



Gunnison County, CO
Community Development Office
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
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To: Environmental Health Board Committee Members

From: Shannon Frias, Administrative Assistant III

Date: January 13, 2022

**Included in your packet for the Gunnison County
Environmental Health Board Committee:**

January 20, 2022 Agenda

Draft of November 18, 2021 Minutes

Kaiser Public Hearing Packet OWTS-21-00293

Gunnison County Environmental Health Board Agenda
November 18, 2021
Planning Commission Meeting Room, Blackstock Government Center OR
Zoom meeting (see Teleconference Information below)

1:15 p.m. Call to order; determine quorum
Approval of Minutes from 9-9-2021 meeting
Unscheduled citizens

1:30 p.m. William and Cynthia Graf, Public Hearing for a variance to the Gunnison County OWTS Regulations for reduced setbacks to a wetland boundary at 21 Glacier Lily Way, Lot 21 Glacier Lily Estates, OWTS-21-00208

Adjourn

Join Zoom Meeting

<https://us06web.zoom.us/j/86828988757?pwd=bmVPenp4MTNiZkNMbm9SVVBLdVhrdz09>

Meeting ID: 868 2898 8757

Passcode: 003612

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Meeting ID: 868 2898 8757

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GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

November 18, 2021

The November 18, 2021 Gunnison County Environmental Health Board meeting was conducted in the Gunnison County Blackstock Government Center, 2nd floor meeting room, located at 221 N. Wisconsin #D, Gunnison, CO, 81230 and by Zoom virtual online meeting, Gunnison, CO, 81230

Present Were:

Lucinda Lull, EH Board Member
Eddy Balch, EH Board Member
Bill Barvitski, EH Board Member
Ashley Bembenek, EH Board Member
Shea Earley, EH Board Member

Staff Present:

Crystal Lambert, Building and EH Official
Shannon Frias, Administrative Assistant III

Other attendees as listed in text.

Call to order: A quorum was determined by Lull at 1:20 pm.

Approval of Agenda: Agenda approved

Approval of Minutes: **Moved by:** Barvitski, **seconded by** Lull to approve the September 9, 2021 meeting minutes. The motion passed unanimously with Board members Barvitski and Lull voting yes. Earley, Balch, and Bembenek abstained

Unscheduled citizens: None.

William and Cynthia Graf OWTS-21-00208: The Gunnison County Environmental Health Board conducted a Public Hearing. Request to reduce setbacks to a wetland boundary at 21 Glacier Lily Way, Lot 21 Glacier Lily Estates.

Voting members: Board member Lull was seated as the chair. Barvitski, Balch, Bembenek and Earley.

Lull confirmed a quorum and opened the public hearing.

Bill Barvitski recused himself from the board.

Environmental Health Official Crystal Lambert confirmed adequate public notice. The notice was published in the Crested Butte News and Gunnison Country Times. All property owners within 500 feet of the parcel boundaries were notified by certified mail of the public hearing. It was posted at the new posting location on the Gunnison County Community Development website. The applicant submitted the certified mailing receipts, photo and affidavit of posting on the parcel. Lambert verified that the sign was posted onsite.

William Graf, was present by Zoom. William Laird builder for the applicant, was present by zoom.

Audience members presented in text.

Application Presentation:

Graf stated that he and Cynthia Graf purchased the land in 2018. The proposed residence will be their full-time residence after Mr. Graf retires in 4 months. Once they submitted the application they found that they needed a wetland delineation. Once the delineation was complete they found they had 2 things to deal with. 1. They needed to move the driveway and the building footprint but more problematically was 2. The septic field because Glacier Lily was one of the earlier developments in Crested Butte. Most the houses had septic systems and they declined to bring in a pump station when they put the sewers in. Therefore, there is no sewer access point. We then assumed we needed a septic system. Once the delineation was done there was literally 109 square feet which just meets the 100-foot setbacks required by Gunnison County. There was no place to design and put a septic system on this property. We briefly looked at the sewer option which is nonexistent because of the take off point for a pump station is not close. The closest one would be down valley toward Saddle Ridge and they would have to cross a lot of other properties to get to it, it would not be feasible to do. Therefore, they had Bill Barvitski redesign the septic system trying to meet at least the state setback requirement. The remainder of the concerns were adjusted through their architect for the house footprint.

Bill Barvitski commented that Mr. Graf has tried to speak with Town of Crested Butte Water and Sanitation and there were no options. The 100-foot setback overlaps everywhere on the property. There is only one place on the property, the northeast corner, that has the square footage for a septic system. That septic system would only be sized for 1-bedroom and it wouldn't meet the 10-foot setbacks. They are restricted to where they are with that system if the property is going to be developed at all. If this variance is not allowed this site becomes undevelopable to any size home or any size septic system. They are meeting all the setbacks except the wetland's delineation.

William Laird stated that there use to be a clubhouse and 2 apartments with a full septic system on this lot in the 2000's. The HOA torn that down and re mapped it for private sale. Laird commented that he spoke with Mr. Graf about the 1 opposition comment letter that asked about exhausting all avenues.

Laird commented that the wetlands are somewhat a creek that flows through. They are not natural wetlands. The wetlands don't go into a tributary of water. They end near the Saddle Ridge Ranches. They are created by a ditch from Smith Hill ranches that has been diverted over time. And it has created a manmade wetland. The wetlands don't go into a tributary of water. They end near the Saddle Ridge Ranches.

Staff Comments:

Lambert shared the site plan that was included in the permit application. It shows the footprint of the proposed building that the applicant submitted after they moved the building back to achieve the inter restrictive buffer requirements. Lambert pointed out the access to the property and the 25' inner buffer between the access and the wetlands. Lambert then pointed out the other wetlands which also included a 25' inner buffer. Lambert explained that the sewer line would cross the 2nd inner buffer and be trenched through wetland "B" on the map and continue north while maintaining the 10' setback to property lines.

Barvitski asked for Lambert to share the site map with the OWTS design. Barvitski explained that before the delineation the field was in the same general location but it was as single field that was going from the upper north point straight down but since the delineation he broke it into 2 separate fields. That is where they could get the extra 50 foot of clearance. Barvitski explained that there is no feasible spot on the property to meet the 100-

foot setbacks. The most logical place due to topography and all other designs of the house that still meet the 25' setbacks for the house structure it makes the most sense to put it in that location.

Lambert did a site visit to the property on September 15, 2021. Lambert shared pictures that she took. She stated as she walked the property the field area is flat and it is previously disturbed ground. Behind the tennis court is the proposed building site. As she walked the property she determined that the spot proposed for the septic is the best spot for a septic. If you are going to develop this lot the design spot is the best spot for this lot. She walked the whole property and the spot chosen is the most practical and with the least problems. Looking at application for variance and applying the requirements of the septic regulations there is prohibitions on the granting of a variance for certain requests: No variance should be issued where property can accommodate a conforming septic. Lambert stated that after walking the site the parcel is an unusual shape, there are wetlands on and around the parcel and high ground waters. The proposed development design appears to meet the minimum requirements as much as it can giving the constraints. The design of the septic meets all of the requirements except the minimum setback to the wetland boundary. Lambert stated that there is another option is to not meet the 10' setback to the property line and push it all the way to the property line. With that option you will be asking for 2 variances, not meeting the property line setbacks and still not meeting wetland setback.

From Lamberts perspective you do not want to decrease the property line setback.

The applicant's submittal for the variance included all of the required items, the site-specific requests, and technical justification. They are meeting the states requirement of 50' but not the local requirement.

Lambert stated that staff took into consideration the application of the proposed design, walking the site, and talking with the builder onsite, staff is recommending approval of the proposed design as submitted.

Public Comments and Responses:

Donovan Nichol from the Glacier Lily neighborhood and is the HOA president. The HOA board has talked about this topic. Mr. Nichol has been on the lot and site numerous times since July. Mr. Nichol has been in contact with Billy Laird and the Graf's. Nichol built his house in Glacier Lily beginning g in 2013. On behalf of the HOA and the board they are in complete support of the Graf's building and their plan. The HOA and board would like to see the approval of the variance. There is a private water system in Glacier Lily. They take the water quality and conservation seriously. It is clear to the HOA that the proposed location of the septic is the best location. If you follow the water path through the lot it is an irrigation ditch that crosses to neighbor lot and next to their leach field. Then it crosses the fence boundary into Saddle Ridge. Flows to their holding pond then under the highway to irrigated pasture. The source of the water that has seeped into this area and caused the designation of a wetlands, seems to be an irrigation ditch. It is the Meridian ditch that Glacier Lilly owns about 40%. In Mr. Nichol's opinion, designated wetlands B is a stretch.

He believes that his time there that most of the water there is from the irrigation ditch. It is common in Glacier Lily to have surface water. The ditch is turned on the first week in June and the analysis was done the 3rd week of July. If you go in September it is dry. As Laird had mentioned 20 years ago there was a clubhouse and apartments with septic and leach field. In it was torn down. And in 2008 it was re platted and accepted by Gunnison County as a building lot.

Review Body Comments:

Balch asked Bill Barvitski on the irrigation ditch where it enters the area where the tennis court is, you indicate that will be pipe, is that correct? Barvitski replied yes, they are in pipes. They are culverts. They run underneath a walk bridge and a driveway bridge behind the tennis courts. Balch asked if there was any consideration to put the complete ditch across the property in pipe? Barvitski stated that he isn't sure if that would take away from the true delineation of the wetlands. Balch asked if the applicant would consider ditch and piping. If it does reduce the amount of moisture on the ground that would help reduce the potential for a problem. Barvitski stated that within the regulations if we cross wetlands we have to encase the sewer line with additional schedule 40 sewer line. They are double casing the sewer line. Graf stated that he doesn't know what that would entail. Balch stated that he wanted to know if the applicant would be willing to pipe the area. That would give him more assurance that there wouldn't be any impact from the applicant soil treatment area. Laird asked where are they proposing to put the pipe? Laird stated they are willing to do what would make everyone comfortable. If it would help in anyway to line the culvert or put pipe there but they want to do the least amount of digging and changing of the land. Nichol stated they have looked at that quite a bit and understanding what is designated wetlands and if the wetlands are agricultural water they may be re-designated in the future to agriculture and not wetlands. It could be lined or piped.

Lull stated that the question on the floor is about wetlands and a pipe. That is an item the board will have to look at another time. There is an appropriately drawn up variance request on the table today.

Bembenek supports what Lambert had stated about piping and culverting not part of today's hearing

Lambert explained that if the board ever wants more information or they want something else additional a public hearing does not have to be closed, it can be continued. Once public hearing is closed the options are : approval as proposed, approval with conditions, or denial.

Barvitski suggested that a pipeline would disturb the ground more. We have to look at it as wetland today. We can't decide what it will be in a year.

Laird stated that the pipeline would make more of a disturbance. The plans we have we would plow the line through the ditch so we wouldn't disturb the ditch. The team has planned a lot of silt fencing and keeping the project tight in the zone where it is. They would be only crossing the ditch once when putting the pipe in. Come in from 2 different points to build and install the septic. Only looking for a few extra feet of the variance. Everything possible to keep it intact.

Earley stated over the past couple years they have done a lot of E. Coli sampling in the upper end of the valley in the watersheds and have identified issues in Slate River and Washington Gulch. Variances like this don't help that issue. Earley then asked about the 10-foot setback from the property line. If they come back and ask for the variance for the setback to the property line, how much space is there from the property line to the actual road footprint? If you look at the assessor's page it looks like there is quite a bit of space in between the actual footprint of the road and the property line. Is there enough buffer where road was put in and the property line?

Barvitski stated that if they go to the property line they still will not meet the 100. Maybe gain 10 to 12 feet.

Earley asked if they did the variance to the property line would the leach field meet the 100 feet setback? Barvitski answered that they still would meet the setbacks.

Bembenek asked a follow up question to Earley's. Can you go lateral with the fields? Make them wider and shorter to meet the setbacks? Barvitski stated that there are regulations. The maximum width is 12 feet. That is

4 laterals per bed. That is where they are restricted with that. There are exceptions to that. The Environmental Health board can allow a variance to wider beds.

Barvitski stated that the good thing about this design is with 2 separate fields there is alternating distribution.

Balch asked Barvitski, one elevation through the wetlands is 9095 and what is the elevation of where the field is going to be? Barvitski didn't have the exact number because the topo survey was done after the application was submitted but it does level out. Balch stated that it was going to be down grade from the wetlands. Barvitski confirmed. Balch commented that it would drain away from the wetlands. It would have to go uphill to get to the wetlands. Barvitski added it also has to go through 3 feet of sand.

Earley asked if the tennis court was owned by the HOA. Yes. Have they ever discussed providing an easement so people could straddle the property line and use some of the tennis court property to house the leach field? There is very limited space between the north end of the tennis court and the road. Directly to the west of the tennis court is all parking lot, and to the north it is grass to the road. It wouldn't be large enough for a field.

Moved by: Balch, **seconded by** Bembenek to close the public hearing. The motion passed unanimously, with Board members roll call 4-0: Lull, Earley, Balch and Bembenek voting yes.

Lull read the staff recommendations:

It appears that the proposed development plan and OWTS design utilizes the parcel layout, topography, and physical features as much as possible to provide for the greatest degree of compliance with the Gunnison County OWTS Regulations. The closest proposed setback distance to the wetland boundary is just under 75 feet and does not meet the county requirement for 100 feet, however, the State minimum of 50 feet is met. Staff recommends approval of the Graf application for a variance to the Gunnison County OWTS Regulations. Section 7.D and Table 7-1, for the proposed design.

Lambert shared the draft variance request action form. Bembenek had one requested change to the document. Requests that in the first paragraph at the end, that there is a reference that the actual horizontal distance is approximately 75 feet. In the paragraph under title, Gunnison County Environmental Health Office Action.

EH Determination of Application:

ENVIRONMENTAL HEALTH BOARD VARIANCE REQUEST ACTION

APPLICANT: William and Cynthia Graf

DATE: November 18, 2021

SITE LOCATION: 21 Glacier Lily Way, Lot 21 Glacier Lily Estates

ACTION: Request for a variance to the Gunnison County OWTS Regulations for reduced setback distance to wetlands

PREPARED BY: Crystal Lambert, Building and Environmental Health Official

PROPOSED PROJECT:

The applicant is requesting a variance to the Gunnison County OWTS Regulations for a reduced setback distance to a wetland boundary.

GUNNISON COUNTY ENVIRONMENTAL HEALTH OFFICE ACTION:

The application and proposed design plans have been reviewed by the Environmental Health Office for compliance with the OWTS Regulations and the land use requirements of the County. 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 with the exception of the distance between the wetland boundary and the soil treatment area/unlined sand filter is not the required 100 feet. The proposed approximate horizontal setback distance from the soil treatment area/unlined sand filter to the nearest wetland boundary is approximately 75 feet.

The OWTS application was denied by the Environmental Health Office because *Section 7.D and Table 7-1* of the *Gunnison County OWTS Regulations* states that a soil treatment area/unlined sand filter shall be at least 100 feet away from a wetland boundary.

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 7.D and Table 7-1* of the *Gunnison County OWTS Regulations* has been received.

PUBLIC HEARING:

On November 18, 2021, 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 and existing 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.
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 7.D and Table 7-1 of the *Gunnison County OWTS Regulations* for William and Cynthia Graf at their parcel, 21 Glacier Lily Way, Lot 21 Glacier Lily Estates, under OWTS application 21-00208, 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. 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.

Moved by: Balch, **seconded by** Lull to approve the application for William and Cynthia Graf, OWTS-21-00208 before the Gunnison County Environmental Health Board with changes to the action requested by Bembenek. Roll call vote 4-0. Lull, Shea, Ashley and Eddy voting yes. The motion passed unanimously

Adjourn: Moved by Balch and seconded by Earley. Lull closed the meeting of the Environmental Health Board at 2:40 PM.

/S/ Shannon Frias
Administration Assistant III
Gunnison County Community Development Department



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

Kaiser

Application No: OWTS-21-00293
Date application scheduled with EH Board: January 20, 2022
Prepared by: Crystal Lambert, Building & EH Official

APPLICANT/OWNER:	Theresa Kaiser
PROJECT DESCRIPTION:	The applicant is proposing a variance for a second on-site wastewater treatment system on one parcel.
CURRENT STATUS OF OWTS APPLICATION:	The OWTS application was denied by the Environmental Health Office because <i>Section 3.A.10</i> of the <i>Gunnison County OWTS Regulations</i> states that no more than one OWTS shall be permitted for an undivided parcel. An existing OWTS on the parcel serves an existing one-family dwelling.
ENVIRONMENTAL HEALTH BOARD ACTION REQUESTED:	A request for a Public Hearing with the Environmental Health Board for the consideration of a variance to <i>Section 3.A.10</i> of the <i>Gunnison County OWTS Regulations</i> has been received.
PROPERTY LOCATION:	27711 County Road 12. 39.176-Acres in Tract 48, Section 11 13S89W near the Paonia Reservoir.
AREA DESCRIPTION:	The parcel is located just south of County Road 12 (Kebler Pass Road) on Anthracite Creek about 3.25 miles from the Paonia Reservoir.
ATTACHED EXHIBITS:	<ul style="list-style-type: none">▪ OWTS application▪ Aerial view of parcel and surrounding parcels▪ Proposed design report and construction plan▪ Variance request submittal

	<ul style="list-style-type: none"> ▪ Site Visit Inspection with photographs ▪ Development Draft Action
<p>ENVIRONMENTAL BOARD TASKS AT PUBLIC HEARING:</p>	<ul style="list-style-type: none"> — Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application — Confirmation of adequate public notice: <ul style="list-style-type: none"> • 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
<p>Site-specific request identifying the specific criteria from which a variance is being requested. Section 3.M.1.b(1)</p>	<p>The variance is being requested for a second OWTS to be installed on the parcel.</p>	<p><i>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.</i></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</p>	<p>Meeting the technical design and minimum setback standards of the Gunnison County OWTS Regulations.</p>	<p>The proposed additional dwelling(s) are several hundred feet from the existing dwelling and OWTS. The installation of a new OWTS to support the proposed dwelling(s) in the new location appears appropriate.</p>

with the requirements of the OWTS Regulations. Section 3.M.1.b(2)		
A discussion of alternatives considered in lieu of the requested variance. Section 3.M.1.b.(3)		An alternative would be connect to the existing OWTS which does not seem feasible given the separation distance, the topography, and the age of size of the existing OWTS which was installed in 1999.
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)		N/A
A statement of the hardship that created the necessity for the variance. Section 3.M.1.b.(5)		N/A

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

Prohibitions on the granting of variance requests:	Staff comments:
<p>No variance shall be issued where the property can accommodate a conforming OWTS. Section 3.M.2.a.</p>	<p>This is a large parcel with both man-made and natural constraints. Existing access driveways to other parcels are establish on this property. Anthracite Creek crosses the northern part of the parcel and the southern part is steep forested terrain. The existing one-family dwelling is located up where the steeper forested terrain begins and is separated from the proposed new dwelling site(s) by an island of trees and wetlands. The property owner would like to maintain the separation from proposed dwelling(s) and the existing dwelling. Multiple dwellings could be supported on one new OWTS, however, several hundred feet of sewer and/or effluent lines would need to cross the island of trees and wetlands.</p>
<p>No variance shall be issued to mitigate an error in construction involving any element of property improvements. Section 3.M.2.b.</p>	<p>N/A</p>
<p>No variance shall be allowed on the grounds of cost of compliance. Section 3.M.2.c.</p>	<p>N/A</p>
<p>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.</p>	<p>The minimum setbacks to off-site physical features appear to be met with the proposed development plan.</p>
<p>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.</p>	<p>N/A</p>
<p>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.</p>	<p>N/A</p>
<p>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.</p>	<p>N/A</p>

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

It appears that the proposed development plan and OWTS design utilizes the parcel layout, topography, and physical features as much as possible to provide for the greatest degree of compliance with the Gunnison County OWTS Regulations. The proposed dwelling(s) are in a relatively flat area of the parcel, just off an existing driveway access and in close proximity to electrical utilities. Staff recommends approval of the Kaiser application for a variance to the Gunnison County OWTS Regulations, Section 3.A.10., for the proposed design. Staff in the Planning and Building Offices will need to continue to work with the applicant on the proposed building plan to verify compliance with Building and Land Use regulations.



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: \$870.00
 Application Fee- Commercial New or Replacement- Due at Submittal: \$975.00
 Application Fee- Residential Repair- Due at Submittal: \$335.00
 Application Fee- Residential and Commercial Tank Replacement Only- Due at Submittal: \$155.00
 Application Fee- System Alteration or Expansion- Due at Submittal: \$530.00

Application Received Date: _____
 Application Fee Paid: _____

SUBMIT ALL PERMIT PACKET INFORMATION TO PLANNING@GUNNISONCOUNTY.ORG

OWNER: Theresa Kaiser
MAILING ADDRESS: 27711 County Road 12, Somerset, CO 81434
DAY PHONE: 1-970-929-5063 **CELL PHONE:** 1-631-566-6078
EMAIL ADDRESS: theresakaiser82@gmail.com

LICENSED SEPTIC CONTRACTOR: AAA Septic & Drain
MAILING ADDRESS: 124 West 4th Street, Delta, CO
DAY PHONE: 1-970-323-8703 **CELL PHONE:** _____
EMAIL ADDRESS: _____

PRIMARY PROJECT CONTACT PERSON: Theresa Kaiser
DAY PHONE: 1-970-929-5063 **CELL PHONE:** 1-631-566-6078

DESCRIPTION OF PARCEL (legal description, site address): Existing 3900 square foot resident house was moved to mountain view. New under 700 sq ft cabin to be build were house was previous.

PARCEL SIZE: 39.8 ACRES

HAVE YOU APPLIED FOR A LAND USE CHANGE PERMIT? Yes

- 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.)

Existing 3900 squ feet resident house already exists. NEW Cabin under 700 squ feet to be built.

Description of Proposed Development

05/2021

- Single-Family Residence
- Multi-Family Residence
- Commercial; describe use: _____
- Other: one open cabin floor plan.

Number of Bedrooms: 1 Number of Baths: 1 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. Under 700 square feet with one big room for tiny kitchen, bathroom, den, and sleeping area.

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:
Cysterin tank by location and existing well on property.

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: Theresa Kaseo

DATE: Aug 27 2021



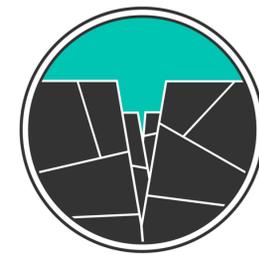
Scale = 1:6200

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, January 11, 2022



General Notes



BLACK CANYON ENGINEERS

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- 7) TOTAL PAGES: 3, SIZE: ARCH-D

0	ISSUE	8/5/21
1	REVISION	9/24/21
No.	Revision/Issue	Date

Firm Name and Address
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 Montrose, CO 81401
 970-568-5391
 Support@BlackCanyonEngineers.com
 www.BlackCanyonEngineers.com

Project Name and Address
 Kaiser Cabins OWTS
 27711 County Rd. 12
 Somerset, Gunnison County, CO
 Single Room Cabins

Project	BCE062112	Sheet	SP1
Date	9/24/2021		
Scale	As Noted		



SETBACK DISTANCES FROM SEPTIC TANK, H.L.T. UNIT, DOSING TANK, VAULT, GUNNISON COUNTY (6/19/18):
 SPRING, WELLS, SUCTION LINES, CISTERNS - 50 FT
 POTABLE WATER SUPPLY LINE - 10 FT
 STRUCTURE W/O BASEMENT, CRAWL SPACE OR FOOTING DRAINS - 5 FT
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 PROPERTY LINES/EASEMENTS, PIPED OR LINED IRRIGATION DITCH, UPSLOPE CRT. DRN. - 10 FT
 SUBSURF. DRAIN, INT. IRRIGATION LATERAL, DRYWELL, STRM. WTR. STRUCT., DRY GULCH, CUT BANK, FILL AREA - 10 FT
 LAKE, WATER COURSE, IRRIGATION DITCH, STREAM, WETLAND - 100 FT

SETBACK DISTANCES FROM SOIL TREATMENT AREA, GUNNISON COUNTY (6/19/18):
 SPRING, WELLS, SUCTION LINES, CISTERNS - 100 FT
 POTABLE WATER SUPPLY LINE - 25 FT
 STRUCTURE W/O BASEMENT, CRAWL SPACE OR FOOTING DRAINS - 20 FT
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 SEPTIC TANK, DOSING TANK, VAULT OR PRIVY - 5 FT

DESIGN FLOW CALCULATIONS

UP TO (3) SINGLE ROOM CABINS: OCCUPANCY = 6 PERSONS
 6 PERSONS X 75 GAL./PERSON/DAY = 450 GAL./DAY
 (GUNNISON COUNTY REGS., TABLE 6-1)

SEPTIC TANK SIZING

UP TO (3) SINGLE ROOM CABINS = 1,000 GAL. MIN.
 MINIMUM SIZE (GUNNISON COUNTY REGS., TABLE 9-1)

SOIL TREATMENT AREA SIZING

LONG TERM ACCEPTANCE RATE IS BASED ON SOIL OBSERVATIONS IN THE VICINITY OF THE PROPOSED SOIL TREATMENT AREA. SOIL IS CLASSIFIED AS SOIL TYPE 2, SANDY LOAM. A LONG TERM ACCEPTANCE RATE (LTAR) OF 0.60 GAL/DAY/FT² IS APPROPRIATE FOR THIS TYPE OF SOIL (GUNNISON COUNTY REGS., TABLE 10-1).

AREA REQUIRED = DESIGN FLOW/LTAR = 450 GPD/0.60 = 750 SQ. FT.

SIZE ADJUSTMENT FACTOR FOR APPLICATION TO BED SYSTEM VIA PRESSURE DISTRIBUTION:
 750 SQ. FT. X 1.0 = 750 SQ. FT. (GUNNISON COUNTY REGS., TABLE 10-2)

SIZE ADJUSTMENT FACTOR FOR DISTRIBUTION VIA CHAMBERS:
 750 SQ. FT. X 0.7 = 525 SQ. FT. (GUNNISON COUNTY REGS., TABLE 10-3)

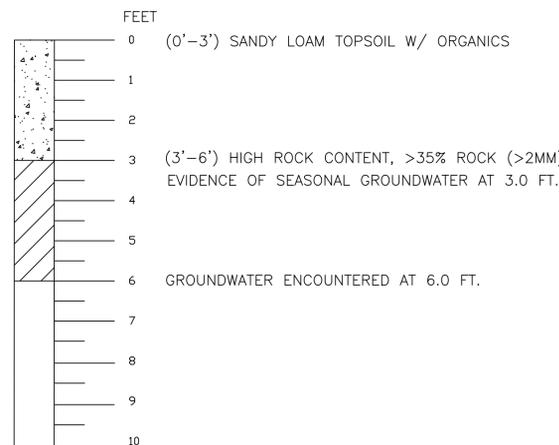
EACH CHAMBER APPLIES EFFLUENT OVER 12 SQ. FT.:
 525 SQ. FT. / 12 SQ. FT. PER CHAMBER = 44 CHAMBERS

1 BED, 12 FT. X 44 FT., WITH 4 ROWS OF 11 CHAMBERS EACH.

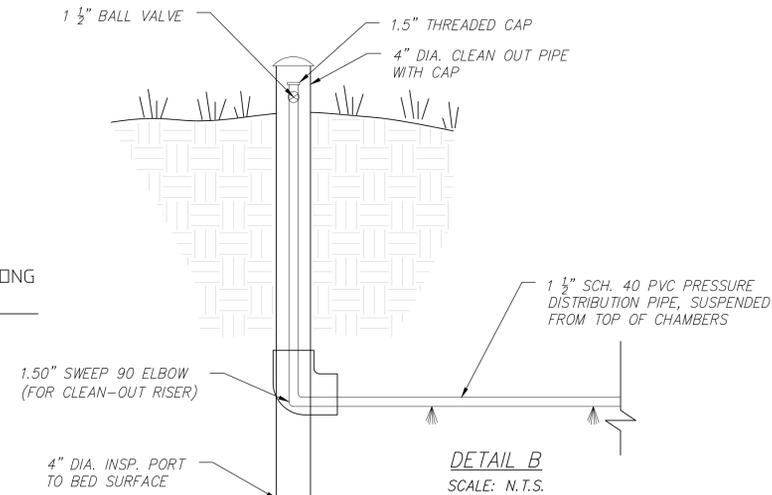
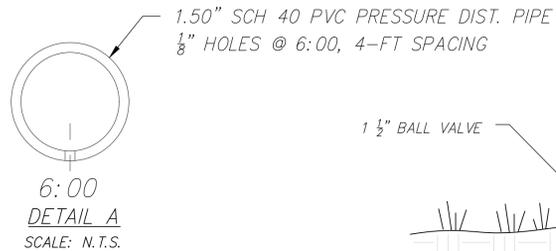
PROFILE TEST PIT LOG

NOT TO SCALE

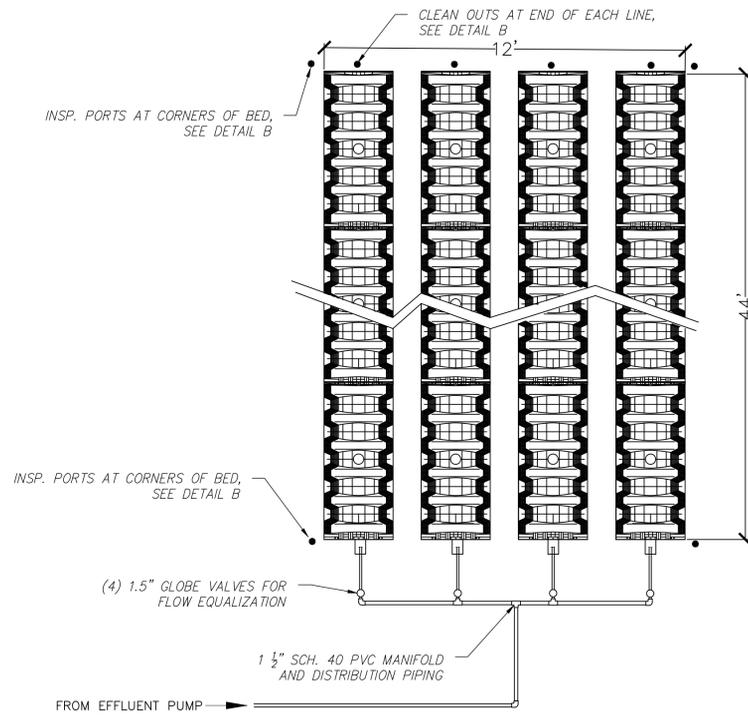
TESTING PERFORMED BY BCE ON 07/12/2021



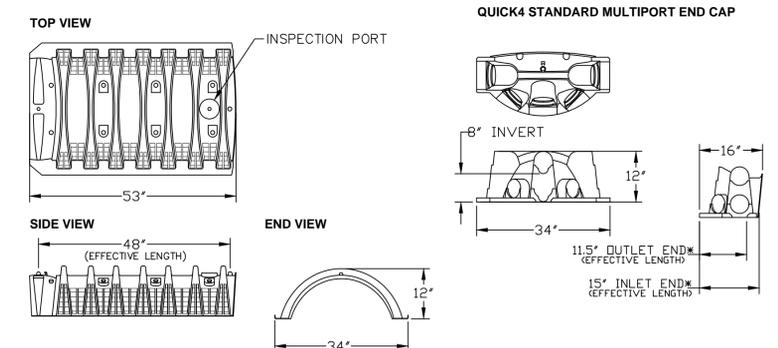
SYSTEM MAINTENANCE:
 IT IS RECOMMENDED TO MINIMIZE KITCHEN DISPOSAL USAGE. INTRODUCE NO FOREIGN CHEMICAL COMPOUNDS, CONSERVE WATER USAGE AND TO HAVE THE SEPTIC TANK PUMPED, THE SYSTEM INSPECTED & MAINTAINED EVERY YEAR. ALL MAINTENANCE IS THE RESPONSIBILITY OF THE OWNER. WITH PROPER CARE AND MAINTENANCE THIS SYSTEM SHOULD LAST MANY YEARS. IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT YOUR SYSTEM PERFORMANCE OR MAINTENANCE, CONTACT A LICENSED SEPTIC PROFESSIONAL.



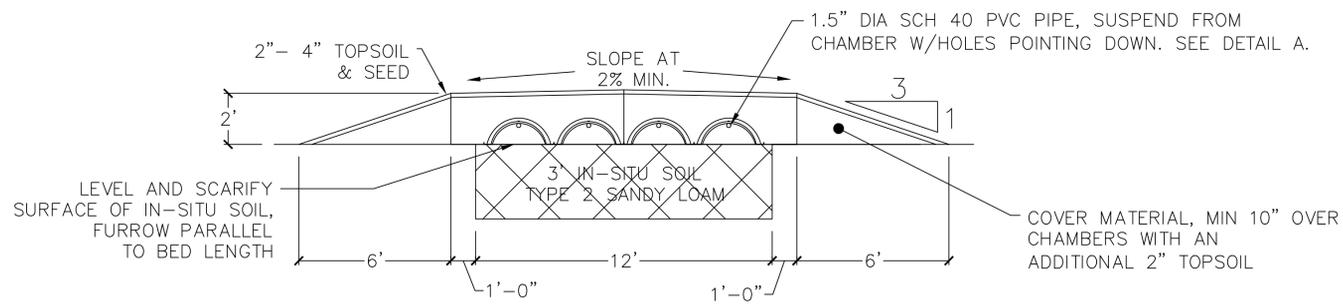
PRESSURE DIST. BED CONFIGURATION
 44 CHAMBERS TOTAL IN 4 ROWS, 11 CHAMBERS PER ROW, EA. ROW 44' LONG (NOT TO SCALE)



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



OWTS PROFILE SCHEMATIC, PRESSURIZED MOUND SYSTEM
 NOT TO SCALE



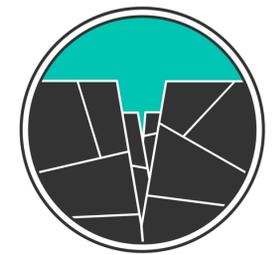
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General Notes



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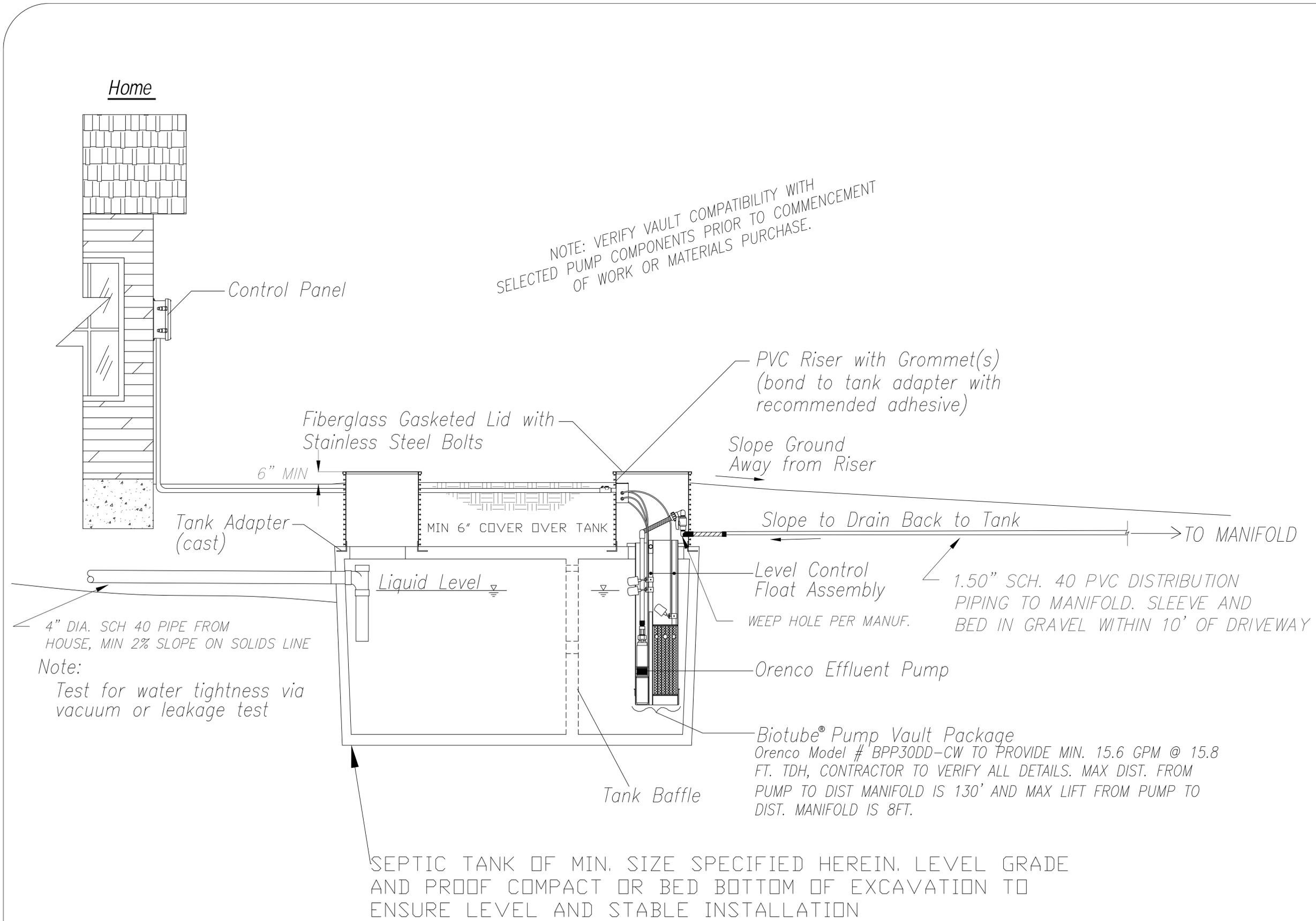
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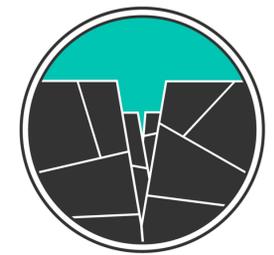
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 Single Room Cabins

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Date	9/24/2021		
Scale	As Noted		





October 20th, 2021

Re: Kaiser Cabins OWTS Variance Request
27711 County Road 12
Somerset, CO 81434

Dear Gunnison County Environmental Health Board:

This letter is to support Theresa Kaiser’s variance request to allow for the installation of an additional on-site wastewater treatment system (OWTS) at the subject line property. The variance request is in response to the restrictions of Section 3.A.10 of the Gunnison County OWTS Regulation, which states that no more than one OWTS shall be permitted on an undivided parcel. The proposed OWTS is detailed in the plan set titled *BCE062112 Kaiser Cabins OWTS Rev1 9_24_21* dated September 24, 2021 by Black Canyon Engineers (the Firm).

The proposed OWTS plan is adherent to all setback and technical requirements of both the latest Gunnison County OWTS Regulations and State of Colorado OWTS Regulation #43. The system is adequately distant from surface water features, seasonal groundwater levels, and flood zones. The variance is requested solely on the restriction of Gunnison County Section 3.A.10 (one system per parcel). The Kaiser property (Gunnison County Parcel Number 3183-000-00-117) is 39.176 acres, on which one OWTS system currently serves the primary residence. The intent of Ms. Kaiser is to construct an additional OWTS on the property to serve two proposed one-bedroom cabins. The proposed OWTS is approximately 330 feet from the existing residence. While the specific intent of Gunnison County’s Section 3.A.10 restriction is unknown to the author, in this scenario it is significantly more restrictive than the requirements of neighboring counties. A table showing OWTS density restrictions imposed by comparable entities is shown below (showing those whose information was readily available).

Table 1. Residential OWTS Density and Site Restrictions

Gunnison County	1 OWTS per parcel, regardless of size
Montrose County	Min. 1 acre per OWTS system
Delta County	Min. 1 acre per OWTS with off-site water or cistern Min. 5 acres per OWTS with on-site well
Mesa County	Max. 2 OWTS per acre

This information is being respectfully offered to the Gunnison County Environmental Health Board by the Firm on behalf of property owner Theresa Kaiser. If you have any questions on this matter, please do not hesitate to contact me.

Sincerely,

Evan W, Jones, P.E.
970-568-5391 (Office)
Evan@BlackCanyonEngineers.com

OWTS Site Inspection

Application #:OWTS-21-00293

Date: 9-15-2021

Owner: **Theresa Kaiser**

Installer: AAA Septic & Drain

Site Address: 27711 County Road 12

Legal Description of Parcel: 39Acres Tract 48 Section 11 13S89W

_OK___ Lot corners staked and labeled, or defined if parcel is large

_OK___ Location of proposed structure staked and labeled

_OK___ Proposed system components staked and labeled (tank, STA, etc.)

_OK___ Well and/or other potable water sources staked and labeled

_OK___ Other pertinent physical features staked and labeled

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

___ Site adequate as are required by LUR & OWTS Regs

_OK___ Flood hazards (check for floodplain if not mapped)

0-5% Ground slope in excess of twenty percent requires engineer

_OK___ Probability of high groundwater or shallow bedrock in area

_OK___ Geologic hazards (avalanche, rockfall, soil creep, etc.)

_OK___ Water quality--check for setbacks to water bodies including wetlands, ponds, irrigation ditches, gulches, etc.

_N/A___ Check for visibility on ridgelines from County Roads

_Res___ Proposed use of site verified-Residential, Commercial, Agricultural, etc.

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

_OK___ Pertinent physical and environmental features verified

Additional Comments: Walked the site with the property owner. The initial proposed location of the field and use of an old, existing septic tank was discussed and a better location was identified. Revised plans will be submitted. Setbacks to the wetlands were verified and from Anthracite Creek. Connection to the existing system does not make a lot of sense due to the distance, size of the existing, and site layout. A variance for a second system on the parcel will be required.

Inspector: Crystal Lambert



Wetlands and existing dwelling over that way

Area of proposed building and septic





Approx. location of proposed field

Approx. location of proposed dwelling



Approx.
dwelling
location

staff and property
owner standing near
obvious location of
100 year floodplain
and looking towards
Anthracite Creek



Draft-ENVIRONMENTAL HEALTH BOARD VARIANCE REQUEST ACTION

APPLICANT: Theresa Kaiser

DATE: January 20, 2022

SITE LOCATION: 27711 County Road 12, 39.176-Acres in Tract 48, Section 11
13S89W

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

PREPARED BY: Crystal Lambert, Building and Environmental Health Official

PROPOSED PROJECT:

The applicant is requesting a variance to the Gunnison County OWTS Regulations for a second on-site wastewater treatment system (OWTS) on a single undivided parcel.

GUNNISON COUNTY ENVIRONMENTAL HEALTH OFFICE ACTION:

The application and proposed design plans have been reviewed by the Environmental Health Office for compliance with the OWTS Regulations. 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 because *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.

PUBLIC HEARING:

On January 20, 2022, 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 and existing 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.
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 Theresa Kaiser at her parcel, 27711 County Road 12, 39.176 acres in Tract 48, Section 11 13S89W, under OWTS application 21-00293, 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. 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.

DRAFT