

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: Friday, OCTOBER 18, 2013

- 12:45 p.m.**
- **Call to order; determine quorum**
 - **Approval of Minutes**
 - **Election of Vice-Chair**
 - **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.

1:00 p.m. Board of County Commissioners/Planning Commission Joint Meeting:

Items to be discussed by the Board and Planning Commission:

- A. Amendment 64 – Russ Forrest
- B. Gunnison Sage-grouse – Status update from Jim Cochran
- C. Scheduling - April/October Meetings

- 2:00 p.m. Dana and Larry Darien,** Lot 3 Darien River Subdivision, work session/possible action, request for approval for development of a single family residence and individual sewage disposal system on Lot 3, Darien River Subdivision. The lot was created in 2000, but no specific use was approved for the lot. The lot is located approximately two miles west of the Town of Marble on County Road 3; adjacent to the Crystal River. The public hearing will be held at the Marble Community Church, 121 West State Street, Marble, CO

- End of Meeting**
- Report of actions taken by BOCC.
 - A brief period in which Commission debriefs on the day's processes, etc. No discussion or action on any specific Land Use Change Permit applications will take place at this time.

Adjourn

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room at 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed by the staff up to 24 hours before the meeting date. If you are interested in a specific agenda item; you may want to call the Community Development Department (641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations please contact the Community Development Department before the meeting.



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

To: Planning Commission
From: Community Development Department Services Manager Beth Baker
CC: Director of Community Development- Russ Forest
Assistant Director of Community Development- Neal Starkebaum
Planner- Cathie Pagano

Date: **October 11, 2013**

Re: Packet Materials: For the October 18, 2013 PC Meeting
Document or other materials

- **Agenda- Draft**
- **Darien River Subdivision Lot 3
Planning Commission Draft Decision
Environmental Health Board Action – dated October 8, 2009**

We will e-mail any documents that are not available yet, and anything that is submitted after we distribute the packets.

Thanks,
Beth

TO: Planning Commission

SUBJECT: Planning Commission Draft Decision
Larry and Dana Darien
LUC-13-00013

DATE: October 18, 2013

PREPARED BY: Cathie Pagano, Planner

APPLICANT: Larry and Dana Darien

PROJECT DESCRIPTION:

Applicants own Lot 3, Darien River Subdivision. The applicants are proposing a single-family residence, attached garage and installation of an associated individual sewage disposal system (ISDS). There are existing wetlands on the parcel and the parcel is adjacent to the Crystal River. The applicant asserts that they can meet the setback requirements of Section 11-107: *Protection of Water Quality* but cannot meet the Gunnison County *ISDS Regulations* setbacks from wetlands to ISDS components.

The parcel was approved as part of the Darien River Subdivision in 2000, however Lot 3 was specifically conditioned: “no use is approved for this lot by Gunnison County. Any use is subject to the County review and may require the owner to obtain a land use change permit.” During the review of the Darien River Subdivision in 1999 and 2000, the applicants stated their intention to exchange Lot 3 with the White River National Forest (U.S. Forest Service). The three parcels that are part of Darien River Subdivision were originally part of a larger (185 acres) tract owned by the Dariens.

The Planning Commission minutes from September 9, 2000 state: “A wetlands study conducted on the whole parcel showed the third parcel (3.5 acres, Lot 3) is not usable for building, and the applicants are contemplating donating it to the U.S. Forest Service; they want to sever it as a separate parcel so they can sell it or otherwise separately dispose of it. The Commission asked staff if approving a new lot with no specific use (which the third lot would be) would be of concern to the Board; the staff responded that past experience would indicate that is true. The applicants do not want to designate a specific use on this lot, as it may affect how or whether it could be offered as a donated parcel....She (Commissioner Zanetell) suggested that the County Attorney be requested to recommend language which could indicate no use was approved, and not jeopardize the applicants’ ability to donate it and gain credit for it...Staff indicated that what has been done previously was to include language within a Planning Commission recommendation that specifically notes that the permit includes no specific use on the unique lot, and that a separate and additional land use change permit would be required for any use on it. If the property is traded to the Forest Service, or another entity, the County would have to make a determination at that time whether or not a permit would be required.” The 2000 subdivision file notes that Lot 3 could not be developed because of the wetlands that encumbered the lot.

In 2002 the Dariens were cited by the Army Corps of Engineers for bank reclamation work without a permit. The Corps began an investigation to determine the impact of the work on the public interest and the course of action that should be taken. The applicant had

filled the river channel and stabilized the river bank. The applicants received a permit from the Army Corps in 2004 and are currently in compliance with the Corps' regulations.

The parcel on which the land use change is proposed is legally described as Lot 3, Darien River Subdivision and is on the south side of County Road 3, approximately 4.1 miles east of Highway 133. The parcel is bordered by County Road 3 to the north and the Crystal River to the south.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- "Darien River Subdivision Lot 3, Gunnison County, Colorado, Site & Existing Conditions Plan," dated June 21, 2013 and prepared by Sopris Engineering, LLC, stamped by Colorado-licensed engineer, Yancy Nichol, #28377.
- "Darien River Subdivision Lot 3, Gunnison County, Colorado, Site Utility Plan," dated June 21, 2013 and prepared by Sopris Engineering, LLC, stamped by Colorado-licensed engineer, Yancy Nichol, #28377.
- "Darien River Subdivision Lot 3, Gunnison County, Colorado, Grading, Drainage, and Erosion Control Plan," dated June 21, 2013 and prepared by Sopris Engineering, LLC, stamped by Colorado-licensed engineer, Yancy Nichol, #28377.
- "Darien River Subdivision Lot 3, Gunnison County, Colorado, Driveway Access Improvement Plan & Profile," dated June 21, 2013 and prepared by Sopris Engineering, LLC, stamped by Colorado-licensed engineer, Yancy Nichol, #28377.
- "Darien River Subdivision Lot 3, Gunnison County, Colorado, Onsite Water System Detail Sheet," dated June 21, 2013 and prepared by Sopris Engineering, LLC, stamped by Colorado-licensed engineer, Yancy Nichol, #28377.
- Letter from Paul Rutledge and Yancy Nichol, P.E. # 28377, Sopris Engineering, LLC dated August 22, 2013 regarding "Response to request for additional information in regard to the Onsite Wastewater Treatment System (OWTS) proposed for Lot 3, Darien River Subdivision, LUC-13-00003, Gunnison County, Colorado, SE Job No. 29190.02.

IMPACT CLASSIFICATION:

The project, by definition, is a Minor Impact pursuant to *Section 6-102: Projects Classified as Minor Impact Projects*.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the application on the following dates:

- August 23, 2013 Work session
- September 20, 2013 Site Visit and Public Hearing
- October 18, 2013 Work session

SITE VISIT:

The Planning Commission conducted a site visit on September 20, 2013. The Commission members noted concerns about the close proximity of development to the Crystal River. They also expressed concern about the proximity of the individual sewage disposal

system to the water bodies but stated that since the Environmental Health Board had previously approved the variance application it was appropriate. Commissioners also expressed concern about the driveway access from County Road 3.

PUBLIC HEARING:

The Planning Commission conducted a public hearing on September 20, 2013. No comments were submitted for the public hearing and no public was present to give testimony.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via electronic mail to review agencies for comments. A referral was sent to Colorado Parks and Wildlife, Gunnison County Fire Protection District, and Gunnison County Public Works.

No comments were received.

COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:

Section 9-100: *Uses Secondary to a Primary Residence.*

Not applicable. The Protective Covenants for Darien River Subdivision allow a secondary residence, however due to the site constraints the applicants have indicated that they are willing to restrict the use of Lot 3, Darien River to only one single-family residence.

Section 9-200: *Special Residential Uses.*

Not applicable. No special residential uses are proposed.

Section 9-300: *Commercial and Industrial Uses.*

Not applicable, no commercial or industrial uses are proposed as part of this application.

Section 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*

Not applicable. No exploration, extraction or processing of materials is proposed.

Section 9-500: *Miscellaneous Uses and Activities.*

Not applicable. No miscellaneous uses or activities are proposed.

Section 10-102: *Locational Standards for Residential Development.*

Not applicable, this Section only applies to a new subdivision.

Section 10-103: *Residential Density.*

Not applicable, this Section only applies to a new subdivision.

Section 10-104: *Locational Standards for Commercial, Industrial or Other Non-Residential Development*

Not applicable, no commercial or industrial development is proposed as part of this application.

Section 11-103: *Development In Areas Subject to Flood Hazards.*

Applicable, the subject parcel and proposed development is located within the 100 year floodplain of the Crystal River.

The applicants submitted a letter from Sopris Engineering, LLC dated July 25, 2013 regarding how the flood hazard will be avoided or mitigated pursuant to the general and specific standards of this Section. The letter notes, "The placement of the improvements and any fill associated with limited landscape improvements within the flood fringe will not affect base flood elevations or cause adverse changes in flood patterns downstream. No construction or alteration is proposed within the floodway and the designated wetlands on the site. All disturbed areas on the site within the flood fringe area will be stabilized and/or re-vegetated at grades shown on the grading plan. Best management erosion control practices shall be in place and maintained as needed."

Section 11-104: *Development in Areas Subject to Geologic Hazards.*

Not applicable, the portion of the parcel proposed for development is not within a geologic hazard area. There is a portion of the parcel, adjacent to County Road 3, that is identified as unstable slopes but no development is proposed in that area.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*

Applicable, a portion of the subject parcel is located in a high wildfire hazard area. The applicant will be required to sign an acknowledgement and disclaimer relative to the wildfire hazard prior to issuance of the building permit. The applicant is required to prepare a wildfire mitigation plan that incorporates applicable methods of fire prevention as recommended within publications by the Colorado State Forest Service.

Section 11-106: *Protection of Wildlife Habitat Areas.*

The application was referred to the Colorado Parks and Wildlife. No comments were received.

Section 11-107: *Protection of Water Quality.*

Applicable, the applicant proposes development within 125 feet of a water body (Crystal River and jurisdictional wetlands). A certified wetlands delineation was prepared by Rocky Mountain Ecological Services in November 2009 and certified by the Army Corps of Engineers on June 11, 2010.

The applicant has submitted a Plan for Water Quality Protection as part of the design plans prepared by Sopris Engineering, LLC dated June 21, 2013 on sheet C-3, "Darien River Subdivision, Lot 3, Gunnison County, Colorado." The plan includes identification of erosion control measures, grading plans, and drainage facilities. Sopris Engineering also submitted a separate letter dated July 25, 2013 stating that, "...the development and construction of the site improvements does not include the storage of equipment or waste materials. Only temporary construction debris containers may be on site during construction however the construction management of this site proposes that all debris be removed from the site daily."

The proposed building complies with the 25-foot inner restrictive buffer setback.

Section 11-108: *Standards For Development On Ridgelines.*

Not applicable. The site is not located on a ridgeline.

Section 11-109: *Development That Affects Agricultural Lands.*

Not applicable, the subject parcel will not affect agricultural lands.

Section 11-110: *Development Of Land Beyond Snowplowed Access.*

Not applicable, the site is not located beyond snowplowed access.

Section 11-111: *Development On Inholdings In The National Wilderness.*

Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: *Development On Property Above Timberline.*

Not applicable, the site is not located above timberline.

Section 12-103: *Road System.*

Applicable, a copy of the application was sent to Gunnison County Public Works. A new driveway access from County Road 3 is proposed and shall be subject to Gunnison County Road and Bridge Standards.

Section 12-104: *Public Trails.*

Not applicable, there is no public trail existing or proposed on this site.

Section 12-105: *Water Supply.*

Applicable, there is an existing permitted well on the parcel. Well permit No. 77224-F was issued on May 14, 2013 and expires May 14, 2014. The well permit is valid for ordinary household purposes inside one single family dwelling; the ground water shall not be used for irrigation or other purposes. The applicants received a decree of water rights from the State of Colorado in Case No. 98CW245 in April 2002.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*

Applicable, the applicants propose to install an individual sewage disposal system on the subject parcel. The applicants have applied for the ISDS permit but it has not yet been issued.

The Dariens applied for an ISDS permit on July 17, 2009. The application was denied because it did not meet the setback requirements of Section 5-110: B. *Limited Installation Within 100 Feet of Wetland* of the Gunnison County *ISDS Regulations*. Section 5-110 states that, "No ISDS, except an approved composting or incinerator toilet without an associated gray water system, will be allowed within a horizontal distance of 100 feet of a wetland." The applicants requested a special review, as allowed by the ISDS Regulations, and were granted a variance on October 8, 2009 from the *Regulations* by the Environmental Health Board. The variance allowed the installation of an Advantex System no less than 50 feet from the wetlands boundary.

Section 12-107: *Fire Protection.*

Applicable, a copy of the application was referred to Gunnison Fire Protection District for review; no comments were received.

Section 13-103: *General Site Plan Standards And Lot Measurements.*

The site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The site plan titled, "Darien River Subdivision Lot 3, Gunnison County, Colorado, Site & Existing Conditions Plan," dated June 21, 2013 and prepared by Sopris Engineering, LLC, stamped by Colorado-licensed engineer, Yancy Nichol, #28377 complies with this Section.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*

This section applies; the proposed improvements meet the setback requirements.

Section 13-105: Residential Building Sizes and Lot Coverages.

Applicable, the proposed residence shall comply with the requirements of this Section.

Section 13-106: Energy and Resource Conservation.

Applicable, the proposed development is a residence and this Section does apply and will be reviewed at the time of building permit application.

Section 13-107: Installation of Solid Fuel-Burning Devices

Applicable, the proposed development is a residence and this Section does apply and will be reviewed at the time of building permit application.

Section 13-108: Open Space And Recreation Areas

Not applicable, no requirement of open space is required for this application.

Section 13-109: Signs.

Not applicable, no sign is proposed as part of this application.

Section 13-110: Off-Road Parking And Loading.

Applicable, the applicant has proposed adequate parking in compliance with this Section.

Section 13-111: Landscaping And Buffering.

Applicable, the applicant has submitted a landscaping plan, in compliance with this Section. The applicant intends to maintain existing vegetation with the exception of 5-8 trees that will need to be removed for sight distance from the driveway to County Road 3 and for installation of the ISDS.

Section 13-112: Snow storage.

Applicable, adequate room for snow storage is available and a copy of this application was referred to Gunnison County Public Works for review.

Section 13-113: Fencing

Not applicable, no new fencing is proposed.

Section 13-114: Exterior Lighting.

Applicable, this section applies and any exterior lighting proposed shall comply with this section and be reviewed at the time of building permit application.

Section 13-115: Reclamation And Noxious Weed Control.

A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction, or installation of an individual sewage disposal system.

Section 13-116: Grading And Erosion Control.

Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

Section 13-117: Drainage, Construction And Post-Construction Stormwater Runoff.

Applicable, grading and erosion control plans are identified on Sheet C-3 of the plans prepared by Sopris Engineering. The applicant may be required to obtain a Stormwater Discharge permit from the State of Colorado.

Section 13-118: *Water Impoundments.*

Not applicable, this project does not propose a water impoundment.

Section 13-119: *Standards to Ensure Compatible Uses.*

The proposed development has been designed in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas.

Article 15: *Right-to-Ranch Policy.*

This section is not applicable; there are no agricultural lands that will be affected by the uses on the subject parcel.

FINDINGS:

The Gunnison County Planning Commission finds that:

1. The applicant has proposed development within 125 feet of a water body and has proposed a plan for water quality protection.
2. A portion of the subject parcel is in a high wildfire hazard area, according to Colorado State Forest Service mapping.
3. The parcel is in the 100-year floodplain of the Crystal River.
4. An onsite wastewater treatment system is proposed to serve the project. The Gunnison County Environmental Health Board approved a Special Review in 2009 approving the use of an AdvanTex system at the site with setbacks of no less 50 feet from the jurisdictional wetlands and Crystal River.
5. The applicants have stated that they do not intend to build a secondary residence on the subject parcel due to site constraints.
6. There is an existing well permit (Permit No. 77224-F) and court approved augmentation plan for the subject parcel.
7. This application is complies with the standards and requirements of the *Gunnison County Land Use Resolution*.
8. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Community Development file relative to this application, including all exhibits, references and documents as included therein, and having reached the above findings, classifies LUC-13-00013 Lot 3, Darien River Subdivision as a Minor Impact project, and approves it with the following conditions and notations:

1. The applicant shall comply with the plan for water quality protection as outlined in, "Darien River Subdivision Lot 3, Gunnison County, Colorado, Grading, Drainage, and

Erosion Control Plan,” dated June 21, 2013 and prepared by Sopris Engineering, LLC, stamped by Colorado-licensed engineer, Yancy Nichol, #28377.

2. Prior to issuance of a building permit the applicant shall submit a Flood Elevation Certificate and a Floodplain Development Permit in compliance with the Section 11-103: *Development in Areas Subject to Flood Hazards*.
3. A portion of the subject parcel is in a high wildfire hazard area and the property owner shall be required to sign and have notarized an acknowledgement and disclaimer relative to the wildfire hazard, prior to the issuance of the building permit.
4. The applicant shall comply with all applicable standards in the Gunnison County *Road and Bridge Standards*.
5. The applicant shall comply with all conditions of the Environmental Health Board Special Review approval.
6. No secondary residence shall be allowed on the subject parcel.
7. The applicant shall obtain a Stormwater Discharge permit, if required by the State of Colorado.
8. This permit is limited to activities described within the “Project Description” of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County *Land Use Resolution*.
9. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
10. 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.
11. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
12. 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.

—SPECIAL REVIEW ACTION FORM—

SUBJECT: DRAFT Environmental Health Board action, for Larry and Dana Darien, Proposed lot 2, Darien Subdivision, 3900 County Road 3, Near Marble
ACTION: Special Review
PREPARED BY: Richard Stenson, Environmental Health Specialist
DATE: Environmental Health Board meeting 7-27-00

Commented [JW1]:

PROPOSED ISDS APPLICATION:

Larry and Dana Darien have applied for a permit to **install** an individual sewage disposal system (ISDS) on **Proposed Lot 2, Darien Subivision**, as shown on plans prepared by *Eric Krsh, PE, of Buckhorn Geotech*.

Section 6-101.13a states that each component of each ISDS shall have a minimum horizontal distance from pertinent terrain features, including streams lakes, water courses, wetlands, dwellings, property lines, etc. During the site inspection, the Gunnison County Environmental Health Office found that the proposed absorption field and septic tank did not meet the required setbacks from the Crystal River. The required setback is 100 feet, and the proposed absorption field was 67, the tank 75 feet from the river. The applicants have proposed engineering mitigation with a dosed sand filter system by Eric Krch, PE and has included information pertinent to the discharge information for this system.

GUNNISON COUNTY ENVIRONMENTAL HEALTH DEPARTMENT ACTION:

The Darien Subdivision is currently being reviewed by the Gunnison County Planning Office and Planning Commission. Part of the approval by the Planners is the review of the application for lot 2.

The Gunnison County Environmental Health Department conducted a site inspection **on 5-11-00**. Notes regarding that inspection, and evaluation of the proposal relative to Sec. 1-104 of the *Gunnison County Individual Sewage Disposal System Regulations* are included in the **ISDS Site inspection** dated 5-11-00. Based on review of the submitted plans, and on observations made during the site inspection, the Department did on **5-16-00** determine that the granting of this application would be in violation of the *Gunnison County Individual Sewage Disposal System Regulations*, and granting the application would create a nuisance or be detrimental to the public health, safety and welfare, and denied the application. Written notice of that denial, including specific

reasons for it, was issued to the applicant by certified mail **5-16-00**, and a copy is attached to this Decision document.

APPLICANT'S REQUEST FOR SPECIAL REVIEW:

The applicant filed a written application for special review on **6-13-00**, within 30 days of the postmark of the Notice of Denial of the **permit application/denial of appeal**. The applicant asserts the following grounds for special review: (Please see "Review of Denial of Application for ISDS--Lot 2, Proposed Darien Subdivision", by Larry Darien, Received 6-13-00.)

- A. Application for permit 2000-008 was formally denied;**
- B. Economic unfeasibility for package plant for single family residential;**
- C. No substantial variance as explained by Eric Krch, PE;**
- D. Not in violation of any other regulations through the use of the dosed intermittent sand filter;**
- E. Effluent leaving the sand filter will be nearly as clean as the Crystal River;**
- F. "Since the State of Colo. Only requires a 50' setback from river for a standard ISDS, and since the proposed state of the art micro-dosed intermittent sand filter system is not only superior to a standard ISDS but also farther than the State's setback requirement, it follows that no substantial injury will result from approving the special review."**

PUBLIC HEARING:

The Gunnison County Environmental Health Board conducted a public hearing on this application **7-27-00**.

FINDINGS:

Based on a review of all the information included within the Environmental Health Office file for this application, and consideration of any and all testimony and public input relative to this application, the Gunnison County Board of Environmental Health finds that: **(The Gunnison County Individual Sewage Disposal System Regulations, Sec. 3-127 (2) requires that the Board may issue a special review approval ONLY under the following property specific conditions.) Additional findings, or expansions of these findings may be included which more specifically address such things as grade of slope, mitigation proposed by applicant, etc.).**

1. Action on this special review application is property-specific and limited to circumstances unique to this application.

2. That the applicant **has** demonstrated that the requested variance from the *Gunnison County Individual Sewage Disposal System Regulations* is warranted by specific lot configuration has made it technically infeasible to locate the ISDS to meet the required distance from the Crystal River.(i.e. design submittal from Eric Krch, PE), that make compliance with the *Regulations* technically and economically infeasible.
3. That the applicant **has** demonstrated that the requested variance from the *Gunnison County Individual Sewage Disposal System Regulations* is warranted by the proposed restrictions on use. The applicant has agreed to provide 1. An engineered system which proposes to provide wastewater treatment other than Nitrate, that will meet pollution parameters considered under the influence of surface waters; 2.and an approved monitor and maintenance program. Approval of this application is subject to compliance with those restrictions. Design submittal from Eric Krch, PE, has demonstrated acceptable effluent quality other than the Nitrate (NO3) requirement.
4. That the applicant **has not** demonstrated that approval of this special review will not result in substantial variance from the requirements of the *Gunnison County Individual Sewage Disposal System Regulations*, including but not limited to Sec. 1-104, the general policies of those *Regulations*. The required setbacks from the River will not be met.
5. That the applicant **has** demonstrated that this special review approval will not be in violation of any minimum standards established in any other applicable federal, state or local rule or regulations including but not limited to those minimum standards issued under authority of Article 10, Title 25, C.R.S. 1973 as it may be amended. The State of Colorado minimum setback from ISDS to Stream is 50 feet, and the application exceeds the setback requirement.
6. That the applicant **has** demonstrated that the proposed system will not be a nuisance or injurious to public health, safety or welfare. According to the information from Eric Krch, the effluent from the system will not be a nuisance or injurious to health or welfare and the monitoring and maintenance of the system shall be designed by the engineer, subject to approval by the County.
7. That the applicant **has** demonstrated that no substantial injury will result from the granting of this special review approval. All other aspects of the Gunnison County ISDS Regulations shall be followed.
8. The preponderance of evidence presented by the applicant sufficiently proves that this application should be granted.
9. It is the intent of the applicant to adjust the well permits only as needed among the three lots.

DECISION:

Based on its review of all the documentation of the file for this application, the Gunnison County Board of Environmental Health **approves** the special review application of Larry and Dana Darien, Septic Permit application 2000-008, for proposed lot 2 Darien Subdivision under the following conditions:

1. That the Gunnison County Planning Office will approve the Darien Subdivision, lot 2, as has been applied for, and as is required under the Gunnison County Land Use Resolution.
2. The Construction and operation of the ISDS be in accordance with the 1995 Gunnison County ISDS Regulations, Revised.
3. That if a central waste water line is installed within the required connection distance, the owner of the system shall be required to tie on.
4. The design submitted by Eric Krch be used for design and installation, with the addition that yearly monitoring done by the engineer show the effluent parameters that are described in the **Darien Subdivision, Lot # 2 ISDS Effluent Quality Paper, Dated June 5, 2000, by Eric Krch, PE**, are met at the bottom of the proposed dosed sand filter and reported to the Gunnison County Environmental Health Office, subject to parts XI (Operation and Maintenance) and XVI (Enforcement).