

**Gunnison County Environmental Health Board Agenda
September 9, 2021
Planning Commission Meeting Room, Blackstock Government Center OR
Zoom meeting (see Teleconference Information below)**

- 1:15 p.m.** Call to order; determine quorum
Approval of Minutes from 8-12-2021 meeting
Unscheduled citizens
- 1:30 p.m.** Douglas Hayes, Public Hearing for an OWTS on a parcel less than one acre at 60 Miners Camp Road, Lot 89 Marble Ski Area Filing No. 3, OWTS-21-00034

Adjourn

Join Zoom Meeting

<https://us06web.zoom.us/j/84039389616?pwd=OW1XT0N5b05MUm53WkZLQ1dScWJtQT09>

Meeting ID: 840 3938 9616

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ADA ACCOMMODATIONS: Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Community Development Department prior to the day of the hearing.

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
September 9, 2021**

The September 9, 2021 Gunnison County Environmental Health Board meeting was conducted in the Gunnison County Blackstock Government Center, 2nd floor meeting room, located at 221 N. Wisconsin #D, Gunnison, CO, 81230 and by Zoom virtual online meeting, Gunnison, CO, 81230

Present Were:

Lucinda Lull, EH Board Member
Bill Barvitski, EH Board Member
Lynn Cudlip, EH Board Member, Alternate

Staff Present:

Crystal Lambert, Building and EH Official
Charlie Dominguez, Building and EH Inspector
Rebecca Ricord, Plans Examiner
Shannon Frias, Administrative Assistant III

Other attendees as listed in text.

Call to order: A quorum was determined by Lull at 1:20 pm.

Approval of Agenda: Agenda amended.

Approval of Minutes: Moved by: Barvitski, **seconded by** Lull to approve the August 12, 2021 meeting minutes as amended. The motion passed unanimously with Board members Barvitski and Lull voting yes. Cudlip abstained.

Unscheduled citizens: None.

Douglas Hayes, OWTS-21-00034: The Gunnison County Environmental Health Board conducted a Public Hearing. Request to install an OWTS on a parcel less than one acre at 60 Miners Camp Road, Lot 89 Marble Ski Area Filing No. 3

The members introduced themselves.

Voting members: Board members Lull was seated as the chair. Barvitski and Cudlip.

Lull confirmed a quorum and opened the public hearing.

Environmental Health Official Crystal Lambert confirmed adequate public notice. The notice was published in the Crested Butte News and Gunnison Country Times. It was posted at the new posting location on the Gunnison County Community Development website. The applicant submitted the certified mailing receipts, photo and affidavit of posting on the parcel. Lambert verified that the sign was posted on a tree at the end of the driveway on Miners Camp Road and is visible from County Road 3.

Carla Ostberg, representing applicant, was present by Zoom. Douglas Hayes, applicant, was present by Zoom.

Audience members presented in text.

Application Presentation:

Hayes stated that he acquired the property in 2015. There is an existing driveway that goes across a neighboring parcel. There is an easement across Lot 91. There is an existing driveway that goes up to a flat building site on the property. He has been trying to figure out how to build a little cabin. He is proposing to build a 1000-1200 sq. ft. structure. It will be two bedrooms and one bath. The building footprint would be 36 X 22. He did the geologic hazard assessment and it was approved by the State. They indicated it is on a landslide slope and that there wasn't any danger of rockfall or avalanche but there is a possibility of a slow landslide creep over a certain amount of years and recommended mitigation actions to take. He has already received the well permit. He proposed a turn around at the top of the driveway for the access permit. It has been approved by the Carbondale Fire Chief.

Ostberg stated the soils are very rocky and that it is a typical system for the types of soils and it keeps the system as small as possible.

Cudlip asked about the landslide creep and asked how the design will allow the system to work well when there is a creep of ¼" to an inch per year and whether the design will withstand the pressure. Ostberg stated she will consult with Kumar on it. They dug a four to five foot deep hole and filled it in with the recommended fill from the regulations but will talk to Kumar about it.

Staff Comments:

Lambert stated that any time they are in a geohazard area they ask the engineer to provide a statement that they read the report and considered it in the design and to the extent that they could they recommended the mitigation standards. That could be a condition of approval if the Board would like. The department will also require it for building plans.

Lambert stated the plans appear to meet the requirements of the Gunnison County regulations as far as setbacks to waterbodies, wells, physical features, neighboring wells. There are two vacant parcels surrounding the parcels that have not been built yet. Looking at the proposed design it does not prohibit sites for the neighbors to build in the future. The technical design aspects of the septic regulations have been met with the proposed design. There are rocky soils and the engineer has designed the on-line sand filter system that will be pressurized distribution to the soil treatment area and three feet of a secondary sand media will be brought in.

Dominguez reported he observed the site on May 19, 2021. Everything was staked and labeled on the site; well, tank and field. He physically measured it and all setbacks were met. The soils seemed consistent with the report. Everything looked good.

Lambert stated that the variance request submittal has been received and all of the required items for a variance request submittal have been verified. There is nothing in the variance section that would prohibit the approval of the request for a variance. The system meets all of the requirements with the exception of the one acre minimum.

Barvitski asked if it is a truly platted subdivision and if it was platted before the OWTS regulations. Crystal said that is correct.

Review Body Comments:

Barvitski asked if during the original plat of the property if it was re-plated as a residential site after the fact or originally. Lambert stated there is nothing in the legal description, typical of the Marble Ski Area filings.

Lull stated that they have seen more than one Marble Ski Area variance come in front of them over the years and they have all had the same issues.

Lull stated that the letter from the Joe Carlson MGM geologist, dated April 2, 2021 stated that it is not possible to determine the probability or predict the magnitude of any future landslide activity and stabilization of the landslide complex impractical. Lambert stated that it is a common response they would see from a geologist Lambert stated that it goes onto state that if there is a wildfire in the area, property owners will need to start being cautious and look at mitigation measures for run off.

Ostberg stated that she believes the creep is more towards the surface and the septic is several feet below grade, at least a foot below.

Lambert asked Dominguez if he saw any ground movement, pistol butted trees. Dominguez stated he didn't.

Public Comments and Responses:

Hayes stated that he talked to a structural engineer about mitigation measures for building. The engineer described a reinforced slab so that everything moves together.

Lull went over the public comments from Fenton and Raymond that were received by mail and email.

Moved by: Cudlip, **seconded by** Barvitski to close the public hearing. The motion passed unanimously, with Board members Lull, Barvitski, and Cudlip voting yes.

EH Determination of Application:

Moved by: Barvitski, **seconded by** Cudlip to approve the application for Douglas Hayes (OWTS-21-00034) before the Gunnison County Environmental Health Board. The motion passed unanimously, with Board members Lull, Barvitski, and Cudlip voting yes.

DRAFT-ENVIRONMENTAL HEALTH BOARD VARIANCE REQUEST ACTION

APPLICANT: Douglas Hayes

DATE: September 9, 2021

SITE LOCATION: 60 Miners Camp Road; Lot 89 Marble Ski Area Sub, Filing 3

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

PREPARED BY: Crystal Lambert, Building and Environmental Health Official

PROPOSED PROJECT:

The applicant is requesting a variance to the Gunnison County OWTS Regulations for an OWTS on a parcel less than one acre to serve a future residence. The parcel is currently vacant.

GUNNISON COUNTY ENVIRONMENTAL HEALTH OFFICE ACTION:

The application and proposed design plans have been reviewed by the Environmental Health Office for compliance with the OWTS Regulations and the land use requirements of the County. 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 because *Section 3.A.9.* of the *Gunnison County OWTS Regulations* states that an OWTS shall not be permitted to be installed on a parcel of land less than once acre in size.

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* has been received and was prepared by the applicant's system designer, Carla Ostberg of CBO, Inc.

PUBLIC HEARING:

On September 9, 2021, 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 and existing 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 Douglas Hayes at his parcel, 60 Miners Camp Road, Lot 89, Marble Ski Area Filing 3, under OWTS application 21-00034, 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.

Adjourn: Lull closed the meeting of the Environmental Health Board at 2:05 P.M.

/S/ Rebecca Ricord
Plans Examiner
Gunnison County Community Development Department