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

R&D Development, LLC

Application No:	OWTS-19-00287
Date application scheduled with EH Board:	June 18, 2020
Prepared by:	Crystal Lambert, Building & EH Official

APPLICANT/OWNER:	R & D Development, LLC PO Box 3976, Crested Butte, CO 81224
PROJECT DESCRIPTION:	The applicant is proposing a variance to allow a proposed 3-unit "light commercial" shop building to operate on its own, standalone OWTS. There is an existing OWTS on the parcel, permitted in 1997, which receives wastewater from the existing 4 shops and a 2-bedrooms residence.
CURRENT STATUS OF OWTS APPLICATION:	The OWTS application was denied by the Environmental Health Office on May 22, 2020. *Section 3.A.10.* of the *Gunnison County OWTS Regulations* states that no more than one OWTS shall be permitted for an undivided parcel.
ENVIRONMENTAL HEALTH BOARD ACTION REQUESTED:	A request for a Public Hearing with the Environmental Health Board for the consideration of a variance to *Section 3.A.10* of the *Gunnison County OWTS Regulations* has been received and was prepared by Bill Barvitski, PE of Trout Creek Engineering, LLC.
PROPERTY LOCATION:	337 Buckley Drive, "Supplemental Property" of the Buckley Drive Condominiums, on Lot 1 Riverland Industrial Park
AREA DESCRIPTION:	The parcel is within the Riverland Industrial Park which is approximately two miles southeast of Crested Butte off of Highway 135.
ATTACHED EXHIBITS:	▪ OWTS application ▪ Aerial view of parcel and surrounding parcels

	▪ Engineer Variance Request and Proposed Design Report ▪ Site plan and system layout ▪ Plat ▪ Buckley Drive Condominium Association approval ▪ Riverland Lot Owners Association approval ▪ Letter of application denial ▪ Request for variance
ENVIRONMENTAL BOARD TASKS AT PUBLIC HEARING:	— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Confirmation of adequate public notice: • Posting of legal notice in the County's official newspaper at least 20 days prior the hearing. • Posting of public hearing notice at the County posting locations. • 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. • Posting of the public hearing notice in a conspicuous location at or near the parcel. — Hear applicant presentation — Hear staff comments — Ask questions, identify and consider issues — Hear applicant response and staff response — Continue public hearing or close public hearing.

Variance Request Submittal Analysis		
Variance request submittals shall include the following items:	**Applicant Submittal Summary**	**Staff Comments**
Site-specific request identifying the specific criteria from which a variance is being requested. Section 3.M.1.b(1)	The variance is being requested for a second OWTS to be installed on the referenced parcel.	Per *Section 3.A.10* of the *Gunnison County OWTS Regulations,* no more than one OWTS shall be permitted for an undivided parcel. This is a local County requirement. The State of Colorado OWTS Regulations do not contain a requirement regarding number

		of systems per parcel.
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)	All the horizontal setback requirements between components of the OWTS and water, physical and health impact features are proposed to be met and there should be no greater risk to public health and safety. Gunnison County has more stringent horizontal distance requirements than the State Regulations and those more stringent setback distances will be met with the proposed system. The parcel and surrounding parcels are served by a central water service, so the installation of a second OWTS will have not greater risk to public health and safety with respect to potable water. See the engineer's variance request, page 3, for a detailed discussion of design challenges concerning a combined system.	All required horizontal setback distances to water bodies and pertinent physical features will be met. The proposed system will serve a separate and distinct building on the other side of the parcel from the existing system and development.
A discussion of alternatives considered in lieu of the requested variance. Section 3.M.1.b.(3)	The alternative is to abandon the existing system on the parcel that serves the existing shops and residence and construct a larger system to accommodate the existing development and proposed future development. This approach could be problematic due to the distance between the two buildings and the parking area that separates them.	The existing system that serves the existing development on the parcel has recently been inspected and shown to be in working order. Requiring a new system that serves both the existing development and the proposed future development would require a complicated design plan that may be susceptible to failures. It would also require abandoning a working system that is not related to the proposed development.
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.	The applicant is willing to consider the possibility of having an Operation and Maintenance program for the proposed OWTS.	N/A-the applicant is not proposing an alternative system design. The proposed system meets the technical requirements of the OWTS Regulations.

Section 3.M.1.b.(4)		
A statement of the hardship that created the necessity for the variance. Section 3.M.1.b.(5)	If a second OWTS permit is not granted for this “supplemental property” then the owners of the “Assignment of Development Rights” would be limited to only develop structures which would not require an OWTS.	

***Section 3.M.2.*: Prohibitions on the granting of variance requests**	
Prohibitions on the granting of variance requests:	**Staff comments:**
No variance shall be issued where the property can accommodate a conforming OWTS. Section 3.M.2.a.	The OWTS will conform to the technical and design requirements. The variance request is for a second OWTS on a parcel. 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.	There is no known error of construction involving any element of the property improvements.
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.
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.
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.	The parcel and surrounding parcels are served by a central water supply.
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*:

It appears that the proposed OWTS design meets the design criteria and setback distance requirements of the Gunnison County OWTS Regulations. Designing one system to serve the existing and proposed buildings on the parcel is not technically feasible and the system could be susceptible to failures. The existing system on the parcel is serving an existing shop building with a residence above and has recently been inspected and shown to be in working order. Therefore, staff recommends approval of R&D Development, LLC's application for a variance to the Gunnison County OWTS Regulations, Section 3.A.10, for a second OWTS on a parcel.

OWTS-19-00287

received 2019 Nov 20

Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360
Website: **https://www.gunnisoncounty.org/144/Community-and-Economic-Development**
Email: **planning@gunnisoncounty.org**

ON-SITE WASTEWATER TREATMENT SYSTEM (OWTS) PERMIT APPLICATION

Application Fee- Residential New- Due at Submittal: $860.00
Application Fee- Commercial New or Replacement- Due at Submittal: $965.00
Application Fee- Residential Repair- Due at Submittal: $330.00
Application Fee- Residential and Commercial Tank Replacement Only- Due at Submittal: $155.00
Application Fee- System Alteration or Expansion- Due at Submittal: $520.00

Application Received Date: 11·20·19 HS
Application Fee Paid: 11·20·19

OWNER: R & D Properties L.L.C. (Renick & Dickinson)
MAILING ADDRESS: P.O. Box 3976, Crested Butte, CO 81224
DAY PHONE: _____ **CELL PHONE:** _____
EMAIL ADDRESS: shannon_renick@me.com; rob@precisionpaintingcb.com

LICENSED SEPTIC CONTRACTOR: T.B.D.
MAILING ADDRESS: _____
DAY PHONE: _____ **CELL PHONE:** _____
EMAIL ADDRESS: _____

PRIMARY PROJECT CONTACT PERSON: Bill Barvitski - Trout Creek Engineering L.L.C.
DAY PHONE: 970-642-4110 **CELL PHONE:** _____

DESCRIPTION OF PARCEL (legal description, site address): "Supplemental Property" on Lot 1 Riverland Industrial Park; 337 Buckley Drive

PARCEL SIZE: 1.15 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.)
Variance is being requested for a second O.W.T.S. on this property. Please see the attached Variance Request and Proposed Design Report

Check Received 2019 Nov 20 #1109 TCE LLC $965.00

Description of Proposed Development

- ☐ Single-Family Residence
- ☐ Multi-Family Residence
- ☑ Commercial; describe use: 3 units right commercial shops
- ☐ Other: _____

Number of Bedrooms: _____ **Number of Baths:** _____ **Number of Kitchens:** _____

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. 12 employees total - see proposed design report for wastewater flow calculations

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: Bill Barvitski, P.E. Phone: 642-4110
- ☐ 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:

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

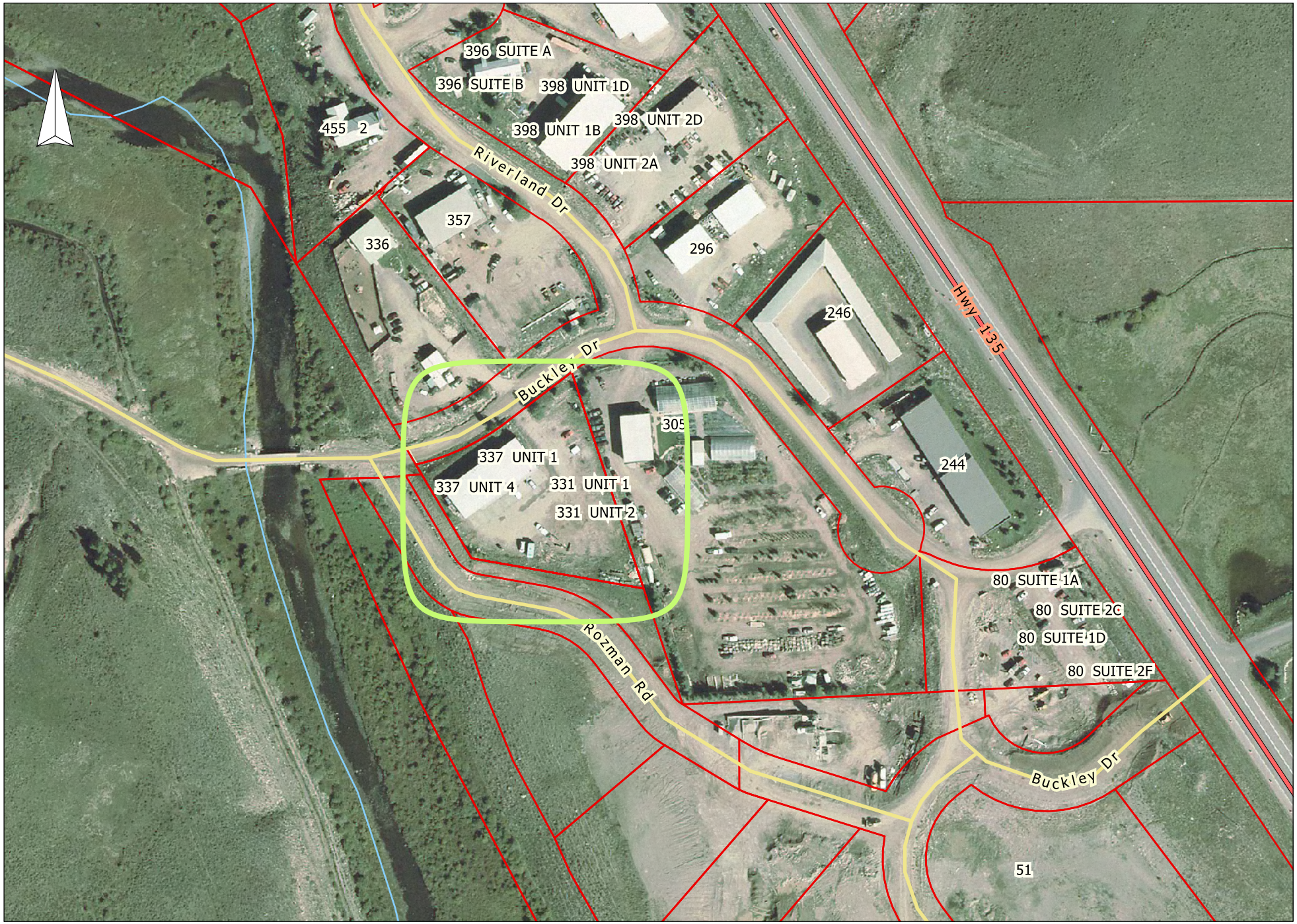
- ☑ **Report from Site and Soils Evaluation and Site Plan.** The report from the Site and Soil Evaluation in accordance with Section 5-110: *Report and Site Plan* of the *Gunnison County OWTS Regulations* (see page 9 for description).
- ☑ **Vicinity Map.** General area map showing the location of the 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 Public Water Source
- ☐ 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: 11/20/19

☐ HOA Approval



Scale = 1:2100

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.

Monday, June 8, 2020

TROUT CREEK
ENGINEERING
124 East Virginia Avenue
Gunnison, CO 81230
970-642-4110

received
2019 Nov 20

O.W.T.S. Variance Request & Proposed Design Report

For:

R & D Properties L.L.C.
337 Buckley Drive
Lot 1 Riverland Industrial Park
Gunnison County, Colorado

Prepared By:

Trout Creek Engineering L.L.C.
124 E. Virginia Ave
Gunnison, Colorado 81230
970-642-4110

I. Summary

The applicant is requesting a variance through the Gunnison County Environmental Health Board to allow a proposed 3-unit "light commercial" shop building to operate on its own, standalone O.W.T.S. There is an existing O.W.T.S. system on the parcel (Permit # 97-050) which collects and treats the wastewater from the existing 4 shops and a 2-bedroom residence. In 2002 under Gunnison County Reception No. 521638 an "Assignment of Development Rights" (see attached) was conveyed, which gave the applicant the right to expand, enlarge and supplement the condominium units within the Buckley Drive Condominiums, and to construct additional condominium units upon the "Supplemental Property" (as that term is defined in the declaration and depicted on the Condominium Map bearing Reception No. 518663 of the records of Gunnison County, Colorado), and under any other development rights or special declarant rights as defined by the declaration or the Common Interest Ownership Act as set forth in Colorado Revised Statutes.

Gunnison County O.W.T.S. Regulations Section 3.A.10 states "*No more than one OWTS shall be permitted for an undivided parcel*". The applicant is requesting a variance to this regulation in order to accommodate a proposed 3 unit "light commercial" shops stand-alone O.W.T.S. on the "Supplemental Property".

The following is being submitted in reference to Gunnison County Regulation 3.M.1.b.

Variance Procedure

- The variance is being requested for a second O.W.T.S. to be installed on the referenced property.
- It is in my professional opinion that the installation of a second O.W.T.S. on the above referenced property will result in no greater risk than that associated with compliance with the requirements of the Gunnison County Regulations. Colorado Department of Public Health and Environment Regulation #43 was adopted, by the State of Colorado and required local boards of health, within 1 year, to update their local regulations which must be as stringent as that regulation. Within this State Regulation #43 there is no criteria that identifies there could only be one O.W.T.S. per undivided parcel nor any minimum parcel size. Gunnison County had elected to make this requirement within their O.W.T.S. Regulations. It is in my professional opinion that if this were a risk to public health and safety then the State of Colorado would have had this similar requirement within Regulation #43. It is in my professional opinion that if ALL horizontal setback distance requirements between components of the O.W.T.S. and Water, Physical and Health Impact Features have been met, then there should be no greater risk to public health and safety. Gunnison County's O.W.T.S. regulation has, already in place, a more stringent horizontal distances requirement than Regulation #43 which was, I believe, intended to reassure that the public health and safety as well as the environment is protected. All the horizontal setback requirements, as indicated in the Gunnison County O.W.T.S. Regulations can and will still be met if this variance is to be granted. The increased horizontal setback requirements, as indicated within the Gunnison County O.W.T.S. Regulations, is 100 feet (State 50 ft.) between any septic tank or Soil Treatment Area (S.T.A.) to a lake, water course, irrigation ditch, stream or wetland. The nearest body of water, to the newly proposed Septic Tank and S.T.A. is over 350 feet. Another main horizontal setback requirement, which is probably the most important for public health and safety, is shared by both Regulation #43 and the Gunnison County Regulation. This requires a 100 ft. separation between ANY permitted potable water well and the Soil Treatment Area (S.T.A.). The above referenced property and all neighboring properties are not served by wells, they are served by a central water service, so the installation of a second O.W.T.S. will have no greater risk to the public health and safety with respect to potable water.
- The only alternative, without this variance, and if the applicant would like to construct the proposed 3 shop units, would be to abandon the existing O.W.T.S. and install a new O.W.T.S. which would combine the flows from existing 4 shop units, residence and the proposed 3 shop units. As a professional engineer this

approach is not recommended. The reasons are as follows. With the current location of the existing shop units & residences sewer lines (lines from the buildings to the tank) which are located on the west side of the property and the relationship with the proposed new building locations, (as identified under the above referenced "Assignment of Development Rights" and within the "Supplemental Property") there could be many problematic issues related to the sewer lines (gravity) to the septic tank and transport lines (pressurized) to the Soil Treatment Area.

- The new sewer (gravity) lines which would come out of the proposed shop units would have to flow through the parking and driveway areas to the tank location, which again, is located on the westerly side of the property. From the septic tank, were all the flows would be collected, it would be required to pump the effluent, again, across the parking and driveway area to the Soil Treatment Area (S.T.A.) which would be located in the North East portion of the property. The potential problem when crossing areas of high traffic is the likely hood of pipe freezing, as the driving of vehicles push frost levels deeper than they would be if not driven over. Another potential problem is, even if the pipe bedding is completed as required and described within the regulations there is a high probability that these lines will settle differentially, caused by the heavy traffic impact, possibly breaking the lines or not allowing the lines to function as designed. Potentially causing public health and safety concerns.
- Another concern is the horizontal distance between the "Supplementary Property" and the septic tank. This distance would require an approximate minimum of 38 inches of "gravity fall" within the sewer (gravity) pipe. This is because there is approximately 150' between the supplementary property and the septic tank location (150' X ¼" per ft = 38"). The invert pipe hole (hole for sewer line to connect to septic tank) in a standard and the State approved septic tank is at approximately 34" below the finished ground elevation. This is considering a standard tank backfill depth of 2'-0". The maximum allowable backfill depth (burial) over the top of any approved septic tank lid, as determined by the structural integrity of the tank provided by the manufacture is 4'-0". This is assuming there is no water table present within the tank excavation. If there is a water table present within the excavation then these burial depths are decreased. Using the maximum burial depth of 4'-0" would put the invert of any sewer (gravity) line at a depth of 4'-10" below the final grade as the maximum depth allowed, by the manufacture of the Septic Tank. If the sewer line coming out of the proposed shop building was installed at a minimum of 30" below the existing ground (for frost

protection), with the 150 feet of horizontal distance (38" fall). That would put the tank burial depth, over the tank lid, approximately 5'-0" and the invert elevation to be approximately 5'-10" below the final grade. This depth of burial or backfill over the tank is not recommended, by the manufacturer, even with an H-20 loaded tank, which still requires a maximum of 4'-0" burial over the septic tank lid.

- If a second O.W.T.S. permit is not granted this variance for the "Supplementary Property" then the owners of the "Assignment of Development Rights" would be limited to only develop structures which would not require an On-Site Wastewater Treatment System.
- As an option for the Environmental Health Board approval of the variance request the applicant is willing to consider the possibility of having an Operation and Maintenance Program on this O.W.T.S. as indicated in the Gunnison County O.W.T.S. Regulations Section 14. The applicant is not asking for a variance related to a horizontal distance setback requirements which is usually the purpose of having an Operation and Maintenance Program, other than within a "Special OWTS District". However, an Operation and Maintenance Program would ensure that the system continually functions as designed and does not result in any greater risk to public health and safety.

II. Proposed Design Condition and Soils:

The following is the O.W.T.S. design conditions based upon assumed soil conditions. The applicant would like to use a "worst case" scenario of design conditions in order to submit for a variance request and if the variance is granted complete the required visual and tactile profile hole investigation at that time. The soils as being assumed as soil type R-0 with the receiving soils type 2A. High ground water is assumed to NOT be encountered. An unlined sand filter is being designed for this proposed soil treatment area. Dispersal of the effluent to the surface of the unlined sand filter must be by a pressurized distribution system for equal distribution.

III. Legal Description:

Lot 1, Riverland Industrial Park
1.15 Acres

IV. Proposed Design Calculations:

- ***Wastewater Flow Calculations: Table 6-2 "Commercial Wastewater"***

Due to the commercial aspect of the newly proposed "Light Commercial" units an evaluation of 4 different scenarios, using table 6-2 "Commercial Wastewater" are being calculated for the total design flows volumes. The highest flow Calculation will be used for the purpose of the design.

Person's / Employee's is being assumed as 4 per unit – (12 total)

1.) *"Factories and Plants exclusive of industrial wastewater per employee per eight-hour shift"* (20 gpd / person)
   - 12 people X 20 G.P.D. = **240 total G.P.D.**

2.) *"Office Building per employee per eight-hour shift"* (15 gpd / person)
   - 12 people x 15 G.P.D. = **180 total G.P.D.**

3.) *"Stores & Shopping Centers per square foot of retail space"* (0.1 / ft^2)
   - Each unit = 25'-0" X 50'-0" = 1250 ft^2
   - 3 units = 3 X 1250 ft^2 = 3750 ft^2
   - Flow = 3750 ft^2x 0.1 = **375 total G.P.D.**

4.) *"Fixture types"* (Toilet = 24.8 gpd / person; Sink = 8.4 gpd / person; total = 33.2gpd / person (use 34 gpd / person)
   - 12 people X 34 G.P.D. = **408 total G.P.D.**

USE TOTAL DESIGN FLOW = 408 G.P.D.

- ***Septic Tank Size: Section 9.B.2.b*** *" For multi-family and non-residential applications, a septic tank shall be sized to permit detention of incoming wastewater design flows for a minimum of 48 hours"*

D_T = [48 hours X 408 g.p.d.] / 24 hours = 816 gallons

- Use: 1000-gallon 3 compartment tank with effluent pump located in 3rd chamber
  - Valley Precast Item#: 1000T-3CP-HH

- ***System Sizing***: Soil Type R-0, Pressure Dosed Bed, infiltrator Quick 4 Standard

  - **10.C.4** - Flow = 408 GPD; L.T.A.R.
    - 11.C.3.b.2 "Maximum hydraulic loading rate for TL1 effluent applied to "Secondary Sand Media" in an unlined sand filter is 0.8 gal./sq.ft./day, OR the long term acceptance rate of the receiving soil for TL3 (Table 10-1) whichever results in the larger area.
    - Secondary Sand L.T.A.R. = 0.8
    - Receiving soil Type 2A (TL3) L.T.A.R. = 0.9
    - **USE L.T.A.R. of 0.8 gal./sq.ft./ day**

  - 408/ 0.8 = 510.0 ft^2

  - **11.C.2.d (4)** - It is the responsibility of the installer to provide, to the Public Health Official, a gradation of the sand media to qualify as a "Secondary" sand media. The gradation date must de dated no more than <u>one month</u> prior to the installation date. However, a gradation of the actual material placed in the excavation is recommended. If this gradation cannot be met the Engineer SHALL be notified as the size of the soil treatment area must be adjusted prior to the installation of any components.

    - **11.C.2.d (2)**
      "Secondary" sand media requirements:
      - Effective Size: 0.15-0.60 mm
      - Uniformity Coefficient: $\leq$ 7.0
      - Percent fines passing #200 sieve: $\leq$ 3.0

  - **Table 10-2** (Pressure Dosed, Bed) = 1.0
    - 510.0 ft^2 X 1.0 ft^2 = 510.0 ft^2

  - **Table 10-3 MAY NOT BE USED** – Design Criteria – Higher Treatment Level
    - 510.0 ft^2

  - Number of Infiltrator Quick 4 Standard chambers
    - 510.0 ft^2 / 12 ft^2 = 42.5 **(Use 44)**

- Orenco PF3005 Effluent Pump & Distribution Lateral Calculations
  - Draw Down Per inch (3rd Chamber of 1000T-3CP-HH)
    - 10.26 gallons (per inch)
  - Pump Rate = 36.5 g.p.m.
  - 12" Draw Down = 123.12 gallons
  - Pump time @ 36.5 g.p.m. = 3.4 minutes
  - Average pump cycles per day: 408 / 123.12 = 3.3
  - See Attached Orifice calculation and pump curve
    - Orifice Size = 1/8"
    - Orifice Spacing = 2.1' (2'- 1 ¼")
  - Distal Head Pressure = 5'-0" See Attached Orenco Pump Chart

➢ ***Design:***

Install 44 total infiltrator quick 4 standard chambers in a single bed. Install a minimum of 3'-0" "Secondary" sand media under the entire bed with a minimum of 6" additional width of sand installed between the edge of excavation sidewalls and chambers. Pressure dosed system with 4 laterals at 44 feet long (see construction drawings). Install a 1000-gallon, 3 compartment septic tank (Valley Precast item# 1000T-3CP-HH) with an Orenco PF3005 effluent pump installed in the third chamber (pump vault) of the tank.

V. Construction Drawing Date:

Attached is a drawing titled On-Site Wastewater Treatment System for the commercial system for the R&G Properties L.L.C. 3 - "Light Commercial" Units located within the Gunnison County Environmental Health District, dated November 6, 2019, which sets forth the details for construction of the system.

521639 07/01/2002 04:50P 043
1 of 1 R 5.00 D 0.00 N 0.00 Gunnison County

ASSIGNMENT OF DEVELOPMENT RIGHTS

CJ's Land LLC, a Colorado limited liability company ("Grantor"), for and in consideration of payment of the sum of $25,000.00, hereby assigns, transfers, and conveys to **RWF Properties, LLC, a Colorado limited liability company** ("Grantee"), whose address is P.O. Box 2041, Crested Butte, Colorado 81224, all of Grantor's rights pursuant to section 37 of the Condominium Declaration recorded as Reception No. 518664 of the records of Gunnison County, Colorado and the Amendment to Condominium Declaration recorded as Reception No. 521638 of the records of Gunnison County, Colorado (collectively, the "Declaration"), including but not limited to, the right to expand, enlarge and supplement the condominium units within Buckley Drive Condominiums, and to construct additional condominium units upon the "Supplemental Property" (as that term is defined in the Declaration and depicted on the Condominium Map bearing Reception No. 518663 of the records of Gunnison County, Colorado), and any other development rights or special declarant rights as defined by the Declaration or the Common Interest Ownership Act as set forth in Colorado Revised Statutes section 38-33.3-101 et seq (collectively, the "Development Rights"). Grantor represents and warrants to Grantee that (i) Grantor is the sole owner of the Development Rights and this conveyance of the Development Rights is free and clear of any liens or encumbrances; (ii) this Assignment is duly authorized and executed and is the legal, valid, and binding obligation of Grantor; and (iii) Grantor has not previously assigned or terminated the Development Rights.

Dated this 1st day of July, 2002.

CJ's Land LLC, a Colorado limited liability company

By: _____
Jennifer F. Albertella, Manager

STATE OF COLORADO)
) ss
County of Gunnison)

The foregoing instrument was acknowledged before me this 1 day of July, 2002 by Jennifer F. Albertella, as Manager of CJ's Land LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: April 30, 2006

My Commission Expires 04/30/2006

Notary Public

Acknowledged and accepted this 1 day of July, 2002.

RWF Properties, LLC, a Colorado limited liability company

By: _____
Christopher W. Renick, Manager

STATE OF COLORADO)
) ss
County of Gunnison)

The foregoing instrument was acknowledged before me this 1 day of July, 2002 by Christopher W. Renick, as Manager of RWF Properties, LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: April 30, 2006

My Commission Expires 04/30/2006

Notary Public

RNM 1787 6/28/02

Pump Selection for a Pressurized System - Commerical Project

R&G Properties L.L.C.

Parameters

Discharge Assembly Size	1.25	inches
Transport Length	16	feet
Transport Pipe Class	40	
Transport Line Size	1.25	inches
Distributing Valve Model	None	
Max Elevation Lift	10	feet
Manifold Length	8.5	feet
Manifold Pipe Class	40	
Manifold Pipe Size	1.25	inches
Number of Laterals per Cell	4	
Lateral Length	44	feet
Lateral Pipe Class	40	
Lateral Pipe Size	1.25	inches
Orifice Size	1/8	inches
Orifice Spacing	2.1	feet
Residual Head	5	feet
Flow Meter	None	inches
'Add-on' Friction Losses	0	feet

Calculations

Minimum Flow Rate per Orifice	0.43	gpm
Number of Orifices per Zone	84	
Total Flow Rate per Zone	36.5	gpm
Number of Laterals per Zone	4	
% Flow Differential 1st/Last Orifice	1.7	%
Transport Velocity	7.9	fps

Frictional Head Losses

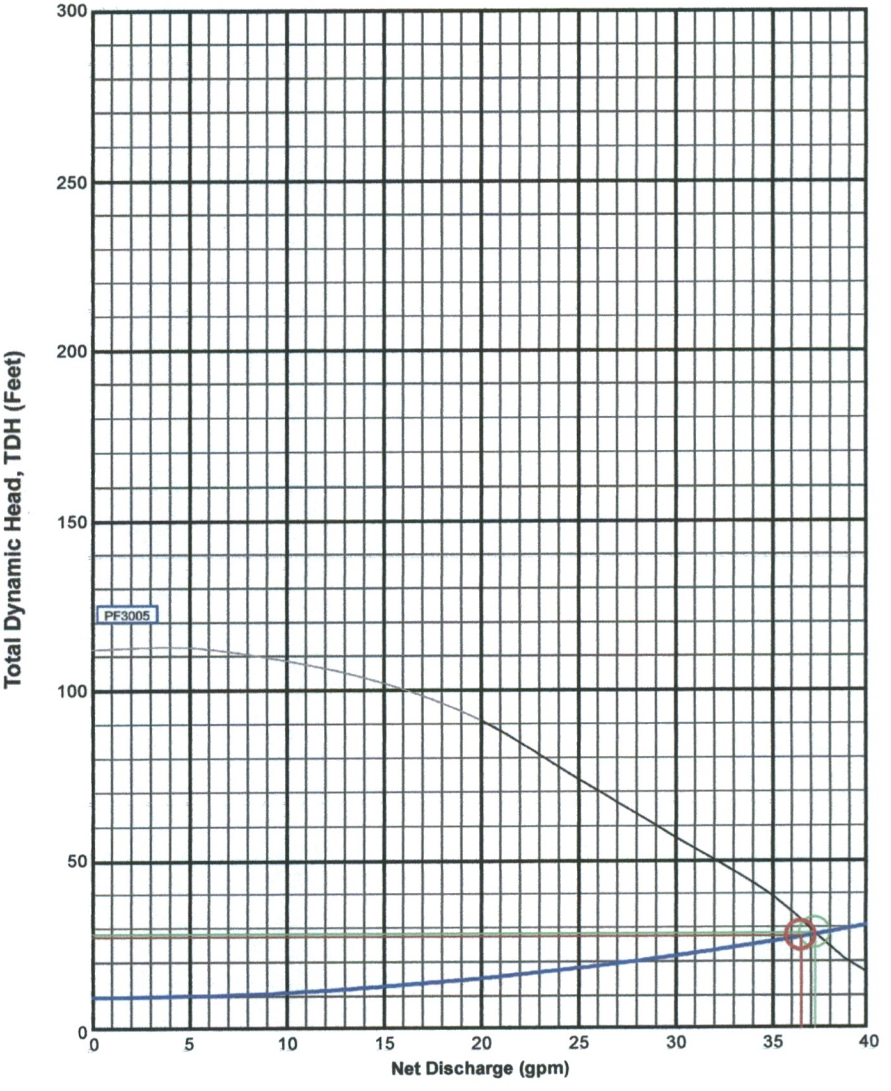
Loss through Discharge	9.3	feet
Loss in Transport	2.6	feet
Loss through Valve	0.0	feet
Loss in Manifold	0.4	feet
Loss in Laterals	0.2	feet
Loss through Flowmeter	0.0	feet
'Add-on' Friction Losses	0.0	feet

Pipe Volumes

Vol of Transport Line	1.2	gals
Vol of Manifold	0.7	gals
Vol of Laterals per Zone	13.7	gals
Total Volume	15.6	gals

Minimum Pump Requirements

Design Flow Rate	36.5	gpm
Total Dynamic Head	27.5	feet



PumpData

PF3005 High Head Effluent Pump
30 GPM, 1/2HP
115/230V 1Ø 60Hz, 200V 3Ø 60Hz

Legend

System Curve:
Pump Curve:
Pump Optimal Range:
Operating Point:
Design Point:

Orenco SYSTEMS
PROTECTING THE WORLD'S WATER

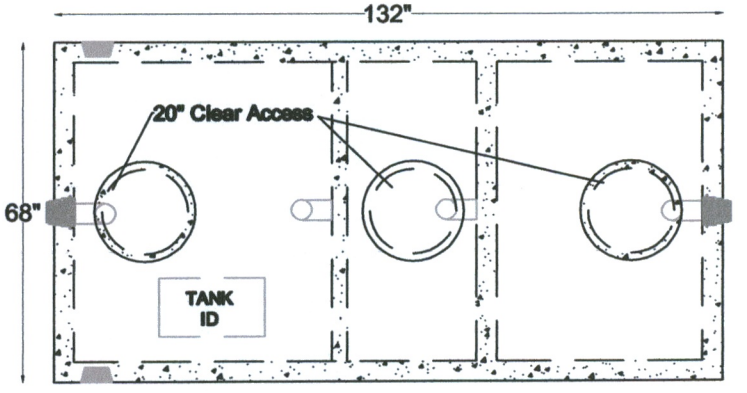
1000 Gallon Top Seam - 3CP with High Head Pump

Item #
1000T-3CP-HH

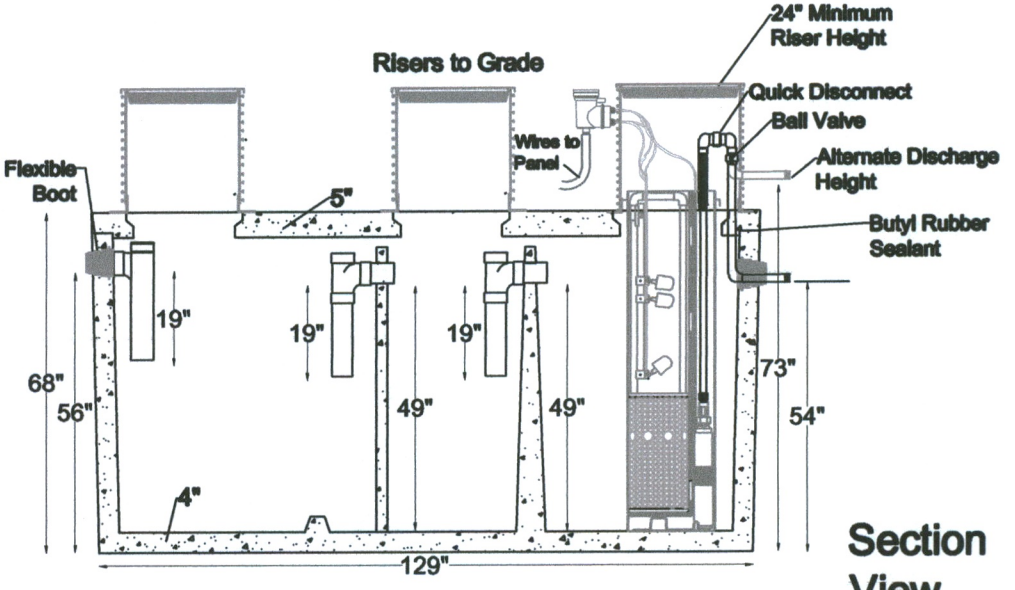
(1500 Gallon Total Volume)

DESIGN NOTES
- Design per performance test per ASTM C1227
- Top surface area 62.3 ft²
- f'c @ 28 days; concrete = 6,000 PSI Min.

Installation:
- Tank to be set on 5" min. sand bed or pea gravel
- Tank to be backfilled uniformly on all sides in lifts less than 24" and mechanically compacted
- Excavated material may be used for backfill, provided large stones are removed
- Excavation should be dewatered and tank filled with water prior to being put in service for installation with water table less than 2' below grade
- Meets C1644-06 for resilient connectors
- Inlet and Outlet identified above pipe
- Delivered complete with internal piping
- Control Panel to be mounted in sight line of tank
- 4' Maximum bury depth



Top View



Section View

ALLOWABLE BURY (Based on Water Table)	
WATER TABLE	ALLOWABLE EARTH FILL
0' – 0"	3' – 0"
1' – 0"	3' – 0"
2' – 0"	4' – 0"
3' – 0"	4' – 0"
DRY	4' – 0"

Pump:
- **Lowers TSS and improves effluent quality to field**
- **Complete installation (wiring, panel,mounting and start-up procedures)**
- **Complete warranty**

Service contracts available for maintenance

Digging Specs	Invert		Dimensions			Net Capacity				Net Weight		
13' Long x 8' Wide	Inlet	Outlet	Length	Width	Min. Height	Inlet	Middle	Outlet	Total	Lid	Tank	Total
56" below inlet	56"	54"or73"	132"	68"	92"	666 gal	332 gal	503 gal	1501 gal	3600 lbs	11756 lbs	15556 lbs

VALLEY PRECAST, Inc.
Buena Vista, Colorado

Phone: 719-395-6764
Fax: 719-395-3727
Website: www.valleyprecast.com
Email: frontdesk@valleyprecast.com

INFILTRATOR® systems inc.

Quick4® CHAMBER SYSTEMS

The Quick4® Standard Chamber

Quick4® Series

The Quick4® Standard Chamber fits in a 36" wide trench and is ideal for curved or straight systems. It features the patent-pending Contour Swivel Connection™ which permits turns up to 15°, right or left. The MultiPort™ endcap allows multiple piping options and eliminates pipe fittings. The chamber's four-foot length provides optimal installation flexibility.

Chamber Benefits:

- Advanced contouring connections swivel up to 15°, right or left
- Latching mechanism allows for quick installation
- Four-foot chambers are easy to handle and install
- The Quick4 Standard Chamber supports wheel loads of 16,000 lbs/axle with only 12" of cover
- Certified by the International Association of Plumbing and Mechanical Officials (IAPMO)

MultiPort Endcap Benefits:

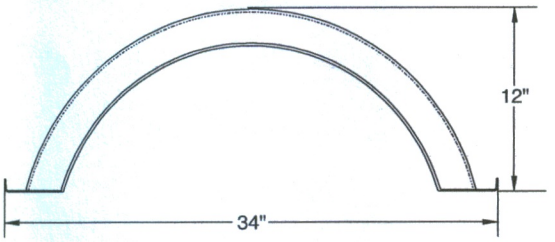
- Tear-out seals on inlet ports provide a tight fit to the pipe
- Eight molded-in inlets/outlets allow for maximum piping flexibility
- Eliminates pipe fittings
- Fits on either end of the Quick4 Standard Chamber

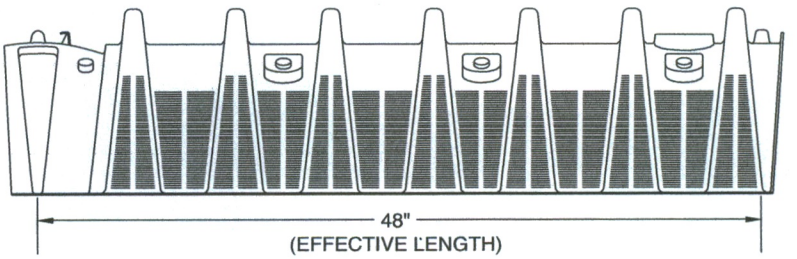
APPROVED in _____

Quick4® Series

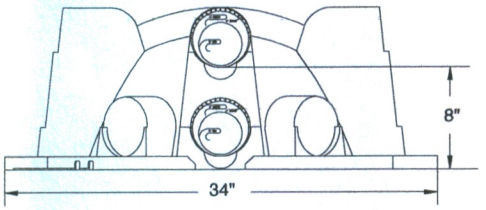
Because installations are faster with Quick4 chambers, you save on heavy equipment operation and labor.

Quick4 Standard Chamber

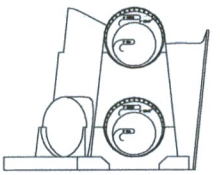




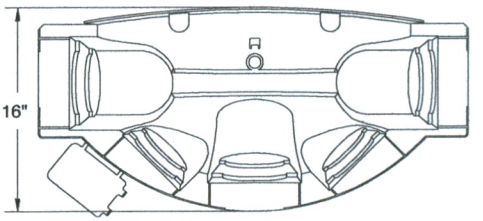
MultiPort EndCap



FRONT VIEW

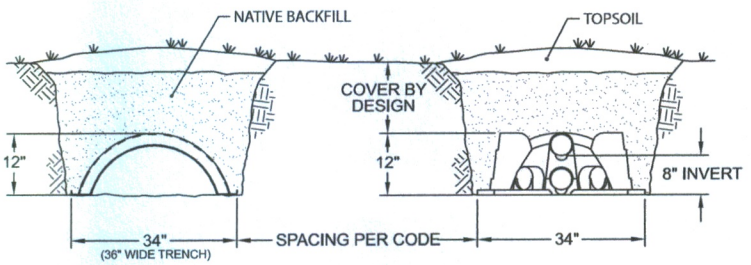


SIDE VIEW



TOP VIEW

Typical Trench View



Quick4® Standard Chamber Specifications	
Size	34"W x 53"L x 12"H (864 mm x 1346 mm x 305 mm)
Effective Length	48" (1219 mm)
Louver Height	8" (203 mm)
Storage Capacity	43 gal (163 L)
Invert Height	8" (203 mm)

INFILTRATOR SYSTEMS, INC. STANDARD LIMITED WARRANTY

(a) The structural integrity of each chamber, endcap and other accessory manufactured by Infiltrator ("Units"), when installed and operated in a leachfield of an onsite septic system in accordance with Infiltrator's instructions, is warranted to the original purchaser ("Holder") against defective materials and workmanship for one year from the date that the septic permit is issued for the septic system containing the Units; provided, however, that if a septic permit is not required by applicable law, the warranty period will begin upon the date that installation of the septic system commences. To exercise its warranty rights, Holder must notify Infiltrator in writing at its Corporate Headquarters in Old Saybrook, Connecticut within fifteen (15) days of the alleged defect. Infiltrator will supply replacement Units for Units determined by Infiltrator to be covered by this Limited Warranty. Infiltrator's liability specifically excludes the cost of removal and/or installation of the Units.

(b) THE LIMITED WARRANTY AND REMEDIES IN SUBPARAGRAPH (a) ARE EXCLUSIVE. THERE ARE NO OTHER WARRANTIES WITH RESPECT TO THE UNITS, INCLUDING NO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE

(c) This Limited Warranty shall be void if any part of the chamber system is manufactured by anyone other than Infiltrator. The Limited Warranty does not extend to incidental, consequential, special or indirect damages. Infiltrator shall not be liable for penalties or liquidated damages, including loss of production and profits, labor and materials, overhead costs, or other losses or expenses incurred by the Holder or any third party. Specifically excluded from Limited Warranty coverage are damage to the Units due to ordinary wear and tear, alteration, accident, misuse, abuse or neglect of the Units; the Units being subjected to vehicle traffic or other conditions which are not permitted by the installation instructions; failure to maintain the minimum ground covers set forth in the installation instructions; the placement of improper materials into the system containing the Units; failure of the Units or the septic system due to improper siting or improper sizing, excessive water usage, improper grease disposal, or improper operation; or any other event not caused by Infiltrator. This Limited Warranty shall be void if the Holder fails to comply with all of the terms set forth in this Limited Warranty. Further, in no event shall Infiltrator be responsible for any loss or damage to the Holder, the Units, or any third party resulting from installation or shipment, or from any product liability claims of Holder or any third party. For this Limited Warranty to apply, the Units must be installed in accordance with all site conditions required by state and local codes; all other applicable laws; and Infiltrator's installation instructions.

(d) No representative of Infiltrator has the authority to change or extend this Limited Warranty. No warranty applies to any party other than the original Holder.

The above represents the Standard Limited Warranty offered by Infiltrator. A limited number of states and counties have different warranty requirements. Any purchaser of Units should contact Infiltrator's Corporate Headquarters in Old Saybrook, Connecticut, prior to such purchase, to obtain a copy of the applicable warranty, and should carefully read that warranty prior to the purchase of Units.

INFILTRATOR® systems inc.

4 Business Park Road
P.O. Box 768
Old Saybrook, CT 06475
860-577-7000 • Fax 860-577-7001
1-800-221-4436
www.infiltratorsystems.com

U.S. Patents: 4,759,661; 5,017,041; 5,156,488; 5,336,017; 5,401,116; 5,401,459; 5,511,903; 5,716,163; 5,588,778; 5,839,844 Canadian Patents: 1,329,959; 2,004,564 Other patents pending.
Infiltrator, Equalizer, Quick4, and SideWinder are registered trademarks of Infiltrator Systems Inc. Infiltrator is a registered trademark in France. Infiltrator Systems Inc. is a registered trademark in Mexico.
Contour, MicroLeaching, PolyTuff, ChamberSpacer, MultiPort, PosiLock, QuickCut, QuickPlay, SnapLock and StraightLock are trademarks of Infiltrator Systems Inc.
PolyLok is a trademark of PolyLok, Inc. TUF-TITE is a registered trademark of TUF-TITE, INC. Ultra-Rib is a trademark of IPEX Inc.
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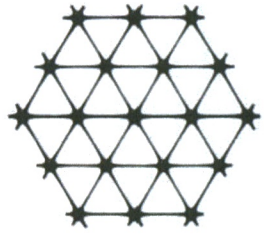
Q25 0813

TriAx® TX140 Geogrid

Product Specification

General

1. The geogrid is manufacured from a punched polypropylene sheet, which is then oriented in three substantially equilaterial directions so that the resulting ribs shall have a high degree of molecular orientation, which continues at least in part through the mass of the integral node.
2. The properties contributing to the performance of a mechanically stabilized layer include the following:



Index Properties	Longitudinal	Diagonal	Transverse	General
Rib pitch (2), mm (in)	40 (1.60)	40 (1.60)		
Mid-rib depth (2), mm (in)		1.2 (0.05)	1.2 (0.05)	
Mid-rib width (2), mm (in)		1.1 (0.04)	1.1 (0.04)	
Rib shape				rectangular
Aperture shape				triangular
Structural Integrity				
Junction efficienty (3), %				93
Aperture stability (4), kg-cm/deg @ 5.0kg-cm (2)				3.00
Radial stiffness at low strain (5), kN/m @ 0.5% strain				225
(lb/ft @ 0.5% strain)				(15,430)
Durability				
Resistance to chemical degradation (6)				100%
Resistance to ulta-violet light and weathering (7)				100%

NOTES:

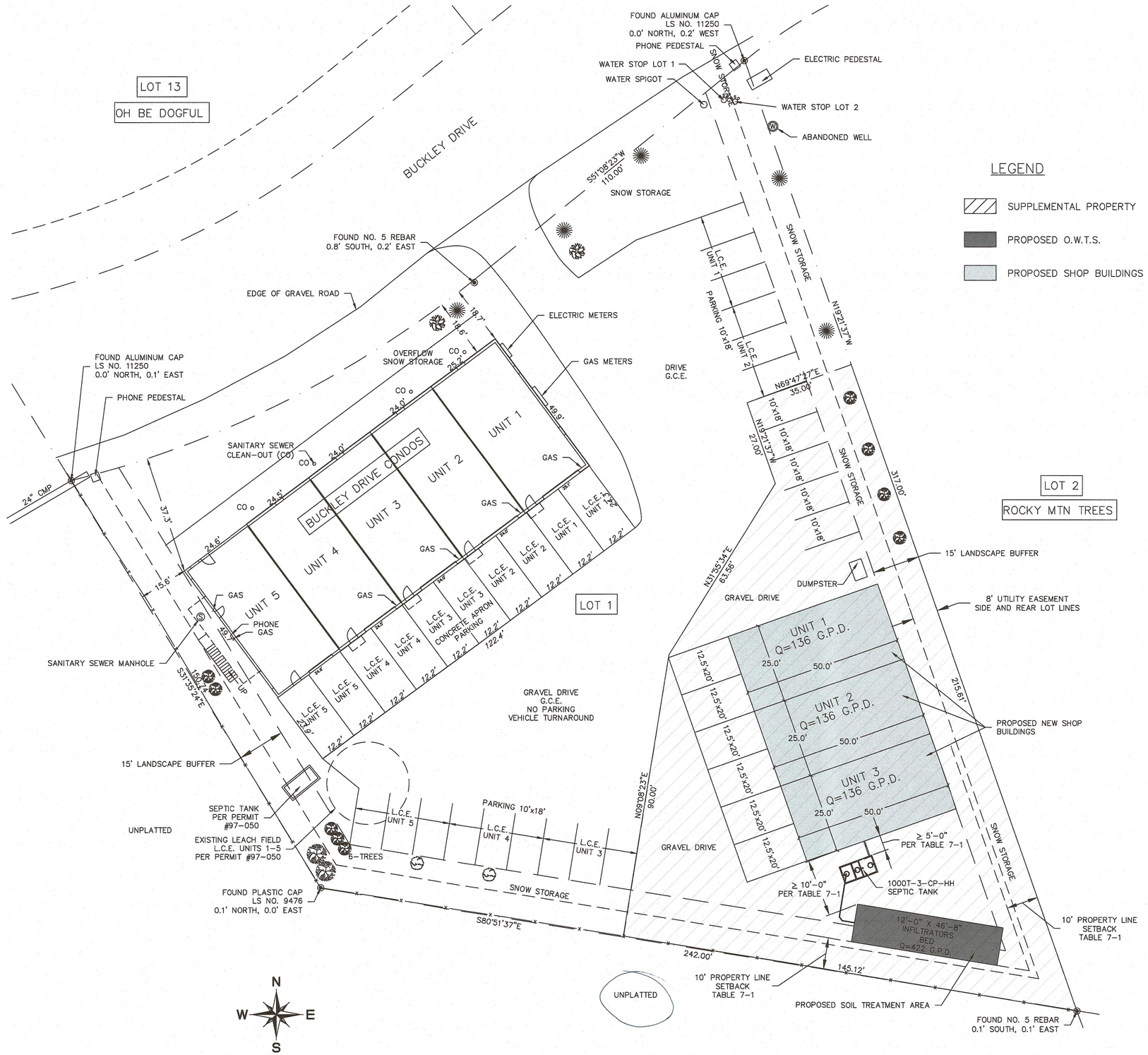
1) Unless indicated otherwise, values shown are minimum average roll values determined in accordance with ASTM D4759-02. Brief description of test procedues are given in the following notes.
2) Nominal dimensions.
3) Load transfer capability determined in accordance with GRI-GG2-87 and GRI-GG1-87 and expressed as a percentage of ultimate tensile strength.
4) In-plane tosional rididity measured by applying a moment to the central junction of a 225 mm x 225 mm specimen restrained at its perimeter in accordance with the U.S. Army Corps of Engineers methodology for measurement of Torsional Rigidity, (Kinney, T. C. Aperture stabilty Modulus ref 3.3.1.2000).
5) Radial stiffness is determined from tensile stiffness measured in any in-plane axis from testing in accordance with ASTM D6637-01.
6) Resistance to loss of load capacity or structural integrity when subjected to chemically aggressive environments in accordance with EPA 9090 immersion testing.
7) Resistance to loss of load capacity or struction integrity when subjected to 500 hours of ultraviolet light and aggressive weathering in accordance with ASTM D4355-05.

TX geogrid comes in a roll measuring 13.1 feet wide by 246 feet long.
Valley Precast, Inc. will cut to the length needed per customer request.

Tensar INTERNATIONAL

VALLEY PRECAST, Inc.
Buena Vista, Colorado

Phone: 719-395-6764
Fax: 719-395-3727
Website: www.valleyprecast.com
Email: frontdesk@valleyprecast.com



1 SITE PLAN
3/4" = 1'-0"

LEGEND

- SUPPLEMENTAL PROPERTY
- PROPOSED O.W.T.S.
- PROPOSED SHOP BUILDINGS

ISSUED FOR PERMIT 11/06/2019

ENGINEER'S STAMP

TROUT CREEK ENGINEERING

124 East Virginia Ave.
Gunnison, CO 81230
(970) 642-4110

R & D PROPERTIES L.L.C.- O.W.T.S.
"SUPPLEMENTAL PROPERTY"
337 BUCKLEY DRIVE
LOT 1, RIVERLAND INDUSTRIAL PARK
GUNNISON COUNTY, CO.

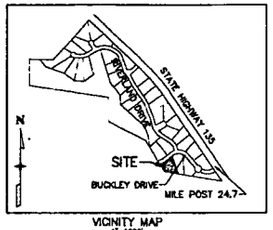
MOST CURRENT DATE: 11/06/2019
JOB NO. 580
SHEET: P

received
2004 Nov 10

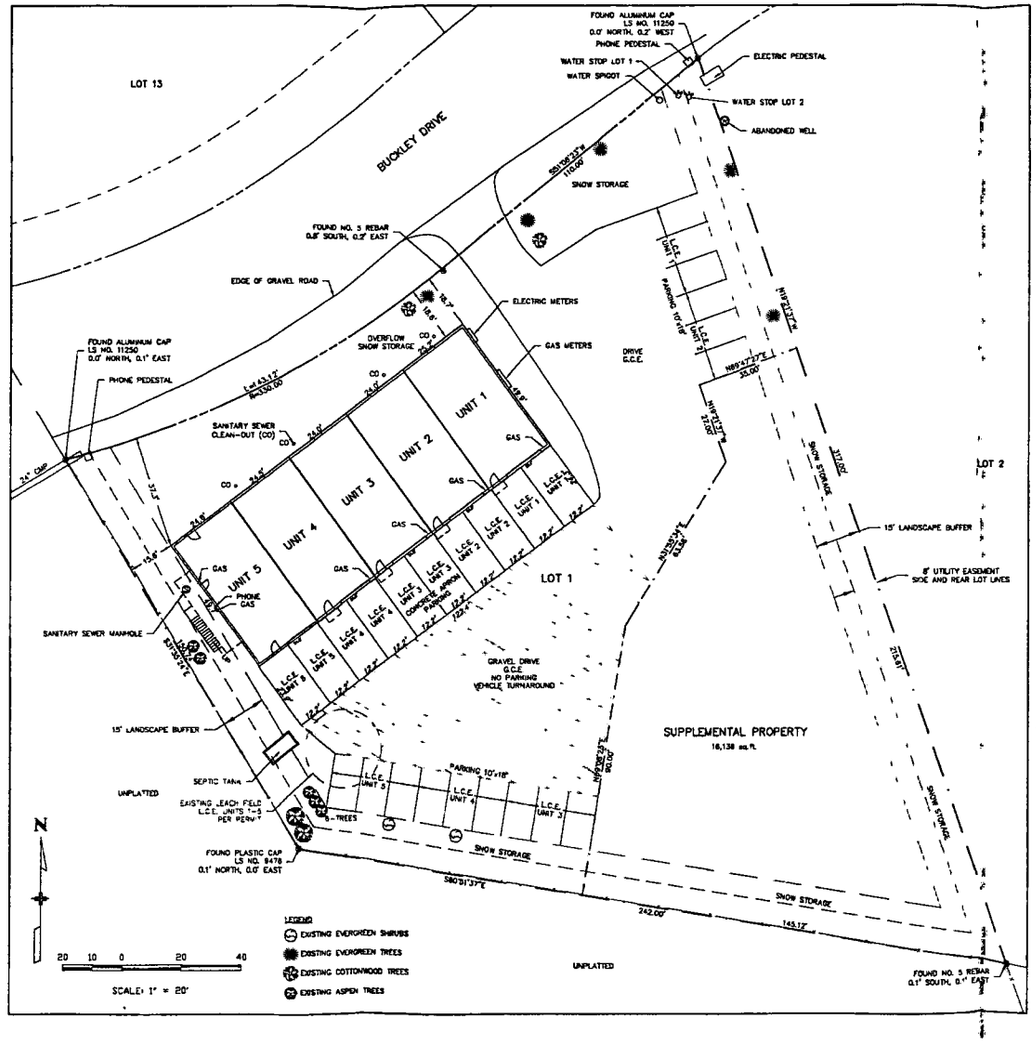
BUCKLEY DRIVE CONDOMINIUMS

LOT 1, RIVERLAND AN INDUSTRIAL PARK

GUNNISON COUNTY, COLORADO



VICINITY MAP
1"=1000'



ATTORNEY'S OPINION

I, Russell N. Mullins, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined the title to all lands herein dedicated and subdivided. Such title is vested in CJ's Land LLC, a Colorado limited liability company, and is free and clear of all liens, defects, encumbrances, restrictions, and reservations except as follows:

1. Terms, conditions and reservations as contained in United States Patent recorded in Book 194 at page 164, Book 184 at page 6, and Book 184 at page 167.
2. Any and all easements and rights of way reserved in Warranty Deed recorded in Book 574 at page 352, and any and all assignments thereof or interests therein.
3. Easements and rights of way reserved in Quit Claim Deed recorded in Book 576 at page 390, and any and all assignments thereof or interests therein.
4. Restrictions as contained in Declaration of Protective Covenants for Riverland Industrial Park recorded in Book 584 at page 304, Addendum to the Declaration of Protective Covenants recorded in Book 588 at page 581, and Amendment recorded as Reception No. 483743.
5. Well easement along the northeastern boundary of the subject property as shown on Plat bearing Reception No. 369534.
6. Terms and conditions as contained in Gunnison County Planning Commission Finding of No Impact recorded as Reception No. 482991.
7. Real property taxes for the current year due and payable in the following year.

This opinion does not address mortgages, deeds of trust, or similar instruments wherein the subject property is utilized as security for a promissory note or other written instrument of debt, nor does it address instruments affecting title but not recorded as of the date of this opinion.

Dated this 20 day of February, 2002.

Russell N. Mullins, Reg. No. 20561

LAND SURVEYOR'S CERTIFICATE

I, Norman C. Whitehead, a professional land surveyor in the State of Colorado, certify that this Condominium Map and the survey of Buckley Drive Condominiums were made by me and under my direct responsibility, supervision and checking and are accurate to the best of my knowledge; that the improvements as constructed conform substantially to this map; and that this map fully and accurately depicts the layout, measurements and location of all of the improvements on the real property, the condominium unit designations, and the dimensions of such units and the elevations of the unfinished floors and ceilings.

Dated this 20 day of FEBRUARY, 2002.

COLORADO REGISTERED NORMAN C. WHITEHEAD 27739 P.L.S. 2/24/02 LAND P.L.S.

Norman C. Whitehead, P.E.-P.L.S.
Colorado No. 27739

DEDICATION

CJ's Land LLC, a Colorado limited liability company, being the owner of the land described as follows:

Lot 1, RIVERLAND-AN INDUSTRIAL PARK, FILING 1, according to the official plat thereof, recorded September 14, 1982, bearing Reception No. 369534,

County of Gunnison, State of Colorado.

containing 1.15 acres, more or less,

under the name of BUCKLEY DRIVE CONDOMINIUMS, have laid out, platted and/or subdivided the same as shown on this Condominium Map and do hereby permanently dedicate and convey to the owners of units within Buckley Drive Condominiums and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof, CJ's Land LLC, a Colorado limited liability company, has subscribed its name this 22 day of Feb, 2002.

CJ's Land LLC, a Colorado limited liability company

By: Christopher G. Albertella, Manager

By: Jennifer F. Albertella, Manager

STATE OF COLORADO)
)ss
County of Gunnison)

The foregoing instrument was acknowledged before me this 21 day of February, 2002 by Christopher G. Albertella and Jennifer F. Albertella, as Managers of CJ's Land LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: March 22, 2005

RUSSELL N MULLINS
NOTARY PUBLIC STATE OF COLORADO

Notary Public

GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado hereby recommends approval of this Condominium Map, such recommendation being made at a meeting of said Commission held on this 1st day of March, 2002.

Chairman

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within Condominium Map of BUCKLEY DRIVE CONDOMINIUMS is approved this 5th day of MARCH, 2002, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the unit owners and not by Gunnison County or any other public agency.

Chairman

ATTEST:

County Clerk

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

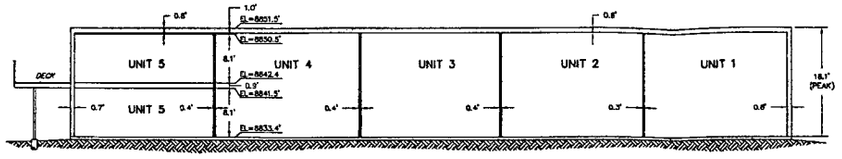
This Condominium Map was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado on this 5th day of March, 2002, Reception No. 516643, time 4:57 o'clock P.M.

County Clerk

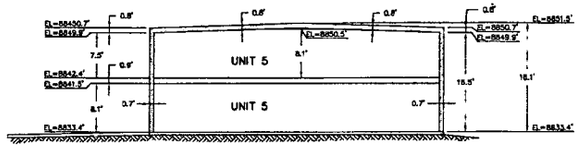
GUNNISON COUNTY SEAL COLORADO

516643 03/05/2002 04:58P 36
1 of 2 R 28.00 D 0.00 N 0.00 Gunnison County

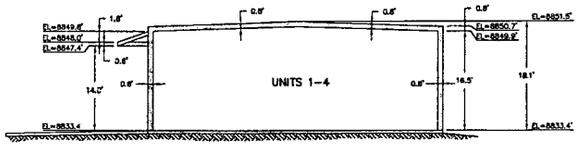
BUCKLEY DRIVE CONDOMINIUMS LOT 1, RIVERLAND AN INDUSTRIAL PARK	
COVER / SITE PLAN	
Prepared By: NCW & Associates P.O. Box 3688 Crested Butte 272 Gores St. Colorado 81224 (970) 349-8384 Fax (970) 349-6297	
PROJECT: 1096.0C	DWG.: CVR
DATE: 12/31/01	SHEET 1 OF 2



SECTION C–C



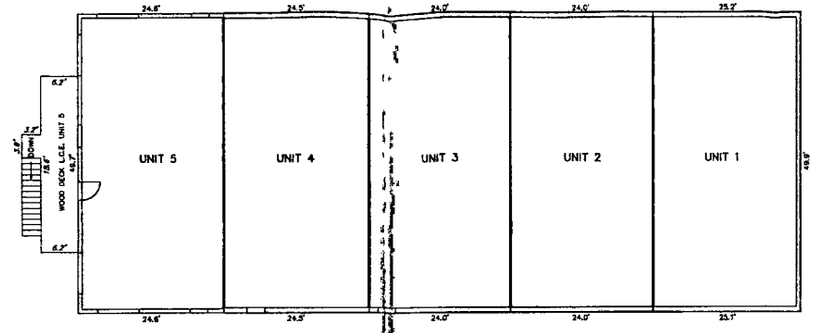
SECTION B–B



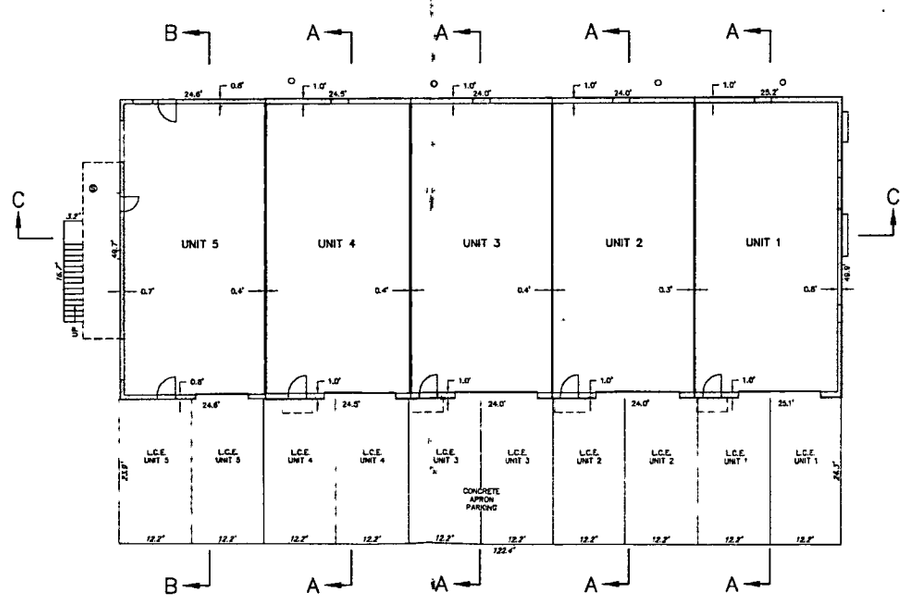
SECTION A–A

NOTE:

1. BUILDING IS STEEL STRUCTURAL FRAME WITH WOOD WALLS.

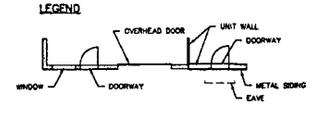


UPPER LEVEL



MAIN LEVEL

LEGEND



SCALE: 1" = 10'

BUCKLEY DRIVE CONDOMINIUMS
LOT 1, RIVERLAND AN INDUSTRIAL PARK

PLAN / SECTIONS

Prepared By:
NCW & Associates
P.O. Box 3688
272 Gorsn St.
(970) 349-6384
Crested Butte
Colorado 81224
Fax (970) 349-6297

PROJECT: 1096.00

DWG. SHT2

DATE: 12/31/01

SHEET 2 OF 2

February 3, 2020

Gunnison County Community Development Department
Attn: Planning Office
221 N. Wisconsin St., Suite D
Gunnison, CO 81230

To Whom it May Concern:

This letter is being sent on behalf of the Buckley Drive Condominium Association. This letter is intended to support the Variance Request and Building Permit application of:

RWF Properties, LLC
PO Box 7597
Avon, CO 81620

The Buckley Drive Condominium Association does not object to the proposed uses or the proposed variance to allow a second OWTS system to serve the proposed development. The Buckley Drive Condominium Association expects that RWF Properties, LLC. will conduct its construction activities and operations in accordance with the Buckley Drive Condominium Declarations, Gunnison County regulations and laws, as well as laws of the State of Colorado.

Should you have any questions regarding this letter, please do not hesitate to contact me.

Best Regards,

BUCKLEY DRIVE CONDOMINIUM ASSOCIATION

_____

By:
Its:

April 2, 2020

Gunnison County Community Development Department
Attn: Planning Office
221 N. Wisconsin St., Suite D
Gunnison, CO 81230

To Whom it May Concern:

I submit this letter in my capacity as Manager of the Riverland Lot Owners Association. This letter is intended to support the Land Use Change application renewal of:

R&D Development, LLC
P.O. Box 3976
Crested Butte, CO 81224

The application relates to development of the "Supplemental Property" at 337 Buckley Drive, in Riverland Industrial Park. Riverland Lot Owners Association does not object to the Application, nor to the development set forth in the Application. The Riverland Industrial Park Board understands that the Buckley Drive Condominium Association has consented to the Application, as well.

The Riverland Lot Owners Association expects that R&D Development LLC will still be required to seek and obtain Architectural Review Board approval before any construction begins. Additionally, the Association expects and requires that R&D Development, LLC (and any operations at the new development site once completed) operate in accordance with all Riverland Covenants, Gunnison County regulations and laws, as well as laws of the State of Colorado.

Should you have any questions regarding this letter, please do not hesitate to contact me.

Best Regards,

TOAD PROPERTY MANAGEMENT, LLC

Scott Kelley

HUCKSTEP LAW LLC
Business • Real Estate • Land Use

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P.O. Box 2958 • 223 Elk Avenue, Unit 202B • Crested Butte, CO 81224

July 23, 2018

VIA ELECTRONIC MAIL ONLY: jenanddan7@gmail.com; rob@precisepaintingcb.com

Rob and Sydney Dickinson
PO Box 3976
Crested Butte, CO 81224

Riverland Industrial Park Association, Inc
Attn: Board Members
PO Box 561
Crested Butte, CO 81224

RE: ACKNOWLEDGEMENT AND WAIVER OF CONFLICT OF INTEREST

Dear Rob and Sydney and the Board of Directors for Riverland Industrial Park:

We have represented and continue to represent the Riverland Industrial Park Lot Owners Association, Inc. (the "Association") regarding Association matters. We also have been asked to represent Rob and Sydney Dickinson with respect to purchasing a lot in Riverland Industrial Park (the "Property") and obtaining certain development rights and entitlements related to the Property.

Obtaining the entitlements for the Property will require applications to and approval of the Association. We have been asked to represent both parties during the application and approval process, which may involve a concurrent conflict of interest. Under Colorado Rule of Professional Conduct 1.7, we are allowed to represent both parties in the matters, so long as:

1. We reasonably believe that we will be able to provide competent and diligent representation to each party;
2. The representation is not prohibited by law;
3. The representation does not involve the assertion of a claim by one client against another client represented by our firm in the same litigation or other proceeding before a tribunal; and
4. Each affected client provides informed consent, confirmed in writing.

In this instance, I am very confident that we will be able to provide competent and diligent representation to each party. There is no prohibition by law of the representations. There is also no assertion of claims between the Association and Rob and Sydney Dickinson. From my perspective, there is a very low probability of any conflict between the Association and Rob and Sydney Dickinson regarding these matters.

The purpose of this letter is to discuss with each of you the actual and potential consequences of such simultaneous representation, and to explain the circumstances under which we would be willing to represent both parties simultaneously if, after full consideration of the consequences, both clients wish us to do so.

Simultaneous representation of parties with adverse interests by attorneys in the same law firm involves a number of departures from professional norms, and should not be undertaken by any such party without careful consideration. In particular, we want you to be aware of the following.

1. Under applicable rules of professional conduct, a law firm owes each of its clients a duty of loyalty, which would normally preclude any attorney within the firm from undertaking a representation adverse to any client of the firm without the affected client's informed consent. Other rules generally prohibit a firm from undertaking any representation involving an actual or potential conflict of interest without the informed consent of all affected parties. Such a situation exists whenever a firm represents two clients simultaneously in a situation in which their interests are actually or potentially adverse.

2. The conflict of interest, and the need for informed consent, exist no matter how cordial the business relationship between the two parties currently is or is anticipated to be, and no matter how non-controversial the subject matters are anticipated to be.

3. It may not be possible for a single law firm to represent both parties to the matters at hand in the same aggressive manner as would two separate and independent law firms. By giving the consent requested in this letter, you are, in effect, waiving that kind of zealous representation of your individual and conflicting interests with respect to the matters at hand. It is possible that each or both of you might be advised by independent counsel to demand or offer different or more favorable terms and conditions with respect to the matters at hand than we can or will demand or offer.

4. If a dispute should arise in the future between the Association and Rob and Sydney Dickinson concerning the Property or any other aspect of your dealings with each other, we may be disqualified from representing either of you with regard to that dispute or any other relationship you might then have with each other. You would then each have to retain separate counsel, resulting in additional expense and inconvenience that you might not have incurred had you been separately represented from the outset.

I would be pleased to answer any questions you may have concerning this representation or this requested consent. If you do wish to consent, please sign the enclosed extra copy of this letter and return it to me via electronic mail or facsimile.

Sincerely yours,

Huckstep Law, LLC

Aaron J. Huckstep

ACKNOWLEDGEMENT AND CONSENT

Despite any potential or actual conflict of interest which may exist now or in the future, we hereby consent to the firm's simultaneous representation of both Riverland Industrial Park Lot Owners Association, Inc., and Rob and Sydney Dickinson, with respect to the matters as described above. We further agree that the firm may withdraw its representation of either client or both clients without prejudice should it determine that continued representation might violate applicable rules of professional conduct.

Rob Dickinson
Dated: 7/27/18

Sydney Dickinson
Dated: 7/27/18

Riverland Industrial Park Lot Owners Association, Inc.

By: ~~KEVIN FREEMAN~~ Scott Kelley
Its: ~~BOARD PRESIDENT~~ TOND Property Management
Dated: 4/2/20

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*
Email: *planning@gunnisoncounty.org*

May 22, 2020

R&D Development, LLC
Attn: Rob Dickinson
PO Box 3976
Crested Butte, CO 81224

Design Professional:
Trout Creek Engineering, LLC
Bill Barvitski, PE
124 E. Virginia Ave
Gunnison, CO 81230

Re: Application for an OWTS permit

Dear Applicant:

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 20, 2019 and for which requested additional information was received on March 30, 2020 and given the application number OWTS-19-00287, for your property at 337 Buckley Drive, "Supplemental Property" on Lot 1 Riverland Industrial Park is denied.

The granting of your application would be in violation of the Gunnison County OWTS Regulations, Section 3.A.10. which states that no more than one OWTS shall be permitted for an undivided parcel. There is an existing septic system on the parcel and this application proposes a second system.

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.

If you have any questions, please do not hesitate to call or email me. Thank you.

Crystal Lambert
Gunnison County Building and Environmental Health Official
221 N Wisconsin St. Suite D
Gunnison, CO 81230
clambert@gunnisoncounty.org
970-641-7688

ENVIRONMENTAL HEALTH BOARD VARIANCE REQUEST ACTION

APPLICANT: R&D Development, LLC

DATE: June 18, 2020

SITE LOCATION: 337 Buckley Drive, "Supplemental Property" of the Buckley Drive Condominiums, on Lot 1 Riverland Industrial Park

ACTION: Request for a variance to the Gunnison County OWTS Regulations for a second OWTS on a parcel

PREPARED BY: Crystal Lambert, Building and Environmental Health Official

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PROPOSED PROJECT:

The applicant is proposing a 3-unit "light commercial" shop building to operate on its own, standalone OWTS. There is an existing OWTS on the parcel, permitted in 1997, which receives wastewater from the existing 4 shops and a 2-bedrooms residence.

GUNNISON COUNTY ENVIRONMENTAL HEALTH OFFICE ACTION:

A site inspection was performed by staff at the parcel on June 10, 2020. The proposed septic design meets the design criteria of the Gunnison County OWTS Regulations and the minimum horizontal distance requirements from water features, pertinent physical features and property lines are met.

The OWTS application was denied by the Environmental Health Office on May 22, 2020. *Section 3.A.10.* of the *Gunnison County OWTS Regulations* states that no more than one OWTS shall be permitted for an undivided parcel.

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.10* of the *Gunnison County OWTS Regulations* has been received and was prepared by Bill Barvitski, PE of Trout Creek Engineering, LLC.

PUBLIC HEARING:

On June 18, 2020, 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

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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.10 of the *Gunnison County OWTS Regulations* for R&D Development, LLC at their parcel, 337 Buckley Drive, "Supplemental Proptery" of the Buckley Drive Condominiums, on Lot 1 Riverland Industrial Park, under OWTS application 19-00287, 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.

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2. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

3. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

4. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

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