

Gunnison County Environmental Health Board Minutes

November 18, 2024

The November 18, 2024, Gunnison County Environmental Health Board meeting was conducted in the Blackstock Meeting Room at 221 N Wisconsin St Gunnison, CO. 81230 and by ZOOM virtual online meeting.

Board Members Present:

Brooke Zanetell
Shea Earley
Bill Barvitski
Ashley Bembenek

Community Development Department Staff Present:

Crystal Lambert
Rebecca Ricord
Charlie Dominguez
Doug Howe
Misty Castillo

Members of the public included Kari Roberts

Call to order: Meeting called to order at- 1:47 by Shea Earley

Approval of Minutes: Moved by Barvitski, seconded by Zanetell to approve the March 21, 2024, minutes. The motion passed unanimously.

New Business: Lambert shared that the State was in the process of revisions to Regulation 43. Gunnison County would have one year after State adoption to update the Gunnison County OWTS Regulations to be no less stringent.

Unscheduled Citizens: None.

Mortell (OWTS-24-00184): The Environmental Health Board opened the Public Hearing for consideration of OWTS within setbacks of wetlands.

Announcement of Recusal: Barvitski recused himself from the Board for this Public Hearing and disclosed that he would be testifying regarding the application.

Voting Members: Earley was seated as Chair.

Public Hearing: With a quorum present, Vice Chair Earley opened the public hearing.

Lambert confirmed there was adequate public notice in the Gunnison Country Times, Crested Butte Newspaper, on the Gunnison County website, and posted at the property. The public hearing notice was sent to all property owners within 500 feet of the parcel boundaries by certified mail by the applicant and the receipts were provided to the Department.

Applicant Presentation: Barvitski provided testimony regarding the application as the design

professional for the proposed system. The system will meet all the minimum required setback distances in accordance with the State OWTS Regulation #43, however, the septic tank will not meet Gunnison County's more stringent setback distance requirement of 100 feet from a nearby wetland boundary.

Staff Comments: Lambert provided details of the proposed plan, including the parcel location, proposed OWTS, pertinent physical features, proposed well location, and the wetland boundary. Lambert confirmed that the proposed OWTS is compliant with the Gunnison County OWTS Regulations with the exception of the horizontal distance from the septic tank to the wetland boundary.

Board Questions: Earley opened the Board to any questions.

Zanetell asked if nearby properties faced similar issues with setbacks to wetland boundaries. Barvitski explained that wetlands are present in many of the nearby parcels and some parcels have been able to meet the requirements, but the Mortell parcel is constrained on three sides by the wetland increasing the difficulty of meeting the 100-foot setback distance. Lambert shared a recent system installed in the area that barely met the setback requirement. Bembenek inquired about the ownership of the irrigation ditch and materials for lining of the ditch. Mortell explained that a thick rubber liner will be buried to create a barrier surrounding the sides and bottom of the ditch. Mortell explained the driveway would enter the parcel from the southeastern corner and a culvert would be used to protect the ditch, Lambert shared that the parcel is within the mapped 100-year floodplain and that a floodplain elevation certificate would be necessary prior to permitting. Barvitski noted a floodplain study would follow during the building permit process, with Jerry Greene Engineering assisting.

Zanetell shared concern about an increased water quality risk with a reduced setback distance to wetlands. Barvitski offered that all wastewater systems carry some risk to water quality. However, the proposed setback distance poses no greater risk than the minimum State requirements and the use of water-tight components alleviates some concern. The proposed location of the system components on the parcel were discussed as being a practical solution given the site constraints.

Board Discussion: Barvitski again announced that he has recused himself from this Public Hearing and announced that he is leaving the room during the EH Board's determination discussion. Barvitski left the room. The Board discussed setbacks, site constraints, and alternative locations.

Public Comments: No public comments.

EH Determination of Application: Lambert reviewed the draft decision document prepared for the EH Board

Motion: Bembenek moved to approve the application for a variance for Mortell (OWTS-24-00184) with conditions as provided in the draft decision document. Earley seconded the motion. The motion passed with votes from Bembenek and Earley, and was opposed by Zanetell.

Adjournment: Zanetell moved to close the meeting, and Bembenek seconded. The meeting was adjourned.

Meeting adjourned at 2:57