

**Gunnison County Environmental Health Board
Agenda: May 5, 2016**

- 1:45 p.m.** Call to order; determine quorum
- 1:47 p.m.** Approval of minutes from the February 17, 2016 meeting
- 1:50 p.m.** Unscheduled Citizens: A brief period in which the public is invited to make general comments or ask questions of the Board or County Staff about items which are not scheduled on the day's agenda.
- 2:10 p.m.** **Robert Niccoli:** 21016 State Highway 135, Public Hearing for a proposed second On-site Wastewater Treatment System on a single parcel.

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.

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
MAY 5, 2016**

The Gunnison County Environmental Health Board conducted a meeting, in the Planning Commission Meeting Room at the Blackstocks Government Center.

Present Were:

Lucinda Lull, Chairperson (by phone)	Crystal Lambert, Building and EH Official
Larry Parachini, Vice-Chairperson	Charlie Dominguez, EH and Building Inspector
Eddy Balch, EH Board Member	Russ Forrest, Community Development Director
Ed Bavouset, EH Board Member	Neal Starkebaum, Community Development Assistant Director
Rodney Due, EH Board Member	Rebecca Ricord, Administrative Assistant
Steve Glazer, EH Board Member Alternate	

Other attendees as listed in text.

Call to order: A quorum was determined by Parachini. The meeting was properly noticed and verified by Lambert.

Approval of Minutes: Approval of Minutes from the February 17, 2016 meeting. **Moved by:** Due, Seconded by Balch to approve the February 17, 2016 meeting minutes as presented. Voting Yes; Board Members Lull, Balch, Due, Parachini and Bavouset. Glazer recused himself for not being in attendance.

Unscheduled citizens:

None

Robert Niccoli: 21016 State Highway 135. The Gunnison County Environmental Health Board conducted a public hearing for a proposed second On-site Wastewater Treatment System on a single parcel.

Vice-Chairperson Parachini confirmed a quorum and opened the public hearing.

Environmental Health Official Crystal Lambert confirmed adequate public notice.

Applicants, Robert and Sherry Niccoli were present with Bob Williams, Consulting Engineer, and Bill Barviski, Civil Engineer on staff.

Williams presented the application. The property is located at 2100 Highway 135 near Crested Butte South area. The entire purpose of why the applicant wants the second family residence is to provide housing for his son. They are trying to get affordable housing and are proposing a three bedroom home. They have a sufficient amount of acreage to do it. All around the property on the Westerly side of the highway is owned by the applicants. The other side is owned by the Crested Butte Land and Trust and another adjacent property is owned by Howard Kipman. The applicant has 6.72 acres for this project and the property that surrounds it is approximately 150 acres. The surrounding property has been placed into a conservation easement. Williams showed a map of the property and described the general site conditions.

Williams explained the evaluation of the desired conditions and constraints on the site. They evaluated the soils and determined them to be very susceptible for an OWTS. There is not high ground water and no rock within eight feet. The adjacent property the applicants own is not irrigated. The existing system permitted in 2002 was for three bedrooms and they would be adding three more bedrooms. The other constraint was the driveway. The driveway is approximately 120 feet long and they would have to cross on it and that became the major constraint.

Williams stated that they looked at the alternatives. They could expand the system out there but it is not viable due to the location. There is not adequate room in that area. The next alternative was to install a new system over at the new house for the old house, abandon the old one and put a new one in but there were issues with the driveway. They would have to go across the driveway about 120 feet. The third alternative was to do two systems on the site. The fourth alternative would be no septic at all, but that was not acceptable.

Williams explained that when they looked at abandoning the old system and doing a new one, the problem was that it had to cross the driveway and they opined that it would freeze because it would only be one to two feet deep and would not be viable. Due wanted to know why it would freeze. Barviski explained that they have had a couple of failed engineered systems that came to them for redesign options where the engineer designed the effluent lining going through the driveway but the frost would migrate around and underneath the blue board and it offered no protection. Balch wanted to know if insulated pipe would work and Barviski explained that an engineer looked at it and said not to put it in the driveway surfaces. Williams and Barviski explained that they had thought about heat, insulated tape that ran around 30 feet below the driveway and that it was upwards of \$30,000 and would not be economically feasible. Williams stated that in respect to use of the new system there would be no harm to the environment, it would not affect the neighbors. There is a highway on one side and ground water is not a factor. Every regulation for the State and County can be met, except that there would be two systems on one parcel.

Williams stated that the approval will not result in substantial variance from the requirements with the County. It does not violate EPA, State or Federal standards but it does violate the County and Land Use Change Regulations in respect to having two systems on one parcel. Williams stated that approval will not result in substantial injury and that it makes a lot of sense for affordable housing.

Parachini wanted to know if they had looked into the Eurocon system. Williams stated that they had not. Parachini stated that it is pretty pricey but that it has four inches of insulation wrapped around the pipe. Williams stated that they did not look at that because it wouldn't work and was pricey. Parachini wanted to make sure all setback requirements had been made and Williams stated they had.

Barviski explained how they tested the soils and established the types of soils and were able to design a gravity flow system based upon that. They have met all the minimum County requirements for setbacks. The new well will be just to the West of the new house. Niccoli explained that all of the wells on the property are at least 80-90 feet deep.

Forrest wanted to know why they located the new house where it is. Williams explained that they chose that location based off of the owners' request.

Due wanted to know about the economic feasibility. Are they going off the technical feasibility? Williams stated that they are. Due stated that he would like to see where the insulated pipe didn't work, especially with the blue board over it. Williams stated that sometimes it works, sometimes it doesn't. Glazer asked if they have looked at subdividing the property and the applicant stated that they preferred that they did not.

Lambert presented the staff report. Gunnison County has let the applicant know that not more than one OWTS can be permitted on the parcel without the approval of a special review with the Environmental Health Board. Lambert reviewed the conditions of special review approval. The staff recommended two options that would work; that they tie the proposed residence into the existing residence with a pressurized system or reroute the plumbing in the existing residence to the other side and cross the driveway. Staff's opinion is that the parcel can accommodate a new OWTS.

Starkebaum explained that under Gunnison County LUR Section 9-101, Secondary Residence, there are two main applicable standards in that section and they are the shared water supply and location. The standard requires that the secondary residence shall be located in close proximity to the primary residence so that it will not be more visually intrusive and will not increase land use impacts. Starkebaum explained that you have to look at the standard in context of the site. This is a very site specific review, as it relates to that standard. Starkebaum explained that when you look at the maximum extent feasible provision, you really need to take a look at the definition within the Land Use Resolution. It is up to the Board to make the decision if it is feasible.

Lambert explained that the applicant is currently in the process of getting their Land Use Change application approved and right now the Planning Department is waiting for the approval of the Environmental Health Board.

Glazer stated that the applicant chose the current location as the preferred location but wanted to know whether the East side of the existing house had been considered as a possible location or somewhere towards the highway. Niccoli explained that it is going to be appealing with the way it is laid out now, they will be conscious of what they do there, they have improved the old one and this new building will fit in to the location. Parachini questioned what the height of the new building is going to be. Niccoli explained that it will be the same height. Barviski explained that if you do it in a different location there would be larger impact to the parcel. Niccoli explained that they are trying to do something right and be reasonable. Parachini asked Forrest why they are being asked to approve this before the Land Use is approved. Forrest explained that they can be reviewed concurrently and that this is preceding the planning department's decision. Due

wanted to know if there is any concern of a precedence. Forrest explained that every site is so different and unique that they shouldn't be worried about it.

Williams explained that everybody agrees that they are not going to injure anybody or hurt the environment. He understands the regulations but believes that's why the board is here. It boils down to good practical sense. Williams believes the location is good where it is and that it will blend in away from the highway.

Lull stated that she agreed with Parachini that the way the new home is located it makes it all flow together. Parachini wanted to verify that the system will be 75 g/d/p. Williams stated it will be.

MOVED: by Balch, seconded by Bavouset to close the public hearing. The motion passed unanimously with Lull, Due, Parachini, Bavouset, and Balch voting Yes.

Discussion followed regarding staff opinion, absorption field, the attraction of where the new home is located, feasibility and the applicable regulations.

Lambert stated that they will be required to put some protection against where the corral is located. Niccoli explained that it has already been taken down and relocated.

MOVED: with conditions of the approval by Bavouset, seconded by Balch to approve the Niccoli application/request as proposed. The motion passed unanimously with Lull, Due, Glazer, Bavouset, and Balch voting Yes.

Moved by Balch, Seconded by Due to adjourn the May 5, 2016 meeting of the Environmental Health Board at 3:16 P.M. The motion passed unanimously with Lull, Due, Glazer, Bavouset, and Balch voting Yes.

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