

Gunnison County Environmental Health Board Minutes

March 21, 2024

The March 21, 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:

Bill Barvitski, EH Board Member
Brooke Zanetell, EH Board Member
Lynn Cudlip, EH Board Member

Staff Present:

Crystal Lambert, Building and EH Official
Rebecca Ricord, Community Development
David Holt, Community Development
Misty Castillo, Community Development

Other attendees as listed in text.

Call to order: Meeting called to order at 1:31 by Cudlip

Approval of Minutes:

Moved by Barvitski seconded by Zanetell to approve the February 15, 2024, minutes the motion passed unanimously, with Board members Cudlip, Barvitski and Zanetell voting yes. The April 28, 2022, and June 30, 2022, minutes could not be approved at this time.

Lambert gave the Board an update on the Harmel permit. Applicant plans on filing a Land Use Change application. They have requested an extension until June 30, 2025.

Unscheduled Citizens:

None.

Baker (OWTS-23-00146) The Environmental Health Board continued the Public Hearing for consideration of an OWTS on a parcel less than one-acre at 20 Paul Pl.

Voting Members: Cudlip was seated as chair. Barvitski and Zanetell

With a quorum present Chairperson Cudlip opened the public hearing.

Ricord confirmed there was adequate public notice on February 19th, 2024, in the Gunnison Country Times, Crested Butte Newspaper, and on the Gunnison County website.

Ricord confirmed the address for the parcel is 44 Paul Pl.

Application Presentation:

Baker asked for clarity on when the OWTS system needed to be installed and Ricord referenced the OWTS regulations.

Staff Comments:

Ricord presented staff's draft action .

Board Discussion:

No further discussion needed.

Public Comments:

No public comments.

Applicant response to Public Comments:

No comments from applicant.

Review Body Response to Public Comment:

None

EH Determination of Application:

Moved by Barvitski **seconded by** Zanetell to approve the application for Joseph Baker (OWTS-23-00146) before the Gunnison County Environmental Health Board. The motion passed unanimously.

ENVIRONMENTAL HEALTH BOARD VARIANCE REQUEST ACTION

APPLICANT: Joseph Baker

DATE: March 21, 2024

SITE LOCATION: 44 Paul Pl, Lot 19, Mitzel's Green Acres

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, Building & Environmental Health Inspector/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.

PUBLIC HEARING:

On February 15, 2024, 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 Joseph Baker at his parcel, 44 Paul Pl, Lot 19, Mitzel's Green Acres, under OWTS application 23-00146, 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.

Meeting adjourned

Minutes by: Misty Castillo

Senior Administrative Assistant
Gunnison County Community and Economic Development