunnison, CO 81230

**RE: Site Specific Variance Request for Application for OWTS-18-00274  
Eric Replogle  
Lot 48 Masden Lake Fork Cove Subdivision  
1310 Cove Road**

Dear Ms. Lambert:

I have reviewed your November 30, 2018 letter and instruction regarding the denial of the permit application described above, per Gunnison County OWTS Regulations, Section 3.A.9, which states in part, "an OWTS shall not be permitted to be installed on a parcel of land less than one acre in size." In addition, your visual and tactile evaluations of the soil conditions at the parcel are more restrictive than the percolation testing that was performed on the lot. I will address that issue with this letter as well.

1. Masden Lake Fork Cove Subdivision was approved in Gunnison County for residential use and the parcels are only 0.3 acres in size (130-feet in diameter). This letter report is a site specific variance request for the approval of an OWTS on a parcel of land less than one acre, in accordance with Gunnison County OWTS Regulations, Section 3.M.1.b., as an OWTS cannot be approved administratively.
2. Lots 1-acre in size served by a legal central water supply are, in general, adequately sized to prevent risk to public health, provided Onsite Wastewater Treatment Systems are designed and installed in accordance with the *Regulations*. With regard to this application, there exists adequate undevelopable open space, or a physical barrier, surrounding Lot 48 to meet the intent of the 1-acre minimum size lot such that the nearest lot owned by others will not be adversely impacted. In other words, the undevelopable open space provides the physical barrier necessary to support a finding that this variance request will result in no greater risk than ordinary compliance with the *Regulations*.
3. The non-conforming lot size is the reason for this variance request. There are no alternatives to rectify this issue, other than those mentioned in the previous paragraph. That is, placing the OWTS within the property setbacks and ensuring an adequate buffer spacing exists to provide a natural physical barrier resulting in no greater risk to public health and environment. Therefore, we respectfully request the variance request include the proposed design of a Level 1 treatment system using Infiltrator Chambers as shown on the design sheet.
4. The technical documentation of the selected alternative (Infiltrator Chambers) is included with the OWTS design sheet, SP2. Infiltrator Chambers have the advantage of

61773 Highway 90 - Montrose CO | (970) 209-4615

**received**  
2-5-19 ce

being able to accommodate high flow use scenarios, and safely treat more effluent in a smaller foot print than conventional pipe and gravel systems. Chambers can also be easily installed in a curved footprint to accommodate the circular lots at Masden Lake Fork Cove Subdivision.

5. As previously discussed, these 0.3-acre lots served by a legal central water system are not developable without a variance to permit an OWTS on these non-conforming parcels. The dwelling units within the subdivision are used only seasonally as the central water system is shut down during the winter month. The measures in place to support a finding of no greater risk to public health include the existence of undevelopable open space adjacent to Lot 48; maintaining the location of the OWTS within the parcel boundary setbacks; the installation of Infiltrator System Chambers; and, the adjustment of the LTAR factor from 0.8 to a much more conservative 0.35 factor.

I trust this request meets not only the spirit, but also the intent of the Gunnison County Variance Procedure requirements for this specific request. Our desire is to install a safe and effective OWTS given the constraints of this unique subdivision with the final result being the granting of this variance request and approval of the OWTS permit application. We also understand there exists the possibility of additional requirements as a result of the variance procedure and we look forward to addressing any potential concerns as necessary.

Sincerely,



Bob W. Hurford, P.E. #37799  
970-209-4615

A rectangular area at the bottom of the page that has been redacted with a pinkish-red stamp.

## ENVIRONMENTAL HEALTH BOARD Draft VARIANCE REQUEST ACTION

**APPLICANT:** Eric and Kecia Replogle

**DATE:** March 21, 2019

**SITE LOCATION:** 1310 Cove Road, Site 48 Masden Lake Fork Cove

**ACTION:** Request for a variance to the Gunnison County OWTS Regulations for an on-site wastewater treatment system on a parcel less than one acre

**PREPARED BY:** Crystal Lambert, Building and Environmental Health Official

---

### PROPOSED PROJECT:

The applicant is proposing a one-family dwelling served by an on-site wastewater treatment system (OWTS) and to be served by a public water service on a vacant parcel less than one acre within the Masden Lake Fork Cove Subdivision.

### GUNNISON COUNTY ENVIRONMENTAL HEALTH OFFICE ACTION:

A site inspection was performed by staff at the parcel on November 28, 2018. A soil evaluation in accordance with the Gunnison County OWTS Regulations is needed in order to confirm that the proposed OWTS is designed for the soil type, once the soil type is determined.

The OWTS application was denied by the Environmental Health Office on November 30, 2018 because the proposed parcel does not meet the Gunnison County minimum standard of one-acre in accordance with *Section 3.A.9* of the *Gunnison County OWTS Regulations*.

During review of the applications for OWTS and Building permits it was discovered that a State of Colorado permit for a public water service was not active for the subdivision. As of February 20, 2019, the permit has been re-activated and compliance with the State's requirements will be verified upon activation of the water service on or about April 30, 2019.

### APPLICANT'S REQUEST FOR A VARIANCE:

A request for a Public Hearing with the Environmental Health Board for the consideration of a variance to *Section 3.A.9* of the *Gunnison County OWTS Regulations* was received on January 9, 2019 and was prepared by the OWTS design professional, Bob W. Hurford, PE. The request for a Public Hearing was received within 60 calendar days after the application was denied.

## **PUBLIC HEARING:**

On March 21, 2019, the Gunnison County Environmental Health Board conducted a Public Hearing on this request for a variance.

## **FINDINGS:**

Based on a review of all the information included with the OWTS application, the request for a variance, and staff reports for this project and consideration of any and all testimony and public input received relative to this application, the Gunnison County Environmental Health Board finds that:

1. Action on this request for a variance from the *Gunnison County OWTS Regulations* 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 OWTS Regulations* is warranted by unique site-specific configuration and site size that make compliance with the Regulations technically infeasible.
3. The applicant has provided justification through specific conditions that exist which support a finding that approval of the requested variance will result in no greater risk than that associated with compliance with the requirements of the *Gunnison County OWTS Regulations*.
4. The applicant has demonstrated that approval of the requested variance will not be in violation of any minimum standards established in any other applicable federal or state rule or regulation.
5. The applicant has demonstrated that the proposed OWTS will not be a nuisance or injurious to public health, safety or welfare. The proposed development meets minimum horizontal distance requirements from water features, pertinent physical features and property lines.
6. The applicant has demonstrated that no substantial injury will result from the granting of the requested variance.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Department file relative to this application; including all exhibits, references and documents.

## **DECISION:**

The Gunnison County Environmental Health Board, having reviewed the proposed application and supporting documentation, site observations and public testimony does approve the requested variance to Section 3.A.9 of the *Gunnison County OWTS*

*Regulations* for Eric and Kecia Replogle at their parcel, Site 48 Masden Lake Fork Cove, under OWTS application 18-274, with the following conditions:

1. The OWTS shall be designed and installed in accordance with the *Gunnison County OWTS Regulations* and the *Gunnison County Land Use Resolution*, including but not limited to setback requirements, design standards, requirements for system components and general technical standards.
2. A visual and tactile evaluation of the soil, in accordance with *Section 5.D.* of the *Gunnison County OWTS Regulations* shall be conducted in the vicinity of the proposed soil treatment area in order to confirm the soil type in accordance with *Table 10-1.* An OWTS design shall be approved for an OWTS permit in accordance with *Section 10.A.1* based on the site and soil evaluation, design criteria, and construction standards.
3. A State of Colorado permit for a Public Water Service shall be active and in compliance with the State's requirements and shall serve potable water to the proposed structure and OWTS prior to final approval of the OWTS.
4. Prior to the issuance of the OWTS and building permits, a plan showing the location of the proposed water supply line to the structure and cistern location and size shall be submitted in order to verify that the proposed setback distance requirements and general construction standards are met.
5. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
6. 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.
7. 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.



**GUNNISON COUNTY, COLORADO  
COMMUNITY DEVELOPMENT DEPARTMENT, ENVIRONMENTAL  
HEALTH OFFICE STAFF REPORT**

**Cochran Family Trust**

Application No: OWTS-18-00278  
Date application scheduled with EH Board: March 21, 2019  
Prepared by: Crystal Lambert, Building & EH Official

<b>APPLICANT/OWNER:</b>	Cochran Family Trust; Fulton and Donna Cochran 1414 Minuet Street, Henderson, NV 89052
<b>PROJECT DESCRIPTION:</b>	The applicant is proposing a one-family dwelling served by an on-site wastewater treatment system (OWTS) and a community water supply on a vacant parcel less than one acre within the Masden Lake Fork Cove Subdivision. Applications for both building and OWTS permits were received by the Community Development Department on November 16, 2018.
<b>CURRENT STATUS OF OWTS APPLICATION:</b>	The OWTS application was denied by the Environmental Health Office on November 30, 2018 because the proposed parcel does not meet the Gunnison County minimum standard of one-acre in accordance with <i>Section 3.A.9 of the Gunnison County OWTS Regulations</i> .
<b>ENVIRONMENTAL HEALTH BOARD ACTION REQUESTED:</b>	A request for a Public Hearing with the Environmental Health Board for the consideration of a variance to <i>Section 3.A.9 of the Gunnison County OWTS Regulations</i> was received on January 9, 2019 and was prepared by the OWTS design professional, Bob W. Hurford, PE and submitted by the owner's representative, Eric Replogle.
<b>PROPERTY LOCATION:</b>	1326 Cove Road, Site 71 Masden Lake Fork Cove.
<b>AREA DESCRIPTION:</b>	Masden Lake Fork Cove is approximately 30 miles south west of Gunnison off of Highway 50. The subdivision area encompasses approximately 58

	<p>acres and has 80, 0.3 acre circular parcels that are 130 feet in diameter. The circular parcels are surrounded by approximately 32 acres of common area. Masden Lake Fork Cove predates Gunnison County's current subdivision review and approval process and is an existing, non-conforming area. Approximately 50% of the parcels within the subdivision are developed.</p> <p>The subdivision is bordered on the east, west, and south by a 1,065 acre agricultural use parcel. The northern border is split with National Park Service land to the east and a vacant parcel to the west. The closest commercial use is an RV resort and waste receiving site approximately 0.5 miles away.</p>
<p><b>ATTACHED EXHIBITS:</b></p>	<ul style="list-style-type: none"> <li>▪ OWTS application</li> <li>▪ Aerial photographs of the subdivision</li> <li>▪ Plat of survey of homeowners association boundary</li> <li>▪ OWTS proposed design</li> <li>▪ Proposed floor plan layout</li> <li>▪ Property Owner's Association project approval letter</li> <li>▪ Staff site inspection report</li> <li>▪ Letter of application denial</li> <li>▪ Request for variance</li> </ul>
<p><b>ENVIRONMENTAL BOARD TASKS AT PUBLIC HEARING:</b></p>	<ul style="list-style-type: none"> <li>— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application</li> <li>— Confirmation of adequate public notice: <ul style="list-style-type: none"> <li>• Posting of legal notice in the County's official newspaper at least 20 days prior the hearing.</li> <li>• Posting of public hearing notice at the County posting locations.</li> <li>• Mailing of public hearing notice to all owners of properties who own surface rights within 500 feet of each boundary of the entire parcel at least 20 days prior to the hearing.</li> <li>• Posting of the public hearing notice in a conspicuous location at or near the parcel.</li> </ul> </li> <li>— Hear applicant presentation</li> <li>— Hear staff comments</li> <li>— Ask questions, identify and consider issues</li> <li>— Hear applicant response and staff response</li> <li>— Continue public hearing or close public hearing.</li> </ul>

**Variance Request Submittal Analysis**

<b>Variance request submittals shall include the following items:</b>	<b>Applicant Submittal Summary</b>	<b>Staff Comments</b>
<p>Site-specific request identifying the specific criteria from which a variance is being requested. Section 3.M.1.b(1)</p>	<p>Site specific variance request for the approval of an OWTS on a parcel of land less than one acre.</p>	<p>Per Section 3.A.9 of the <i>Gunnison County OWTS Regulations</i>, an OWTS shall not be permitted to be installed on a parcel of land less than one acre in size. This is a local County requirement as the State of Colorado OWTS Regulations do not contain a requirement regarding parcel size. The subdivision is existing and non-conforming and predates Gunnison County's current subdivision review and approval process.</p>
<p>Technical justification by a professional engineer or professional geologist, which indicates the specific conditions which exist and/or the measures which will be taken that support a finding that the variance shall result in no greater risk than that associated with compliance with the requirements of the OWTS Regulations. Section 3.M.1.b(2)</p>	<p>The common area surrounding the circular parcels along with community water service meets the intent of the one-acre parcel minimum for OWTS.</p>	<p>There are 80, 0.3 acre parcels in the approximately 58 acre subdivision, which equates to approximately 0.725 acres per parcel if the common area is equally divided. A State permit for a Public Water Service has recently been re-activated and compliance with the State's requirements will be verified upon activation of the water service on or about April 30<sup>th</sup>.</p>
<p>A discussion of alternatives considered in lieu of the requested variance. Section 3.M.1.b.(3)</p>	<p>No alternative is known given that the parcel is less than one acre.</p>	<p>According to the Assessor's Office records, the applicant owns the three vacant parcels next to the subject parcel, they are parcels 68, 69, and 70, however, the parcel boundaries do not converge and are separated by "common area" owned by the Property Owners Association, therefore, the parcels cannot be combined or clustered together to form a larger parcel. The Property Owners Association has stated that may be willing to grant easements in the common area but they will not sell any of the common</p>

<p>Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment. Section 3.M.1.b.(4)</p>	<p>Infiltrator (graveless) chambers will be used in the design of the soil treatment area (field) which will reduce the size of the system. Additionally, the common area buffer lends to additional acreage.</p>	<p>area property. Graveless chambers are commonly utilized in Gunnison County and throughout Colorado. In accordance with Table 10-3 of the <i>OWTS Regulations</i>, a 30% reduction in field size can be taken for chambers. A visual and tactile evaluation of the soil, in accordance with Section 5.D. was not performed. The 0.35 long-term-acceptance-rate (LTAR) of the soil was estimated based on previous experience in the area where blocky, clay loamy soils have been determined, however, those site were further downhill of the subject site. Soil profile test pits and a visual and tactile evaluation of the soil will be required prior to final approval of a design. The approved design may, or may not, include chambers and may, or may not, include pressurized distribution depending on the soil type found.</p>
<p>A statement of the hardship that created the necessity for the variance. Section 3.M.1.b.(5)</p>	<p>The parcel is less than one-acre.</p>	

**Section 3.M.2.: Prohibitions on the granting of variance requests**

<b>Prohibitions on the granting of variance requests:</b>	<b>Staff comments:</b>
No variance shall be issued where the property can accommodate a conforming OWTS. Section 3.M.2.a.	The variance request is for an OWTS on a parcel less than one-acre. If the variance request is approved, a proposed design will only be accepted for a OWTS permit if it meets the design requirements of the OWTS Regulations.
No variance shall be issued to mitigate an error in construction involving any element of property improvements. Section 3.M.2.b.	The parcel is currently undeveloped and vacant. The subdivision predates Gunnison County's current subdivision review and approval process.
No variance shall be allowed on the grounds of cost of compliance. Section 3.M.2.c.	A claim of cost burden has not been made in this case.
No variance shall be issued if it will result in a setback reduction to an offsite physical feature that does not conform to the minimum setbacks defined in Table 7-1 of this regulation without proof of compliance of Section 3.M.5. Section 3.M.2.d.	The minimum setbacks to off-site physical features appear to be met with the proposed development plan. Future development on adjacent parcels would require thoughtful planning in relation to the proposed development and minimum setback distances to water lines, water cisterns, OWTS components and structures.
No variance shall be issued if it reduces the separation to ground water or bedrock based on the level of treatment in Table 7-2. Section 3.M.2.e.	A limiting layer has not been encountered and is not anticipated in the area.
No variance from the horizontal setback from a well shall be issued unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors. Section 3.M.2.f.	A private well is not proposed and the neighboring properties are, or will be, served by a Public Water Service. The applicant has supplied a project approval letter from the Property Owner's Association that indicates a water cistern may be utilized. The proposed plans indicate an indoor storage tank. The proposed water supply line is not identified on the site plan. In order for the Department to verify that the proposed development plan is in compliance with the OWTS Regulations for setbacks to water lines and cisterns, the applicant will need to provide a plan that shows the location of these items.
No variance shall be issued for the installation of a higher level treatment system based on sizing or separation reductions without the Department having a maintenance and oversight program. Section 3.M.2.g.	A higher level treatment system is not proposed.

**Staff Recommendation on the application for a variance to the *Gunnison County OWTS Regulations*:**

Staff recommends approval of the Cochran Family Trust's application for a variance to the Gunnison County OWTS Regulations, Section 3.A.9, for an OWTS on a parcel less than one acre with the condition that the following information is provided so that staff can ensure that minimum design requirements are met:

1. A visual and tactile evaluation of the soil in the vicinity of the soil treatment area, as required by *Section 5.D* of the *Gunnison County OWTS Regulations*, so that the Long Term Acceptance Rate of the soil can be confirmed for the system sizing and type.
2. An updated site plan that shows the location of the water supply lines and a cistern, if proposed, so that compliance with the minimum horizontal setback distances found in *Table 7-1* of the *Gunnison County OWTS Regulations* can be confirmed.

OWTS-18-00278



Gunnison County, CO  
Community Development Department  
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230  
Phone: (970) 641-0360 FAX: (970) 641-8585  
Website: [www.gunnisoncounty.org/planning.html](http://www.gunnisoncounty.org/planning.html)  
Email: [planning@gunnisoncounty.org](mailto:planning@gunnisoncounty.org)

**ON-SITE WASTEWATER TREATMENT SYSTEM (OWTS)  
PERMIT APPLICATION**

Application Fee- Residential New- Due at Submittal: \$825.00  
Application Fee- Commercial New or Replacement- Due at Submittal: \$925.00  
Application Fee- Residential Repair- Due at Submittal: \$315.00  
Application Fee- Residential and Commercial Tank Replacement Only- Due at Submittal: \$150.00  
Application Fee- System Alteration or Expansion- Due at Submittal: \$500.00

Application Received Date: 11-16-18  
Application Fee Paid: 11-16-18

v# 2049

OWNER: Cochran Family Trust; Fulton and Donna Cochran Trustees  
MAILING ADDRESS: 1414 Minuet Street, Henderson, NV 89052-6480  
DAY PHONE: \_\_\_\_\_ CELL PHONE: 702-677-7106  
EMAIL ADDRESS: FRCXXDBC@COX.NET

LICENSED SEPTIC CONTRACTOR: Eric Replogle  
MAILING ADDRESS: 11833 Joyful Way  
DAY PHONE: 970-209-1864 CELL PHONE: \_\_\_\_\_  
EMAIL ADDRESS: ericreplogle@gmail.com

PRIMARY PROJECT CONTACT PERSON: Eric Replogle  
DAY PHONE: \_\_\_\_\_ CELL PHONE: 970-209-1864

DESCRIPTION OF PARCEL (legal description, site address):  
Site 71 Masden Lake Fork Cove #615443

PARCEL SIZE: .30 ACRES

**HAVE YOU APPLIED FOR A LAND USE CHANGE PERMIT?**

- Is this application for a secondary residence?
- Do you need a lot cluster? ( Do you own adjacent lots that are less than one acre, if so you may need a lot cluster)

**WHAT TYPE OF PERMIT ARE YOU REQUESTING?**

- New
- Alteration
- Repair

Project Description (Please identify all existing buildings/development and all proposed buildings/development on the parcel.)

New Single Family Dwelling

Description of Proposed Development

SCANNED

- Single-Family Residence
- Multi-Family Residence
- Commercial; describe use: \_\_\_\_\_
- Other: \_\_\_\_\_

Number of Bedrooms: 2 Number of Baths: 3 Number of Kitchens: 1

For commercial note the square footage, number of seats if it is a food/bar establishment, number of rooms for hotel/motel/B-N-B facility, number of employees. \_\_\_\_\_

**Type of System Proposed** (For engineered systems, provide the design, stamped and signed by a Colorado Licensed Professional Engineer)

- Conventional Septic System Design
- Engineered System; Engineer Name: \_\_\_\_\_ Phone: \_\_\_\_\_
- Other: \_\_\_\_\_

**Description of the Proposed and/or Exiting Water Source.** Description of proposed/existing water source; if such proposed source is by well, copy of the well permit may be required to verify the location of the well; and, if such source is a central system, documentation from the operator of that system that water will be supplied: Water will be supplied by Lake Fork Cove Alliance private water system

**THE FOLLOWING INFORMATION IS NEEDED FOR THE SUBMITTAL OF ALL OWTS APPLICATIONS:**

- Report from Site and Soils Evaluation and Site Plan.** The report from the Site and Soil Evaluation in accordance with Section 5-110: *Report and Site Plan* of the *Gunnison County OWTS Regulations* (see page 9 for description).
- Vicinity Map.** General area map showing the location of the proposal on a typical U.S. Geological Survey map, U.S. Forest Service map or County parcel map, available from the Gunnison County Geographic Information Services Department or the Gunnison County Assessor's Office.
- System Design.** The system design document shall contain all plan details necessary for permitting, installation and maintenance and shall include a brief description of the facility and its proposed use, basis and calculations of design flow, and influent strength in accordance with Section 5-111: *Design Document* of the *Gunnison County OWTS Regulations* (see page 10 for description).
- A copy of the recorded **Warranty Deed** is required for proof of ownership. This may be obtained from the Recorder's Office, located on the first floor of the Blackstock's Government Center. The Recorder's Office can be reached by phone at 970-641-2038.
- Letter of Consent.** If applicable, a letter from the property owner acknowledging a person other than the owner may apply for permits.
- Copy of **Well Permit**, if applicable
- Application Fee.** Fees are determined by type of OWTS permit and proposed use. \*See fee schedule.

**GUNNISON COUNTY PUBLIC WORKS  
ACCESS DETERMINATION**

SIGNATURE OF OWNER OR CONTRACTOR: \_\_\_\_\_ 

DATE: 11-16-18



Scale = 1:16000

The data herein is general in nature and not assumed to be complete nor accurate in its entirety and is therefore to be used with all discretions necessary. The data portrayed should not be relied upon to establish legal title, boundary lines, the precise location of improvements, ownership, maintenance, easements or public right-of-ways.

Tuesday, March 12, 2019



Scale = 1:4900

The data herein is general in nature and not assumed to be complete nor accurate in its entirety and is therefore to be used with all discretions necessary. The data portrayed should not be relied upon to establish legal title, boundary lines, the precise location of improvements, ownership, maintenance, easements or public right-of-ways.

Tuesday, March 12, 2019





Bob Hurford, P.E.

bwhurford@gmail.com

October 12, 2018

Gunnison County Planning and Building  
221 N. Wisconsin Street  
Gunnison, CO 81230

**RE: Onsite Wastewater Treatment System Report – Fulton Cochran Residence  
Lot 81 - Masden Lake Fork Cove Subdivision  
Gunnison County**

This letter report presents the results of the preliminary data, detailed site evaluation, and soil treatment area (STA) characterization at the above referenced site for a proposed Onsite Wastewater Treatment System (OWTS). The design engineering plans and site plan for the proposed OWTS are enclosed with this letter.

**Project Information**

The proposed OWTS will treat and dispose domestic sewage from a new two bedroom home. The site consists of a 0.33-acre lot within the Masden Lake Fork Cove Subdivision, located at Lot 48 Cove Road. Because the parcel is less than 1-acre in size, the owner will necessarily apply for a variance as part of the review and approval process according to the current regulations for this proposed OWTS system .

**OWTS Site Conditions**

The site topography is on a bench and is generally flat with a 2 percent slope at the north edge of the lot. The parcel is vegetated with native grasses, sagebrush, and cactus. The area is characterized by dark brown organic soil atop clay loam and gravel soil to about 4-feet. I inspected a soil profile test pit the owner's contractor excavated on September 27, 2018, in the vicinity of the proposed STA. The profile pit was excavated to approximately 6.5-ft when the small backhoe could not remove the larger boulders in the bottom of the excavation. However, no bedrock or groundwater was encountered. The soil conditions were dry throughout the entire soil profile. The proposed STA location will receive and treat effluent satisfactorily.

**Soil Treatment Area (STA) Characterization**

My recommendation is to keep the bottom of the treatment area relatively shallow to take advantage of the good quality soil conditions that exist at depths shallower than 4-feet. In addition, there can be large boulders with increasing depth. Three 10-inch diameter percolation test holes were installed from approximately 24 to 30 inches deep in the vicinity of the soil treatment area. The average percolation rate for the three percolation tests conducted is approximately 8-minutes per inch. This value is representative of the expected soil percolation rate for the proposed soil treatment area and provides the basis for using the Long Term Acceptance Rate (LTAR) value of 0.8 (Table 7-1 of Gunnison County On-Site Wastewater Treatment Regulations) for designing and sizing the soil treatment area.

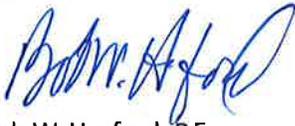
revised  
1-2019  
to 0.35

SCANNED

**Proposed OWTS & Conclusions**

The design calculations for the OWTS, as well as the plans and specifications needed for installation, are enclosed with this report. The system components and their horizontal and vertical locations must be inspected and approved by me and inspected by the local county official prior to final cover and backfilling. Based on the current regulations for a two bedroom home and the results of the percolation testing, the OWTS design will consist of a 1,000 gallon (minimum) septic tank and trenches utilizing Infiltrator Chambers. Each trench will consist of twelve chambers each as depicted on the design sheet SP2. My professional advice is to install the STA chambers parallel with the topography, down slope from the house as shown on the site plan. This will result in the best possible long term effluent treatment performance of the OWTS. Please refer to the design drawings and contact me if you have any questions or concerns regarding the contents of this letter report or the enclosure.

Sincerely,



Bob W. Hurford, P.E.  
#37799  
970-209-4615



Lot 81 Masden Lake Fork Cove Subdivision , September 27, 2018.  
Good quality soil conditions for a soil treatment area.



**NEW HOME FOR:  
FULTON COCHRAN**

LOCATION OF WORK: ADDRESS TBD  
CITY - MASDEN LAKE FORK COVE SUBDIVISION  
COUNTY - GUNNISON  
STATE - COLORADO

**GENERAL NOTES**

- DRAWINGS SHALL NOT BE SCALED. ALL WORK SHALL BE LAID OUT BY DIMENSIONS.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES AND TO EXERCISE PROPER PRECAUTIONS. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- THE DESIGN LOADS SHOWN ARE ASSUMED LOADS. THE OWNER AND CONTRACTOR ARE RESPONSIBLE FOR CHECKING THE ACTUAL SOIL AND SNOW LOAD REQUIREMENTS. THE OWNER & CONTRACTOR ARE ALSO RESPONSIBLE TO OBTAIN A SOILS REPORT.
- IN THE EVENT OF CONFLICT BETWEEN PERTINENT CODES AND REGULATIONS AND REFERENCED STANDARDS OF THESE SPECIFICATIONS, THE MORE STRINGENT PROVISIONS SHALL GOVERN.
- ANY DISCREPANCIES, OMISSIONS OR ERRORS EXISTING IN THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF WDR CAD SERVICE FOR CORRECTION PRIOR TO COMMENCING WORK AND WITH IN 7 DAYS FROM THE DATE OF THE DRAWINGS. FAILURE TO DO SO CONSTITUTES FINAL ACCEPTANCE OF THE DRAWINGS. ANY CHANGES MADE AFTER THE ACCEPTANCE TIME FRAME SHALL RELEASE THE DRAFTSMAN FROM ANY FUTURE RESPONSIBILITY. THE CONTRACTOR, DEVELOPER AND THE HOMEOWNER ARE TO VERIFY ALL CONDITIONS, DIMENSIONS AND SPECIFICATIONS PRIOR TO AND THROUGHOUT THE CONSTRUCTION PHASES.
- ALL MANUFACTURED ITEMS SHOWN ON THESE PLANS SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S INSTALLATION INSTRUCTIONS.

**BUILDING DATA**

**APPLICABLE CODES**

- INTERNATIONAL RESIDENTIAL BUILDING CODE (IRC) - 2015 EDITION
- INTERN'L MECHANICAL CODE (IMC) - 2015 EDITION
- INTERN'L PLUMBING CODE (IPC) - 2015 EDITION
- UNIFORM FIRE CODE (UFC) - 2015 EDITION
- NATIONAL ELECTRICAL CODE (NEC) - 2014 EDITION
- ALL LOCAL AND STATE ORDINANCES AND CODES.

FROST DEPTH: 36"  
ROOF LOADS: 62 PSF LIVE 20 PSF DEAD  
FLOOR LOADS: 40 PSF LIVE 15 PSF DEAD  
SOIL BEARING: AS PER ENGINEER  
DESIGN WIND LOADS: 90 MPH 3-SECOND GUST  
SEISMIC ZONE C  
ALTITUDE: 7,880-FT

**DRAWING LIST:**

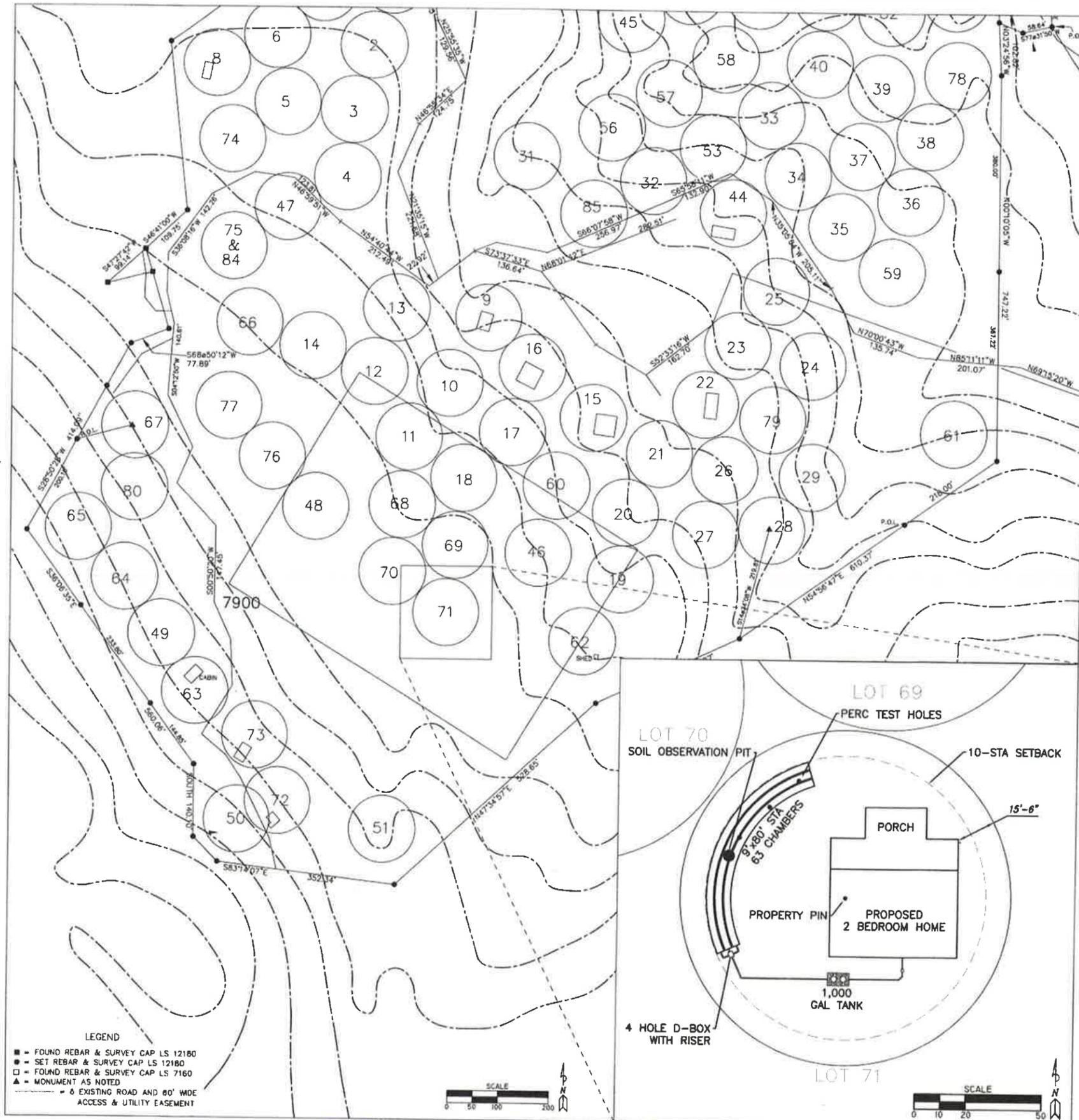
DWG#	CHG. NAME
SP1	COVER PAGE & SITE PLAN
SP2	OWTS DESIGN AND DETAILS
S1	FOUNDATION PLAN
S2	FOUNDATION DETAILS

**SETBACK DISTANCES FOR SOIL TREATMENT AREA**

WATER WELLS - 100 FT  
DOMESTIC WATER LINE - 25 FT  
DWELLING - 20 FT  
PROPERTY LINES - 10 FT  
LINED OR PIPED DITCH - 10 FT  
DRY GULCH - 10 FT  
CASEMENTS/PROPERTY LINES - 10 FT

**SETBACK DISTANCES FOR SEPTIC AND DOSING TANKS**

DOMESTIC WATER LINE - 10 FT  
DWELLING - 5 FT  
PROPERTY LINES - 10 FT  
LINED OR PIPED DITCH - 10 FT  
DRY GULCH - 10 FT  
EASEMENTS/PROPERTY LINES - 10 FT



Bob W. Hurford, P.E.  
Colorado Professional Engineer  
License #37799  
Insured

61773 Hwy 90  
Montrose, CO 81403  
Tele: 970.208.4616  
bwhurford@gmail.com



**FULTON COCHRAN**  
**Lot 71 Cove Road**  
**Masden Lake Fork Cove Subdivision**  
**Gunnison County**

REVISIONS:  
11/28/2018  
10/17/2018  
1/07/2019

PLAN NUMBER:  
**Cochran Cabin.dwg**

DRAWING TITLE:  
**Site Plan**

SCALE:  
1"=10'  
24x36D

PLOT DATE:  
1/07/2019

SHEET NO:  
**SP1**

**GENERAL NOTES:**

- DESIGN AND OVERALL CONSTRUCTION SHALL CONFORM TO THE GUNNISON COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS AMENDED JUNE 19, 2018.
- SEED THE FINISHED SURFACE OF SOIL TREATMENT AREA AND DISTURBED SOIL AREAS AFTER CONSTRUCTION.
- PRIOR TO CONSTRUCTION, SUBMIT ALL APPLICATIONS, PAY ALL FEES, AND OBTAIN THE PROPER PERMITS FROM GUNNISON COUNTY.
- THE ENGINEER, WITH 48 HOURS NOTICE, WILL MAKE FIELD OBSERVATIONS OF THIS WORK. THE FOLLOWING OBSERVATIONS WILL BE REQUIRED:
  - AFTER INSTALLATION OF INFILTRATOR SYSTEM LEFT EXPOSED TO CONFIRM LEVEL CONSTRUCTION WITHIN 1" MAXIMUM TOLERANCE.
  - AFTER COMPLETION OF WORK.

**DESIGN DATA & PERC. TESTING RATES**

9/28/2018: AVERAGE ABSORPTION RATE FOR TEST PITS IN THE VICINITY OF THE DISPOSAL AREA = 8 MIN./INCH.

TEST PIT	PERC RATE
①	8.5 MIN/IN
②	8.8 MIN/IN
③	7.0 MIN/IN
AVERAGE	8 MIN/IN

**DESIGN FLOW CALCULATIONS**

2 BEDROOM HOUSE: OCCUPANCY = 4 PERSONS MINIMUM (SECTION 5-112 C)  
 4 PERSONS x 75 GAL./PERSON/DAY = 300 GAL./DAY (Table 6-1)

**SOIL TREATMENT AREA SIZING PER GUNNISON COUNTY ENV. HEALTH OFFICIAL**

AREA REQUIRED = DESIGN FLOW/LTAR = 300 gpd/0.35 = 857 sq.ft. (from Table 7-1, LTAR = 0.35 PER DIRECTION FROM GUNNISON COUNTY ENV. HEALTH OFFICIAL)

SIZE ADJUSTMENT FACTOR FOR APPLICATION TO BED = 1.2  
 857 sq.ft. x 1.2 = 1028 sq.ft. (from Table 7-2)

SIZE ADJUSTMENT FACTOR FOR MEDIA TYPE = 0.7 FOR CHAMBERS  
 1028 sq.ft. x 0.7 = 720 sq.ft. (from Table 7-3)

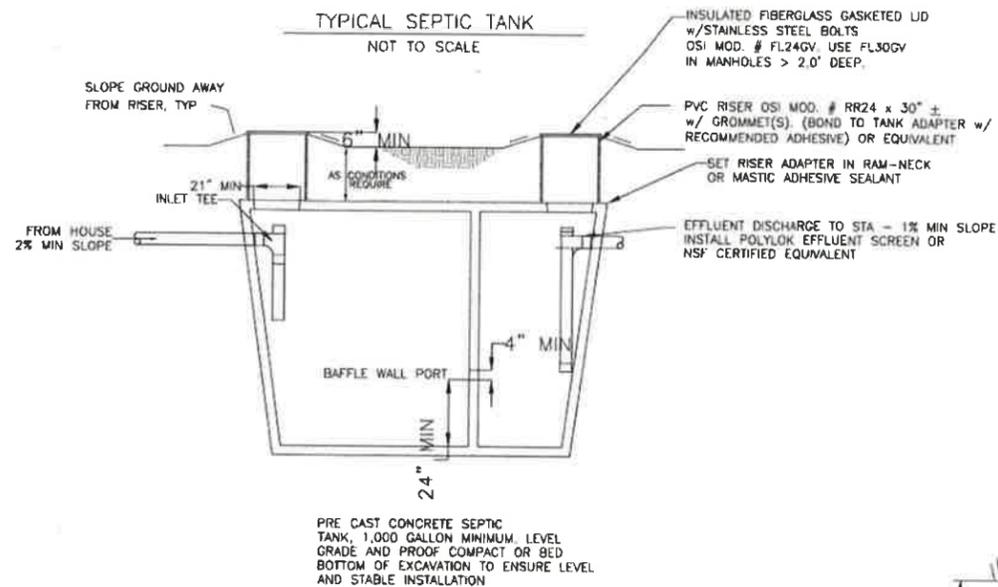
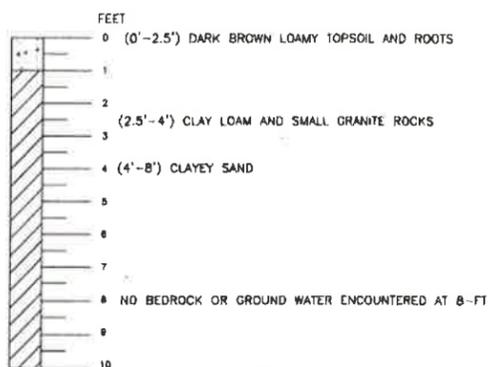
(NEED 63 CHAMBERS FOR REQUIRED 720 FT<sup>2</sup> TREATMENT AREA)

**SEPTIC TANK SIZING**

2 BEDROOM HOUSE = 1,000 gallon capacity minimum size. (Table 6-2)

**PROFILE TEST PIT LOG**

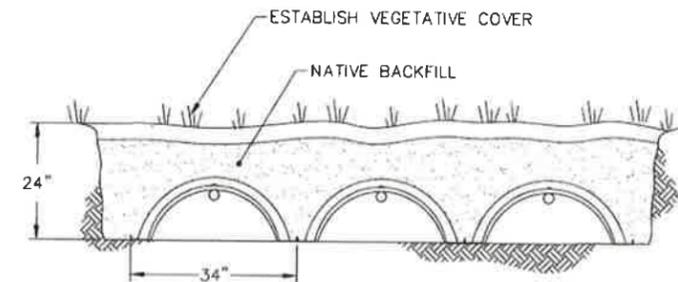
NOT TO SCALE  
 DATE OF TEST HOLE: SEPTEMBER 27, 2018



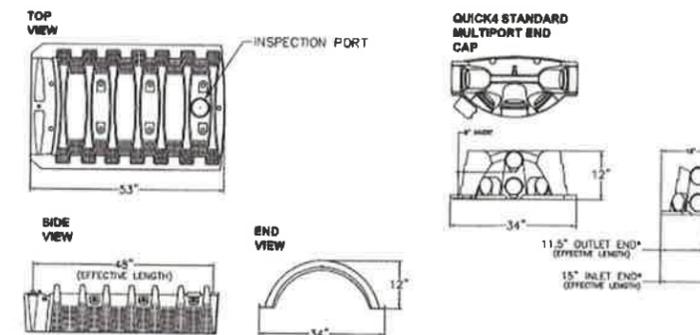
SETBACK DISTANCES FOR SOIL TREATMENT AREA  
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 DOMESTIC WATER LINE - 25 FT  
 DWELLING - 20 FT  
 PROPERTY LINES - 10 FT  
 LINED OR PIPED DITCH - 10 FT  
 DRY GULCH - 10 FT  
 EASEMENTS/PROPERTY LINES - 10 FT

SETBACK DISTANCES FOR SEPTIC AND DOSING TANKS  
 DOMESTIC WATER LINE - 10 FT  
 DWELLING - 5 FT  
 PROPERTY LINES - 10 FT  
 LINED OR PIPED DITCH - 10 FT  
 DRY GULCH - 10 FT  
 EASEMENTS/PROPERTY LINES - 10 FT

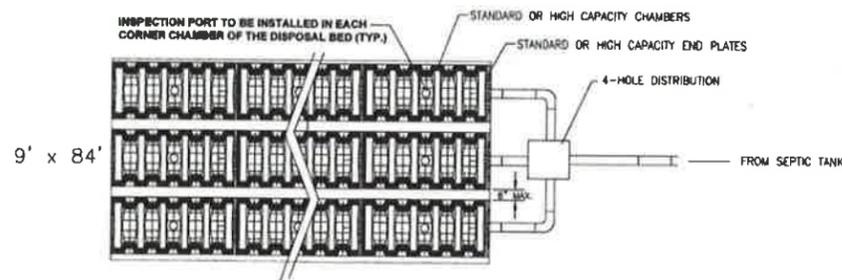
**INFILTRATOR WATER TECHNOLOGIES QUICK4 STANDARD CHAMBER TYPICAL BED DETAIL SECTION VIEW (NOT TO SCALE)**



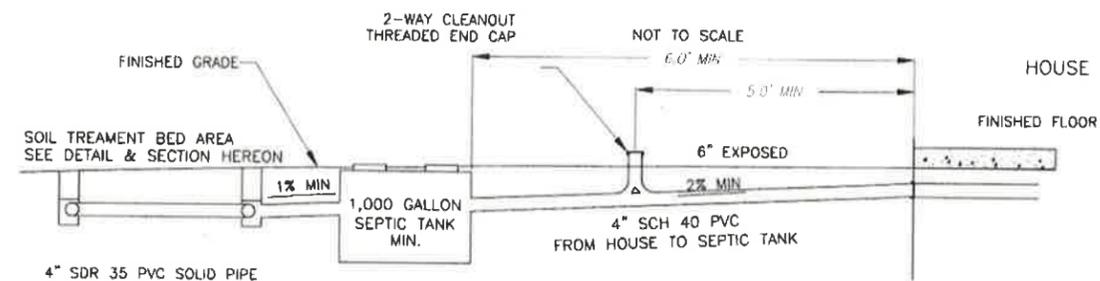
**INFILTRATOR WATER TECHNOLOGIES QUICK4 STANDARD CHAMBER PRODUCT SPECIFICATIONS (NOT TO SCALE)**



**QUICK4 STANDARD CHAMBER BED CONFIGURATION  
 63 CHAMBERS TOTAL IN BED  
 3 ROWS OF 21 CHAMBERS PER ROW**



**OWTS PROFILE SCHEMATIC NOT TO SCALE**



**RESIDENTIAL SOLUTIONS LLC**  
 Bob W. Hurford, P.E.  
 Colorado Professional Engineer  
 License #37789  
 Insured  
 81773 Hwy 90  
 Montrose, CO 81403  
 tele: 970.209.4615  
 bwhurford@gmail.com



**FULTON COCHRAN**  
 Lot 71 Cove Road  
 Masden Lake Fork Cove Subdivision  
 Gunnison County

REVISIONS:  
 10/17/2018  
 1/07/2019

PLAN NUMBER:  
**Cochran Cabin.dwg**

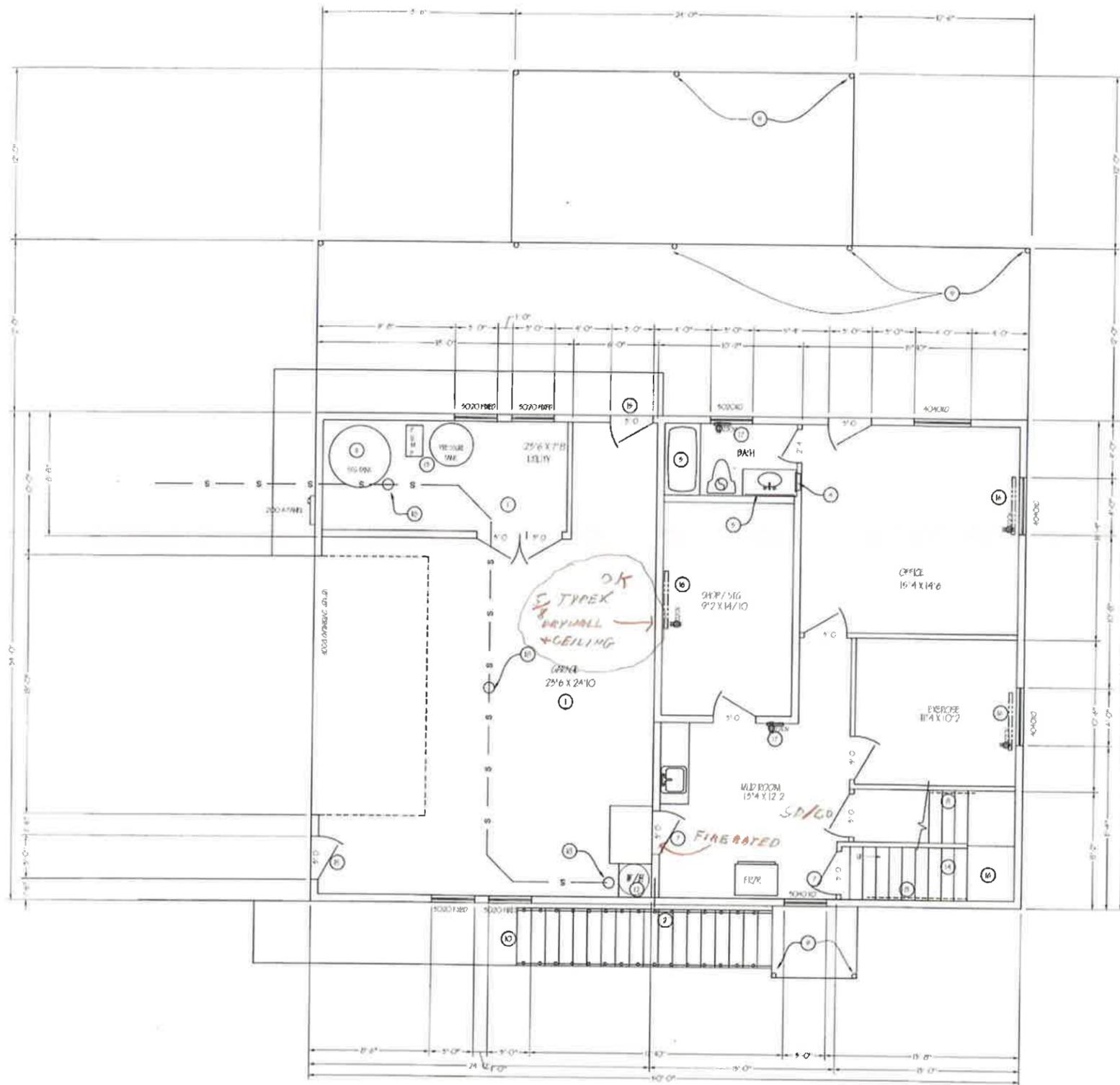
DRAWING TITLE:  
**OWTS Design**

SCALE:  
 not to scale  
 24x36d

PLOT DATE:  
 1/07/2019

SHEET NO:  
**SP2**





APPROVED  
 11-30-18  
 GUNNISON COUNTY

○ NEEDED NOTES

1. 5/8" TYPE III DRYWALL CEILING AND WALLS OF GARAGE AND MEDICINE ROOM *OK*
2. TEMPERATURE AND MESSAGE RELIEF LINE TO EXTERIOR BETWEEN 6" AND 24" ABOVE GRADE
3. STEEL TUB W/ GILDED HANDLE OR EQUAL SHOWER TO 6" AFF
4. MEDICINE CABINET 14"X24" P.D.
5. 1/2" PLATE GLASS MIRROR
6. 5 SHELVES EQUALLY SPACED
7. TIGHT FITTING 1-2" SOLID CORE DOOR W/ SELF CLOSER
8. HANDRAIL AT 56" ABOVE TREAD NOSING
9. 155 4"Ø X 226 ROUND STEEL COLUMN
10. CONCRETE STAIR TREADS W/ STEEL STRINGERS W/ HANDRAIL @ 56" ABOVE TREAD NOSING STAIRS SHALL BE CONSTRUCTED WITH A MAX. 7" RISE AND MIN. 11" RUN.
11. WATER STORAGE TANK
12. ELECTRIC WATER HEATER ON 12" HIGH PLATFORM
13. PRESSURE TANK AND PUMP ON 12" HIGH PLATFORM
14. INTERIOR STAIRS SHALL HAVE A MAX. RISE OF 7" AND A MIN. RUN OF 11"
15. THERMALLY INSULATED FIBERGLASS DOOR - VERIFY STYLE W/ OWNER
16. 40' CAST IN PLACE BOARD HEARER 24" W/ 100W
17. CARPET WALL HEATER 240W 1000 WATT
18. FLOOR CLEAN TO EXTERIOR

NO.	DESCRIPTION	DATE

GUNNISON, COLORADO

A NEW RESIDENCE FOR:  
 JULIEN COCHRAN

THESE DRAWINGS AND SPECIFICATIONS ARE PREPARED BY DESIGN AND SHALL BE THE PROPERTY OF DIMENSION 4 DESIGN AND CONSULTING, INC. NO PART OF THESE DRAWINGS OR SPECIFICATIONS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DIMENSION 4 DESIGN AND CONSULTING, INC. THE USER SHALL ACCEPT FULL RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS AND SPECIFICATIONS. DIMENSION 4 DESIGN AND CONSULTING, INC. SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS AND SPECIFICATIONS. CONTACT: DIMENSION 4 DESIGN AND CONSULTING, INC.

DIMENSION 4 DESIGN  
 AND CONSULTING, INC.  
 (480) 649-1346

LOWER LEVEL FLOOR PLAN

SCALE 1/4" = 1'

9111  
**A-3**  
 9115

9/14/2018 9:25:14 AM

LAKE FORK COVE ALLIANCE, INC  
490 30 3/4 ROAD  
GRAND JUNCTION, CO  
81504

The Lake Fork Cove Alliance, Inc approves of the plans as provided for the construction of a cabin on the Fulton Cochran Lot, #71, in the Lake Fork Cove Subdivision.

The following guidelines are to be abided by as set forth by the Lake Fork Cove Alliance.

- All construction is to follow Gunnison County building guidelines with a building permit secured before construction begins.
- The building will be built on the lot defined above and will not infringe on any Alliance Property.
- After the payment of the water tap fee a consultation and approval by the Alliance Board will take place in order for the water line construction to take place.
- The owner is responsible for the water line construction to tap into the existing Alliance property.
- If a water cistern is to be installed it will not exceed 500 gallons as set for by the Alliance members.

Respectfully,

Carla Alley, President of Lake Fork Cove Alliance, Inc  
970-773-4702

SCANNED

# OWTS Site Inspection

Application #: 2018-00278

Date: 11-28-2018

Owner: **Cochran Family Trust: Fulton and Donna Cochran**

Installer: Gunnison County licensed installer required-building contractor plans to take installers test to install this system

Site Address: 1326 Cove Road (Lot 71 Masden Lake Fork Cove)

Lot corners staked and labeled, or defined if parcel is large? It was snowing heavily during the site inspection and the ground surface was buried with snow. The center pin of the circular lot (D=130') was found.

Location of proposed structure staked and labeled? No. The general location of the structure and OWTS was pointed out by the owner during the site inspection. The proposed site plan does currently meet the required setbacks to property lines for the structure and is being revised.

Proposed system components staked and labeled (tank, STA, etc.)? No. General location pointed out during the site inspection.

Well and/or other potable water sources staked and labeled? No. The Subdivision is served by a State permitted Public Water Supply. The proposed water service line location to the site is currently unknown.

Other pertinent physical features staked and labeled? Although the site was covered with snow, there are no other pertinent physical features anticipated at this site based on inspector's previous observations of this area.

Site conditions concur with the findings of the Site and Soil Evaluation? Generally, except for the determination of the Long Term Acceptance Rate of the soil.

Site adequate as are required by LUR & OWTS Regs:

Minimum parcel size requirements: No. This parcel is 0.3 Acres (less than the required one acre according to Section 3.9.a. of the Gunnison County OWTS Regulations

Flood hazards (check for floodplain if not mapped): No

Ground slope in excess of twenty percent requires engineer: No

Probability of high groundwater or shallow bedrock in area: Low

Geologic hazards (avalanche, rockfall, soil creep, etc.): No known

Water quality--check for setbacks to water bodies including wetlands, ponds, irrigation ditches, gulches, etc.: No known water bodies in area of proposed OWTS

Check for visibility on ridgelines from County Roads: **OK**

Proposed use of site verified-Residential, Commercial, Agricultural? **Residential**  
Other water sources verified-walking the site within 200' of the proposed system?

**No Known water bodies within 200 feet of the parcel**

Additional Comments:

Inspector and findings: **Crystal Lambert, Building and Environmental Health Official and Rachel Sabatto, Planner, inspected this site for the proposed building and septic plans with the contractor, Eric Replogle. The site is less than one acre and therefore a septic (OWTS) permit cannot be approved administratively. Additionally, the proposed soil treatment area has been designed solely using results of percolation testing instead of a visual and tactile determination, as required in Section 5.D. of the Gunnison County OWTS Regulations. Staff suspects, based on shallow hole observations during the site inspection and knowledge of the soil in the area, that the soil is a Clay loam with blocky texture and a LTAR of 0.35, NOT a single grained loamy sand with an LTAR of 0.8. The blocky nature of the soil in this location can lend towards faster percolation rates and the discrepancy between the percolation results and the visual and tactile evaluation results. Additionally, the system is designed based on two-bedrooms, the proposed structure shows two bedrooms plus an "exercise" room and an "office" that could be used as a bedroom.**



November 30, 2018

Cochran Family Trust  
Fulton and Donna Cochran  
1414 Minuet St  
Henderson, NV 89052

Project Representative and Authorized Agent:  
Eric Replogle  
11850 Joyful Way  
Montrose, CO 81401

Re: Denial of application for On-site Wastewater Treatment System

Dear Property Owners:

This letter is to give you official notice pursuant to the Gunnison County On-site Wastewater Treatment System (OWTS) Regulations, Section 3.E.2., that your proposed application with the design received on November 16, 2018 and given the application number OWTS-18-00278, for your parcel at 1326 Cove Road, Lot 71 Masden Lake Fork Cove has been denied.

The granting of your application would be in violation of the Gunnison County OWTS Regulations, Section 3.A.9. which states that an OWTS shall not be permitted to be installed on a parcel of land less than one acre in size. The granting of your application would also violate Section 5.D. which states that the long term acceptance rate (LTAR) of soil for a soil treatment area shall be the more restrictive LTAR determined through the visual and tactile evaluations and the percolation tests, if percolation tests were conducted.

You may request a hearing for a variance with the Gunnison County Environmental Health Board. A complete variance request submittal, along with the required fee of \$750 must be received no later than 60 days after this denial letter is postmarked. A complete variance request submittal, in accordance with Section 3.M.1.b., includes the following items:

1. Site-specific request identifying the specific criteria from which a variance is being requested;

2. Technical justification by a professional engineer or professional geologist, which indicates the specific conditions which exist and/or the measures which will be taken that support a finding that the variance shall result in no greater risk than that associated with compliance with the requirements of these *Regulations*. Examples of conditions which exist, or measures which might be taken, include but are not limited to the following: evidence of a natural or manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; placement of a manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; soil replacement with sand filter media to reduce the infiltration rate of the effluent such that the travel time of the effluent from the absorption field to the physical feature is no less than the travel time through the native soils at the prescribed setback and Treatment Level 2;
3. A discussion of alternatives considered in lieu of the requested variance
4. Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment
5. A statement of the hardship that created the necessity for the variance.

A copy of the Gunnison County OWTS Regulations, Section 3.M., is attached.

If you have any questions, please call or email me. Thank you.



Crystal Lambert  
Gunnison County Building & Environmental Health Official  
970-641-7688      clambert@gunnisoncounty.org

January 9, 2019

Crystal Lambert, Building & Environmental Health Official  
Gunnison County Offices of Planning, Building and Environmental Health  
221 N. Wisconsin Street, Suite D  
Gunnison, CO 81230

**RE: Site Specific Variance Request for Application for OWTS-18-00278  
Cochran Family Trust  
Lot 71 Masden Lake Fork Cove Subdivision  
1326 Cove Road**

Dear Ms. Lambert:

I have reviewed your November 30, 2018 letter and instruction regarding the denial of the permit application described above, per Gunnison County OWTS Regulations, Section 3.A.9, which states in part, "an OWTS shall not be permitted to be installed on a parcel of land less than one acre in size." In addition, your visual and tactile evaluations of the soil conditions at the parcel are more restrictive than the percolation testing that was performed on the lot. I will address that issue with this letter as well.

1. Masden Lake Fork Cove Subdivision was approved in Gunnison County for residential use and the parcels are only 0.3 acres in size (130-feet in diameter). This letter report is a site specific variance request for the approval of an OWTS on a parcel of land less than one acre, in accordance with Gunnison County OWTS Regulations, Section 3.M.1.b., as an OWTS cannot be approved administratively.
2. Lots 1-acre in size served by a legal central water supply are, in general, adequately sized to prevent risk to public health, provided Onsite Wastewater Treatment Systems are designed and installed in accordance with the *Regulations*. With regard to this application, there exists adequate undevelopable open space, or a physical barrier, surrounding Lot 71 to meet the intent of the 1-acre minimum size lot such that the nearest lot owned by others will not be adversely impacted. In other words, the undevelopable open space provides the physical barrier necessary to support a finding that this variance request will result in no greater risk than ordinary compliance with the *Regulations*.
3. The non-conforming lot size is the reason for this variance request. There are no alternatives to rectify this issue, other than those mentioned in the previous paragraph. That is, placing the OWTS within the property setbacks and ensuring an adequate buffer spacing exists to provide a natural physical barrier resulting in no greater risk to public health and environment. Therefore, we respectfully request the variance request include the proposed design of a Level 1 treatment system using Infiltrator Chambers as shown on the design sheet.
4. The technical documentation of the selected alternative (Infiltrator Chambers) is included with the OWTS design sheet, SP2. Infiltrator Chambers have the advantage of being able to accommodate high flow use scenarios, and safely treat more effluent in

61773 Highway 90 - Montrose CO | (970) 209-4615

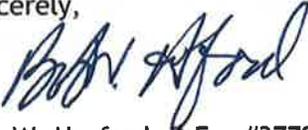
**received**  
2-5-19 ce

a smaller foot print than conventional pipe and gravel systems. Chambers can also be easily installed in a curved footprint to accommodate the circular lots at Masden Lake Fork Cove Subdivision.

5. As previously discussed, these 0.3-acre lots served by a legal central water system are not developable without a variance to permit an OWTS on these non-conforming parcels. The dwelling units within the subdivision are used only seasonally as the central water system is shut down during the winter month. The measures in place to support a finding of no greater risk to public health include the existence of undevelopable open space adjacent to Lot 71; maintaining the location of the OWTS within the parcel boundary setbacks; the installation of Infiltrator System Chambers; and, the adjustment of the LTAR factor from 0.8 to a much more conservative 0.35 factor.

I trust this request meets not only the spirit, but also the intent of the Gunnison County Variance Procedure requirements for this specific request. Our desire is to install a safe and effective OWTS given the constraints of this unique subdivision with the final result being the granting of this variance request and approval of the OWTS permit application. We also understand there exists the possibility of additional requirements as a result of the variance procedure and we look forward to addressing any potential concerns as necessary.

Sincerely,



Bob W. Hurford, P.E. #37799  
970-209-4615



## ENVIRONMENTAL HEALTH BOARD Draft VARIANCE REQUEST ACTION

**APPLICANT:** Cochran Family Trust; Fulton and Donna Cochran

**DATE:** March 21, 2019

**SITE LOCATION:** 1326 Cove Road, Site 71 Masden Lake Fork Cove

**ACTION:** Request for a variance to the Gunnison County OWTS Regulations for an on-site wastewater treatment system on a parcel less than one acre

**PREPARED BY:** Crystal Lambert, Building and Environmental Health Official

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### PROPOSED PROJECT:

The applicant is proposing a one-family dwelling served by an on-site wastewater treatment system (OWTS) and to be served by a public water service on a vacant parcel less than one acre within the Masden Lake Fork Cove Subdivision.

### GUNNISON COUNTY ENVIRONMENTAL HEALTH OFFICE ACTION:

A site inspection was performed by staff at the parcel on November 28, 2018. A soil evaluation in accordance with the Gunnison County OWTS Regulations is needed in order to confirm that the proposed OWTS is designed for the soil type, once the soil type is determined.

The OWTS application was denied by the Environmental Health Office on November 30, 2018 because the proposed parcel does not meet the Gunnison County minimum standard of one-acre in accordance with *Section 3.A.9* of the *Gunnison County OWTS Regulations*.

During review of the applications for OWTS and Building permits it was discovered that a State of Colorado permit for a public water service was not active for the subdivision. As of February 20, 2019, the permit has been re-activated and compliance with the State's requirements will be verified upon activation of the water service on or about April 30, 2019.

### APPLICANT'S REQUEST FOR A VARIANCE:

A request for a Public Hearing with the Environmental Health Board for the consideration of a variance to *Section 3.A.9* of the *Gunnison County OWTS Regulations* was received on January 9, 2019 and was prepared by the OWTS design professional, Bob W. Hurford, PE and submitted by the owner's representative, Eric Repogle. The request for a Public Hearing was received within 60 calendar days after the application was denied.

## **PUBLIC HEARING:**

On March 21, 2019, the Gunnison County Environmental Health Board conducted a Public Hearing on this request for a variance.

## **FINDINGS:**

Based on a review of all the information included with the OWTS application, the request for a variance, and staff reports for this project and consideration of any and all testimony and public input received relative to this application, the Gunnison County Environmental Health Board finds that:

1. Action on this request for a variance from the *Gunnison County OWTS Regulations* 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 OWTS Regulations* is warranted by unique site-specific configuration and site size that make compliance with the Regulations technically infeasible.
3. The applicant has provided justification through specific conditions that exist which support a finding that approval of the requested variance will result in no greater risk than that associated with compliance with the requirements of the *Gunnison County OWTS Regulations*.
4. The applicant has demonstrated that approval of the requested variance will not be in violation of any minimum standards established in any other applicable federal or state rule or regulation.
5. The applicant has demonstrated that the proposed OWTS will not be a nuisance or injurious to public health, safety or welfare. The proposed development meets minimum horizontal distance requirements from water features, pertinent physical features and property lines.
6. The applicant has demonstrated that no substantial injury will result from the granting of the requested variance.
7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Department file relative to this application; including all exhibits, references and documents.

## **DECISION:**

The Gunnison County Environmental Health Board, having reviewed the proposed application and supporting documentation, site observations and public testimony does approve the requested variance to Section 3.A.9 of the *Gunnison County OWTS*

*Regulations* for the Cochran Family Trust at their parcel, Site 71 Masden Lake Fork Cove, under OWTS application 18-278, with the following conditions:

1. The OWTS shall be designed and installed in accordance with the *Gunnison County OWTS Regulations* and the *Gunnison County Land Use Resolution*, including but not limited to setback requirements, design standards, requirements for system components and general technical standards.
2. A visual and tactile evaluation of the soil, in accordance with *Section 5.D.* of the *Gunnison County OWTS Regulations* shall be conducted in the vicinity of the proposed soil treatment area in order to confirm the soil type in accordance with *Table 10-1.* An OWTS design shall be approved for an OWTS permit in accordance with *Section 10.A.1* based on the site and soil evaluation, design criteria, and construction standards.
3. A State of Colorado permit for a Public Water Service shall be active and in compliance with the State's requirements and shall serve potable water to the proposed structure and OWTS prior to final approval of the OWTS.
4. Prior to the issuance of the OWTS and building permits, a plan showing the location of the proposed water supply line to the structure and cistern location and size shall be submitted in order to verify that the proposed setback distance requirements and general construction standards are met.
5. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
6. 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.
7. 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.