



Board of Health Agenda

Wednesday - September 11, 2019 5:30 PM

Community Room, City County Complex, 414 E Callender Street, Livingston, MT

BOH ADMIN

Call to Order/Roll Call

Conflict of Interest

Public Comment for Items not on the Agenda (5 Minutes)

Minutes for the BOH August 14, 2019 Meeting

[PARK COUNTY BOARD OF HEALTH SPECIAL MEETING.docx](#)

OLD BUSINESS

Alternatives Analysis for Septic Disposal System for David Schroder-Holding Tank Variance (Ridge Line Roofing Company)

[Alternatives Analysis David Schroder.docx](#)

REPORTS

BOH CLOSING

Public Comment (5 Minutes)

ADJOURN



PARK COUNTY BOARD OF HEALTH SPECIAL MEETING

Wednesday August 14th 2019

City County Complex/Community Room

414 E. Callender St.

Attendance: BOH Members- Peggy O'Neill, Mike Inman, Kris Pierson, Caleb Minnick. Bill Berg; County Commissioner, Kaleb Pearson; Lead sanitarian Health Dept. Trish Fievet; Health dept.

Public; Dave Schroeder and Nick Turner.

Call to Order: 5:30 P.M.

Approval of Minutes: Bill berg moved to approve the July 9th minutes Kris P. seconded the motion. Minutes passed.

Old Business: None

New Business:

The Holding Tank Variance for Ridge Line Roofing Company. After the board reviewed the information for this variance. It was decided that they would motion to post pone and reconvene next month on September 11th 2019 BOH meeting.

Mike Inman motioned to post pone the meeting until next month. Bill Berg seconded the motion. Motioned passed and meeting is scheduled for September.

Public Comments: None

Adjourn: 6:45

Alternatives Analysis for Septic Disposal System for David Schroder.

The following Alternatives Analysis is a Supplement to the Variance Application for a property located at 965 HWY 89S in Gardiner, MT for David Schroder

Alternative One: NO Action

Alternative One is for no action to be taken. This option will continue a setup of 6 outhouses on the property to accommodate ongoing residential and commercial rafting activities.

PRO: This option is the lowest cost option for the applicant. It also does not require any county approvals.

CONS: This option presents a Health Risk from the 6 outhouses. These outhouses are placed very close to the Yellowstone River and the site experiences high wind commonly. This wind can easily tip over outhouses allowing untreated sewage to escape. High School kids also get bored and go 'outhouse tipping'. So even if the outhouses are secured from the wind, vandalism is still a threat.

Alternative One meets the legal definition of an Undue Hardship to the property owner. The hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; The requested use variance, if granted, will not alter the essential character of the neighborhood; The applicant cannot realize a reasonable use of their property and the alleged hardship has not been self-created, the County platted the lot many years ago.

Alternative Two: FULL SEPTIC TAK AND DRAINFIELD.

Alternative Two is for a traditional Septic Tank and Drainfield. This would be the preferred option for the applicant, however there is no room on the site for this type of facility. This property which is fully platted with the County is overlapped by a Highway Easement on one side and sits in proximity to the Yellowstone River on the other side. This creates a unique hardship on this property for siting a full size septic drainfield.

PRO: This alternative provides a traditional septic system that does not require a Variance. This would be the preferred alternative for the applicant if the site did not have unique hardships associated with it.

CONS: The property in question has a unique hardship due to the encroaching highway easement and proximity to the Yellowstone River where there is little room to site a traditional system. This system even sited appropriate distances from the water could still contribute to higher Nitrate levels and algae blooms in the Yellowstone River.

Alternative Two meets the legal definition of an Undue Hardship to the property owner. The hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; The requested use variance, if granted, will not alter the essential character of the neighborhood; The applicant cannot realize a reasonable use of their property and the alleged hardship has not been self-created.

Alternative Three: REGULARLY-SERVICED HOLDING TANK.

Alternative Three is for a fully contained holding tank with an alert system and a contract with a pumping company guaranteeing service within 24 hours.

PROS: The State of Montana approves of this system and does not require any Variance. This alternative sits entirely outside the federally-designated floodplain and provides a solution with zero impact to or regulation due to the Designated Floodplain of the Yellowstone. This alternative is the most environmental health friendly option as it releases zero nitrogen into the soil or water column. This alternative solves the problem of having 6 unsealed outhouses on the site in danger of contaminating the land and water if vandalized and tipped or blown over by the wind.

CONS: This alternative is the most expensive for the applicant. It requires the applicant to get a Variance and requires the applicant to regularly service the infrastructure.

Alternative Three is the preferred alternative as it is the only option which does not assign an Undue Hardship to the property owner.

In-Depth Analysis of Legal Definition of Undue Hardship Line Items:

The hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

This lot is very unique in the way the County Platted the lot lines in a very narrow manner squeezed by the Highway Easement. The Variance for this property would only be for a holding tank. There is no variation for anything related to the federally designated floodplain or highway easements and no other variances or precedents are required or set by this variance being issued.

The requested use variance, if granted, will not alter the essential character of the neighborhood;

The granting of this Variance will improve the character of the neighborhood by removing unsightly and dangerous outhouses. The granting of this Variance will not set any precedence in Park County for holding tanks, as this property is unique in its undue hardship due to size. This Variance will set no precedence for holding tanks in the federally-designated floodplain as it sits entirely outside the floodplain.

The applicant cannot realize a reasonable use of their property

The reasonable use of a property would be implementing a drainfield septic system to allow the homeowner to have indoor plumbing. Indoor Plumbing is referred to as a 'basic human right' by the United Nations. To achieve this basic human right of indoor plumbing the landowner simply needs to do

a self-contained system. A Holding Tank is a widely proven safe alternative and is an approved mechanism by the State of Montana.

The alleged hardship has not been self-created.

Park County recorded the plat of this property. This property has been in continual commercial use for at least 10 years. The previous owners did not want to invest the money into a septic system, so it has not been installed. The current owner simply wants to deplete the resources bring the property into a modern world and protect the environment. A large part of the stimulus for the owners action is to make sure the natural environment around the property is protected.