Gunnison County Environmental Health Board
Agenda: November 21, 2019

1:15 p.m.

- **Call to order; determine quorum**
- **Approval of Minutes**
- **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.

1:30 p.m. **Craig and Linda Marsh,** Public Hearing, request to install an OWTS on a parcel less than one acre at 1310 Cove Road, Lot 75 Masden Lake Fork Cove. **OWTS-19-00206**

Adjourn

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room at 221 N. Wisconsin Street in Gunnison, across the street from the Post Office. Anyone needing special accommodations please contact the Community Development Department (641-0360) before the meeting.

DRAFT

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
NOVEMBER 21, 2019

The Gunnison County Environmental Health Board conducted the November 21, 2019 meeting, in the Planning Commission Meeting Room at the Blackstock Government Center.

Present Were:
Lucinda Lull, Chairperson
Ashley Bembenek, EH Board Member
Bill Barvitski, EH Board Member
Eddy Balch, EH Board Member
Lynn Cudlip, EH Board Member, Alternate
Crystal Lambert, Building and EH Official
Charlie Dominguez, Building and EH Inspector
Rebecca Ricord, Administrative Assistant III

Absent were: Alternate Board member, Corey Bryndal

Alternate members seated for the day: Board member Lynn Cudlip

Audience members: James Sharpton, Ramon Reed and Rodger Lull.

Other attendees as listed in text.

Call to order: A quorum was determined by Lull at 1:15 pm. The meeting was properly noticed and verified by Lambert.

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Approval of Minutes:
Moved by: Cudlip, seconded by Bembenek to approve the March 21, 2019 meeting minutes as amended. The motion passed unanimously with Board members Lull, Bembenek, Barvitski, and Cudlip voting yes, Balch abstains.

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Unscheduled citizens: None present.

Lambert let everyone know that the agendas will no longer be posted in the paper, unless it is a Public Hearing, but will still be posted on the boards at the Courthouse and Blackstock Building and online.

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Craig and Linda Marsh: OWTS-19-00206

The Gunnison County Environmental Health Board conducted a Public Hearing.

They discussed the Marsh variance application for an On-Site Wastewater Treatment System on a parcel of less than one acre at 1260 Cove Road.

Chairperson Lull confirmed a quorum and opened the public hearing.

Alternate Board member Cudlip was seated.

Adrian Colms, representing applicants Craig and Linda Marsh, was present.

Environmental Health Official Crystal Lambert confirmed adequate public notice. The notice was published in the Gunnison Country Times, and the applicant submitted the certified mailing receipts, photo and affidavit.

There has been no public input received. Community Development received the Lake Fork Alliance HOA approval.

Lambert briefly explained the application. Marsh has applied for an On-Site Wastewater System (OWTS) permit, for a property of less than one acre in size, located at 1260 Cove Rd. The permit was denied based upon OWTS regulations which require one acre for an OWTS. Marsh then applied for a variance. All of the horizontal setbacks are being met.

Lambert noted the application was for a two bedroom, single family dwelling that is tied to a public water supply system. She added the State has approved re-permitting the public water supply system permit. She said because the owner has access to a public water system, they could not drill a well.

Lambert has conducted a site visit and the soils are consistent with what is above, soil type 3.

Lambert showed the floor plans, showing that the garage is on the first floor and the living area on the second floor.

Colms reported that they would like to start some work this winter and complete it in the Spring of 2020. The property will have seasonal access and the water will only be on at that time.

The Homeowners Association has approved the project, stating the owner will be responsible for meeting their guidelines.

There were no public comments made.

Lull closed the public hearing at 1:45 P.M.

The Board members agreed they supported the staff requirements as stated.

The Board members reviewed the draft decision of approval.

Moved; by Balch, seconded by Barvistki to accept the recommendation from staff for the Marsh application (OWTS-19-00206). The motion passed unanimously, with Board members Lull, Barvitski, Balch, Bembenek and Cudlip voting yes.

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ENVIRONMENTAL HEALTH BOARD VARIANCE REQUEST ACTION

APPLICANT: Craig and Linda Marsh

DATE: November 21, 2019

SITE LOCATION: 1260 Cove Road, Site 75 Masden Lake Fork Cove

ACTION: Request for a variance to the Gunnison County OWTS Regulations for an on-site wastewater treatment system on a parcel less than one acre

PREPARED BY: Crystal Lambert, Building and Environmental Health Official

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PROPOSED PROJECT:

The applicant is proposing a one-family dwelling served by an on-site wastewater treatment system (OWTS) and to be served by a public water service on a vacant parcel less than one acre within the Masden Lake Fork Cove Subdivision.

GUNNISON COUNTY ENVIRONMENTAL HEALTH OFFICE ACTION:

A site inspection was performed by staff at the parcel on October 17, 2019. The proposed septic design meets the design criteria of the Gunnison County OWTS Regulations and the minimum horizontal distance requirements from water features, pertinent physical features and property lines are met.

The OWTS application was denied by the Environmental Health Office on August 21, 2019 because the proposed parcel does not meet the Gunnison County minimum standard of one-acre in accordance with *Section 3.A.9* of the *Gunnison County OWTS Regulations*.

APPLICANT'S REQUEST FOR A VARIANCE:

A request for a Public Hearing with the Environmental Health Board for the consideration of a variance to *Section 3.A.9* of the *Gunnison County OWTS Regulations* was received on October 7, 2019 and was prepared by the OWTS design professional, Chad E. Glover, P.E. of Mesa Engineering & Surveying. The request for a Public Hearing was received within 60 calendar days after the application was denied.

PUBLIC HEARING:
On November 21, 2019, the Gunnison County Environmental Health Board conducted a Public Hearing on this request for a variance.
FINDINGS:
Based on a review of all the information included with the OWTS application, the request for a variance, and staff reports for this project and consideration of any and all testimony and public input received relative to this application, the Gunnison County Environmental Health Board finds that:

1. Action on this request for a variance from the *Gunnison County OWTS Regulations* is property-specific and limited to the circumstances unique to this application.

2. The applicant has demonstrated that the requested variance from the *Gunnison County OWTS Regulations* is warranted by unique site-specific configuration and site size that make compliance with the Regulations technically infeasible.

3. The applicant has provided justification through specific conditions that exist which support a finding that approval of the requested variance will result in no greater risk than that associated with compliance with the requirements of the *Gunnison County OWTS Regulations*.

4. The applicant has demonstrated that approval of the requested variance will not be in violation of any minimum standards established in any other applicable federal or state rule or regulation.

5. The applicant has demonstrated that the proposed OWTS will not be a nuisance or injurious to public health, safety or welfare. The proposed development meets minimum horizontal distance requirements from water features, pertinent physical features and property lines.

6. The applicant has demonstrated that no substantial injury will result from the granting of the requested variance.

7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Department file relative to this application; including all exhibits, references and documents.

DECISION:
The Gunnison County Environmental Health Board, having reviewed the proposed application and supporting documentation, site observations and public testimony does approve the requested variance to Section 3.A.9 of the *Gunnison County OWTS Regulations* for Craig and Linda Marsh at their parcel, Site 75 Masden Lake Fork Cove, under OWTS application 19-206, with the following conditions:

1. The OWTS shall be designed and installed in accordance with the *Gunnison County OWTS Regulations* and the *Gunnison County Land Use Resolution,* including but not limited to setback requirements, design standards, requirements for system components and general technical standards.

2. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

3. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

4. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

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Lambert advised the Board that there will be three new variances in the future from Barvitski. They will occur after the first of the year.

Lambert is planning on going to the Board of County Commissioners to ask that the quorum be changed from five to three. Discussion followed on the set up of the board and challenges with having five to make a quorum. The Board agreed it would be a good idea to change it.

Lambert gave a follow up on the transfer of title acceptance document program. Lambert reported that it has been going really well. People seem to be on board. There have been some repairs, failed systems, etc. that have come up. Minor repairs are required to have an OWTS permit.

Balch wanted to know if there is a grey water system. Lambert reported that Regulation 86 with the State has not been adopted by the County so not able to enforce. Lambert stated that it as of right now the County will not adopt Regulation 86 at this time. If there is any unauthorized discharge into the grey water system it needs to be reported. Discussion followed on Regulation 86.

Bembenek reported that the *E Coli* study continued in 2019, there will be an additional formal study in 2020 and a more formal planning effort to identify *E Coli* sources within the study area.

The six county well water testing program has been completed and you can go online to the GIS map that they created to show the results. Bembenek will send an email with the information and links to the report.

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Moved by: Cudlip,, **seconded by** Balch to close the meeting of the Environmental Health Board at 2:22 P.M. The motion passed unanimously, with Board members Lull, Barvitski, Balch, Bembenek and Cudlip voting yes.

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/S/ Rebecca Ricord
Administrative Assistant III
Gunnison County Community Development Department