

**RESOLUTION NO. 2018-26**  
**BOARD OF COUNTY COMMISSIONERS OF**  
**RIO BLANCO COUNTY, COLORADO**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO ADOPTING AN AMENDMENT TO THE 2016 RIO BLANCO COUNTY LAND USE REGULATION REPEALING ARTICLE 17 AND REPLACING ARTICLE 17 BY THE ADOPTION OF THE 2018 RIO BLANCO COUNTY ON-SITE WASTEWATER TREATMENT SYSTEMS RESOLUTION PURSUANT TO THE COLORADO WATER QUALITY CONTROL COMMISSION REGULATION 43, 5 CCR 1002-43 INCLUDING THE DECISIONS SELECTED IN THE LOCAL REGULATION REVIEW SUBMITTAL FORM**

**WHEREAS**, Rio Blanco County is a legal and political subdivision of the State of Colorado, for which the Board of County Commissioners, hereinafter "BOCC" is authorized to act; and

**WHEREAS**, the BOCC is authorized by Sections 29-20-101 through 104, 30-11-103, 30-28-111 through 115, 30-28-133 C.R.S. as amended and other powers authorized by the Constitution of the State of Colorado or Colorado State Statutes to adopt land use regulations governing the unincorporated areas of Rio Blanco County; and

**WHEREAS**, on the 23rd of May, 2016, the BOCC adopted Resolution 2016-15, adopting the 2016 Land Use Regulation amending the Rio Blanco County Land Use Resolution of 2001 for the County of Rio Blanco, State of Colorado; and

**WHEREAS**, the BOCC is authorized by the provisions of 30-28-116, C.R.S., as amended, and Section 1-102 of the 2016 Rio Blanco County Land Use Resolution to provide for the approval of amendments to the 2016 Rio Blanco County Land Use Resolution; and

**WHEREAS**, the BOCC has determined it is necessary to amend, rewrite, and repeal certain portions of the 2016 Rio Blanco County Land Use Resolution with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the County which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire, flood waters, and other dangers, adequate provision for light and air, distribution of population, efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements; and

**WHEREAS**, the Board of County Commissioners of Rio Blanco County, Colorado, (hereinafter the "Board"), is authorized, pursuant to state enabling legislation including but not limited to § 25-10-101, et seq. C.R.S., and under the authority contained in the On-site Wastewater Treatment System Act to adopt regulations regarding On-site Wastewater Treatment Systems; and



**WHEREAS**, the Rio Blanco County Building Division is designated to implement and enforce these regulations; and

**WHEREAS**, the Board finds that the proposed 2018 Rio Blanco County On-Site Wastewater Treatment Systems Resolution is in the best interests of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of Rio Blanco County;

**THEREFORE BE IT RESOLVED**, by the Board of County Commissioners of Rio Blanco County, Colorado as follows:

1. Article 17 of the 2016 Rio Blanco County Land Use Regulation is hereby repealed and replaced by the adoption of the 2018 Rio Blanco County On-Site Wastewater Treatment Systems Resolution pursuant to the Colorado Water Quality Control Commission Regulation 43, 5 CCR 1002-43 including the decisions selected in the Local Regulation Review Submittal Form
2. These regulations are adopted by the Board pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S.
3. The Rio Blanco County Building Division is designated to implement and enforce these regulations.
4. These regulations apply to On-site Wastewater Treatment Systems (OWTS) as defined in section 25-10-103(12), C.R.S.
5. The purpose of these regulations is to establish the minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS with a design capacity less than or equal to 2,000 gallons per day within Rio Blanco County.
6. These regulations apply to all OWTS in the unincorporated areas of the county and over all municipal corporations within the territorial limits of Rio Blanco County but not over the territory of any municipal corporation that maintains its own public health agency including: The Town of Rangely and The Town of Meeker.
7. An OWTS permit must not be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district. [43.4(B)(11)]
8. The requirements of the Colorado Water Quality Control Commission's "On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43, Effective date July 1, 2018, attached as "Exhibit A", are made a part of these regulations by this reference, and will apply except where identified as an option in the "Appendix A" , if any, attached to "Exhibit A", or where these regulations are more stringent than Regulation 43, 5 CCR 1002-43, and included in these regulations. All aspects of an On-site Wastewater Treatment System including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance and use must be as provided in Regulation 43 and any additional requirements contained in these regulations.
9. The designated decisions for allowable options, if any, are identified in the attached "Appendix A" to "Exhibit A".



10. Prior to installing, altering, expanding or repairing an OWTS, the applicant must obtain a permit from Rio Blanco County Building Division.
11. An OWTS permit expires one year after the date of issuance if construction has not commenced. After expiration, a new application must be required to begin construction.
12. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from the Rio Blanco County Building Division. After a permit is invalidated, a new application and subsequent permit is required to begin construction
13. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.
14. When an application is denied by Rio Blanco County Building Division, an applicant may request review by the Board.
15. Permit fees and fees for other services and tests associated with OWTS are set by the Board, in conformance with section 43.4(B)(4) and (5) of Regulation 43 and 25-10-107, C.R.S.
16. A surcharge of \$23.00 will be collected for each permit issued by Rio Blanco County Building Division. Of that fee, the Rio Blanco County Building Division will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the Colorado Dept. of Public Health and Environment for use in funding its OWTS program.
17. The Board may approve a variance from a requirement of this Regulation. Variances cannot be granted by staff.
18. Approval of a variance must be based upon evidence presented by the applicant, or their designee, showing that the variance would not be injurious to the public health, water quality, or environment.
19. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting these Regulations. The Board must determine if this item has been addressed prior to granting a variance.
20. The Board has the authority to impose site-specific requirements and conditions on any variance granted.
21. A copy of the 2018 Rio Blanco County On-Site Waste Water Treatment Systems Resolution shall be maintained in the Rio Blanco County Building Division
22. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado, declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.



DULY MOVED, SECONDED AND PASSED ON A VOTE OF 3 FOR AND 0  
AGAINST, this 18<sup>th</sup> day of June, 2018.

BOARD OF COUNTY COMMISSIONERS of  
RIO BLANCO COUNTY, COLORADO

By: [Signature]  
Shawn J. Bolton, Chairman

By: [Signature]  
Jeff Rector, Commissioner

[Signature]  
Clerk and Recorder

By: [Signature]  
Si Woodruff, Commissioner







# Publisher's Affidavit and Proof of Publication

R I O B L A N C O

## Herald Times

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STATE OF COLORADO

COUNTY OF RIO BLANCO



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### PUBLIC NOTICE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO

Notice is hereby given that the Board of County Commissioners of Rio Blanco County, Colorado will hold a public hearing to consider the proposed amendments to the Onsite Waste Water Treatment System (OWTS) Regulations. The hearing will be held on June 18, 2018 at 11:15 a.m. at the Rio Blanco County Annex Building, 17497 Highway 64 Rangely, Colorado.

Rio Blanco County staff recommends the approval of the proposed amendments to the Rio Blanco County Land Use Regulations Article 17. A copy of the proposed amendments to the OWTS Regulations and are available in the Rio Blanco County Planning Division.

Published: May 10, 2018  
Rio Blanco Herald Times

I, Debbie Watson, do solemnly swear that I am the office manager acting on behalf of Samantha Turner, owner/publisher of the Rio Blanco Herald Times, formerly known as The Meeker Herald and The Rangely Times weekly newspapers; that the same is a weekly newspaper published in the County of Rio Blanco, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Rio Blanco for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provision of the Act of March 3, 1879, or any amendments thereof; and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated May 10 A.D. 2018, and that the last publication of said notice was in the issue of said newspaper dated, May 10 A.D. 2018.

In witness whereof I have hereunto set my hand this 10<sup>th</sup> day of May A.D. 2018.

Debbie Watson  
Debbie Watson, office manager acting on behalf of Samantha Turner, owner/publisher

Subscribed and sworn to before me, a notary public in and for the County of Rio Blanco, State of Colorado, this 10<sup>th</sup> day of May A., D. 2018.

Patti J. Hoke  
Notary Public

PATTI J. HOKE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID #19994026925  
My Commission Expires October 17, 2019

