

# FINDINGS OF FACT AND RESOLUTION

Pursuant to the provisions of Colorado Revised Statutes, 1973, 25-10-110 and Section 3.21 of the Jefferson County Health Department's Individual Sewage Disposal Systems Regulations, the Jefferson County Board of Health conducted a public hearing on June 4, 1979, at 7:30 p.m. to consider the prohibition of the issuance of individual sewage disposal permits in the following real property, situate in the County of Jefferson, State of Colorado, to wit (See section titled "Affected Properties):

Based upon the statements of witnesses and evidence presented at such meeting, and upon motion duly made, seconded and carried, the Jefferson County Board of Health at its regular meeting which occurred on July 20, 1979, adopted the following findings of fact:

1. That proper notice of the June 4, 1979 special meeting of the Board of Health was given to the owners of record of the above described real property.
2. That notice of the June 4, 1979 special meeting was properly published in newspapers of general circulation in the County of Jefferson, State of Colorado, at least 10 days prior to said meeting.
3. That the real property described is subdivided for a density of more than one dwelling unit per acre.
4. That certain portions of the above described property contain a density of more than one dwelling unit per acre.
5. That the geological condition of the real property above described is typified by:
  - A) steep slopes
  - B) poor soil conditions
  - C) centralized down slope drainage
  - D) the presence of the Floyd Hill fault
  - E) high levels of rock fracturing in the bedrock
6. The Board of Health takes administrative Notice of the Federal Safe Water Drinking Act (Public Law 93-523), the regulations implementing said Act (40 C.I.R. 141), and the Primary Drinking Water Regulations for the State of Colorado adopted by the State Board of Health, effective December 15, 1977.
7. That these acts and regulations above referenced provide in part that the maximum contaminant level for Nitrate in public water systems shall be 10 milligrams per liter.
8. That the presence of nitrates in ground water is an indicator of the presence of sewage.
9. That the staff of the Environmental Health Division of the Jefferson County Health Department has conducted an ongoing well sampling program in the Indian Hills area from 1970 to date.

10. That a total of 140 wells have been sampled in the program. Nitrate levels in the samples range from:

Public Water System Wells

15mg/l (#6) high  
4.6mg/l (#1) low

Private Wells

40 mg/l Alpine Village Area  
2.6mg/l Fifth filing area

% Breakdown of samples

0-1 mg/l (9 wells)  
1-5 mg/l (30 wells)  
5-10 mg/l (25 wells)  
>10 mg/l (11 wells)

Out of 75 wells

12%  
40%  
33.3%  
14.5 %

11. That the presence of nitrates in drinking water at these levels can cause cyanosis in infants and methemoglobinemia.
12. The construction and use of additional individual sewage disposal systems in the real property above described will constitute a hazard to the public health.

These being the findings of fact adopted by the Board of Health, the following resolution was upon motion duly made, seconded and carried, unanimously adopted by the Board of Health:

"Resolved, that there be a prohibition on the issuance of individual sewage disposal system permits for building sites situate on the real property above described; and

Further Resolved, that in order to minimize the impact of further development on the contaminated areas of Indian Hills, the Board determines that due to adverse geologic and topographic conditions and the existing high potential for contamination, the existing lot size requirements for areas up slope of the real property above described in Indian Hills be increased, that individual sewage disposal system permits in those areas be restricted to systems that will potentially not release Nitrates into the environment, and that permit applications for individual sewage disposal systems in those areas be presented to the Board for review."

DATED THIS 17th Day of August 1979.

(signed)

Otto Bebber, O.D.  
Ethel M. House R.N., B.S.N.  
Frederick Jacobus  
Ronald L. Malcolm

Marcia E. Walsh  
John R. Hunt, M.D.  
William L. Doig, M.D.

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