

**RESOLUTION**

Planning Department File 2016-0108 TXT

**APPROVAL OF A TEXT AMENDMENT TO THE MESA COUNTY LAND DEVELOPMENT CODE AMENDING SECTION 7.10, WASTEWATER, WITH RELATED AMENDMENTS TO SECTIONS 3.12.6; 4.4.2; 5.2.22; 5.2.23; 5.3.7; FOOTNOTES TO TABLE 6.1.1 *et al*; 6.3.4; 6.4.4; 7.2.2; and 12.1.**

**WHEREAS**, the purposes of the Land Development Code text amendment for Onsite Wastewater Treatment Systems are to use the most current terminology; remove regulations that are duplicated elsewhere; resolve conflicts regarding minimum lot sizes; and change “Mesa County Health Department” to “Mesa County” in response to organizational shifts in responsibility regarding wastewater treatment; and

**WHEREAS**, the Mesa County Planning Commission recommended approval of the text amendment at their July 21, 2016 hearing; and

**WHEREAS**, a public hearing was held before the Mesa County Board of County Commissioners on August 9, 2016; and

**WHEREAS**, the Mesa County Board of County Commissioners approved the text amendment.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO FINDS:**

**THAT** the hearing before the Board was held after proper notice;

**THAT** the application is in accordance with relevant Mesa County Master Plan Policies and the health, safety, and welfare of the residents of Mesa County; and

**THAT** the application meets Section 1.5 of the *Mesa County Land Development Code* and does not conflict with other sections in the *Mesa County Land Development Code*.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY OF MESA, STATE OF COLORADO THAT:**

1. The *Mesa County Land Development Code* is hereby amended as follows:  
(Proposed additions are underlined. Proposed deletions are shown in ~~strike-through~~.)

§Section 7.10 | Wastewater

7.10.1 | Service by Grand Junction–Mesa County Wastewater Collection and Treatment System  
Any development located within the Persigo Wastewater Treatment Plant Service Area shall be required to connect to the Grand Junction-Mesa County Wastewater Collection and Treatment System if a major sewer line exists or is built within four hundred (400) feet of any part of the property on which the development occurs, as measured via any public right-of-way or utility easement. If ~~Individual Sewage~~

~~Disposal Systems~~ Onsite Wastewater Treatment Systems are to be utilized by a development on a temporary basis, such use must be in conformity with all County and State Health Department laws and regulations. An estimate of the funds necessary to cover the cost of such a connection shall be prepared by a registered civil engineer and certified as adequate by the City or County Engineer. The funds shall be placed in escrow by the applicant or a bond shall be posted in a form acceptable to the County, prior to the issuance of a development permit, or the recording of a final plat or plan, and shall be utilized by the Board of County Commissioners to contract for and construct such connection if the applicant fails to comply with the provisions of this paragraph. New developments shall be subject to the Mesa County Sewer Trunk Line Extension Policy.

#### 7.10.4 | ~~Individual Sewage Disposal~~ Onsite Wastewater Treatment Systems

All ~~individual sewage disposal onsite wastewater treatment~~ systems, where allowed, shall be located, installed, and operated in accordance with the regulations of the Colorado Department of Health and Mesa County Health Department.

A. The following Minimum Lot Sizes and Dimensional Standards for ~~Individual Sewage Disposal~~ Onsite Wastewater Treatment Systems (ISDS-OWTS) apply to all newly created lots:

1. The minimum lot size for all development applications requiring public hearing review and all applications requiring administrative review (except site plans) served by ~~Individual Sewage Disposal Systems (ISDS)~~ Onsite Wastewater Treatment Systems (OWTS) and a public water system shall be one (1) acre.
2. All lots within proposed major subdivisions, planned unit developments, or administrative review applications served by ~~Individual Sewage Disposal Systems (ISDS)~~ Onsite Wastewater Treatment Systems (OWTS) and a public water system ~~less than two (2) acres in area~~ must meet the requirements of the Mesa County Onsite Wastewater Treatment System Regulations (June 30, 2014, as amended) following criteria:
  1. ~~All Mesa County Health Department requirements and standards shall be met.~~
  2. ~~Depth to the high seasonal water table at the location of the absorption (leach) field shall be a minimum of five (5) ft. from the existing ground surface.~~
  3. ~~Depth to bedrock at the location of the absorption (leach) field shall be a minimum of five (5) ft. from the existing ground surface.~~
  4. ~~Percolation rates for the absorption (leach) field and reserve area shall not be slower than sixty (60) minutes per inch.~~
  5. ~~A deviation from the requirements of criteria 2, 3, and 4 to allow lots between 1 and 2 acres in size may be requested if the following is demonstrated by a qualified engineer licensed in the State of Colorado:~~
    - ~~The proposed lot(s) are capable of meeting all requirements of the Mesa County Health Department.~~
    - ~~A minimum of ten thousand (10,000) sq. ft. of useable absorption field and reserve area is demonstrated based on a site plan which identifies a building envelope, absorption field area, replacement absorption field area, and all site conditions which may impact ISDS design.~~
    - ~~All supporting documentation and calculations signed and sealed by a qualified engineer licensed in the State of Colorado shall be provided.~~

6. ~~All lots less than two (2) acres in size shall require a site plan showing building envelopes, absorption field area, replacement absorption field area, and required setbacks for all structures and absorption fields. The site plan shall include:~~

- ~~• natural features (streams, lakes, other surface water)~~
- ~~• location of proposed or existing water supply~~
- ~~• floodplain information (if applicable)~~
- ~~• topography ten (10) ft. contour interval or less)~~
- ~~• depth to high seasonal water table~~
- ~~• depth to bedrock~~

B. ~~Lots not served by a public water system:~~

~~A two (2) acre minimum lot size shall be required for all lots not being served by public water service and/or utilizing wells, springs or cisterns. The minimum lot size for a lot not served by public water service and/or utilizing wells, springs or cisterns shall be based on the Colorado Department of Natural Resources well permit requirements, or as required by engineered OWTS design, or one (1) acre, whichever is greater.~~

C. ~~If the provisions of this section conflict with zoning district standards or other provisions of the Land Development Code, the minimum lot size shall default to the larger lot size~~

D. ~~Monitoring Wells~~

~~Monitoring wells may be required as a condition of approval where the Mesa County Health Department determines that soils, groundwater, proposed densities or other relevant conditions warrant long-term monitoring of Individual Sewage Disposal Systems.~~

C. ~~Existing Lots Served By Individual Sewage Disposal Systems (ISDS) Onsite Wastewater Treatment Systems (OWTS):~~

- ~~1. Existing lots must meet the minimum lot size requirements determined through the application of the Mesa County OWTS Health Department's Individual Sewage Disposal System regulations.~~
- ~~2. Existing lots that do not conform to Section 7.10.4.B of the Land Development Code the minimum standards of this Section shall not be made more nonconforming by a Property Line Adjustment."~~

D. ~~If the provisions of this section conflict with zoning district standards or other provisions of the Land Development Code, the minimum lot size shall default to the larger lot size.~~

E.F. ~~Non-residential Existing lots (uses) may request a deviation from the standards of this Section 7.10.4.A, subject to upon approval from the Mesa County Health Department OWTS Administrator and/or Colorado Department of Public Health and Environment.~~

### 3.12.6 | Approval Criteria for Accessory Dwellings

- A. Variances to the maximum allowed size of an accessory dwelling may be approved by the Board of Adjustment only if it finds that the following criteria 1 through 5 have been met:

1. The requested variance is consistent with the Purposes set out in Section 1.5 of the Land Development Code;
2. The available building area of the property, as shown on a survey or site analysis map submitted by the applicant, would allow the construction of the proposed accessory dwelling, including adequate space for a septic system and replacement septic system as required by the Mesa County Health Department;

#### 4.4.2 | OL, Orchard Mesa Open Land Overlay District

##### D. Residential Grouping, Design and Density

6. Minimum lot sizes:
  - a. All lots utilizing ~~Individual Sewage Disposal Systems (ISDS)~~ Onsite Wastewater Treatment Systems (OWTS) shall meet the ~~ISDS~~ OWTS standards as determined by Section 7.10 of the Land Development Code.
  - b. Minimum lot size for lots served by public sanitary sewer service shall be determined on a site specific basis through the subdivision review process, based on compatibility with surrounding land uses.

#### 5.2.22 | Oil and Gas Support Services

- A. In addition to the items identified in the appropriate application packet, the following information shall be submitted with an application for a conditional use permit or major site plan:
  4. A reclamation and re-vegetation plan for each site satisfying the following requirements:
    - d. Sewage disposal systems will be removed and disposed of in compliance with Mesa County ~~Health Department~~ requirements.

#### 5.2.23 Temporary Employee Housing

- A. In addition to the items identified in the appropriate application packet, the following information shall be submitted with an application for a Conditional Use Permit or Major Site Plan:
  4. A reclamation and re-vegetation plan for each site satisfying the following requirements:
    - d. Sewage disposal systems will be removed and disposed of in compliance with Mesa County ~~Health Department~~ requirements.
- B. The following standards will apply to all temporary employee housing facilities:
  3. The facility shall be constructed to minimize erosion, alteration of natural features, and removal of surface materials to the greatest extent practical. The following issues shall be taken into consideration when designing a facility on a specific site:
    - d. If on-site sewage treatment is provided, the system must be approved by either the Mesa County or the State Health Department.

5.3.7 | Accessory Dwellings

C. General Standards

The following general standards shall apply to accessory dwellings:

1. Septic System	Parcels or lots that are not connected to a municipal sewer system shall be served by an <del>Individual Sewage Disposal System (ISDS)</del> <u>Onsite Wastewater Treatment Systems (OWTS)</u> approved by the Mesa County Health Department. In such circumstances, the minimum parcel or lot size shall be <del>two (2) acres</del> <u>one (1) acre</u> unless the Mesa County Health Department determines an appropriate <del>ISDS OWTS</del> <u>OWTS</u> can be installed on a smaller parcel or lot, allowing adequate space as required by the Mesa County <del>OWTS regulations</del> <u>Health Department</u> for the septic system and a replacement absorption field.
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Footnotes to Tables 6.1.1, 6.1.2, 6.1.3, 6.1.4.a and 6.1.4.b

- 20. Duplex or other attached single-family dwelling units may be permitted as a conditional use. All Mesa County Development Code requirements pertaining to ~~individual Sewage Disposal Systems (ISDS)~~ Onsite Wastewater Treatment Systems (OWTS) will apply.

6.3.4 | Rural Cluster Density Bonus Standards

B. Lot Sizes

Average and minimum lot sizes shall be established by the ~~Board of County Commissioners~~ Decision Making Body at the time of approval of the Rural Cluster development. Average and minimum lot size requirements shall be based on adopted area plans, facility adequacy, State and County ~~Health Department individual sewage disposal onsite wastewater treatment system~~ regulations, fire protection standards, site-specific conditions, and the need, if any, to protect adjacent agricultural operations under the County's Right to Farm and Ranch Policy. All lots utilizing ~~Individual Sewage Disposal Systems (ISDS)~~ Onsite Wastewater Treatment Systems (OWTS) shall meet the ~~ISDS OWTS~~ standards as determined by Section 7.10 of the Land Development Code.

6.4.4 | Cluster Developments

- A. Minimum lot sizes shall be established by the Decision Making Body at the time of approval of the Cluster Development. Minimum lot size requirements shall be based on the Mesa County Master Plan, facility adequacy, and site-specific conditions. All lots utilizing ~~Individual Sewage Disposal Systems (ISDS)~~ Onsite Wastewater Treatment Systems (OWTS) shall meet the ~~ISDS OWTS~~ standards as determined by Section 7.10 of the Land Development Code.

7.2.2 | Reclamation and Weed Management

- A. The purpose of a reclamation and re-vegetation plan is to demonstrate how the site will be restored or prepared for future use once a temporary or conditional use ceases to exist. In the case when a Construction Stormwater Permit is required, these plans will be subject to review by the 5-2-1 Drainage Authority. Re-vegetation plans are subject to review by the Tri River Area Extension – Mesa County, Division of Pest Management, and shall demonstrate the following:

- 4. Sewage disposal systems will be removed and disposed of in compliance with Mesa County ~~Health Department~~ requirements.

§12.1 | Terms Defined

**Individual Sewage Disposal System (ISDS) Onsite Wastewater Treatment System (OWTS):**

A septic tank, seepage tile-sewage disposal system, or any other approved on-lot sewage treatment device.

**APPROVED** this 9<sup>th</sup> day of August, 2016.



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Rose Pugliese, Chair  
Board of County Commissioners

ATTEST:



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Sheila Reiner  
Mesa County Clerk & Recorder

