

Town of Marble
Regular Meeting of the Board of Trustees
March 5th, 2020
7:00 P.M.
Marble Community Church, 121 W. State St. Marble, Colorado
Agenda

7:00 P.M.

- A. Call to order & roll call of the Regular Meeting of the Board of Trustees

- B. Approve previous minutes

- C. Mayor's comments

- D. Administrator Report
 - a. Current bills payable March 5, 2020, Ron
 - b. Other

- E. Land Use Issues
 - a. Building permit application for Beamon residence, Jeff Peterson & Chris Cox
 - b. Carbondale Fire District Station building permit conditions, Ron
 - c. Non-Conforming lot OWTS discussion, Larry

- F. Old Business
 - a. Jail House restoration project status report, Emma
 - b. Road Improvement plan discussion, Emma
 - c. Park committee report, Amber
 - d. Lead King Loop Committee report, Corinne & Ron
 - e. Consider approval of letter to Chris Lawrence regarding denial of OWTS appeal, Ron

- G. New Business
 - a. Other

- H. Adjourn

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
February 6th, 2020

A. Call to order & roll call of the Regular Meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 6:40 p.m. Present: Ryan Vinciguerra, Charlie Manus, Larry Good, Emma Bielski. Absent: Tim Hunter. Also present: Ron Leach, Town Administrator and Terry Langley, minutes. Attending by phone: Kendall Burgemeister, town attorney.

B. Executive session pursuant to CRS 24-6-402(4)(b) to receive legal advice regarding process and review standards for OWTS variance and appeal. – Larry Good made a motion to go into executive session. Charlie Manus seconded and the motion passed unanimously. Citizens were asked to step out. The trustees went in to executive session at 6:41 p.m. The executive session ended at 7:50 p.m. Attorney Kendall Burgemeister certified the executive session was comprised of attorney client privileged communication. The regular meeting resumed at 7:55 p.m.

C. Approve previous minutes – Larry Good made a motion to approve the minutes of January 16, 2020. Emma Bielski seconded and the motion passed unanimously.

D. Mayor's comments – Ryan reminded everyone to be respectful and that only one person should speak at a time.

E. Continue Public Hearing Lawrence OWTS variance application appeal of denial, Tim Whitsett – Tim spoke representing Chris & Rick Lawrence. He spoke to the board as the public health agency as follows: The residence is a pre-existing non-conforming residence with two septic systems which are failing. They were legal at the time the structure was built and when it was annexed into the town. The lot is non-conforming due to the size of the lot and is also nonconforming due to a failing, non-permissible septic system. By bringing the septic system up to code, it reduces one of the non-conforming aspects. Because the OWTS will fit within the limitations of the lot, the system does not need a variance. The only variance that might be necessary is due to the lot size. It is impossible to increase the size of the lot because they are surrounded by public right of ways and other developed properties. This is not a density issue because the structure is already there. He does not feel that granting a variance will set a binding precedent. There are currently about 43 developed non-conforming lots within the town, but the Lawrence lot is the only one they know of without a developed septic system and that they should be allowed to have a septic system like these other lots have. There are about 40 undeveloped non-conforming lots that are too small and would each require separate variances granted to build. The OWTS regulations do not allow for a new or improved privy and the gray water system is also inadequate. There is an existing vault which would require pumping and which would then be susceptible to spillage and overflow and would result in increased traffic. The OWTS requires a vault or a composting toilet be backed up by an OWTS system. The OWTS system that has been designed is the best alternative for protecting the health and environment.

Ryan asked for comments and questions from the board. Larry Good asked if the building has always been a residence and was it winterized. Rick Lawrence reported that it has electric heat, a stove and kitchen sink but did not know about previous history. Tommy Russell reported that he has lived

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next door for 22 years without anyone living there. Ryan said it is classified as a residence. He asked if they had connected to the Marble Water Company and Rick said that they have a contract with the MWC with a tap. Mr. Whitsett said that this is simply a different source of water and not an extension of service. Charlie Manus said that he has no doubt an OWTS can be designed but there is an issue of precedent and density. He feels that granting a variance will mean many others seeking to build on a smaller lot. The property is not unique. Marble does not have the infrastructure for higher density. The property has never been used as a full-time residence, but only as a hunting cabin. Both the buyers and sellers are in the real estate business and knew the issues surrounding the non-conforming lot and decided to purchase and began making improvements before seeking a variance. He said that false statements were made in their letter dated 1/9/2020. Buying the property and then trying to get a variance was a bad decision and the Lawrences have done everything backwards.

Ryan asked for public comment. Mike Yellico asked for clarification regarding who Paul Rutledge works for – the town or the Lawrences. Ryan explained that for the purpose of this request, he works for the Lawrences. If there is a need they will contract with another engineer. The board will check to see if his contracting with people in Marble presents a conflict of interest. Tommy Russell said that they have made other improvements, including a new outhouse. He said that the leach field does not meet the setbacks necessary for the ditch and for existing wells on neighboring properties. Ryan said that they would not look at that unless a variance is granted and that the OWTS permit would then be examined. Josh Vogt asked the board to focus on consistency with any permits and variances made in the past and how they would maintain that consistency in the future. He spoke to the due diligence that should have been followed in the purchase of the property. Linda Adams spoke to the fact that there are other developed properties that were denied septic permits due to the size of the lots. Ryan pointed out that there is a difference between empty lots and lots with existing structures. Amber McMahill said that others had passed on the property due to the lack of water, septic and lot size. Ryan emphasized that each request is decided individually on a case-by-case basis and does not bind the town. Ryan asked Kendall if there was any problem with tapping into the Marble water before getting a variance for a septic system. Kendall said he would have to look at plumbing codes but since there is no plumbed toilet, he does not think that is an issue. Charlie asked those members of the public objecting to the variance if they would have a problem if the system does, in fact, meet the setbacks and other requirements. Tommy feels that this would set a dangerous precedent because they do not meet the requirements for lot size. Ryan asked if Tommy would want to be able to upgrade or replace a system. Tommy spoke to the difference between an inhabited property with an existing system and one that has been empty for years. Ryan said that the town wants residents to be able to improve systems when needed. Mike feels that realtors try to take advantage of the system. Josh said that if they can meet the setbacks and the town approved the variance and system, he would live with it. He spoke to the precedent and alternative options.

Larry spoke to the council needing to look at precedents in both future and past. Larry Good made a motion to deny the variance based on the lot size deficiency, failure to show a legitimate hardship and incomplete due diligence prior to coming to the council. Charlie Manus seconded and the motion passed 3-0. Mr. Whitsett asked if this was the denial of the appeal and Ryan said that it is.

F. Consider approval of Ordinance #1-2020 Approving Fire House lease, Carbondale & Rural Fire Protection District, Ron explained that the actual lease was approved at the last meeting. The meets and bounds had to be changed because the southern line of the lease encroached on the existing

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parking area. The fire district moved the boundary north. Kendall explained that the town still has a say in the design of the building improvements. Emma Bielski made a motion to approve the ordinance. Larry seconded. The motion passed unanimously.

G. Administrator Report

a. Current bills payable January 6, 2020, Ron – this month's bills are on page 19 of the packet. Four bills have been received since the packet was prepared. They include a new laptop from Avalanche Computer to replace an eight-year old laptop and \$11,000 to Daly property for snow plowing. Larry Good made a motion to pay the bills. Charlie Manus seconded and the motion passed unanimously.

b. Consider Resolution # 2-2020 cancelling April 7, 2020 municipal election – Ron explained that there were fewer candidates than there are open seats. Larry Good made a motion to approve the resolution. Emma asked how the fourth seat would be filled and Ryan said a fourth board member would be appointed in April. Kendall asked about the four-year term. Ron explained that there are some options – have the election, draw straws, or just agree on who will get the four-year term. Larry said that he did not want the four-year term and it was reported that Tim Hunter had said he did not either. Emma agreed to serve the four-year term. Larry amended his motion to approve the resolution cancelling the election and certifying Emma having the four-year term and Tim Hunter and Larry Good having the two-year terms. Emma Bielski seconded and the motion passed unanimously.

c. Other – Ron reported that Tom Akers was here to renew his business license for the Inn at Raspberry Ridge. (Larry Good had to leave and Kendall Burgemeister signed off as well). Tom is asking for a license to serve breakfast and lunch to the public in the dining room. They will make sure the septic system can handle this. He has met fire protection requirements and all other codes. Emma Bielski made a motion to approve the business license. Charlie Manus seconded and the motion passed unanimously.

H. Old Business

a. Park committee Report, Amber asked people who had expressed an interest to submit information on their interest and background. Ryan asked that Amber touch base with Tim regarding the membership on the committee. This would be a planning and advisory committee and decisions would be made by the town board.

I. New Business

a. Marble Museum Open House, Alex – Five speakers begin at 1 p.m.

b. Other

i. Sunlight Marble ski day is scheduled for Feb. 13. The students from the school will be going and there are discount lift tickets and ski rental offered.

ii. Safe account made 500 in interest last month!!!

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iii. Ron – expressed how hard the decisions are that the board has to make. He stated his appreciation for the board's service to the community and thanked the board for their service.

J. Adjourn – Charlie Manus made a motion to adjourn. Emma Bielski seconded and the motion passed unanimously. The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Terry Langley

1:21 PM

03/04/20

Accrual Basis

Town of Marble
Balance Sheet
As of March 6, 2020

	<u>Mar 6, 20</u>
ASSETS	
Current Assets	
Checking/Savings	
*General Fund -0240	12,065.70
Campground Account -6981	132,829.41
Money Market -1084	49,856.91
Severance/Mineral Proceeds-6157	148,982.53
Water Fees -0873	18,906.16
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Total Checking/Savings	362,640.71
	<hr/>
Total Current Assets	362,640.71
	<hr/>
TOTAL ASSETS	362,640.71
	<hr/> <hr/>
LIABILITIES & EQUITY	0.00

Town of Marble
Deposit Detail-General Fund
February 7 through March 5, 2020

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
03/04/2020		Deposit	*General Fund -0240	52.00
	Beaver Lake Lodge	Deposit	Donations	-52.00
TOTAL				-52.00
03/04/2020		Deposit	*General Fund -0240	50.00
	Tom Akers	Deposit	Business Licenses	-50.00
TOTAL				-50.00
03/04/2020		Deposit	*General Fund -0240	50.00
	Marble Ledge	Deposit	Business Licenses	-50.00
TOTAL				-50.00
03/04/2020		Deposit	*General Fund -0240	2,329.23
	Colorado Stone Quarry CSQ	Deposit	CSQ Lease Agreement	-2,329.23
TOTAL				-2,329.23
03/04/2020		Deposit	*General Fund -0240	300.00
	Colorado Stone Quarry CSQ	Deposit	CSQ Maintenance Payments	-300.00
TOTAL				-300.00
03/04/2020		Deposit	*General Fund -0240	2,329.23
	Colorado Stone Quarry CSQ	Deposit	CSQ Lease Agreement	-2,329.23
TOTAL				-2,329.23
03/04/2020		Deposit	*General Fund -0240	442.44
	Gunnison County	Deposit	General Sales Tax	-442.44
TOTAL				-442.44
03/04/2020		Deposit	*General Fund -0240	806.24
	Gunnison County	Deposit	General Sales Tax	-806.24
TOTAL				-806.24
03/04/2020		Deposit	*General Fund -0240	8.95
	Colorado Municipal League	Deposit	Non-Specified	-8.95
TOTAL				-8.95
03/04/2020		Deposit	*General Fund -0240	631.40
	Sopris Engineering LLC	Deposit	Non-Specified	-631.40
TOTAL				-631.40

Town of Marble
Deposit Detail-General Fund
February 7 through March 5, 2020

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
03/04/2020		Deposit	*General Fund -0240	149.10
	Holy Cross Electric	Deposit	Holy Cross Electric Rebates	-149.10
TOTAL				-149.10

Town of Marble
Deposit Detail-Money Market Fund
February 8 through March 31, 2020

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
03/04/2020		Deposit	Money Market -1084	13.54
	Colorado Departm...	Deposit	Cigarette Tax	-13.54
TOTAL				-13.54
03/04/2020		Deposit	Money Market -1084	1,304.68
	Colorado Departm...	Deposit	General Sales Tax	-1,304.68
TOTAL				-1,304.68
03/04/2020		Deposit	Money Market -1084	4,249.31
	Colorado Departm...	Deposit	General Sales Tax	-4,249.31
TOTAL				-4,249.31
03/04/2020		Deposit	Money Market -1084	908.04
	Colorado Departm...	Deposit	Highway Use Tax (HUTF)	-908.04
TOTAL				-908.04

1:30 PM

03/04/20

Town of Marble
Check Register
February 15 through March 6, 2020

Num	Date	Amount
Colorado River District	03/05/2020	-3,514.00
Corinne Truesdell	03/05/2020	-1,500.00
Daly Property Services, Inc.	03/05/2020	-5,038.75
Emma Bielski	03/05/2020	-2,205.00
Holy Cross Electric	03/05/2020	-10.23
Marble Community Church	03/05/2020	-400.00
Marble Water Company	03/05/2020	-130.00
Mountain Pest Control, Inc.	03/05/2020	-50.00
United States Treasury 10782	03/04/2020	-879.26
Valley Garbage Solution, LLC	03/05/2020	-213.00

03/04/20

Town of Marble
Payroll Report
February 8 through March 6, 2020

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
United States Treasury 03/04/2020	10782	United States Treasury	Liability Check	-879.26
Total United States Treasury				-879.26
Charles R Manus 03/01/2020	10780	Charles R Manus	Paycheck	-360.16
Total Charles R Manus				-360.16
Ronald S Leach 03/01/2020	10781	Ronald S Leach	Paycheck	-2,492.20
Total Ronald S Leach				-2,492.20
TOTAL				-3,731.62

Marble Parks and Trails Planning Committee
Initial Meeting Notes:
Monday, February 24th, 6 pm at the Marble Hub

1. Introductions
2. Our Scope and Responsibilities (Open Space, Parks, Rec, Trails.)
 - a. Marblefest and fundraising activities.
 - b. Marble Children's Park (Thompson Park) (AVLT)
 - c. Beaver Lake (with CPW)
 - d. Weed Mitigation
 - e. Trail System
 - f. Overall Recreation (i.e. Kickball League Winter Sports)
 - g. Wayfaring Signage, Safety Signs, Litter/Trash
3. Structure of Committee
 - a. Small sub-committees as needed
 - b. 3-5 Projects at a time
 - c. Take on extra stuff as we can
4. Funding and Sustainability
 - a. Funding procedure (Request from Town, all finances through town. We handle no money)
 - b. Parks Fund (Around 18,000 in reserve and 2500 a year)
 - c. Potential Sources of Revenue
 - i. Grants
 - ii. Donations
 - iii. Golf Tournament
 - iv. Festivals
 - v. Vending Machine
 - vi. Group Work Days
 - vii. Paid Parking Program
5. Projects and Plans
 - a. Long Term Ideas:
 - i. Disc Golf other 9 holes
 1. Work day
 - ii. Skating Rink
 1. Seek Public Comments on Project
 - iii. Thompson Park Clean Up
 1. Contact AVLT
 2. Work with School and Jail Project for Master Plan
 3. Seek Grants to implement
 - iv. Signage
 - v. Millsite Park Entrance
 - vi. Winter Trails Groomed and Skating Rink
 - vii. Equipment including groomer (15K) Rusby Spring Gulch.

viii. Marblefest Stage

1. Petition Town (Amber)
2. Material list (Mike)
3. Talk to Mario (Brent)

6. Annual (ongoing) projects

- a. Marblefest
- b. Weed Mitigation
- c. Trail Maintenance
- d. Maps and brochures

Next Meeting:

March 11th at 6pm at the Marble Hub

Proposed Agenda:

- Thompson Park (All)
- Winter Rec (All, update)
- Spring and Summer Recreation

Marble Open-Space, Parks, Recreation and Trails (OSPRT) Proposed Projects.

Immediate Projects:

Marblefest Stage (Material, Mario square up, Permit)

We would like to pursue making the Marblefest stage permanent and weatherized, reimburse Mario for his materials and obtain the needed permits and inspections.

Winter Rec/ Equipment Storage Shed

We would like to explore the idea of building a shed, buying a shed or securing the document house for use to store park equipment and assets.

Weed Mitigation

We would like to come up with a weed mitigation plan to commence in the spring for town properties with the potential to allow residents to "buy-in" to include their properties.

Marble Fest

We would like to form a sub-committee to organize Marble Fest this year on the 8th and 9th of August. Park funds would not be used for the festival, we would like to implement several new things this year and form it into a true fundraiser for the park. As in previous years sponsorship will be sought.

Longer-Term Project to begin working towards:

Explore places for land acquisition. (buy the rest of the property for Millsite Park (Symposium, Ryan)

We would like to explore additional places that the town might purchase for open space and parks/trail. First and foremost we would like to offer any aid to the town and the symposium to pursue the purchase of the 2 acres at the end of the Millsite park.

Explore Thompson Park Well and AVL T

We would like the town's permission to work with AVL T, the School and Emma/History Colorado to come up with a master plan for Thompson Park

Completion of Disc Golf Course

We would like to complete the other nine holes for the disc golf course.

Identifying water source for Lower Park. Pump? (Pull water from the river)

We would like to explore sources of water for the lower parts of the Millsite Park that currently have no watering capabilities.

Winter Recreation

We would like to seek public input on a winter rec opportunities and get cost estimates for groomers, skating rink materials, etc.

Lead King Loop Working Group
Meeting Notes
10:30 a.m., January 30, 2020

Present: Ron Leach, Ryan Vinciguerra, Terry Langley (notes), Town of Marble; Maddie Rehn, Western Colorado University (WCU); Corinne Truesdale, graduate student researcher, WCU ; Marlene Crosby, Gunnison County; Susie Meredith Orr, Dale Will, Crystal Valley Environmental Protection Association; Shelley Grail (Recreation Manager), Kevin Warner (District Supervisor), Aspen-Sopris District - White River National Forest Service; by phone: Manette Anderson, Crystal summer resident; Dr. Melanie Armstrong, WCU.

Agenda revisions: Change of order. Moved to the beginning: Corinne Truesdale & Shelley Grail presentations.

Corinne Truesdale presented a history of the Lead King Loop/Marble/Crystal area. Highlights follow: Marble began the process of looking at current use of the LKL. This involves many entities. LKL began as a confluence of Ute trade trails. This informed trade, transportation and economic development. The Crystal River Valley was the summering grounds for Utes. Land use changed and changes with economic changes. Terrain and natural hazards prevented road development and still impacts the development/improvement of the road. Environment, people, economy (transportation,

The geographic scope focuses on the LKL but is influenced by outside influences. Influences include aesthetic value, relative location value – Aspen Carbondale, Glenwood Springs, Crested Butte. WRNF location keeps major development to a minimum. Land use value – tourist & recreation appeal; especially in summer, rising tourist industry – booming populations, more leisure time, increased disposable income, shorter travel time, increased market for wilderness recreation.

Environment – geology - shallow sea, organic sea life material calcified, compressed into limestone. Super-heated by magma formation of marble. Topography: steep rugged terrain, heavy snowfall: avalanches, blocking roads. Mudfloods, particularly in 1941 & 45.

People – the Utes used area for nomadic travel and summering grounds. 1765 – trade with Spanish; 1830's – trade with mountain men, gold panners & prospectors: discovery of marble, mining efforts silver, lead, coal and galena. 1879 – Ute removal & curse legend. Commercial uses pursued. From mining camps to enterprise: cattle/sheep/ Marble Crystal & Clarence. 1855 Schofield failed, moved to Crystal. 1880-93 Crystal Siler Boon & Bust. 1892 – Crystal Mill built to provide compressed air power to sheep mountain tunnel. Marble population peak: 2000 est. Crystal – 600. Rivalries: Marble & Crystal/ Marble Maurice & Stonington; Clarence & Marble for post office in 1890. Merged as Marble as 1899.

Economy – transportation. Weather & landscape hindered railroad construction to transport natural resources. Yule Marble made endeavor seem worth it. Mining companies often went bankrupt trying to build roads & rail lines. Elk Mountain, Crystal River, CR & San Jan and Denver Rio Grande railroad companies. Other transport: wagons, mule trains, steam tractor, aerial tram.

Boosterism to encourage investment. Publicity: newspapers Crystal Silver Lance, Marble Times, Gunnison Press Review. Colorado Marble interest but no investment, no good road, etc. Ups and downs in terms of prosperity. 1973 – tourism, new govt. After 1970 with I-70, paving Hwy 133. Real Estate, Jeep Tours, OHV rentals, Marble Ski Area (resident opposition & creation of CVEPA).

Tourism –

1910 - scenery, hunting, fishing, hiking, skiing

1938 – vacation destination

1958 – Jeep round trip between CB & Marble vis Schofield Pass

1957 – airstrip, Beaver Lake Lodge

1962 – Outward Bound School.

Today

Environment – avalanches/mudslides

Climate changes

People – Marble culture

Economy – Tourism loss of space, disturbance of pristine land, publicity

Transportation – personal & 4-wheel drive vehicles

Contemporary problems

- Lack of water & sewage

- Mudslide/avalanche/flood hazards

- Absentee land ownership

- Lack of year-round economy

- Rising land prices

- Dust

- Noise

- Wildlife disruption

- Reduced quality of life

Shelley Grail – spoke about the limitations placed by the travel management plan. She distributed the Summer Motor Vehicle Use Map and explained that the LKL road system is managed by the FS for all wheeled vehicles – Highway legal, dirt bike, ATVs, etc. No restrictions as to what can go on the road. Does not allow restriction of use by vehicle. Dave asked for any other places where designations have changed and what things could happen. They are not aware of any other places that are an open road and restricted use. Engineering safety assessment is done to determine if it is suitable for mixed use such as cars and OHV. Numbers of users was not discussed. Next round of forest planning might take this into account. Ron asked what the FS would like to see as an output by the LKL working group. She wants to make sure that it is clear that they can not make immediate changes/restrictions. Kevin feels that they are participating as a group member helping to determine what should & can be done. Staffing & enforcement personnel availability are limited by funding. Pitkin County open space is funding some personnel for where FS and open space interface. Dave reported comments by Scott Snelson who said they cannot make changes based on anecdotal complaints – data is needed. Shelley said that Conundrum Hot Springs and Maroon Belles management plans took years and years of data

collection. Corinne asked about restricting vehicles that can not travel safely. Shelley said that, if the engineering & road crews said they cannot maintain the road, changes might be made. Warning signs are to caution, not restrict. Marlene asked how that interfaces with road maintenance, in particular sites that are degrading. Shelley said that the LKL is on an every-other year maintenance schedule – never more than a level 3 (1 paved, 3 most of the roads in forest system- dirt or native surface, some gravel). Kevin asked if Gunnison County or other organizations have come in and done maintenance. The county spends between \$8-12,000 between Marble/Crystal and has an agreement between FS & the county. Volunteer groups have also helped with clearing and maintenance. Rugged 4-wheel drive experience is what people are looking for. This group is trying to set aside that mentality through town of Crystal. Ryan asked if the LKL designation was changed from road to trail, would that allow changes to be made easier such as no longer being open to full size 4 wheel vehicles. Trails - OHV trails, single track would require a change in travel management plan and would require an extensive effort including years and years of meeting with stake holders from all walks of life. Marlene: travel mgmt. is somewhat cast in concrete and we have to work within that. What is FS willingness in helping to mitigate problems, including developing parking on FS land. Gold Pan gallery chained off so no longer turn around. More hikers, safety. Kevin – proponent-based moves forward more quickly if groups are able to help fund project. Current priorities with FS funding are timber & wildfire mitigation. Fiscal year planning will begin within next month or so.

Clarifying the next steps

2020 scope of work –

*Western's involvement

Center for Public Lands –

*Shelley: How to get group/community members/recreational users aligned

*Ron – an example is the management plan for the Penney Hot Springs. Town of Marble is frustrated with the traffic & impacts that come through the town associated with LKL. A number of forces, including enterprise aspect, ATV users, hikers, jeep tour enterprise, residents. Trailer parking is full in the summer. Look to local, county, federal govt to do something. What kind of data needs to be collected? User survey, car counts. Corinne reported on her research. Impacts of the volume of people who come to town. Research questions, field work, CPW – wildlife questions.

*Manette – a mission statement might inform the research direction.

*Better understand the destination and activities that people are coming for. Where are they coming from? Where to target education. Identify the desired outcome, future conditions. Who, when to ask. Survey the community and visitors in Marble & unincorporated areas. Neighborhood get together to listen to small groups. Corinne asked for some clarification as to asking the future of LKL vs future of Marble. Ryan spoke to keeping them separate and, for this group, concentrating on the LKL. Dale asked about surveying regarding OHV and not allowing non-licensed vehicles on county roads. San Juans have worked on this and someone should check with them. Other questions to ask: What was the individuals experience? Would they come back? How many locals use the loop – if not, why not? What is vision for future? What is the greatest on a local? Willingness to pay for a permit? Is your use impacted by some other uses? Emergency incidents data. How many days was enforcement in place? Sales tax data. Get information from other areas dealing with similar problems.

Local help with surveying. Help with contacting other areas. Prioritize/mission statement.

Discussion of the LKL working group purpose and outcomes followed. Several spoke to favoring Draft 2 (The purpose of the LKL Working Group is to balance the interests related to the community of Marble, Crystal and neighboring U.S. Forest Service lands in providing advice and recommendations to the management direction of the LKL. The group will accomplish this through mutual education, transparency in process; fostering communications between constituents and governmental agencies; and identifying, evaluating and recommendation options that meet the needs of the many stakeholders involved. Outcomes: The LKL WG will assess the situation and conditions for controversy, description of the stakeholders, central issues, data and information central to the issues, and recommendations for measurable actions that meet the appropriate balance for all interest with both near- and long-term strategies). It was suggested that long-term strategies come first.

Ron: Begin data collection and outcome surveys this year. Meet face to face in Aug. Teleconference every other month. He suggested that Corrine make her presentation to Marble Town Council and CVEPA.

Marlene feels that the boundaries of the geographic area needs to put emphasis on LKL. Ron says plan for data collection needs to be in place by Memorial Day. Shelley suggest a person from each entity take turns in informally joining Corinne in the data collection process. Corinne will develop a schedule for focus groups, grant applications, NEPA hiring. CVEPA is willing to share nonprofit status for the purpose of grant applications. Aspen Ski Company environmental grants was suggested as a possibility.

The meeting ended at 1:00 p.m.

Respectfully submitted,
Terry Langley

Town of Marble
Board of Trustees

Denial of Appeal of Initial Denial of Request for Variance under the Marble OWTS Regulations

Findings:

1. The Town of Marble has adopted On-Site Wastewater Treatment System Regulations (2018) (the "OWTS Regulations").
2. The Board of Trustees of the Town of Marble ("Board") serves as the local board of health under the OWTS Regulations.
3. Eric A. Lawrence and Christine M. Lawrence ("Applicants") requested for a variance from the minimum lot size requirement in Section 9.M of the OWTS Regulations.
4. The variance request relates to the real property known as Lots 1, 2, and 3, Block C, Mason's Addition to the Town of Marble, Colorado, according to the plat recorded March 21, 1975 in Book 483 at Page 305 in the real property records of Gunnison County, Colorado, a/k/a 209 Hill Street, Marble, Colorado (the "Property").
5. Section 9.M.1 of the OWTS Regulations states: "To be eligible for issuance of an OWTS permit, the subject property must meet the applicable minimum lot size," which for the subject Property is one acre.
6. The subject Property is approximately 10,400 square feet (slightly less than a quarter of an acre).
7. Located on the Property are a residential dwelling, miscellaneous ancillary improvements that do not generate wastewater, a pit privy, and a graywater system. The dwelling, pit privy, and graywater system were all constructed on the Property before the Town adopted OWTS regulations with a minimum lot size in the 1990s.
8. The Applicants desire to upgrade the wastewater treatment on the Property by replacing the existing privy and graywater system with a permitted OWTS that complies with the requirements of the OWTS Regulations (other than the minimum lot size requirement).
9. The Applicants initially contacted the Town in August of 2019 about the possibility of obtaining a variance to allow installation of a new OWTS on the Property. At the time, the Applicants had the Property under contract, but had not closed on the purchase. In correspondence dated August 24, 2019, the Applicants specifically noted that they were looking for direction from the Town on whether a variance would be issued before they spent money purchasing the property or having plans prepared. On September 5, 2019, Ms. Lawrence appeared at a regular meeting of the Board and described the Applicants' desire to purchase the Property and install an OWTS pursuant to a variance. A complete variance application had not been received in time to hold a public hearing a consider a variance request at this meeting. On September 11, 2019, Mr. Lawrence closed on the Purchase of the Property. On September 12, 2019, Mr. Lawrence conveyed the Property to himself and Ms. Lawrence as joint tenants.
10. A public hearing on the variance request was held on October 3, 2019. After receiving input from the Applicants and the public, the Board voted to deny the variance request. A Notice of Denial of a Variance Request was provided to the Applicants, stating the basis for the denial.

11. The Applicants filed an appeal pursuant to Section 4.M of the OWTS Regulations. The appeal was heard on November 7, 2019. The appeal was tabled so that the public hearing on the variance request could be re-opened on January 16, 2020, at 7:00 pm.

12. The re-opened public hearing was held on January 16, 2020, at 7 pm. At the public hearing, the Applicants took the position that they no longer required a variance, but the Board communicated to the Applicants that a variance was required. Public comment was taken, but no formal decision was rendered.

13. The public hearing was concluded on February 6, 2020. Additional information was provided by the Applicants and additional public comment was received.

14. Prior to the January 16, 2020, meeting, the Applicants submitted a document titled "Variance Information Requests" with a Section titled "Variance Hardships," which alleged the following hardships:

- (1) This lot is absolutely constrained on all 4 sides by roads, road easements, the Clarence Ditch to the east and further to the east is the only privately owned property which is outside town boundary;
- (2) It's a hardship to be unable to increase the size of our property when desiring to improve the property;
- (3) The pit privy is over full and septic pumping companies don't pump privies;
- (4) It's a hardship when State and Town regs do not allow pit privies to be updated nor can we dig a new hole for a new privy;
- (5) The pit privy is an out-dated septic system that is not in compliance with current codes; it should be abandoned; it would be a hardship not to have any septic system;
- (6) It's a hardship when State and Town regs do not allow any pit privy alternatives except for a compliant OWTS;
- (7) Kitchen sink graywater flowing free in a yard is considered a contaminant by State standards; so it's a hardship not to be allowed to change the graywater system;
- (8) Marble does not have design criteria for graywater treatment works which creates a hardship to properly dispose of the graywater;
- (9) There's a physical hardship of using a privy after dark, especially in winter.

Conclusions:

1. The Applicants' proposal is not merely repair or replacement of the existing systems. The proposal will also result in expansion of the historical use (e.g. a plumbed toilet) that exceeds the design flow of the existing systems. The expanded use would not be a "grandfathered" non-conforming use, and a variance is required for the Applicants' proposed system.

2. Section 4.L.3.e of the OWTS Regulations requires the Applicants to provide "A statement of the hardship that creates the necessity for the variance."

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3. Section 4.L.4 of the OWTS Regulations mandate that the Applicants have “the burden of proof to demonstrate that the variance is justified...”

Decision:

By a vote of 3 to 0, on February 6, 2020, the Board DENIED the appeal and the variance request on the grounds that the Applicants did not meet their burden of proof to demonstrate sufficient hardship to justify the issuance of the variance.

This decision document was approved this ___ day of _____, 2020, by the Marble Board of Trustees, by a vote of _____ in favor and _____ opposed.

Ryan Vinciguerra, Mayor

Attest: _____
Ron Leach, Clerk