

JEFFERSON COUNTY PUBLIC HEALTH
Environmental Health Services Division
1801 19th Street, Golden CO 80401
(303) 271-5700 FAX (303) 271-5760
<http://health.jeffco.us>

INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT
(Board of Health Variance Cases)
Instructions and Application Forms

USE THIS PACKET IF YOUR PROPOSED NEW or EXPANDED INDIVIDUAL SEWAGE DISPOSAL SYSTEM IS TO BE INSTALLED ON A SITE THAT DOES NOT MEET THE MINIMUM LOT SIZE, GENERALLY 1 ACRE FOR PROPERTIES SUBDIVIDED BEFORE 1972 (1/2 acre with public water).

- Use **FORM 100** for most other types of individual sewage disposal system applications, including repairs and tank replacements. Use **FORM 110** for non-residential or commercial systems, steep slope installations, mechanical systems and other cases that must be reviewed by the Board of Health.

IMPORTANT! READ ALL INSTRUCTIONS BEFORE SUBMITTING YOUR APPLICATION!

PRIOR to applying for a lot size variance, the Board of Health requires that you first attempt to increase your lot size by purchasing adjacent property if it meets ALL of the following conditions, meaning it is:

- VACANT, with no structures, wells or septic systems on it,
- SUBDIVIDED, in conformance with all land-use regulations,
- CONTIGUOUS, sharing a common boundary of at least 25 feet with your property,
- If the lot is separated from your property by a platted road, whether or not the road is or will be constructed, it is not considered contiguous.
- SIZED, so that if added to your property, the total size would not then exceed 125% of the required minimum lot size,
- USABLE, meaning the lot isn't a cliff, lake or otherwise unsuitable terrain,
- AN 'EXCESS' LOT, meaning that if an adjacent property is composed of multiple, platted lots, you may buy one or more of those lots if that wouldn't reduce the size of that property to less than 1 acre.

NOTE: You don't have to attempt to purchase property if it is either owned by a government entity or would require a hearing before or decision by another government entity to be added to your property.

INFORMATION and maps showing which properties may qualify for purchase can usually be obtained from the Jefferson County Assessor.

Once you determine if there are properties you must attempt to purchase:

- Make a written offer to the owner of record via CERTIFIED MAIL – RETURN RECEIPT REQUESTED, with a specific dollar offer. You may condition your purchase offer to the Board granting the variance and include a reasonable deadline for the owner to accept your offer, usually at least two weeks. You may also use EMAIL to make your offer.

Once you receive all of the return receipts, and either your offer deadline has passed or you cannot come to an agreement with a particular owner, only then may you apply for the variance.

- You must include copies of the offer, the return receipt, e-mails and any other correspondence for each property you have attempted to purchase.

VARIANCE APPLICATION INSTRUCTIONS

PAGE 2

TO APPLY FOR YOUR PERMIT:

1. Submit PAGES 1-6 of this application packet.
2. Provide TWO COPIES of an ENGINEERING REPORT, including soil tests and engineered design less than six (6) months old, a geological report (if necessary) and site plan. If you have a well permit, you may also include a copy (not required).
3. Provide ALL DOCUMENTS relating to the purchase of adjacent property as specified on the first page of these instructions. If there are no available properties you need not submit any additional documentation.
4. Submit CASH, CHECK or MONEY ORDER payable to Jefferson County Treasurer for nonrefundable \$125.00 for the HEARING FEE. If your case is approved, you will also need to pay the permit fee but this will be collected after the hearing has occurred.

PARCEL LEGALITY VERIFICATION

After applying for your individual sewage disposal system permit you will need to take the certain documents to the Planning and Zoning Department so they may verify the legality of your parcel (see page 8 of this packet).

SUBMITTAL DEADLINE

You must submit a COMPLETED application and all appropriate forms by the first working day of the month preceding the month you wish your case to be heard, e.g. May 1 is the deadline for the June 17 hearing, etc.

SITE POSTING

Prior to the hearing, staff will post a sign on your property detailing the date and location of the hearing and other pertinent information. Please do not remove the sign until after the hearing.

AT THE HEARING

The Board of Health will consider your request at a public hearing at which staff will present your case and the Board will accept testimony for and against your proposal. You (or a representative) **must** attend, otherwise your case may be tabled.

Hearings are held the 3rd Tuesday of the month at the Jefferson County Administration Building in Golden. You will be notified of the date, time and room of your hearing. Typically, the Board will render a decision at the hearing, but your case may be tabled or continued at the Board's discretion.

If the Board approves your variance you will be required to sign the variance agreement form, which sets out the terms and conditions under which the variance is granted. A sample variance agreement is shown on page 7 of this packet, although additional conditions may be imposed at the Board's discretion.

STAFF CONTACTS

Call Mike Davis (303) 271-5771 or Craig Sanders (303) 271-5759 with questions regarding variance application procedures. Staff will contact you for any further information if necessary.

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AMANDA PERMIT NUMBER (Staff Use Only)
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APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT

Property Address				City	ZIP
Legal Description*	Lot(s)	Block	Unit/Filing	Subdivision Name	

(*For metes and bounds descriptions, please attach separate page with complete legal)

WORK PROPOSED AND FEES (check one)

INITIAL BOARD OF HEALTH HEARING FEE: \$125.00 (payable to Jefferson County Treasurer)
(Also check the type of work proposed below – the associated permitting fees shown are payable only if the case is approved by the Board of Health – do NOT submit them with your application.)

- NEW CONSTRUCTION on undeveloped sites **\$880.00**
- REPAIR or replacement of an existing individual sewage disposal system: **\$880.00**
- ADDITION to an existing individual sewage disposal system: **\$880.00**
- NEW VAULT (show gallons _____) **\$400.00**

EFFECTIVE 7/1/2007, a new state ISDS fee of \$20.00 was adopted. You must submit a separate check payable to "CDPHE - WQCD" for this amount at the time you submit the permitting fee shown above. CASH cannot be accepted for this fee.

APPLICANT

NAME _____

MAILING ADDRESS _____

CITY STATE ZIP _____

PHONE _____ email _____

OWNER (if other than applicant)

NAME _____

ENGINEERING FIRM

LOT SIZE _____ acres **BEDROOMS** # _____ or 'NONE'

STRUCTURAL TYPE (also see page 2)

- | | |
|---|--|
| <input type="checkbox"/> Barn / Stable (commercial) | <input type="checkbox"/> Office with _____ workers |
| <input type="checkbox"/> Barn / stable – (personal use) | <input type="checkbox"/> Recreational (public) |
| <input type="checkbox"/> Dwelling – Bed & Breakfast | <input type="checkbox"/> Recreational (commercial) |
| <input type="checkbox"/> Dwelling – multifamily | <input type="checkbox"/> Religious Institution |

MAP TO PROPERTY

INSTRUCTIONS: Please **DRAW** a driving map to the site for the field inspectors. PLEASE DO NOT WRITE DIRECTIONS!

If the property is in a security or gated area, please indicate the code below or provide other instructions for entry. Remember that you must have the address posted on the property prior to our site visit and the location of the proposed well and absorption / evaporation system must also be staked. Failure to do so may result in a significant delay in processing your application. .

*SECURITY GATE CODE
(if applicable)*

AFFIDAVIT REGARDING PURCHASE OF ADJACENT PROPERTY

INSTRUCTIONS: *This form documents that the owner has attempted to purchase adjacent undeveloped property to increase the size of their parcel. If no such property is available for purchase, circle "does not exist" in #3, below and skip item #4. The owner of the property on which the variance is sought (the "affiant") must sign this form and have it NOTARIZED.*

STATE OF COLORADO)
COUNTY OF JEFFERSON) _____ Name(s)
being of lawful age, and first being duly sworn upon oath, deposes and states as follows:

1. The Affiant is the owner of certain real property being described as follows:
(Legal Description) _____

2. The Affiant is applying for a variance to install an individual sewage disposal system on said property.

3. That there **[circle one] exists / does not exist** adjacent and contiguous to Affiant's property, certain undeveloped real property.

4. That the owner(s) and the legal description of said real property is as follows:
Name _____
LEGAL _____

Name _____
LEGAL _____

Name _____
LEGAL _____

That on the _____ day of _____, 200____, Affiant contacted said owner(s) and made a reasonable offer to purchase said property which was:
() accepted () rejected.

FURTHER AFFIANT SAYETH NAUGHT

Affiant

Subscribed and sworn to, before me this _____ day of _____, 20_____.

(Notary Public)

My Commission Expires: _____

ADJACENT PARCEL OWNERSHIP

INSTRUCTIONS: *This form requests information on whether the owner or applicant currently or formerly owned parcels adjacent to the subject property. Please complete and sign.*

Name _____ () OWNER () APPLICANT

Property address _____

1. Is the parcel which is the subject of this variance under contract to be sold, pending the outcome of the variance hearing?

() **NO**

() **YES** (name of purchaser) _____

2. Does the property owner for this parcel presently own any adjacent (contiguous) property?

() **NO**

() **YES** (list adjacent properties currently owned and provide subdivision map)

Legal _____

Lot Size: _____ acres. Is this property developed? () YES () NO

Legal _____

Lot Size: _____ acres. Is this property developed? () YES () NO

3. Has the property owner for this parcel previously owned any adjacent (contiguous) property?

() **NO**

() **YES** (list adjacent properties previously owned and provide subdivision map)

Legal _____

Lot Size: _____ acres. Date sold: _____ Is this property developed? () YES () NO

Legal _____

Lot Size: _____ acres. Date sold: _____ Is this property developed? () YES () NO

Legal _____

Lot Size: _____ acres. Date sold: _____ Is this property developed? () YES () NO

I hereby acknowledge that the information provided above is true and correct to the best of my knowledge and represents an accurate recitation of the ownership and transaction history of parcels adjacent to the parcel upon which the variance is sought. I further acknowledge that incorrect or misleading statements on this form will be cause to deny the variance and to revoke any permit issued based on the variance.

APPLICANT or OWNER

DATE

SAMPLE NOTICE OF VARIANCE (for information only)

NOTICE IS HEREWITH GIVEN that **JOHN SMITH** (the "Applicant") applied to the Jefferson County Board of Health (the "Board") for a variance from the provisions of the regulations of Individual Sewage Disposal System on land owned by **JOHN SMITH** in Jefferson County, State of Colorado. The land for which the variance was applied for is described as:

LOT 1-15, PRARIE OVERLOOK SUBDIVISION, aka 24255 Coneflower Road (the "Property")

At its regular meeting on January 16, 2003, the Board granted the variance applied for the Property under the following terms and conditions:

1. If, at any time in the future, it is shown to the satisfaction of the Jefferson County Department of Health and Environment (the "Department") that the Individual Sewage Disposal System ("ISDS" or "system") constructed by you under the terms of this variance is, in fact, surfacing, or showing other evidence of malfunction or causing contamination of any well, water system, or stream, that notice will be given to you and on the receipt of such notice, you will stop using the leaching field and septic system constructed by you under the terms of this variance.

2. In accepting the variance and in constructing an ISDS pursuant thereto, you do hereby acknowledge that abutting landowners may, in the future, receive a variance under the same terms and conditions as received by you and you will not in any way hold the Department, its agents or employees, responsible for any contamination of a water well or water supply system supplying the property owned by you.

3. In the event the ISDS which is the subject of this permit malfunctions, no repair permit shall be issued by the Department if the Property is located within the boundaries of a sanitation district or water and sanitation district, and the Property is located within 400 feet of a sewer line operated and maintained by that district, and the district determines that public sewer service to the Property is feasible by means of connection to that sewer line.

4. This Variance is granted, subject to annual review, by the Department and if, on such review, it is found that adequate public health reasons exist to terminate this Variance, notice will be given to you of this finding and an opportunity granted to you to appear before the Board for further hearing to determine whether or not the Variance granted herewith should be continued.

5. This Variance is granted, on condition that construction of improvements on the above described Property be completed within the period that the sewage disposal system permit to construct is valid.

6. This Variance terminates upon the property owner's voluntary connection to a public sewer system or by a connection to a public sewer system compelled by a sanitation district or water and sanitation district under the provision of C.R.S. 32-1-1000(l)(a).

This Agreement, as set forth in this Notice of Variance, shall be binding upon the heirs, successors, and assigns of the owners of the above described property, and the terms and conditions thereof shall operate on any successive owners in the same force and effect as if they had been the original applicants for the Variance, and to this end, notice is herewith given of the terms and conditions upon which the said Variance was granted.

Dated this 16th Day of JANUARY, 2007

JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

By: (signed) *Craig Sanders* Date: January 16, 2008

The terms of this Variance are herewith accepted by the owners of the above described property.

By: (signed) *John Smith* Date: January 23, 2008

NOTICE TO INDIVIDUAL SEWAGE DISPOSAL SYSTEM APPLICANTS

After submitting this application, go to the Planning and Zoning Department at 100 Jefferson County Parkway (Courts and Administration Building) in Golden so they may verify the legality of your parcel. Bring the following items with you:

1. This page and a copy of your receipt, and
2. Deed(s) of your property as follows:
 - a) *for platted lots (such as "Lot 27, Unit 5, Mustang Ranch Subdivision") bring the current deed for the property.*
 - b) *for metes and bounds parcels (such as "NW1/4 Section 5, T7S, R71W") or partial lots, bring the current deed for the property, the pre-1972 deed for the same property and a survey.*

Copies of deeds can be obtained through the Jefferson County Clerk and Recorder. There is a nominal fee for this service.

When Planning and Zoning determines that the parcel is legal they will provide us with an electronic approval. Please remember, **NO WORK WILL BE DONE TO PROCESS YOUR APPLICATION** until the parcel legality process has been completed, so don't delay this important step.

If the Planning and Zoning Department determines that the parcel is NOT legally subdivided, contact CRAIG SANDERS at the Department of Health and Environment (303 271-5759) for further information on how to proceed. Illegally subdivided parcels may require approval of the Board of Health prior to the issuance of an individual sewage disposal system permit.

RECEIPT FOR PAYMENT (Your receipt number is the same the AMANDA number, above)

Check Number _____ Amount Received \$ _____ Date _____ By: _____