



RESOLUTION NO. 2017-03

**BEFORE THE BOARD OF HEALTH
COUNTY OF SUMMIT
STATE OF COLORADO**

GRANTING APPROVAL OF AN ONSITE WASTEWATER TREATMENT SYSTEM PERMIT APPLICATION ALLOWING A VARIANCE TO THE SETBACK REQUIREMENT BETWEEN A SOIL TREATMENT AREA AND WETLANDS/SURFACE WATER AS WELL AS BETWEEN A SEPTIC TANK AND WETLANDS/SURFACE WATER AS PROPOSED FOR LOT 84, BLOCK 0, 39 DEGREES NORTH SUB #2, SUMMIT COUNTY, COLORADO.

WHEREAS, Section 5.0 of the Summit County Onsite Wastewater Treatment System (OWTS) Regulation allows the Board of Health to grant variances to said regulation; and

WHEREAS, Shepard Assets LLC (applicant), has requested a variance of the required setback of twenty-five (25) feet between an OWTS soil treatment area to wetlands/surface water to be reduced to seventeen (17) feet, and a variance of the required setback of fifty (50) feet between a septic tank and wetlands/surface water to be reduced to nineteen (19) feet; and

WHEREAS, applicant has requested that the Summit County Board of Health approve this variance in conjunction with the installation of a pre-treatment system having received TL3N certification, and extra tank installation protections, to serve a four bedroom residences on Lot 84, Block 0, 39 Degrees North Sub#2; and

WHEREAS, the Board of Health finds as follows:

1. No public sewer system is accessible within 400 feet of this property.
2. The proposed OWTS has met criteria for TL3N treatment and the tank installation includes extra protections for leakage.
3. The existing residential unit is 4 bedrooms.
4. The proposed OWTS is believed to have less of an environmental impact than that of a traditional conforming OWTS and is the most appropriate when compared with the alternatives considered.
5. The subject property cannot accommodate a conforming OWTS.
6. Merging adjacent properties is not a reasonable option.
7. Variance is not being issued to mitigate an error.
8. The variance will not reduce the 2-foot separation to groundwater.
9. The installation will not impact wetlands.

10. The strict application of the OWTS Regulations would result in exceptional and undue hardship upon the property owners due to the extraordinary physical conditions applicable to this property.

WHEREAS, The Summit County Board of Health has considered the OWTS permit application approval request at a public meeting held July 11, 2017, and has considered the variance request, specific design, recommendations of the Environmental Health Department and any testimony received from the applicants, their design consultant and the public.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF HEALTH OF SUMMIT COUNTY, COLORADO:

Approval is given to the Summit County Environmental Health Department to issue an OWTS permit including a variance to Summit County OWTS Regulations allowing the proposed soil treatment area to be as close as seventeen (17) feet to wetlands/surface water, and the septic tank to be as close as nineteen (19) feet to wetlands/surface water, subject to the following conditions:

1. The entire system will be installed exactly per the Summit County approved engineer's design and will be signed-off by the design engineer, or another Colorado Registered Professional Engineer, in writing upon completion of the installation and prior to final approval by the Environmental Health Department.
2. The property lines, OWTS components, wetlands, house and well shall be indicated on the property by a professional surveyor prior to development.
3. The owners of the system shall secure a service policy covering all mechanical and electrical components from the manufacturer or its authorized representative, for the life of the system.
4. The applicants agree to maintain and operate the Advantex treatment unit in accordance with all permit conditions and manufacturers specifications at all times.
5. Owners will maintain an Operating Permit with Summit County Environmental Health for the life of the system.
6. Once the system is put into use, the applicants will allow the Environmental Health Department to enter the property, upon notification of the applicants, to conduct inspections, collect samples and conduct any other activities to assure that the system functions in accordance with the Summit County OWTS Regulations and the conditions of the OWTS Permit.

7. The applicants agree to quarterly effluent sampling from the treatment unit, if requested by the Environmental Health Department, to analyze for the parameters listed in item number 8 below. The applicants will incur any laboratory costs.
8. The applicants agree to an effluent minimum performance standard of 10 mg/L Total Suspended Solids (TSS), 10 mg/L Carbonaceous Biological Oxygen Demand (CBOD5) and 20 mg/L Total Nitrogen as a quarterly average in perpetuity when the system is in use.
9. The applicants agree that should the minimum performance standard be exceeded by 10% or more as a quarterly average, that they shall take immediate actions to improve performance of the treatment system.
10. The permit, and BOH Resolution 2017-03, will be recorded on the deed to the property and all terms and conditions of both documents shall carry with the property in perpetuity to all heirs, assigns and future owners.
11. If the public sewage treatment works becomes available within 400 feet of this property prior to construction of the approved system, the permit will be revoked and the owners will connect the dwelling to the public sewage treatment works.
12. This approval is specifically for the dwelling proposed on the OWTS application and does not specify or imply any other approvals for this property.

ADOPTED THIS 11TH DAY OF JULY, 2017.



**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF HEALTH**

Karn Stiegelmeier, Chair

ATTEST:

Kathleen Neel, Clerk and Recorder