

RESOLUTION 2021-3-1

RESOLUTION OF THE BOARD OF DIRECTORS OF THREE LAKES WATER AND SANITATION DISTRICT GRANTING TEMPORARY LIMITED AUTHORITY TO THE DISTRICT MANAGER TO APPROVE TEMPORARY VARIANCES FOR PROPERTIES AFFECTED BY THE EAST TROUBLESOME FIRE

WHEREAS, Three Lakes Water and Sanitation District (the “District”) is a special district and political subdivision of the State of Colorado, subject to certain provisions set forth in the Colorado Special District Act, §§ 32-1-101, *et seq.*, C.R.S., pursuant to § 32-10-180, C.R.S.; and

WHEREAS, § 32-1-1006(1)(a)(I) C.R.S., allows the District to compel connection for premises located within the boundaries of the District and within 400 feet of the sewer main; and

WHEREAS, pursuant to Rule 3.6 of the Rules and Regulations of the District (the “Rules”), a property owner may request a temporary variance from the requirement to connect an existing or proposed structure on the property to the District’s sanitary sewer system, which the Board of Directors may approve, conditionally approve or deny, based on the criteria set forth in Rule 3.6; and

WHEREAS, under Rule 3.6, the Board may approve a variance for an existing building or structure if the Board determines that “it is not practical to require the connection of the existing building or plumbing facilities to the sewer main owned by the District, and that the public health or environment will not be adversely affected” and may approve a variance for a proposed, new structure if the Board determines that the “topography will not allow the connection without extreme hardship, or that the property owner cannot obtain an easement across private land, required to reach a sewer main of the District, or that there is another physical impediment to connection”; and

WHEREAS, if the District approves a temporary variance from the requirement to connect, it will authorize an owner to construct or continue use of an individual disposal system, temporarily, under terms and conditions set forth in a recorded variance agreement; and

WHEREAS, the East Troublesome Creek Fire (the “Fire”) in Grand County that began on October 14, 2020 caused widespread injury and severe damage to the District, its residents and its customers, including destruction of homes and businesses; and

WHEREAS, on October 17, 2020, the Federal Emergency Management Agency declared the East Troublesome Fire to be a disaster (FM-5378-CO); and

WHEREAS, the Board of County Commissioners of Grand County adopted Resolution 2020-10-22 on October 20, 2020, declaring a local disaster emergency in Grand County, Colorado, for the 2020 East Troublesome Creek Fire; and

WHEREAS, the Board adopted Resolution 2020-11-1 declaring a local disaster emergency within the District for the Fire; and

WHEREAS, the District’s policy allowing owners to apply for temporary variances has been previously utilized by owners and approved by the Board for several properties containing structures that were destroyed by the Fire, and pursuant to Rule 3.6, the temporary variances will automatically terminate upon the owner obtaining a building permit to build any new human-occupied building on the property, or upon septic tank and leach field system failure; and

WHEREAS, the Board wishes to expedite the approval of the temporary variances reapplied for, due to destruction of structures by the Fire, by temporarily applying the standard for a variance for an existing structure for replacement of structures destroyed by the Fire, and by allowing the District Manager to approve temporary variances if the circumstances supporting the variance are unchanged, subject to the requirement set forth herein; and

WHEREAS, the Board finds that this Resolution is in the best interest of the District and its residents and property owners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THREE LAKES WATER AND SANITATION DISTRICT AS FOLLOWS:

Through December 31, 2022, renewal of temporary variances for replacement of structures destroyed by the Fire may be approved or approved with conditions if the District determines that “it is not practical to require the connection of the existing building or plumbing facilities to the sewer main owned by the District, and that the public health or environment will not be adversely affected.”

Through December 31, 2022, the Board grants the District Manager limited authority to approve new temporary variances for property owners who were previously granted a temporary variance which has terminated due to destruction of structures caused by the Fire and plan to re-build similar structures.

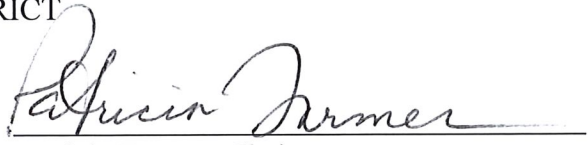
Approval by the District Manager may only occur if all of the circumstances below apply:

1. The existing individual disposal system has been tested and inspected by a qualified inspector after the event of the Fire and has been found to be in good working order.
2. The District Manager determines that hardship giving rise to the original variance is unchanged and it is not practical to require the connection of the existing building or plumbing facilities to the sewer main owned by the District and the public health or environment will not be adversely affected by granting of the temporary variance.
3. The conditions under which the previous temporary variance was granted still apply with no change and the proposed new structure is substantially similar to the structure being replaced.
4. The owner provides appropriate documentation and fees as required pursuant to Rule 3.6 of the Rules and Regulations of the District.
5. The owner agrees to amend the existing variance agreement (or enter into a new variance agreement, if applicable), setting forth the terms and conditions of the new variance.

Whereupon, a motion was made and seconded, and, upon a majority vote, this Resolution was approved by the Board.

ADOPTED AND APPROVED this 8th day of March, 2021.

THREE LAKES WATER AND SANITATION
DISTRICT

By: 
Patricia Farmer, Chairman

ATTEST:


Scott R. Huff, Secretary/Treasurer