

Gunnison County Environmental Health Board Minutes

April 14, 2022

The April 14, 2022 Gunnison County Environmental Health Board meeting was conducted in the Gunnison County Blackstock Center 2nd floor meeting room, located at 221 N. Wisconsin #D, Gunnison, Co. 81230 and by ZOOM virtual online meeting.

Board Members Present:

Lucinda Lull, Chairperson
 Bill Barvitski, EH Board Member
 Ashley Bembenek, EH Board Member
 Shea Earley, EH Board Member
 Lynn Cudlip, EH Board Member

Staff Present:

Crystal Lambert, Building and EH Official
 Shannon Frias, Community Development
 Charlie Dominquez, Community Development
 Rebecca Ricord, Community Development

Other attendees as listed in text.

Call to order: A quorum was determined by Lull at 1:16 pm

Approval of Agenda: Bembenek stated to the board that at the last meeting the nominating of a new chair and vice chair was tabled. Bembenek asked to add nominating the chair and the vice chair to the agenda. The board agreed to nominate a new chair and vice chair. It was moved by Barvitski seconded by Earley to nominate Bembenek as chair. The motion passed unanimously. Earley volunteered as vice chair. The motion was seconded by Lull. The motion passed unanimously.

Approval of Minutes: Moved by Barvitski seconded by Cudlip to approve the February 3, 2022 meeting minutes as amended. The motion passed unanimously.

Unscheduled citizens: None present or on ZOOM

Michael Stevens (OWTS-22-00005): The Environmental Health Board conducted a public hearing to review the variance request to the Gunnison County On-site Waste Water Treatment System (OWTS) regulations for an OWTS on a parcel less than one-acre at 38 Aspen Street.

With a quorum present Chairperson Bembenek opened the public hearing at 1:30 pm.

Bill Barvitski recused himself from the Environmental Health Board meeting to represent the applicant in the public hearing at 1:32.

Rebecca Ricord confirmed adequate public notice. The notices were published in the CB News and the Gunnison Country Times. All property owners within 500 feet of the parcel boundaries were notified by certified mail of the public hearing. The agenda 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.

Application Presentation:

Michael Stevens, applicant, was present on ZOOM. Stevens submitted an OWTS application for the parcel at 38 Aspen Street Future that is under one acre. The applicant's future plans are to build a residence. Barvitski added that the parcel is a subdivided legally platted parcel, less than one acre. It was platted before any OWTS regulations were in place requiring one + acres for a OWTS. Some of the neighboring parcel are over an acre, but most are under an acre. All have OWT systems. This application is very consistent with the area.

Staff Comments:

Rebecca Ricord stated to the board that staff has provided the Board with the supporting documents, variance request, site plan and system layout, staff site inspection and photos. This system is similar to the one the EH Board approved in the same subdivision last year. (80 Alpine Street Ziegler)

All of the required setback distances from system components to waterbodies and pertinent physical features can be met with the proposed plan. The water service to this parcel, and other parcels in the Subdivision is by a State permitted public water system which eliminates concerns regarding setback distances to water wells. Staff determined that there are no wetlands on the property.

It appears that the proposed OWTS design meets the design criteria and setback distance requirements of the Gunnison County OWTS Regulations. Staff recommends approval of the Stevens application for a variance to the Gunnison County OWTS Regulations, Section 3.A.9.

Public Comments and Responses: None

Review Body Comments:

Cudlip stated that the application is straight forward but has a question on the design. Cudlip wanted to know what grainage on the design is. Barvitski stated that it was drainage, not grainage. It was an error in the text.

Stevens commented about the water drainage. Stevens has spoken to neighbors on the east side and they have never seen any water running through. That's not to say that it may happen with a dramatic temperature change. Barvitski stated that the drainage culverts should be more toward the road but they cut right through the property. Stevens added that the drainage does exit the property at the northeast corner into the neighboring parcel then it goes under a culvert underneath the road. Earley asked what type of utilities are on the easement, are they shallow or deeper? Barvitski wasn't sure what the easement is for. Ultimately it is boundary line to boundary line easement utility. Early asked if someone had to get into the easement to do work are the setbacks enough to accommodate without getting into the soil treatment area. Barvitski stated that they would be meeting the setback. Bembenek thanked Ricord for the drinking water information. It was helpful. Bembenek wanted to know why the pictures in the packet were from August 2020. Lambert stated that the previous owners approached her in the winter. Lambert accessed the property with the owner before there was any application. Lambert was able to walk the property then and take pictures to try to see what the drainage was. Barvitski stated that Stevens had reached out to him earlier but stated that he wanted to wait to see how the first

variance request went. Barvitski also stated that other time restraints put the application out a few more months. Stevens commented that he bought the property a year ago and needed to get finances in order and plans together.

Moved by Earley seconded by Cudlip to close the public hearing at 1:45 pm. The motion carried unanimously.

Ricord read the staff recommendations and noted approval of the application and decision of approval required. The approval includes that it is a standalone, unique variance request that only pertains to this parcel

Moved by Cudlip seconded by Lull to approve the application/decision for Michael Stevens for a OWTS-22-00005 on a parcel less than one-acre at 38 Aspen Street, before the Gunnison County Environmental Health Board (as amended.) The motion carried unanimously.

ENVIRONMENTAL HEALTH BOARD VARIANCE REQUEST ACTION

APPLICANT: Michael Stevens

DATE: April 14, 2022

SITE LOCATION: 38 Aspen Street, Lot 10 Block 5 Chair Mountain Ranch Subdivision

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

PREPARED BY: Rebecca Ricord, Plans Examiner

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 representative and system design engineer, Bill Barvitski, PE of Trout Creek Engineering, LLC.

PUBLIC HEARING:

On April 14, 2022, 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 Michael Stevens at his parcel, 38 Aspen Street, Lot 10, Block 5 Chair Mountain Ranch Subdivision, under OWTS application 22-00005, 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.

United Presbyterian Church of Synod of Colorado, (OWTS-20-00172)

Lambert notified the board that there was not appropriate public notice given by the applicant for the public hearing.

The Environmental Health Board cancelled the 2:15 pm public hearing for United Presbyterian Church of Synod of Colorado due to the appropriate public notice was not given by the applicant.

Staff will need to work with applicant before a new date is scheduled for a hearing.

Bembenek adjourned the meeting of the Environmental Health Board at 2:00 PM

Shannon Frias, Administrative Assistant III
Gunnison County Community Development Department

