

Garfield County Board of County Commissioners

Public Hearing

Perry Minor Subdivision

Files No. MISA-01-24-8998

Applicant: Annie Perry

February 18, 2025

Exhibit Number	Exhibit Description
1	Public Hearing Notice Information Form & Attachments
2	Garfield County Land Use and Development Code, as amended
3	Garfield County Comprehensive Plan of 2030
4	Application Submittal
5	Staff Report
6	Staff Presentation
7	Referral Comments from GCPH July 23, 2024
8	Referral Comments from GCPH September 10, 2024
9	Referral Comments from Carbondale Fire District
10	Referral Comments from Consulting Engineer, Chris Hale
11	Public Comments from Jean Perry
2	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	



PUBLIC HEARING NOTICE INFORMATION

Please check the appropriate boxes below based upon the notice that was conducted for your public hearing. In addition, please initial on the blank line next to the statements if they accurately reflect the described action.

My application required written/mailed notice to adjacent property owners and mineral owners.

Mailed notice was completed on the 28th day of January, 2025

All owners of record within a 200 foot radius of the subject parcel were identified as shown in the Clerk and Recorder's office at least 15 calendar days prior to sending notice.

All owners of mineral interest in the subject property were identified through records in the Clerk and Recorder or Assessor, or through other means [list] _____

- Please attach proof of certified, return receipt requested mailed notice.

My application required Published notice.

Notice was published on the _____ day of _____, 20__.

- Please attach proof of publication in the Rifle Citizen Telegram.

My application required Posting of Notice.

Notice was posted on the _____ day of _____, 20__.

Notice was posted so that at least one sign faced each adjacent road right of way generally used by the public.

I testify that the above information is true and accurate.

Name: Brooke Winschell

Signature: Brook A. Winschell

Date: 2/5/25

9589 0710 5270 1746 0301 98

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.
Carbondale, CO 81623

OFFICIAL USE

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Postmark Here
JAN 28 2025

Wesley Morgan Williams
4059 Dolores Way
Carbondale, CO 81623

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.
Carbondale, CO 81623

OFFICIAL USE

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Postmark Here
JAN 28 2025

Jake & Rachel Menke
68 S Cedar Street
Carbondale, CO 81623

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.
Carbondale, CO 81623

OFFICIAL USE

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Postmark Here
JAN 28 2025

Charles Moore
23 S Cedar Street
Carbondale, CO 81623

9589 0710 5270 1746 0301 50

9589 0710 5270 1746 0135 59

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.
Woody Creek, CO 81656

OFFICIAL USE

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Postmark Here
JAN 28 2025

Compass for Lifelong Discovery
PO BOX 336
Woody Creek, CO 81656

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.
Aurora, CO 80011

OFFICIAL USE

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Postmark Here
JAN 28 2025

Wagner Equipment Company
18000 Smith Rd
Aurora, CO 80011

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.
Carbondale, CO 81623

OFFICIAL USE

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Postmark Here
JAN 28 2025

Stephen & Suzanne Luck
38 S Cedar Street
Carbondale, CO 81623

9589 0710 5270 1746 0301 74

9589 0710 5270 1746 0135 73

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Carbondale, CO 81623

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Anne Perry
88 Cedar Street
Carbondale, CO 81623

Reverse for Instructions



9589 0710 5270 1746 0301 43

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Carbondale, CO 81623

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Bryan Shnider & Kathleen Monohan
4075 Dolores Way
Carbondale, CO 81623

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



9589 0710 5270 1746 0302 04

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

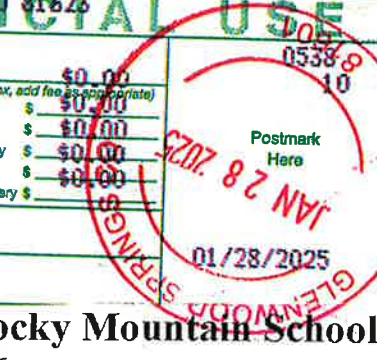
For delivery information, visit our website at www.usps.com®.

Carbondale, CO 81623

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Colorado Rocky Mountain School
1493 CR 106
Carbondale, CO 81623

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



9589 0710 5270 1746 0135 66

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Carbondale, CO 81623

Certified Mail Fee	\$4.85	0538
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sarah Perry Revocable Living Trust
23 South Cedar Street
Carbondale, CO 81623

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions





LAND USE AND DEVELOPMENT CODE

EFFECTIVE JULY 15, 2013

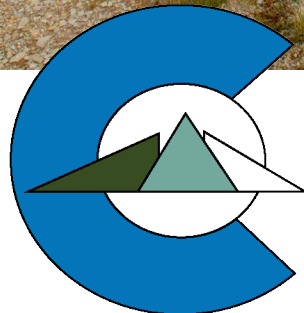


Last Amended June 19, 2023

COMPREHENSIVE PLAN 2030

2020 UPDATE

Full Version of the Comprehensive Plan is available here: <https://www.garfield-county.com/community-development/comprehensive-plan-2030/>



GARFIELD COUNTY

Adopted: November 10, 2010

Last Amended: February 26, 2020

PROJECT INFORMATION AND STAFF COMMENTS

TYPE OF REVIEW	Referral of an Administrative Decision to the BOCC for a Land Use Change Permit for a Minor Subdivision
APPLICANT (OWNER)	Annie Perry
LOCATION	Parcel # 2393-284-11-005
PHYSICAL LOCATON	55 S Cedar St, Carbondale CO 81623
LEGAL DESCRIPTION	Section 28, Township 7, Range 88, Subdivision: Cooperton Townsite, Block 11, Lot B
LOT SIZE	20,313 square Feet
ZONING	Residential Urban
COMPREHENSIVE PLAN	Residential High (1/3 ac/Du)

I. DESCRIPTION OF THE PROPOSAL

The applicant is proposing to divide an existing 20,313 sq ft lot into 2 lots, Lot 1 12,225 sq. ft. and Lot 2 8,088 sq. ft. through a minor subdivision process. Proposed Lot 1 would have a 3-bedroom residence on it and Lot 2 would have a 2-bedroom residence proposed.

Water supply is proposed by a new well located in the southeastern portion of Lot 2 to serve each of the lots. The applicant provided a Basalt Water District water contract for this proposed well.

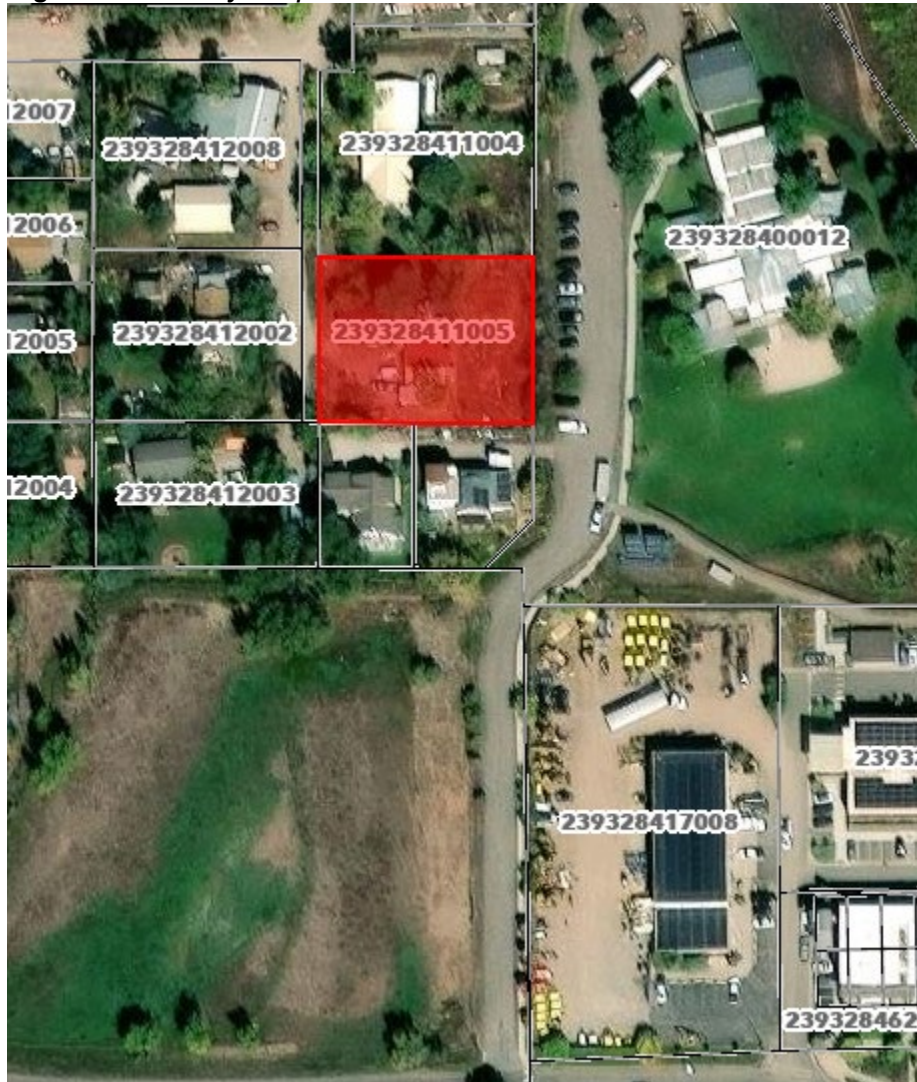
The Applicant is requesting waivers from Section 7-104 Source of Water and Section 7-105, B, 2, b. The applicant has provided information concerning each of the waiver requests. This application has been referred to the BOCC by the Director based on Referral comments and waiver requests.

II. DESCRIPTION OF THE SITE

The Lots are generally flat to gently slope with grass and trees. Legal access has been provided. The lot has several barns on site with developed residential parcels adjacent to

the proposed lots. The Parcel is part of the original Cooperton Townsite platted in 1888.

Figure 1: Vicinity Map



III. AUTHORITY - APPLICABLE REGULATIONS

- A. Table 5-103 outlines the Common Review Procedures under Section 5-301 Minor Subdivision, as requiring Administrative Review Directors Decision.
- B. Section 4-103 of the Land Use and Development Code sets forth the Administrative Review Procedures by which the current Application is being considered.

- C. The Applicant is requesting waivers from the submittal requirements for a water supply plan and OWTS design, Sections 7-104 and 7-105 B.2.b. These requests are discussed in the Section analysis section below.
- D. Article 7 of the Land Use and Development Code sets forth general approval standards in Division 1, general resource protection standards in Division 2 and site planning and development standards in Division 3. The standards are addressed in the Application submittals and in the Staff Analysis section of this Staff Report.

IV. PUBLIC AND REFERRAL COMMENTS

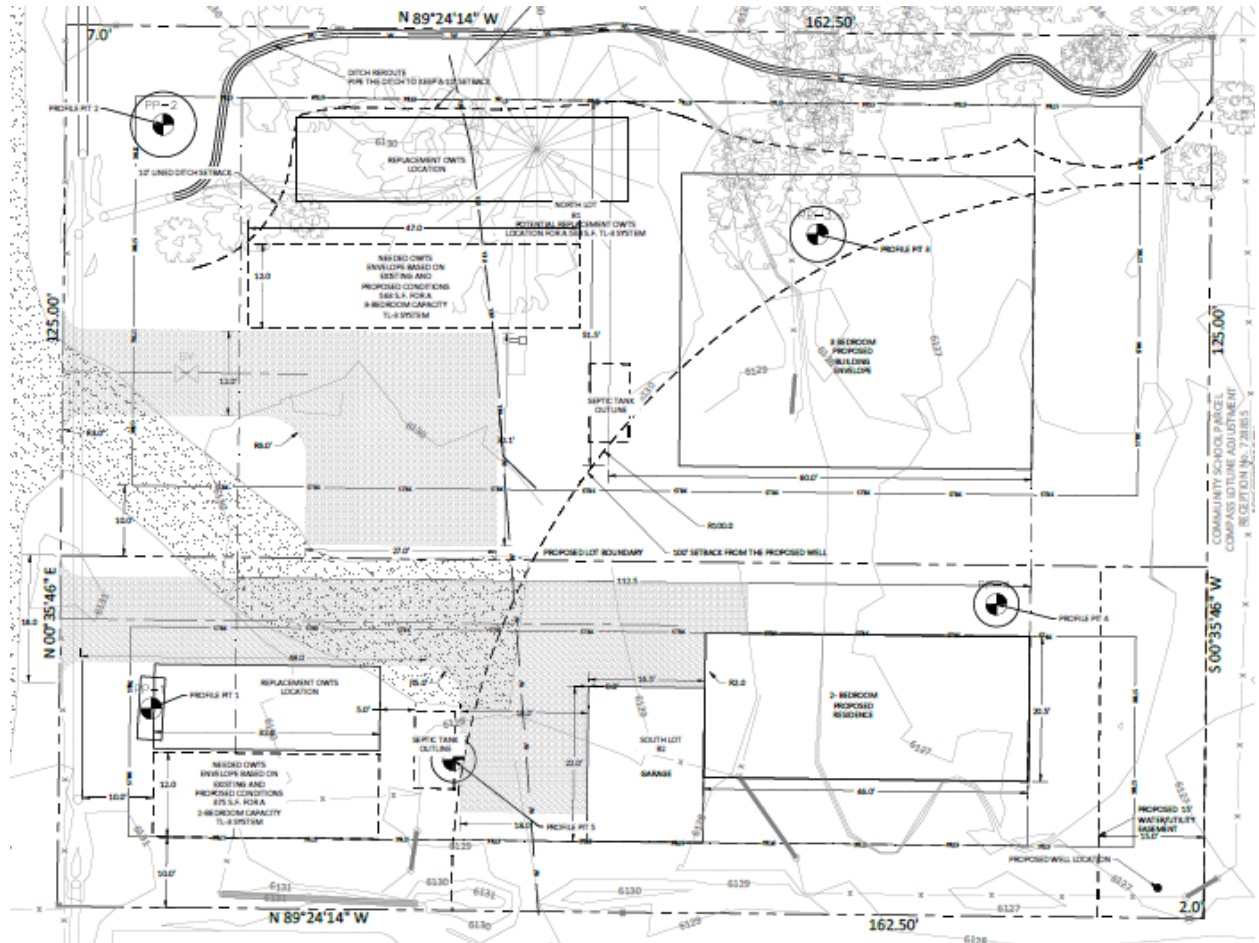
The Applicant has provided documentation that all required notice mailings have been completed in accordance with the LUDC. One public comment was received and is attached. Referral Comments received on the Application are attached as Exhibits and summarized below:

- A. **Garfield County Consulting Engineer, Mountain Cross Engineering:** Provided Comments on the following: OWTS setbacks need to be verified to adjacent properties. If ADU's are proposed, then OWTS systems will need to be designed for 4 units. Water quality and pump tests need to be performed.
- B. **Garfield County Road and Bridge:** No comments received
- C. **Carbondale and Rural Fire Protection District:** Impact fees will need to be paid.
- D. **Town of Carbondale:** Had no comments on the application.
- E. **Garfield County Public Health:** Provided two comment letters, first on July 23, 2024, requested more information on surrounding properties OWTS system locations and well locations. Noted that lots less than 1 acre in size are problematic.

The September 10, 2024 Comments noted: The applicant provided updated information as to neighboring properties and a site specific soil study for OWTS design. There appears to be room for the treatment areas but no area for replacement areas should they fail. Recommended denial of the waiver request

from Section 7-105 B.2.b. due to the size of the proposed lots being under one acre.

Figure 2: Feasibility Plan



V. STAFF ANALYSIS AND CRITERIA

Article 7, Division 1: General Standards

Section 7-101: Compliance with Zone District Use Regulations

The property is in general compliance with Zone District Regulations for the Residential Urban Zone District. The proposal exceeds the minimum lot area, and property setbacks are sufficient but will need to be confirmed at building permit. Building envelopes are proposed conforming to setbacks.

Section 7-102: Conformance with Comprehensive Plan and compliance with IGAs

The County Comprehensive Plan identifies the property as Residential High. The creation of the proposed lots is in conformance with the Garfield County Comprehensive Plan. The Carbondale Comprehensive Plan of 2022 indicates that the parcel is in Phase 2 potential annexation/infill area.

Section 7-103: Compatibility

The proposed lots are in conformance with the surrounding lot configurations and uses.

Section 7-104: Sufficient, Adequate, Legal and Physical Source of Water

The applicant has provided a water contract and will apply for a well permit. The applicant requested a waiver from this section but also provided information such as a water contract with Basalt Water then to apply for a well permit. Pump tests and water quality tests will be required once the well is drilled.

Section 7-105: Adequate Central Water Distribution and Wastewater

The applicant proposes to share the future well and will need to provide a well-sharing agreement. In response to Public Health's request for more information Sopris Engineering provided an updated Lot Split Feasibility Plan illustrating locations of the proposed OWTS systems and the replacement areas should those areas fail. The applicant has requested a waiver from this section, specifically the prohibition on OWTS systems on developable lots of less than one acre. Public Health commented that as the lots are less than one acre the waiver request should be denied.

The BOCC should review the waiver requests based upon staff analysis and the applicants' representations and either approve or deny the request for waivers.

The applicant has approached the Town of Carbondale on two occasions to explore acquiring water and sewer taps. These requests were denied as the town has a moratorium on out of Town taps and has had one for some time.

Section 7-106: Adequate Public Utilities

The applicant has represented that adequate public utilities exist at the property.

Section 7-107: Access and Driveways

- a. The Applicant has demonstrated that each lot will have legal and adequate access from the existing Cedar Street via separate driveways.

Section 7-108: Natural Hazards

No significant natural hazards are noted for the property.

Section 7-109: Fire Protection

The Carbondale and Rural Fire Protection District provides fire protection to the proposed lots.

Article 7, Division 2: General Resource Protection Standards

Section 7-201 Agricultural Lands

No adverse effects are identified.

Section 7-202 Wildlife Habitat Areas

The proposal is located in a urban setting and no loss to wildlife habitat is anticipated.

Section 7-203 Protection of Waterbodies

As no waterbodies exist on the property, no impacts to wetlands or waterbodies are anticipated.

Section 7-204 Drainage and Erosion

The Applicant has indicated that this section will be addressed at time of building permit.

Sections 7-205 Environmental Quality

No water or air quality issues are anticipated from the proposed project.

Section 7-206 Wildfire Hazards

The proposal is in a urban setting with a low rating.

Section 7-207 Natural and Geologic Hazards

No significant natural or geologic hazards are noted for the property.

Section 7-208 Reclamation

Reclamation shall be addressed at building permit.

Article 7, Division 3, Site Planning and Development Standards**Section 7-301 Compatible Design**

The design of development associated with the land use change shall be compatible with the existing character of surrounding residential land uses.

Section 7-302 Off- Street Parking and Loading Standards:

The Applicant has indicated that single family dwellings are exempt from this section. Adequate parking is indicated on the proposed site plan.

Sections 7-303 Landscaping Standards:

The Applicant has indicated that single family dwellings are exempt from this section.

Section 7-304 Lighting:

Staff has recommended a condition of approval that any exterior lighting comply with the standards outlined in Section 7-304. The applicant has indicated that they will comply with this standard.

Section 7-305 Snow Storage Standards:

Section 7-305, states that all residential uses are exempt from the county's snow storage standards, unless the residential use includes a common outdoor parking area.

Section 7-306 Trail and Walkway Standards:

No recreational or community facility access areas are proposed.

Article 7, Division 4, Subdivision Standards and Design Specifications**Section 7-401 General Subdivision Standards****A. Maintenance of Common Facilities.**

No common facilities are proposed

B. Domestic Animal Control.

The lot owners will be responsible for ensuring that domestic animals are confined within their property boundaries and kept under control when they are not on the property

C. Fireplaces.

The lot owners will be responsible for ensuring that any fireplaces installed on their property conform to the applicable requirements of Section 7-401(C).

D. Development in the Floodplain.

The proposed lots are not located in an identified floodplain.

Section 7-402 Subdivision Lots

A. Lots Conform to Code.

The Applicant has demonstrated the area, width, frontage, depth, shape, location, and orientation of the proposed lot conform to the applicable Residential Urban Zone district requirements and other applicable provisions of the county's Land Use and Development Code.

Section 7-402 B. Side Lot Line Alignment.

The proposal is in conformance with this section.

Section 7-402 D. Lot Division by Boundaries, Roads, or Easements Prohibited.

Not applicable to this application.

Section 7-403 Survey Monuments

Permanent survey monuments have been found or set for the proposed subdivision.

Section 7-404 School Land Dedication

The Applicant has indicated that payment in lieu of school land dedication, in accordance with Section 7-404(C). Said payment will be submitted in accordance with the applicable requirements of Section 7-404.

Section 7-405 Road Impact Fees

The owners of Lot 1 and Lot 2 will be responsible for addressing Road Impact Fees, at

the time of building permit.

VI. FINDINGS AND CONDITIONS

Staff has provided options for the Board to consider below.

Option 1- Approval with Conditions

That the Garfield County Board of County Commissioners make a motion to approve the Perry Minor Subdivision with the following Findings and conditions:

Findings

1. That proper public notice was provided as required for the Public Hearing.
2. The review was extensive and complete, that all pertinent facts, matters, and issues were submitted, and all interested parties were given the opportunity to provide input.
3. That for the above stated and other reasons the proposed Minor Subdivision is in the best interest of the health, safety, convenience, order, prosperity, and welfare of the citizens of Garfield County.
4. That with the adoption of conditions, the application is in general conformance with the 2030 Comprehensive Plan, as amended.
5. That with the adoption of conditions and approval of waivers the application has adequately met the requirements of the Garfield County Land Use and Development Code, as amended, including Section 5-301 (C) Minor Subdivision Review Criteria.

Conditions of Approval

Approval of the Perry Minor Subdivision subject to compliance with the following conditions of approval.

EXHIBIT 5

1. That all representations contained in the Application submittals shall be considered conditions of approval unless otherwise amended or changed by the Director's Decision.
2. Prior to the Board of County Commissioner's (Board) signing the plat, final review and approval by the County Attorney's Office, Community Development Department and the County Surveyor shall be required.
3. Prior to execution of the plat, the following edits and plat notes shall be required and subject to final review and approval by the County.
 - a. Confirm that all easements including any for irrigation ditches are shown on the plat.
 - b. Any final edits required by the County Surveyor and Attorneys Office shall be completed.
 - d. Add a plat note to read "OWTS systems shall be required to meet all County and State requirements as well as the Site plan for OWTS development provided by Sopris Engineering dated 10-30-2024.
7. Prior to execution of the plat the school land dedication fees shall be paid to the RE-1 School pursuant to Section 7-404-C-2
8. The Applicant shall have 90 days to complete all conditions of approval and submit the Minor Subdivision Plat for recording.
9. Road Impact Fee's shall be paid at the time of building permit.
10. All standard plat notes referenced in the Resource guide as applicable shall be included on the Plat.
11. Well pump and water quality tests shall be performed.
12. A grading and drainage plan as well as site specific soil test shall be provided at the time of building permit.

OPTION 2 - Denial

That the Garfield County Board of County Commissioners make a motion to deny the Perry Minor Subdivision based on referral comments received with the following Findings:

Findings of Denial

1. That proper public notice was provided as required for the hearing before the Board of County Commissioners.
2. That the hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted or could be submitted and that all interested parties were heard at that meeting.
3. That for the above stated and other reasons, the request for The Perry Minor Subdivision is not in the best interest of the health, safety, convenience, order, prosperity and welfare of the citizens of Garfield County.
4. That the application has not adequately met the requirements of the Garfield County 2030 Comprehensive Plan and Carbondale Comprehensive Plan.
5. That the application has not adequately met the requirements of the Garfield County Land Use and Development Code of 2013 as amended, Specifically Section 7-105 Central Water Distribution and Wastewater Systems.



195 West 14th Street
Rifle, CO 81650
(970) 625-5200

2014 Blake Avenue
Glenwood Springs, CO 81601
(970) 945-6614

Garfield County Community Development
108 8th Street, Suite 401
Glenwood Springs, CO 81601
Attention: John Leybourne
jleybourne@garfield-county.com

RE: Perry Minor Subdivision
Parcel No. 2393-284-11-005
55 South Cedar Street
Carbondale, Colorado 81623
File # MISA-01-24-8998

July 23, 2024

John,


The proposed minor subdivision would be part of the greater Satank subdivision. Most of the residential lots in the Satank area consist of lots smaller than 1 acre in size. Lots smaller than 1 acre may cause challenges with setbacks with drinking wells and/or Onsite Wastewater Treatment Systems (OWTS). Also, the Satank residential area is outside the limits of the Town of Carbondale. Most lots in Satank are served by well water while a few are served by a community water system. All residential homes are served by individual Onsite Wastewater Treatment Systems. Redevelopment of these lots has historically caused challenges with setbacks for OWTSs, whether new or replacement systems. The size of a treatment area is determined by the number of bedrooms as well as the ability of the soil to treat the homes effluent from their septic tank. As homes increase in bed count so does the size of the soil treatment area, making it more challenging with lots less than 1 acre. The sizes of the lots in Satank, as well as other physical features (wells on adjacent lots, other OWTSs on adjacent lots, ditches, etc.) requiring setback distances from OWTS components make constructing new OWTSs on the existing lots difficult. Therefore, GCPH has concerns about this lot split and the number of bedrooms proposed for each subdivided lot.

We require additional information regarding the existing lot as well as neighboring lots that may impact the available space for a new OWTS in each subdivided lot. The following information is needed to continue our review of this application:

- A site plan showing the actual, in the field location of wells on adjacent properties (not only the location indicated on the Division of Water Resources map) as well as any other water drainage or water courses.
- A site-specific soil study for OWTS design indicating the soil type present on each lot that would be created by the subdivision.

Without the above information, we cannot adequately determine if the proposed OWTS for each of the lots will meet Regulatory requirements. The proposed subdivision may create a situation where the residences cannot be served by properly sized OWTSs.

Thank you,

A handwritten signature in blue ink, reading "Edward R. White, P.E." The signature is written in a cursive style with a large, sweeping initial "E".

Edward R. "Ted" White, P.E.
Environmental Health Specialist III
Garfield County Public Health
2014 Blake Avenue
Glenwood Springs, CO 81601
(970) 665-6383
twhite@garfield-county.com



195 West 14th Street
Rifle, CO 81650
(970) 625-5200

2014 Blake Avenue
Glenwood Springs, CO 81601
(970) 945-6614

Garfield County Community Development
108 8th Street, Suite 401
Glenwood Springs, CO 81601
Attention: John Leybourne
jleybourne@garfield-county.com

RE: Perry Minor Subdivision
Parcel No. 2393-284-11-005
55 South Cedar Street
Carbondale, Colorado 81623
File # MISA-01-24-8998

September 10, 2024

John,

Garfield County Public Health (GCPH) has reviewed the application and supplemental information provided for the proposed Perry Minor Subdivision and have the following comments on the application.

Redevelopment of lots smaller than 1 acre (43,560 ft²) has historically caused challenges with setbacks for OWTs, whether new or replacement systems. The size of a soil treatment area (STA, commonly known as a leach field) is determined by the number of bedrooms as well as the ability of the soil to treat the homes effluent from their septic tank. As homes increase in bed count so does the size of the STA, making it more challenging on lots less than 1 acre in size. There is limited space for the originally designed STA and there is not an area for a replacement soil treatment area on these smaller lots.

1. In Garfield County Public Health's (GCPH's) letter dated July 23, 2024, regarding the proposed Perry Minor Subdivision in the Satank Subdivision, we requested additional information from the applicant to address concerns associated with the Onsite Wastewater Treatment Systems (OWTs) that would be created for the proposed lots. Sopris Engineering provided the requested information to us via an email dated August 23, 2024. Specifically, we requested:
 - A site plan showing the actual, in the field location of wells on adjacent properties (not only the location indicated on the Division of Water Resources map) as well as any other water drainage or water courses.
 - The site plan that Sopris Engineering provided indicates that the nearest drinking water wells on adjacent lots are greater than the required setback distances required for the proposed OWTs. The site plan also indicated that a ditch along the northern property boundary of the proposed northern lot will be re-routed on the lot and lined, providing a smaller setback distance to the proposed Soil Treatment Area (STA) on the northern lot.

- A site-specific soil study for OWTS design indicating the soil type present on each lot that would be created by the subdivision.
 - Sopris Engineering provided the requested site-specific soil study for OWTS design for each lot. The profile pits excavated on the lots and the soil analysis indicated an R-Type Soil is generally predominant 2.5 feet below the existing grade. Sopris Engineering provided calculations indicating the size of the STA that will be required for a total of 4 bedrooms on each lot and plotted the proposed locations of the STAs on the site plan. There appears to be sufficient room for each STA as planned. However, there is no room for a replacement soil treatment area when the proposed soil treatment area fails in the future.
- 2. The applicant applied for a waiver from Section 7-105 of the Garfield County Land Use Development Code which stipulates that “Septic systems are prohibited for new developments on parcels less than 1 acre in size, but may be allowable for legal nonconforming lots”.

GCPH comments on waiver request: The original lot size is 20,313 ft² in size (an existing legal, nonconforming lot) and splits it into two smaller nonconforming lots (12,187 ft² and 8,125 ft²) per Section 7-105 of the Garfield County Land use Development Code. GCPH does not believe splitting an original legal, nonconforming lot into two smaller lots meets the intent of the LUDC or creates two legal nonconforming lots. GCPH staff recommend denial of the waiver request.

- 3. The site plan provided by Sopris Engineering indicates that the north lot will be developed with a single 4-bedroom residence in a building envelope that is 60 feet by 51.5 feet in size. The site plan also indicates that the south lot will be developed with a 3-bedroom main residence 20.5 feet by 46 feet in size, and a 1-bedroom Accessory Dwelling Unit (ADU) that will be 16.5 feet by 18 feet in size.

GCPH comments on proposed development: The proposed developments on each lot restrict the available area of OWTS components and setback distances (both new installations and repairs). Further, we are unclear if an ADU is allowable per the LUDC in the zone district the proposed subdivision is located.

GCPH recommends denial of the proposed Perry Minor Subdivision.

Thank you,



Edward R. “Ted” White, P.E.
Environmental Health Specialist III
Garfield County Public Health
2014 Blake Avenue
Glenwood Springs, CO 81601
(970) 665-6383
twhite@garfield-county.com

Hi John,

Carbondale & Rural Fire Protection District Review.

- Carbondale Fire will apply an impact fee for the subdivision of the lot (document was sent to owner).
- I approve the subdivision with no comments.

Thanks,



Karl Oliver

Prevention Division Chief

Fire Marshal

Carbondale & Rural Fire Protection District

300 Meadowood Drive

Carbondale, CO 81623

Office - (970) 963-2491

Cell - (970) 379-8991

www.carbondalefire.org

**MOUNTAIN CROSS
ENGINEERING, INC.**

Civil and Environmental Consulting and Design

July 16, 2024

Mr. John Leybourne
Garfield County Planning
108 8th Street, Suite 401
Glenwood Springs, CO 81601

RE: Review of the Perry Minor Subdivision: MISA-01-24-8998

Dear John:

This office has performed a review of the documents provided for the Perry Minor Subdivision application. The submittal was found to be thorough and well organized. The review generated the following comments:

1. The proposed location of the well meets OWTS setbacks for the proposed property. The Applicant should verify that there are no issues with the well setbacks from OWTS on adjacent properties.
2. The application seems to imply that ADUs would be allowed for each property. This should be verified.
3. Depending on the above, the OWTS analysis would need to be verified as applicable for 4 dwelling units.
4. The Applicant should provide a valid well permit.
5. The Applicant should provide a contract from West Divide Water Conservancy District.
6. The Applicant should provide a 4-hour well pump test.
7. The Applicant should provide a water quality analysis for the well.
8. The Applicant should discuss the proposed increase in traffic, from either four units or two units, and verify there are no safety concerns at any intersections.

Feel free to call if you have any questions or comments.

Sincerely,
Mountain Cross Engineering, Inc.

Chris Hale, PE

February 6, 2025

Dear Garfield County Commissioners:

My name is Jean Perry, and I am writing to you with a question re: property in Satank, unincorporated Garfield County.

My sister, Anne Perry, and I each own parcels of land on Cedar Street, my parcel #239328409019 and Anne's parcel #239328411005. Both properties are vacant right now, but Anne is planning to build a home and live on hers. She has been working with Garfield County for over 16 months and has a Board of County Commissioner hearing scheduled for February 18, 2025.

Anne is still in the process of eliminating interior lot lines and defining property boundaries. The community development department has referred her to the public health department, and they have informed Anne that her lots are not adequate in size to allow building permits due to septic system/leach field regulations.

My lot is adjacent to my home and the same size as Anne's proposed building site, but while hers is listed and taxed as VACANT RES LOTS - 0100 (VACANT LAND), mine is listed and taxed as SINGLE FAM.RES.-LAND - 1112 (RESIDENTIAL PROPERTY) by the assessor. When I contacted the community development department to inquire about erasing interior lot lines and incorporating the vacant land into my homesite, I was told it would require a lengthy process as it is a buildable site. Both properties are fifty feet wide and 150 feet long with neighboring properties that use their own separate septic system/leach field. If anything, my property has more constraints due to a neighbor's potable water well.

Please answer the question of why these two properties, similar in size and location, possess two different tax designations.

Thank you for your consideration.

Jean Perry
70 Cedar Street
Carbondale CO 81623