



## **Board of Health Agenda**

**Wednesday - August 14, 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 Comments for Items not on the Agenda (5 Minutes)

Minutes from the BOH July 9th 2019 Meeting

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

### **OLD BUSINESS**

### **NEW BUSINESS**

Holding Tank Variance for Ridge Line Roofing Company

[RigelineRoofing\\_Complete.pdf](#)

### **REPORTS**

### **BOH CLOSING**

Public Comment (5 Minutes)

### **ADJOURN**



## PARK COUNTY BOARD OF HEALTH MEETING

Tuesday July 9<sup>th</sup> 2019

City County Complex/Community Room

414 E. Callender St.

**Attendance:** BOH Members-Peggy O'Neill, Marjorie Shinn, Mike Inman, Kristine Pierson, Bill Berg; County Commissioner, Trish Fievet; Health Dept.; Dr. Desnick; Health Officer, Cid Morrison; Public Health Nurse. Judy Roy; Code enforcement Officer. Kaleb Pearson; Lead Sanitarian Health Dept. Clayton Bryington; Public.

**Call to Order:** 5:30 P.M.

**Approval of Minutes:** Bill Berg moved to approve the April 9<sup>th</sup> 2019 minutes. Marge seconded the motion. Minutes approved.

**Old Business:** None

**New Business:** The current members introduced their selves to the board members. The new members Mike Inman and Kris Pierson both introduced their selves to the board.

The Variance for Busby was cancelled per property owner.

The board went of the Variance Request for Clayton Bryington. There was a lengthy discussion on the property.

Bill Berg motion to approve the variance with conditions he follows all the criteria of ARM17.36.918(4) and DEQ4.

Kris P. Seconded the motion.

Mike Inman opposed the motion the remained of the BOH members approved the motion. Motion passed with conditions.

**Sanitarian Report:** Kaleb talked about how many septic permits and how many we have compared to last year. Kaleb believes this will be one of the biggest year ever with septic permits

Nursing Report: Dr. Desnick gave a report on the Health Dept.

Health Dept. Director: Julie was unable to attend the meeting. Dr. Desnick went over multiple things going on in the Health Dept. She talked about several grants the department such as the Immunization, Maternal Child Health, Tobacco Prevention/Outreach, Emergency Preparedness, WIC and Connect Grants.

She also went over how the Environmental department is doing on septic permits this time of the year and how busy they have been with inspections.

Code Enforcer's Report: Judy talked about all the dog bites and cat hording.

Public Comments: None

Adjourn: 6:45 P.M.



Yellowstone River

50' w

Hwy 89S to Gardiner

Proposed new building

2,500 gallon holding tank  
w/ high water alarm





© 2018 Google

965 US-89

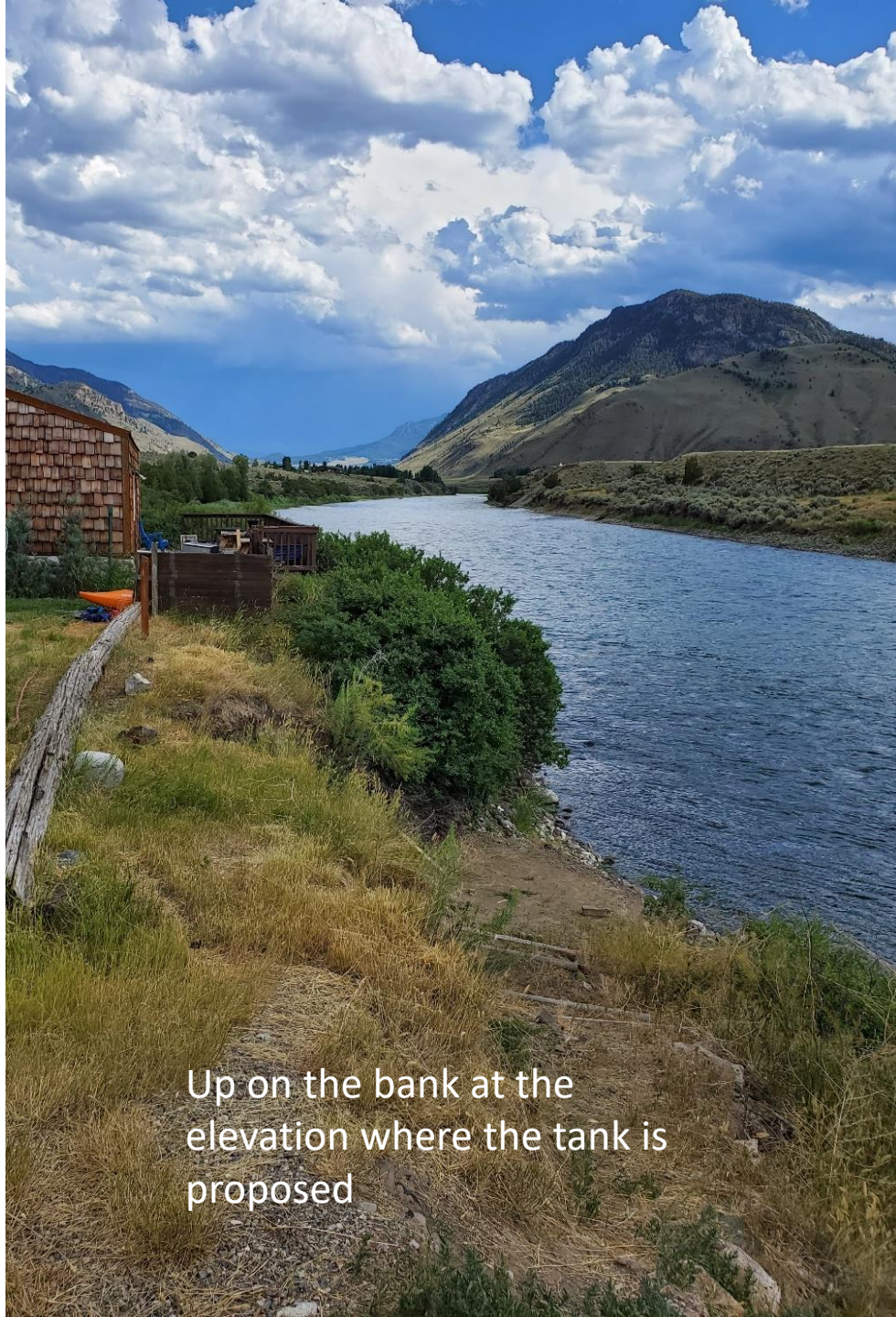
Google Earth

1991

Imagery Date: 7/19/2014 lat 45.137711° lon -110.808882° elev 5086 ft eye alt 5355 ft







Up on the bank at the elevation where the tank is proposed



Down at river level



Survey 1:100

of a Tract of Land in Lot 5, Section 13,  
Township 8 South, Range 7 East, M.P.M.  
COUNTY OF PARK, STATE OF MONTANA

Survey Requested by Don Cloyd

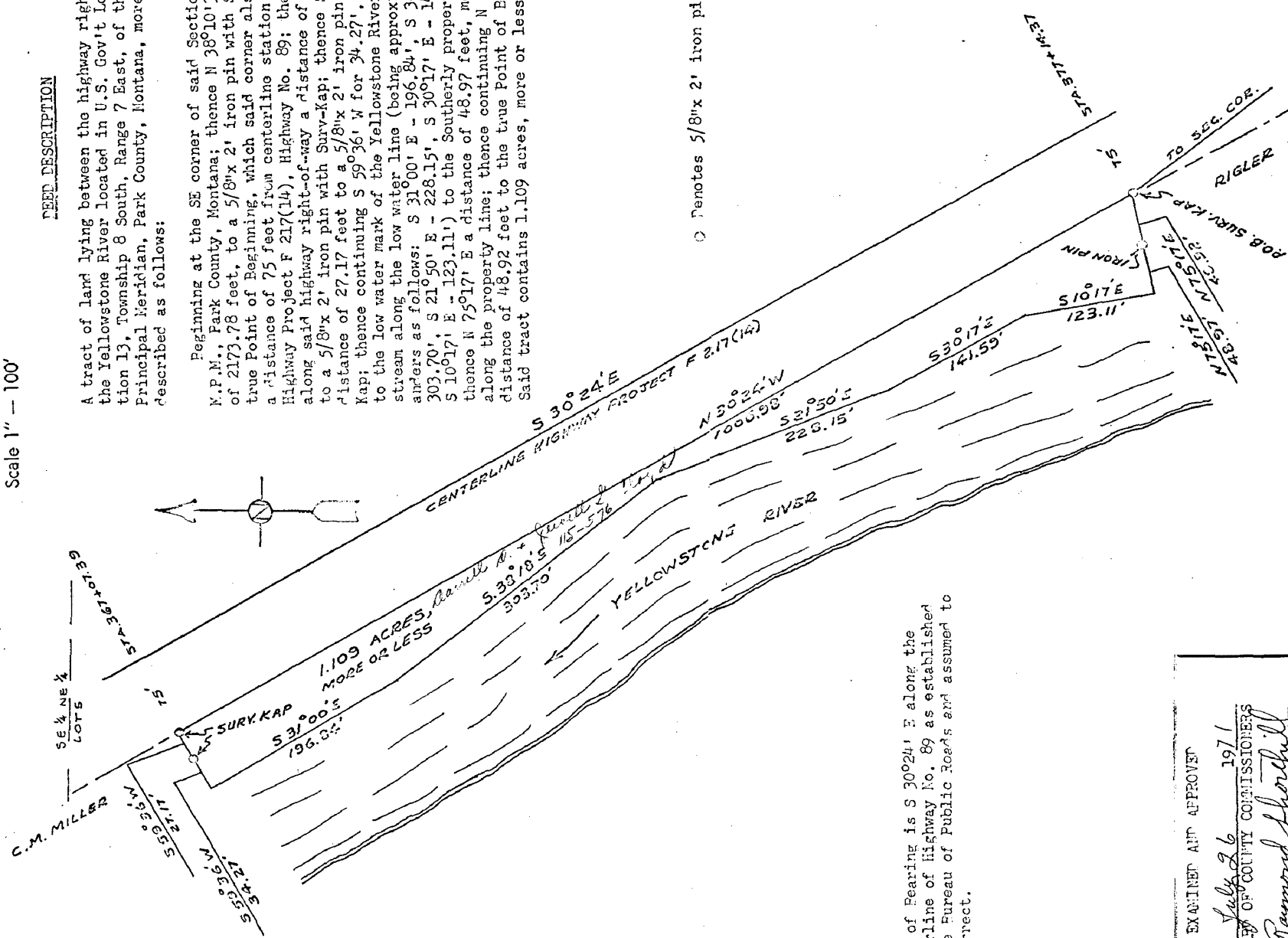
Scale 1" = 100'

DEED DESCRIPTION

A tract of land lying between the highway right-of-way and the Yellowstone River located in U.S. Gov't Lot 5 of Section 13, Township 8 South, Range 7 East, of the Montana Principal Meridian, Park County, Montana, more particularly described as follows:

Beginning at the SE corner of said Section 13, T8S, R7E M.P.M., Park County, Montana; thence N 38°10'30" W a distance of 2173.78 feet, to a 5/8x2' iron pin with Surv-Kap, the true Point of Beginning, which said corner also bears S 59°36' W a distance of 75 feet from centerline station 372+14.37 on Highway Project F 217(14), Highway No. 89; thence N 30°24' W along said highway right-of-way a distance of 1006.98 feet to a 5/8x2' iron pin with Surv-Kap; thence S 59°36' W a distance of 27.17 feet to a 5/8x2' iron pin with Surv-Kap; thence continuing S 59°36' W for 34.27', more or less, to the low water mark of the Yellowstone River; thence up-stream along the low water line (being approximated by measurements as follows: S 31°00' E - 196.84', S 36°18' E - 303.70', S 21°50' E - 228.15', S 30°17' E - 141.59', S 10°17' E - 123.11') to the Southerly property boundary; thence N 75°17' E a distance of 48.97 feet, more or less, along the property line; thence continuing N 75°17' E a distance of 48.92 feet to the true Point of Beginning. Said tract contains 1.109 acres, more or less.

○ Denotes 5/8x2' iron pins with Surv-Kap



Pasis of Bearing is S 30°24' E along the centerline of Highway No. 89 as established by the Bureau of Public Roads and assumed to be correct.

Plat = 579

<p>EXAMINER AND APPROVER</p> <p>July 26 1971</p> <p>BOARD OF COUNTY COMMISSIONERS</p> <p>Raymond Marshall</p> <p>CHAIRMAN</p> <p># 127630</p>	<p>STATE OF MONTANA ) ss. County of Park )</p> <p>Filed this 26<sup>th</sup> day of July 1971 A.M. 10:21 at 1:51 o'clock P.M.</p> <p>Margaret Marshall County Clerk</p> <p>By [Signature] Chief Deputy Plat 504</p>
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STATE OF MONTANA )  
County of Park )

I, Ronald A. Matters, Registered Land Surveyor, Certificate of Registration No. 9988, do hereby certify that during the month of April 1971, the above tract of land was surveyed under my supervision. The said survey and the plat thereof conforms with the work on the ground.

[Signature]  
Date



# PARK COUNTY ENVIRONMENTAL HEALTH

414 East Callender Street, Livingston, MT 59047  
406-222-4145 parkcounty.org

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June 9<sup>th</sup>, 2019

To: Park County Board of Health

**RE: Variance application for a holding tank next to surface water for Ridgeline Roofing LLC**

Introduction:

The applicant, Ridgeline Roofing LLC, is requesting a variance from the Board of Health that, if granted, would allow the construction of a 2,500 gallon holding tank at a piece of property located at 965 US Hwy 89S in Gardiner, Montana. The lot is small and skinny and is right next to the Yellowstone River located on a high bank. There is most likely not enough room to meet the 50ft required setback from the tank to surface water in the area where it would be practical to place a tank.

Background

The applicant owns a roofing company based out of Bozeman and desires to use this area as a place to take a shower and rest when working jobs in the area near Gardiner. The current structures on this parcel do not have plumbing, but there is a well located on the property. The shape of the lot makes it difficult for a conventional septic tank-drainfield system to be installed due to property lines, highway easements, proximity to surface water, and the flood plain boundary. The applicant also preferred the holding tank option because it is a non-discharging system and removes any possibility of contaminants entering the Yellowstone River. This property is not occupied year-round, and is used sparingly as a 'rest-area' while on the job as well occasional day trips with his family.

Holding Tank

The applicant desires to install a 2,500 gallon holding tank approximately 35 feet away from the Yellowstone River up on a high bank. This location is out of the floodplain but due to the shape of the lot and the location of traffic areas, it cannot meet the required 50ft setback to surface water. There is no established setback for sealed wastewater components to the floodplain boundary. Holding tanks are non-discharging, and will be constructed of non-corrosive material with water-tight lids and equipped with a high water alarm set at 75% of the tank's capacity. If the variance is approved, the applicant will have a signed pumping agreement with a licensed septic pumper (see attached document).





# PARK COUNTY ENVIRONMENTAL HEALTH

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Approval of a variance by the Board of Health may only be granted if the criteria of ARM 17.36.922 are met.

## Discussion of ARM 17.36.922 Criteria

The Board of Health may grant a variance from a requirement only if it finds that all the criteria of ARM 17.36.922 are met.

The Department offers comments (bold) on the following criteria:

- (a) Granting the variance will not:
  - a. contaminate any actual or potential drinking water supply;
    - i. **Department Comment: Holding tanks are non-discharging and do not contaminate actual or potential drinking water supplies**
  - b. cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
    - i. **Department Comment: The proposed holding tank will be constructed of non-corrosive material which will not allow access to insects, rodents, or other possible carriers of disease to humans**
  - c. cause a public health hazard by being accessible to persons or animals;
    - i. **Department Comment: The proposed holding tank will be equipped with water-tight lids that are used for pumping access and will not cause a public health hazard by being accessible to persons or animals**
  - d. 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;
    - i. **Department Comment: The proposed holding tank is allowed pursuant to a variance through Park County Regulations 8.21**
  - e. pollute or contaminate state waters, in violation of 75-5-605, MCA;
    - i. **Department Comment: Holding tanks are non-discharging and do not pollute or contaminate state waters, in violation of 75-5-605, MCA. Furthermore, all septage from the proposed holding tank will be removed by a licensed septic hauler and disposed in accordance with state regulations**
  - f. degrade state waters unless authorized pursuant to 75-5-303, MCA; or
    - i. **Department Comment: Holding tanks are non-charging and do not degrade state waters**
  - g. cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration;
    - i. **Department Comment: Holding tanks are sealed and buried below the surface and do not cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration**
- (b) compliance with the requirement from which the variance request would result in undue hardship to the applicant;



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- i. **Department Comment: Due to the location of property lines, highway easements, surface water, flood plain boundary, and wells, there are no options for disposal of wastewater that would not require a variance on this lot.**
- (c) the variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented and;
  - i. **Department Comment: This application is to install a new holding tank, there are no extraordinary conditions that the applicant could not have reasonably prevented because of aforementioned reasons.**
- (d) no alternatives that comply with the requirement are reasonably feasible.
  - i. **Department Comment: Because of the reasons noted above, there are no alternatives that comply with the requirements that would not require a variance are reasonably feasible.**

## Department Position

It is the Department's position that it is reasonable to approve the variance request. The risk to public health, safety, and the environment at this location are such that a 2,500 gallon holding tank is the most protective system.

**The Department recommends approval of the proposed system with these following conditions:**

- (1) the owner maintains a contract with a septic pumper to service within 24 hours of a high water alarm (set to sound when tank is 75% at capacity), and,**
- (2) the owner keeps records of pumping and will provide upon request to the Department within 7 days, and,**
- (3) allows the Department to perform 24-hour leak tests within 7 days of request, and,**
- (4) the holding tank is to serve two toilets, two showers, and a sink ONLY, and,**
- (5) the use of this tank will be seasonal in nature and will not be used for commercial purposes, such as but not limited to: vacation rental, campground, large gatherings, and events, and,**
- (6) the owner will obtain a floodplain permit prior to construction, and,**
- (7) and the permit application meet the requirements of ARM 17.36.916, 17.36.918(4) and DEQ-4, and,**
- (8) any deviation from these conditions will be considered a violation of the terms of approval and will be considered a violation of Montana and Park County Onsite Wastewater Treatment regulations, and will result in the revocation of the permit.**





PARK COUNTY  
ENVIRONMENTAL HEALTH

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Please review the attached documents that I believe meet all the requirements of ARM 17.36.922 and forward any questions you may have to myself.

Sincerely,

Kaleb Pearson, MS, REHS/RS  
Lead Sanitarian, Park County Environmental Health

# Property Record Card

## Summary

### Primary Information

**Property Category:** RP **Subcategory:** Commercial Property  
**Geocode:** 49-0259-13-4-80-01-0000 **Assessment Code:** 0004780000  
**Primary Owner:** RIDGELINE ROOFING COOPERATIVE LLC **PropertyAddress:** 965 US HIGHWAY 89 S  
 1810 W OLIVE ST APT 2A GARDINER, MT 59030  
 BOZEMAN, MT 59715-4082 **COS Parcel:**  
*NOTE: See the Owner tab for all owner information*

**Certificate of Survey:** PLAT 579

**Subdivision:**

### Legal Description:

S13, T08 S, R07 E, PLAT 579, POR OF NW4SE4

**Last Modified:** 7/11/2019 1:28:25 PM

### General Property Information

**Neighborhood:** 249.450.C **Property Type:** IMP\_R - Improved Property - Rural  
**Living Units:** 1 **Levy District:** 49-5614-7OUT/GF  
**Zoning:** 2 **Ownership %:** 100

**Linked Property:**

No linked properties exist for this property

**Exemptions:**

No exemptions exist for this property

### Condo Ownership:

**General:** 0 **Limited:** 0

### Property Factors

**Topography:** **Fronting:**  
**Utilities:** **Parking Type:**  
**Access:** 2 **Parking Quantity:**  
**Location:** **Parking Proximity:**

### Land Summary

Land Type	Acres	Value
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	1.110	181,113.00

### Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
10/18/2017			10/20/2017	D400721	Warranty Deed
5/28/2015			5/28/2015	D387149	Warranty Deed
3/25/2003	R185	1550			



Dimensions

Width/Diameter: 8 Length: 12 Size/Area: 96  
Height: Bushels: Circumference:

Outbuilding/Yard Improvement #3

Type: Commercial Description: CPA2 - Paving, concrete, 4"  
Quantity: 1 Year Built: 1982 Grade: A  
Condition: Functional: Class Code: 3307

Dimensions

Width/Diameter: Length: Size/Area: 126  
Height: Bushels: Circumference:

Outbuilding/Yard Improvement #4

Type: Commercial Description: CRS1 - Utility Building, frame  
Quantity: 1 Year Built: 2005 Grade: G  
Condition: Functional: 4-Good Class Code: 3307

Dimensions

Width/Diameter: 12 Length: 16 Size/Area: 192  
Height: Bushels: Circumference:

Outbuilding/Yard Improvement #5

Type: Commercial Description: CRS1 - Utility Building, frame  
Quantity: 1 Year Built: 1982 Grade: A  
Condition: Functional: 4-Good Class Code: 3307

Dimensions

Width/Diameter: 12 Length: 20 Size/Area: 240  
Height: Bushels: Circumference:

Outbuilding/Yard Improvement #6

Type: Commercial Description: CRS1 - Utility Building, frame  
Quantity: 1 Year Built: 2005 Grade: A  
Condition: Functional: 3-Normal Class Code: 3307

Dimensions

Width/Diameter: 12 Length: 16 Size/Area: 192  
Height: Bushels: Circumference:

Commercial

Existing Commercial Buildings

Building Number	Building Name	Structure Type	Units/Bldg	Year Built	
1	RIVER SOURCE	353 - Office Building, Low Rise (1 to 4 stories)	1	1982	<a href="#">View</a>

General Building Information

Building Number: 1 Building Name: RIVER SOURCE Structure Type: 353 - Office Building, Low Rise (1 to 4 stories)  
Units/Building: 1 Identical Units: 1 Year Remodeled: 0  
Grade: A Year Built: 1982 Percent Complete: 0  
Class Code: 3307 Effective Year: 1985

Interior/Exterior Data Section #1



**PO Box 902**

**Livingston, MT 59047**

**(406) 222-0025 (phone)**

**(406) 222-5388 (fax)**

**Email: [www.CrazyMountainIndustries@yahoo.com](mailto:www.CrazyMountainIndustries@yahoo.com)**

**Website: [www.CrazyMountainIndustries.com](http://www.CrazyMountainIndustries.com)**

**Name: [Ridgeline Roofing Cooperative](#) Business Phone: [406-209-3786](#)**

**Mailing Address: [965 US Hwy 89 S](#) City: [Gardiner, MT 59030](#)**

**Contact Name and Number: [David Schroeder](#) - [406-209-3786](#)**

**E-mail Address: [davud@riifxi-op.com](mailto:davud@riifxi-op.com)**

**Physical Address Where Septic Tank(s) Is Located: [965 US Hwy 89 S](#)**

## **SEPTIC SERVICE PUMPING CONTRACT**

This contract between the above named (Customer) and Crazy Mountain Industries, Inc (CMI) is guaranteed by each party for a term of three (3) years beginning to be determined and commencing Three Years thereafter. At the end of the three (3) year term, the parties agree to look at the past service needs of the Customer and determine the service and pricing needs for the future, at which point a new service contract will be executed.

- Customer agrees that CMI will pump all of the onsite holding tanks a MINIMUM of once every SIX MONTHS or when full – whichever occurs first.
- The cost for CMI to pump customer tanks will be as follows:
  - (\$ To be Determined) per service (minimum of twice per year)
- Tank can NOT be pumped in the months of May or June due to the possibility of tank lifting due to high water levels.

This service contract is subject to the following terms and conditions: 1. ENTIRE CONTRACT: This writing contains the entire contract agreement of parties. Customer



acknowledges that no other promises, covenants or representations have been made by CMI, its employees, or assigns. 2. By signing this contract, customer acknowledges that he or she has read the entire contract and agrees to all terms contained herein. 3. Customer may cancel this contract within ten (10) days of the date below by giving written notice to CMI at the address above. 4. CMI is not responsible for any damage to grass, shrubbery, plants or any structures placed within ten (10) feet of the septic tank. 5. Customer is responsible for providing access to the property to CMI, its employees, agents, contractors or assigns for the purpose of rendering services covered in the contract. Customer also agrees to contain any animals that may provide a safety risk to CMI personnel, its agents, contractors or assigns. 6. This contract is not a warranty and CMI does not, in this contract, warranty the septic system in any way. 7. Customer understands that the term of this contract is three (3) years, thirty-six months. Customer further understands that this contract will not automatically renew. 8. LIMIT OF LIABILITY. CMI is not responsible for any damages associated with any pump outs of customer's septic tank. Customer agrees to hold CMI harmless for any negligent act committed by any of its employees, agents, contractors or assigns for any acts committed during term of the contract. 9. Customer agrees that should any dispute arise concerning this contract, the parties shall submit the dispute to binding arbitration. 10. Should the property covered by this contract change ownership during the life of the contract, CMI will honor the contract and transfer it to the new owner of the property. To keep the contract in force, the new property owner must satisfy the unpaid payment commitment(s) if any. 11. The laws of the State of Montana shall govern this contract and the terms contained herein. The Parties agree to the terms as set out above.

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Customer Signature

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Date

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Jamie Hillman, President  
Crazy Mountain Industries, Inc.