

**BOARD OF HEALTH AGENDA
THURSDAY, MAY 29, 2014 SPECIAL MEETING
CITY-COUNTY COMPLEX/EAST ROOM**

1. CALL TO ORDER AT 5:30 P.M.
2. ROLL CALL –
3. TWO SUNS FARM VARIANCE REQUEST
4. PUBLIC COMMENT
5. ADJOURN

Board of Health – Special Meeting

May 29, 2014

Park County, Montana

Attendance: Board Members Mary Beebe, Rusty Collyer, Jon Mann, Peggy O’Neill; James Bennett, city commissioner; Mary Malone, county commissioner; Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, environmental health; Thor Arnold, Zimter Architecture LLC; Mark Fasting, Allied Engineering; John Mueller, minutes clerk

Call to Order: @5:32 p.m., Chair Peggy O’Neill called a special meeting to order in the East Room of the City-County Complex.

Two Suns Farms Variance Request

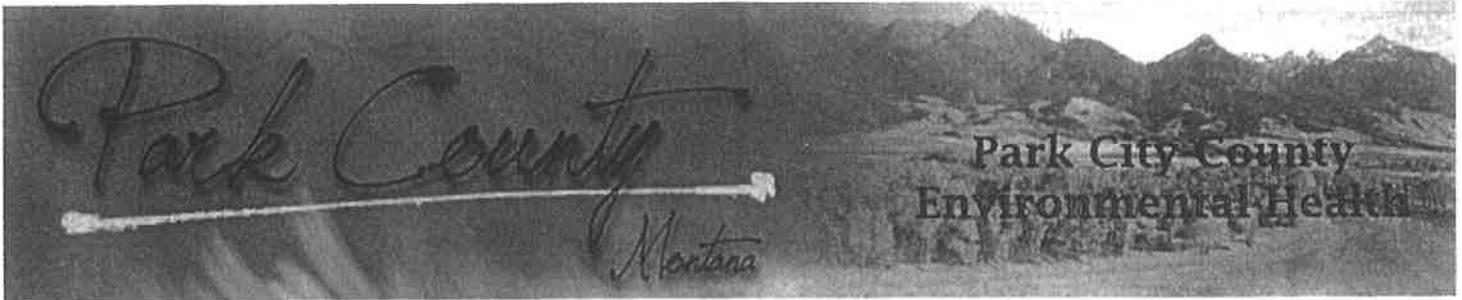
Mark Fasting, Allied Engineering, provided a history of the property in question and justifications for the proposed variance request. Landowner goal is to hook all structures on the north side of the property to a drainfield septic system. Wastewater will be pumped to a nearby meadow that has appropriate elevation. All components associated with the variance request are closed components. HDPE fused piping with sleeving will be used on any portion that does meet the required setbacks from surface water and foundation walls. The variance asks that water and sewer lines be placed in the same trench due to space constrictions. Both will be constructed with HDPE fused piping. The sewer main will be located in an access driveway.

Barbara Woodbury, environmental health, said she supports the variance requests, as there are no other options for the landowner, and the overall system will be a major improvement to what is currently in use. Currently, the house is connected to an unpermitted/unknown system because of its age.

Jon Mann moved to approve Wavier #1 for the variance with consideration to 1) the strict application of regulations would result in extreme difficulty or undue hardship to the applicant; 2) the applicant provided sufficient evidence demonstrating the proposal for a variance would not be detrimental to the purposes of these regulations; 3) the variance proposed is the minimum variation which would alleviate the specified practical difficulty as found by the Park County Board of Health. All conditions should apply to the request for all four variations. Four variations include: waiver from 50-foot horizontal setback from other wells; waiver from 10-foot horizontal setback to foundation walls; waiver from 50-foot horizontal setback from surface water; 10-foot horizontal setback to water line. Rusty Collyer seconded the motion. Motion passed unanimously.

Public Comment: None

Adjournment: 6:02 p.m.



414 E. Callender St. Livingston, MT 59047

406-222-4145(ext. 1)

bwoodbury@parkcounty.org

May 19, 2014

To: Park City-County Board of Health
From: Barbara Woodbury, R.S., M.P.H. *BW*
RE: Waiver Requests from Two Suns Farm, 3158 East River Rd, Park County, MT

Dear Board Members;

On May 29, 2014 the Board of Health will have a special meeting to discuss variance requests from Two Suns Farm. The variances concern closed components of a proposed wastewater treatment system and setbacks to wells, surface water and water lines. Please find the attached waiver requests from Two Suns Farm and accompanying documentation.

Staff Recommendations:

I have been on this property several times for various inspections. The existing septic system is unpermitted and of unknown construction and configuration. The southern meadow area is the best location for a drainfield because of constraints due to floodplain boundaries, well setbacks, mountain sides, and surface water setbacks.

Specific Waiver Requests:

- 1) Waiver from 50 ft. Horizontal Setback to Other Wells The setback between the forcemain and a water well cannot be maintained. They are proposing 44.6 ft. versus 50 ft. separation. The section of the forcemain that is less than 50 ft. will be sleeved as extra precaution from possible contamination.
- 2) Waiver from 10-ft. Horizontal Setback to Foundation Walls The proposal is to run the forcemain under the accessory building, therefore less than 10 ft. to the foundation. They are proposing sleeving this portion of the forcemain to allow for access and repairs in the future.
- 3) Waiver from 50-ft. Horizontal Setback to Surface Water The only location to run the forcemain to the southern portion of the property is to go along the road. There is no other way to run the line. 50 ft. setback to the surface water cannot be maintained---there is not enough room between the surface water and the mountain side to allow for the full 50ft setback. Once again they are proposing to sleeve this section of the forcemain as a protective measure to protect the surface water in case the forcemain should ever break.
- 4) Waiver from 10ft-Horizontal Setback to a Water Line Again, the constraints of the property make it impossible to meet the setbacks. Any portion of forcemain not meeting the setback will be sleeved to protect the water line from contamination.

All of the waiver requests are being made due to the constraints of this property. In general, the proposed wastewater treatment system and water supply wells will improve the protection of health because the systems will meet modern standards. The current septic system is ancient, unpermitted, and unknown. The proposed new system will meet modern standards, be permitted, and better protect health and the environment. Abandoning the current hand dug well with a properly drilled and cased well, again, is a step to better protect human health and the environment. The waivers being requested will not cause contamination or pollution; in fact, the proposed system will improve the existing situation and lessen the chance of contamination. Granting the waivers will not violate any state or local regulations, nor cause a nuisance or odors. There are no other viable options for improving the water and wastewater systems on this property due to topographical constraints of the property.

- Staff recommends approval of all proposed waiver requests.

Criteria for Considering Waivers/Variations:

The Administrative Rules of Montana (ARM) give local Boards of Health criteria to be considered before a waiver/variance from state standards may be granted:

17.36.922 ARM states: (2) The local board of health may grant a variance from a requirement only if it finds that all the following criteria are met:

- (a) granting the variance will not:
 - (i) contaminate any actual or potential drinking water supply;
 - (ii) cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
 - (iii) cause a public health hazard by being accessible to persons or animals;
 - (iv) violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in this subchapter except for the rule that the variance is requested from;
 - (v) pollute or contaminate state waters, in violation of 75-5-605, MCA;
 - (vi) degrade state waters unless authorized pursuant to 75-5-303, MCA; or
 - (vii) cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration;
- (b) compliance with the requirement from which the variance is requested would result in undue hardship to the applicant;
- (c) the variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented;
- (d) no alternatives that comply with the requirement are reasonably feasible; and
- (e) the variance requested is not more than the minimum needed to address the extraordinary conditions.



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299 Prairie Drive
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May 15, 2014

Park County – Environmental Health Department
c/o: Barbara Woodbury, R.S., M.P.H., C.F.M., Director of Environmental Health
414 East Callender Street
Livingston, MT 59047
Ph: (406)-222-4145 ext. 1
E-mail: bwoodbury@parkcounty.org

**RE: Request of Waiver from 10-ft Horizontal Setback to Water Line
Two Suns Farms Wastewater Treatment System
3158 East River Road, Located in a portion of the W ½, Sec. 1, T3S, R9E, P.M.M.
Park County, Montana**

Dear Ms. Woodbury:

From the Park County Wastewater Regulations, Section 8, Table 3, the minimum horizontal setback required from a water line to a closed component is 10-ft. Currently, the existing single family home is located near the northern end of the subject property and the best location for a domestic water supply well (quantity of yield and quantity of water) is located near the southern portion of the subject property. Due to existing site conditions including proximity to the Yellowstone River and existing mountainside with excessive slopes, the existing driveway is the singular corridor available to install utilities and services. From this, the available area to install dry utilities and services provides less than the required 10 horizontal feet from sanitary sewer closed components and water lines.

We are proposing a 3-inch diameter HDPE DR9 fused joint sanitary sewer forcemain (200 psi pipe) that will be encased in a 6-inch diameter PVC pipe in all locations where the 10-ft setback cannot be met to a water line. The proposed water line will also be fused joint pipe. The water line is proposed to be installed in the same trench as the encased sanitary sewer forcemain in locations where area is unavailable. It is our opinion that the aforementioned configuration is best suited for the project.

If you have any questions or comments regarding the request of waiver from the 10-ft horizontal setback to water lines from closed components, please contact the undersigned.

Respectfully Submitted By,

Allied Engineering Services, Inc.



Joshua D. Smith, EI
Engineer Intern

Reviewed By:



Mark A. Fasting, PE
Project Manager

enc:

cc: Thor Arnold (Architect)

P:\2013\13-155 Two Suns Farms\4 Permitting & Entitlements\WWTS Permit\Documents\Waiver From Water Line_2014_05_15.doc



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May 15, 2014

Park County – Environmental Health Department
c/o: Barbara Woodbury, R.S., M.P.H., C.F.M., Director of Environmental Health
414 East Callender Street
Livingston, MT 59047
Ph: (406)-222-4145 ext. 1
E-mail: bwoodbury@parkcounty.org

**RE: Request of Waiver Closed Component Setbacks
Two Suns Farms Wastewater Treatment System
3158 East River Road, Located in a portion of the W ½, Sec. 1, T3S, R9E, P.M.M.
Park County, Montana**

Dear Ms. Woodbury:

The proposed project is located at 3158 East River Road, located south of Livingston, Montana. The legal description of the approximate 235 acre subject property is a portion of the West One-Half of Section 1, Township 3 South, Range 9 East, Principal Meridian Montana, Park County, Montana. There is currently one (1) 4-bedroom single family dwelling located on the subject property that is served by an on-site wastewater system and an on-site domestic water well.

The existing single family home is located near the northern portion of the subject property. The most suitable site for a future wastewater absorption system is located near the southern portion of the subject property. Furthermore, the most suitable location for a domestic water supply well, in terms of quantity and quality of yield, is located near the southern portion of the subject property. In order to access the northern portion of the subject property (from the southern residential driveway), existing site conditions only allow for a narrow passage between the Yellowstone River and a mountain side with excessive slopes/cliffs.

Due to the existing site conditions including location of existing home, the Yellowstone River, floodplain, the mountain side with excessive slopes, the available location of wastewater component placement is constrained. The Administrative Rules of Montana (A.R.M.) and the Park County Wastewater Regulations provide tables with specific setbacks (floodplain, surface water, property lines, etc.) to individual wastewater components (absorption area, closed components, water lines, etc.). Due to the aforementioned existing site conditions, in order to provide a contemporary wastewater treatment system and domestic water supply system, a

waiver from setbacks to closed components is required. Please note, all setbacks to the absorption system (i.e. drainfield) have been maintained. The requested waivers are for "closed components" only. The following is a list which details the specific setback that cannot be met due to the site conditions:

1. Waiver from 50-ft Horizontal Setback to Other Wells: the minimum horizontal setback required from an "other well" to a closed component is 50-ft. Currently, there are two water supply wells located just to the north of the stone cellar building (proposed to be remodeled into a 1-bedroom accessory building). The existing water supply well to the east is a hand dug well that was completed in the early-to-mid 1900's. The western existing water supply well was subsequently drilled and is planned to service the existing home and the proposed 1-bedroom accessory building. The existing hand dug well is proposed to be properly abandoned once the existing home and proposed accessory building become connected to the "newer" existing well.

At its nearest point, the proposed forcemain is approximately 44.6' from the "newer" existing water supply well to the west. Due to the existing site conditions, the proposed alignment of the forcemain provides the greatest separation from the "newer" water well. The section of sanitary sewer pipe less than 50-ft from a well will be sleeved.

2. Waiver from 10-ft Horizontal Setback to Foundation Walls: the minimum horizontal setback required from a foundation wall to a closed component is 10-ft. From the conditions outlined in the Request of Waiver From 50-ft Horizontal Setback to an Other Well, the alignment best suited for this project (as shown on the plans), is to run the forcemain underneath the proposed 1-bedroom accessory building. The forcemain will be sleeved for protection and future access.
3. Waiver From 50-ft Horizontal Setback to Surface Water: the minimum horizontal setback required from surface water to a closed component is 50-ft. Currently, the existing single family home is located near the northern end of the subject property. Due to the delineated location of the floodplain and other setbacks, the only adequate location for an absorption system is located near the southern end of the subject property. The only feasible means to pump effluent from the existing home location to the proposed absorption system area is to follow the existing driveway that is located adjacent to the Yellowstone River. From this, the proximity of the proposed forcemain to the river is less than the required 50 horizontal feet. The section of forcemain less than 50-ft from surface water will be sleeved.

4. Waiver From 10-ft Horizontal Setback to a Water Line: the minimum horizontal setback required from a water line to a closed component is 10-ft. Currently, the existing single family home is located near the northern end of the subject property and the best location for a domestic water supply well (quantity of yield and quantity of water) is located near the southern portion of the subject property. Due to existing site conditions including proximity to the Yellowstone River and existing mountainside with excessive slopes, the existing driveway is the singular corridor available to install utilities and services. From this, the available area to install dry utilities and services provides less than the required 10 horizontal feet from sanitary sewer closed components and water lines. The section of forcemain less than 10-ft from a water line will be sleeved.

As stated for each waiver, any section of sanitary sewer pipe not meeting setbacks will be sleeved. We are proposing a 3-inch diameter HDPE DR9 fused joint forcemain (200 psi pipe) that will be encased in a 6-inch diameter PVC pipe in all locations where the setbacks to closed components (Items #1 - #4) cannot be met. It is our opinion that the aforementioned configuration is best suited for the project, and adequately protects the health safety, and welfare of the environment.

If you have any questions or comments regarding the request of waiver from the setbacks to closed components, please contact the undersigned.

Respectfully Submitted By,

Allied Engineering Services, Inc.



Joshua D. Smith, EI
Engineer Intern

Reviewed By:



Mark A. Fasting, PE
Project Manager

enc: Wastewater Permit Application Report

cc: Thor Arnold (Architect)

P:\2013\13-155 Two Suns Farms\4 Permitting & Entitlements\WWTS Permit\Documents\Waiver Master Request_2014_05_15.doc



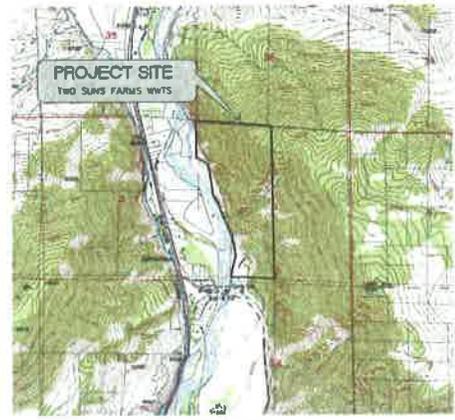
Main house & Proposed guest house locations

Proposed drainfield location

15 MICHIGAN

EAST RIVER

SEE SHEET S-1



PROJECT SITE
TWO SUNS FARMS WWS

VERTICAL MAP
NOT TO SCALE

SEE SHEET S-3

DRAFT

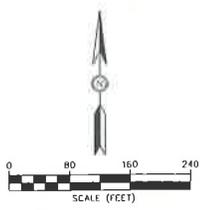
SEE SHEET S-4

SEE SHEET S-2

GENERAL NOTES:
- THIS SCHEMATIC LAYOUT IS INTENDED TO BE USED FOR CONCEPTUAL/DISCUSSION PURPOSES ONLY
- ALL COMPONENTS OF THE PROPOSED WASTEWATER TREATMENT INCLUDING SIZE, LOCATION, ORIENTATION, ETC. ARE SUBJECT TO CHANGE PENDING FURTHER EVALUATION

PROJECT LOCATION:
C.D.S.
TRACT
ACREAGE: 234.724 ACRES
ADDRESS: 3158 EAST RIVER ROAD

PRELIMINARY NOT FOR CONSTRUCTION



**TWO SUNS FARMS WASTEWATER SYSTEM
OVERALL SITE PLAN**
W 1/2, SEC 1, T3S, R9E, PMM, PARK COUNTY, MONTANA

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**Civil Engineering
Geotechnical Engineering
Land Surveying**



PROJECT # 13-105
DATE 04/28/2014
PROJECT ENGINEER MAF
DRAWN BY JCS
REVIEWED BY

FIGURE
S-0