

**BOARD OF HEALTH – SPECIAL MEETING
MINUTE SUMMARY**

May 20, 2016

3:10 PM

MEMBERS PRESENT:

Jeff Burrows
Dr. Wayne Chilcote
Katherine Scholl
Roger De Haan

Members Absent

Michael Turner

STAFF PRESENT:

John Palacio, RCEH
Chris Taggart, minutes

Guests Present:

Donny Ramer, PCI
Bill Winsett
John Winsett

I. NEW BUSINESS:

a. Public Hearing on Variance Request: John Winsett – 1567 Winsett Way #A
Chairman Burrows referenced the legal public hearing notice, printed in the Ravalli Republic on May 6, 2016 and May 13, 2016.

Staff presentation – John Palacio, via PowerPoint. Finding of Fact #29 is no longer applicable, item has been completed.

Discussion ensued pertaining to the history of this parcel (i.e.: SEA approved in 2007 (lapsed due to health and finances) and new SEA approved in 2016).

Katie stated the Planning approval letter is very confusing to the layman.

John reviewed the 30 Findings of Fact and 5 Conclusions of Law within his staff report.

RCEH recommends denial of this variance request.

b. Public comment

John Winsett

Mr. Winsett presented his review of the RCEH staff report, attached and referred to photos of the current conditions of his construction.

Discussion ensued about what a variance request entails, when a variance should be applied for and what an undue hardship means.

Bill Winsett referred back to the planning approval letter and how it is definitely not clear.

Katie spoke about Dan Hooten's site visit back in 2007, and it seems there was a definite breach by Dan due to the lack of documentation of Dan's site visit. Jeff said John Winsett assumed he could get the permit before or after the construction of the new home. John W. agreed with Jeff.

Roger suggested looking at past history. He feels that there was miscommunication over the years in the letters provided to the Winsett family. There have been lots of times that this issue could have been avoided and or resolved/rectified over the years by many people involved who could have informed the Winsett's what the expected steps were to move forward. Roger and Jeff would hate to see John W. lose his investment. Jeff then said Mr. Winsett admitted that he made a mistake and is attempting to move forward to correct the situation. Roger did say that if BOH approves this request, there may be the potential of MDEQ denying his permit. John W. stated that he is willing to see what happens and cross that bridge when necessary.

Donny Ramer of PCI said the high background nitrate may be an issue which may require a Level II system.

John W. said at the bare minimum, placing a roof over the existing construction would help him save what is there and wait until the septic permit process is complete to further the construction. Mr. Winsett's bank said the deadline to live in the home is January 2017.

Jeff read aloud BOH member Mick Turner's email and comments. Mick recommends granting the variance with a \$5,000 fine.

John P. stated that historically fees have been assessed. The fined person could then come before the BOH to request the fine be waived or altered.

John P. recommend that the BOH include specific conditions listed within their action taken, specifically incorporating a waiver by the applicant similar to Section 2, Item 5, on the applicant's response document. BOH agreed.

c. BOH action

Roger moved to approve the variance request with the following conditions:

- 1. Section 2, Item 5: that a completed Signed Waiver of Liability, drawn up by County Civil Counsel be required.**
- 2. The structure will not be occupied until the septic permit is obtained.**
- 3. The State Subdivision review and approval must be completed and file the Certificate of Survey with the County Clerk and Recorder.**
- 4. John Winsett will be allowed to complete the roof, exterior walls, windows and doors.**
- 5. The remaining construction shall cease until after the septic permit is officially issued.**
- 6. There will be no running water until the septic permit is issued.**
- 7. There will be no plumbing installed (rough or otherwise) until the septic permit is issued.**
- 8. John Winsett shall be fined \$1,000.00 with half of that (\$500.00) be waived once the septic permit is obtained, abandonment of the project or subdivision review denial by MDEQ.**

Seconded by Katie. Public comment on motion: Donny said the requirement of MDEQ is somewhat worry-some in the case of the future. Discussion: Wayne asked how BOH finds out the conclusion of this. Jeff said John P will notify the BOH. **All voted “aye” (4-0).**

III. Next Meeting: June 08, 2016 at 3:00 PM

IV. Meeting Adjournment

Wayne moved to adjourn at 4:40 PM. Seconded by Katie. All voted “aye” (4-0).