

RESOLUTION NO.: 2020 - 05

SUBJECT: Approval of an OWTS Variance at 8330 Chipita Park Road

EFFECTIVE DATE: March 25, 2020

RESOLUTION OF THE EL PASO COUNTY BOARD OF HEALTH
APPROVING AN OWTS VARIANCE FOR 8330 CHIPITA PARK ROAD

WHEREAS, pursuant to the On-site Wastewater Treatment Systems Act, C.R.S. 25-10-101, *et seq.*, the El Paso County Board of Health (“Board of Health”) has the authority to adopt rules for the design and permitting of onsite wastewater treatment systems; and

WHEREAS, the Board of Health has adopted such regulations as Chapter 8 On-Site Wastewater Treatment Systems (OWTS) Regulations (“Regulations”); and

WHEREAS, pursuant to Section 8.4.P. of the Regulations, the Board of Health has the authority to hear requests for variances from design or siting requirements contained in the Regulations; and

WHEREAS, Timothy Kaetz and Meredith Casciato (“Applicants”), the owners of the property located 8330 Chipita Park Road in Cascade, have submitted a written request for a variance from Section 8.7.A of the Regulations, which requires that the soil treatment area be located a minimum of ten feet (10’) from a structure without a basement and a minimum of twenty-five feet (25’) from the crest of a cut bank; and

WHEREAS, the written request complies with the requirements set forth in Section 8.4.P.1.a. of the Regulations; and

WHEREAS, a hearing was held before the Board of Health on March ____, 2020, at which hearing the Applicants were given an opportunity to present evidence in support of their variance request; and

WHEREAS, adjacent property owners were notified of the variance request and the hearing date pursuant to Section 8.4.P.1.b. of the Regulations and, if they appeared at the hearing, were given an opportunity to speak in favor of or against the variance request; and

WHEREAS, the Board of Health is satisfied that the record contains sufficient information to make an informed determination regarding the variance request.


NOW, THEREFORE, BE IT RESOLVED that the El Paso County Board of Health hereby finds that the Applicants have met their burden of proof to establish that the requested variance is justified and will pose no greater risk to public health and the environment than would an OWTS meeting the applicable laws and regulations.


BE IT FURTHER RESOLVED that the Board of Health hereby grants to Applicants a variance from the requirements set forth in the Regulations, as applied to 8330 Chipita Park Road, that a soil treatment area be located a minimum of ten feet (10’) from a structure without a basement and a minimum of twenty-five feet (25’) from the crest of a cut bank.

BE IT FURTHER RESOLVED that this approval is conditioned upon Applicants' compliance with the OWTS design described and depicted in the letter from Alpine Engineering dated November 21, 2019 and attached hereto as Exhibit A, unless Applicants receive written approval for modification from El Paso County Public Health staff.

MOVED, SECONDED AND ADOPTED BY THE EL PASO COUNTY BOARD OF HEALTH AT A REGULAR MEETING HELD ON MARCH 25, 2020, IN COLORADO SPRINGS, COLORADO.

EL PASO COUNTY BOARD OF HEALTH

BY: 
Dr. Jim Terbush, President

ATTEST BY: 
Susan Wheelan, Secretary