BOARD OF HEALTH
MINUTES
January 23, 2020
7:00 A.M.
COUNTY COURTHOUSE COMMUNITY ROOM

These written minutes are designated as the official record of this meeting. A technical issue prevented the audio recording of the meeting. The written minutes are available online at www.healthygallatin.org

ROLL CALL: Board members present:

Board Member - Steve Custer: Present
Board Member - Mari Eggers: Present
Board Chair - Becky Franks: Present
Board Member - Joe Skinner: Present
Board Vice-Chair - Buck Taylor: Absent
Board Member - Seth Walk: Present
Board Member - I-Ho Pomeroy: Present
Board Member - Justin Kamerman: Present
Board Member - Christopher Coburn: Present

Staff Present: Lori Christenson, Sarah Dobson, Jeremy Jenks, Matt Kelley, Tracy Knoedler, Brittney Krahn, Toni Lucker, Tom Moore, Nancy Rangel, Stefanie Tassaro

Deputy County Attorney: Sean Bowen

Public: Debra Carlstrom, Ron Carlstrom, Mark Westergaard, Geoff Hammond, Lewis Baeth, Yvonne Rudman

A. Meeting called to order

B. Audio Disclaimer

C. Public Comment on a Non- Agenda Item - none

D. CONSENT AGENDA:

1. Board Meeting Minutes – November 21, 2019

2. Environmental Health Subcommittee Minutes – December 19, 2019

3. 2020 MDPHHS Cooperative Agreement

4. Checklist for Review & Approval of Communicable Disease Reporting Protocol(s)

MOTION by Steve Custer to approve the consent agenda.

SECOND by I-Ho Pomeroy
**VOTE:**

- Board Member - Steve Custer: Motion
- Board Member - I-Ho Pomeroy: 2nd
- Board Member - Steve Custer: Approve
- Board Member - Mari Eggers: Approve
- Board Chair - Becky Franks: Approve
- Board Member - Joe Skinner: Approve
- Board Vice-Chair - Buck Taylor: Absent
- Board Member - Seth Walk: Approve
- Board Member - I-Ho Pomeroy: Approve
- Board Member - Justin Kamerman: Approve
- Board Member - Christopher Coburn: Approve

Motion carried

**E. REGULAR AGENDA**

1. Variance Request 2019-028, Hammond, 3173 Sourdough Road, Bozeman

**Staff Report**

Tom Moore presented variance request to install a wastewater absorption bed less than 100-feet from a 100-year floodplain. Variance was publicly noticed in the January 12th & 22nd, 2020 editions of the Bozeman Daily Chronicle. There was no public comment concerning this variance request. This 0.7 acre lot is ‘sandwiched’ between Bozeman Creek and Sourdough Road. It was created in 1958, and a house built on the property in 1961. Both dates pre-‘date’ Subdivision and Septic regulations. It was in continuous occupation between 1961 and 2018 by the same owners.

This property came to the Health Department’s attention when a 2012 stream survey found a pipe discharging washer water (gray water) into Bozeman Creek. The pipe was ordered to be, and was, cut and capped to stop the discharge. During that investigation it was determined that the home did not have an approved wastewater treatment operating permit as required by Gallatin City-County Health Code Chapter 3.

The home was purchased by the Hammonds in April of 2019, with the understanding that a septic permit would be required. They hired a site evaluator, who did a site evaluation which included a flood and topographic survey, test pits, and an investigation of the existing discharge conditions. He found that the existing system consists of a metal septic tank and a seepage pit of some type, both located approximately 30-ft from Bozeman Creek.

The site evaluation determined that the only location available – except for by the creek which would be unacceptable – is a flat area up on the road bench sandwiched between a steep drop off and the Sourdough Road right-of-way. The new proposed system will consist of sealed and monolithic concrete tanks in the flat area where piping exits the house, pumping up the steep slope to the flat area by the road.
The flat area, away from the creek, does not meet State setback requirements. Setbacks to all wells are adequate and over the 100-ft required, but four other variances are necessary for this location. They are 1) disposal site to floodplain, 2) disposal site to surface water, 3) disposal site to a slope over 35%, and finally 4) setback between sealed tanks and components and surface water. Those variances can be seen in the staff report, Page 3.

A Compliance Agreement, a copy of which is in Exhibit G, was signed by the property owners which requires installation of a septic system within 60-days of the issuance of an Authorization to Construct.

Each variance will be heard separately – this current hearing, variance 2019-028, is for the installation of a disposal bed less than 100-ft from a floodplain as required by the setback table in the Administrative Rules of Montana, ARMs, 17.36.918. A topographic survey showed the adopted 100 year flood elevation is only about 29-ft from the bed location. It is 16-ft above that elevation however, and I would also note that, while covered under a separate variance, this location is about 80-ft from the normal high water mark. There appears to be no other options. Offsite easements were denied – see Exhibit F – and City services are about 1900-ft away.

To clarify that this hearing is strictly for variance 2019-028, a reduced setback to floodplain. The other variances will be heard separately. I would also point out the staff suggested conditions should the Board approve this variance – Condition 3 will require installation within 60-days – others require monolithic and sealed tanks – another the proper abandonment of the existing tank and seepage pit.

The site evaluator and property owner are in the audience, and I am happy to answer any questions you may have.

Questions by Board

I-Ho Pomeroy questioned staff about the possibility City services would be available to this area in the near future. Mr. Moore replied that while the City is investigating services for ‘inholdings’, this location is not adjacent to the City limits and it is unlikely water & sewer will be available for some time.

Comments by Petitioner:

Applicant was represented by Mark Westergaard, PE, of Westergaard and Associates and by the property owner/applicant, Geoff Hammond. Mr. Westergaard discussed the site conditions as provided in the Board packet and noted that the proposed system would be a significant improvement over the current system. Mr. Westergaard also noted challenges posed by the site, including the proximity of the creek, Sourdough Road, and a steep slope on the property.
**Questions by Board**

The Health Officer asked Mr. Westergaard whether the Applicant had considered a level two treatment system to improve treatment of effluent into the system.

Mr. Westergaard responded that they had considered a level 2 system but decided against it for a number of reasons, including cost and the fact that a level two would not be a sealed component and would require additional variances. He also noted that the level 2 system would only help remove nitrates from the effluent, and because of the requirement for air accesses on Level II components, there is a danger in this low tank location that, while outside the floodplain, inundation would cause the Level II component to fail and might flood and damage the disposal bed.

**Public Comment including Written Comments and questions by the Board** - none

**Staff’s rebuttal and questions by the Board** - none

**Petitioner’s rebuttal comments and questions by the Board** - none

**Questions from Board to any staff or person providing comments** - none

**Board discussion and decision**

**MOTION by Joe Skinner**

“Having reviewed and considered the application materials, staff report, and any public comment, in accordance with ARM 17.36.922, I hereby adopt the findings presented in the staff report and move to approve the variance request from Geoff and Grace Hammond, with approval subject to all applicable laws and regulations and staff recommended conditions.”

**SECOND by I-Ho Pomeroy**

**Findings**

Joe Skinner agrees with the staff conditions and Applicants’ response in Exhibit D and adopts these as his findings. Extraordinary condition is the small lot size.

**Board discussion** - none
VOTE:

Board Member - Joe Skinner: Motion
Board Member - I-Ho Pomeroy: 2nd
Board Member - Steve Custer: Approve
Board Member - Mari Eggers: Approve
Board Chair - Becky Franks: Approve
Board Member - Joe Skinner: Approve
Board Vice-Chair - Buck Taylor: Absent
Board Member - Seth Walk: Approve
Board Member - I-Ho Pomeroy: Approve
Board Member - Justin Kamerman: Approve
Board Member - Christopher Coburn: Approve

Motion carries

MOTION by Steve Custer

“I move to authorize the Chair of the Gallatin City-County Board of Health to sign and issue written the Findings of Fact, Conclusions of Law, and Order that incorporate all findings and conclusions entered into the record in this matter.”

SECOND by I-Ho Pomeroy

VOTE:

Passed unanimously

2. Variance Request 2019-029, Hammond, 3173 Sourdough Road, Bozeman

Staff Report

Tom Moore presented the variance to install a wastewater absorption bed less than 100-feet from surface water. Background is the same as in the previous variance request, 2019-028, and there was no public comment.

State setbacks, found in ARM 17.36.918 table 1, require a 100-ft setback between a disposal system and surface water. Only 80-ft can be maintained, from the high water mark, for this disposal site. It will be 16-ft above that elevation, however.

There are no other options for this location, and the new system will be a significant improvement over the existing conditions. I would point out, again, the recommended staff conditions which include the requirement that the new system will be installed within 60 days of issuance of the Authorization to Construct, along with the other conditions.

I am available for any questions, and the site evaluator and owner are in the audience for questioning also.
Questions by Board - none

Comments by Petitioner
Mark Westergaard, site evaluator and Geoff Hammond, property owner, presented comments. Mr. Westergaard noted that the location of the proposed system contained soil composition of sandy loam, which provides good drainage. He noted that the saw no evidence of geologic layers that would cause effluent to flow horizontally toward the creek or the sloped ground near the drain field.

Questions by Board
Joe Skinner noted how soil composition is such that effluent would go down vertically into the soil and not spread out into the side of the slope then in to the creek.

Public Comment including Written Comments and questions by the Board - none

Staff’s rebuttal and questions by the Board - none

Petitioner’s rebuttal comments and questions by the Board - none

Questions from Board to any staff or person providing comments
Dr. Seth Walk asked whether there would be utility in testing surface water after 6-8 months, follow up test for nitrate. Staff stated that wells could be sampled for changes, but Bozeman Creek is already considered an ‘impaired waterway’ and sampling the creek may not yield noticeable results.

The Health Officer noted that Bozeman Creek is a well-studied body of water and will continue to be studied, but said sampling of the creek near the Hammond residence would not be able to definitively pinpoint the source of contamination. Steve Custer added this system is an improvement. Sampling the stream in relation to this residence would be difficult. He explained that, while not being flippant—‘the solution to pollution is dilution’—and that Bozeman Creek has such a volume of water that the replacement of this inadequate system will help in the long run, but not significant or measureable in terms of nutrient reduction in the stream flow in the short term.

Board discussion and decision - none

MOTION by I-Ho Pomeroy

“Having reviewed and considered the application materials, staff report, and any public comment, in accordance with ARM 17.36.922, I hereby adopt the findings presented in the staff report and move to approve the variance request from Geoff & Grace Hammond, with approval subject to all applicable laws and regulations and staff recommended conditions.”

SECOND by Christopher Coburn
Findings

I-Ho Pomeroy agrees with staff’s findings, supports the motion and read each variance criteria into the record.

Additional findings are contained in Exhibit D in Applicant’s response.

Board discussion

Joe Skinner noted the soil composition allows effluent to travel straight down into the soil.

VOTE:

Board Member - I-Ho Pomeroy: Motion
Board Member - Christopher Coburn: 2nd
Board Member - Steve Custer: Approve
Board Member - Mari Eggers: Approve
Board Chair - Becky Franks: Approve
Board Member - Joe Skinner: Approve
Board Vice-Chair - Buck Taylor: Absent
Board Member - Seth Walk: Approve
Board Member - I-Ho Pomeroy: Approve
Board Member - Justin Kamerman: Approve
Board Member - Christopher Coburn: Approve

Motion carries

MOTION by Steve Custer

“I move to authorize the Chair of the Gallatin City-County Board of Health to sign and issue written the Findings of Fact, Conclusions of Law, and Order that incorporate all findings and conclusions entered into the record in this matter.”

SECOND by I-Ho Pomeroy

VOTE:

Passed unanimously

3. Variance Request 2019-030, Hammond, 3173 Sourdough Road, Bozeman
**Staff Report**

Tom Moore presented the variance to install a wastewater absorption bed less than 25-feet from a slope greater than 35 percent. The same background, public notice as previously stated in Variance hearing 2019-028, apply, and there was no public comment.

Setback regulations, ARM 17.36.918, require a 25-ft setback between a disposal site and a greater than 35% slope. About 10-ft can be maintained in this situation, from the start of the slope down to the creek. The site evaluator argues the underlying soil, as determined by the test pit, is a sandy loam which will encourage water to migrate downward with gravity, and not tend to move sideways. Smaller dose volumes will also be used so large quantities of water won’t inundate the disposal bed and push effluent sideways.

There are no other options for this location, and the new system will be a significant improvement of the existing conditions. I would point out, again, the recommended Staff conditions which include the requirement that the new system will be installed within 60 days of issuance of the Authorization to Construct, along with the other conditions.

I am available for any questions, and the site evaluator and owner are in the audience for questioning also.

**Questions by Board**

Mari Eggers asked about slope erosion. Staff responded that there is no evidence and it is heavily vegetated.

I-Ho Pomeroy asked about the slope and gravity. Soil underlying the absorption bed is sandy loam and sand absorbs and gravity pulls effluent to go downward versus to the side to the surface water.

**Comments by Petitioner**

Mark Westergaard and Jeff Hammond made themselves available for questions

**Questions by Board**

Steve Custer noted sandy loam to about 100 inches so opportunity for cleansing and force of gravity. Best solution.
Public Comment including Written Comments and questions by the Board

Yvonne Rudman, 3121 Sourdough Road, commented about a series of pine trees and one has fallen onto her property and concerned about extra water in slope destabilizing the root system of the trees.

Tom Moore addressed the comment and deferred to landowner.

Matt Kelley asked Mark Westergaard to explain what the dose tank does - 50 gallons effluent dosed to bed at intervals of 4-5 times per day.

Geoff Hammond, property owner, explained the area would return to natural state. The system is contained in the area and vegetation beyond it. No pine trees in this spot; trees area about 30-40 feet away. Christopher Coburn asked GCCHD staff to explore information related to trees and septic systems and share them with Ms. Rudman. Staff said they would do their best to do so.

Staff's rebuttal and questions by the Board

Petitioner’s rebuttal comments and questions by the Board

Questions from Board to any staff or person providing comments

Board discussion and decision - none

MOTION by Joe Skinner

“Having reviewed and considered the application materials, staff report, and any public comment, in accordance with ARM 17.36.922, I hereby adopt the findings presented in the staff report and move to approve the variance request from Geoff & Grace HAMMOND, with approval subject to all applicable laws and regulations and staff recommended conditions.”

And adopted staff recommended conditions to this variance request #2019-030

SECOND by I-Ho Pomeroy

Findings

Adopt staff response in staff report, reviewed the Applicants’ response in Exhibit D and agrees with those responses.

They are using smaller doses at frequent intervals and allows effluent to go down, provides better treatment without affecting the slope.

Board discussion

Mari Eggers requested correction to percent slope. Tom responded the 35% slope, used in staff report, is incorrect. Based on his calculations based on the topography provided by the Applicant on the site plan the slope is 75% at the steepest section.
Sean Bowen suggested adopting this corrected finding into the motion.

Joe Skinner adopted the 75% slope correction to his findings.

Steve Custer agrees with the motion.

**VOTE:**
- Board Member - Joe Skinner: Motion
- Board Member - I-Ho Pomeroy: 2nd
- Board Member - Steve Custer: Approve
- Board Member - Mari Eggers: Approve
- Board Chair - Becky Franks: Approve
- Board Member - Joe Skinner: Approve
- Board Vice-Chair - Buck Taylor: Absent
- Board Member - Seth Walk: Approve
- Board Member - I-Ho Pomeroy: Approve
- Board Member - Justin Kamerman: Approve
- Board Member - Christopher Coburn: Approve

Motion passed.

**MOTION by Steve Custer**

“I move to authorize the Chair of the Gallatin City-County Board of Health to sign and issue written the Findings of Fact, Conclusions of Law, and Order that incorporate all findings and conclusions entered into the record in this matter.”

**SECOND by Mari Eggers**

**VOTE:** passed unanimously

4. Variance Request 2019-031, Hammond, 3173 Sourdough Road, Bozeman
Staff Report

Tom Moore presented the variance to install sealed components less than 50-feet from surface water.

Background is the same as in the Variance request 2019-028.

No other options exist as the sewer line from the house exits at this location. ARM 17.36.918 require sealed components, such as tanks and piping, to be at least 50-ft from surface water. These can maintain only about 32-ft. Monolithic tanks are proposed – staff explained that monolithic means there are no side seams which may allow water to infiltrate, only top seams. The tanks and all accesses will be sealed to prevent water infiltration also. They will be outside the floodplain.

Again, this new system should be a significant improvement to the existing situation.

Once again I want to point out staff recommended conditions, including the required installation of a new system within 60-days of the issuance of a permit.

Questions by Board

Steve Custer noted since there is an existing system existing, will it be removed?

Tom Moore responded that staff conditions require the proper abandonment. The metal septic tank will be pumped then removed, crushed in place or filled. The seepage pit to be pumped and depending on how it was constructed will impact how to properly abandon.

Comments by Petitioner

Mark Westergaard and Jeff Hammond made themselves available for questions

Questions by Board - none

Public Comment including Written Comments and questions by the Board - none

Staff’s rebuttal and questions by the Board - none

Petitioner’s rebuttal comments and questions by the Board - none

Questions from Board to any staff or person providing comments - none

Board discussion and decision

MOTION by Christopher Coburn

“Having reviewed and considered the application materials, staff report, and any public comment, in accordance with ARM 17.36.922, I hereby adopt the findings presented in the staff report and move to approve the variance request from Geoff & Grace HAMMOND, with approval subject to all applicable laws and regulations and staff recommended conditions.”

SECOND by Joe Skinner
Findings

Christopher Coburn adopted the Applicants’ responses in Exhibit D and staff recommended conditions as his findings.

Board discussion - none

VOTE:

Board Member - Christopher Coburn: Motion
Board Member - Joe Skinner: 2nd
Board Member - Steve Custer: Approve
Board Member - Mari Eggers: Approve
Board Chair - Becky Franks: Approve
Board Member - Joe Skinner: Approve
Board Vice-Chair - Buck Taylor: Absent
Board Member - Seth Walk: Approve
Board Member - I-Ho Pomeroy: Approve
Board Member - Justin Kamerman: Approve
Board Member - Christopher Coburn: Approve

Motion carried

MOTION by Steve Custer

“I move to authorize the Chair of the Gallatin City-County Board of Health to sign and issue written the Findings of Fact, Conclusions of Law, and Order that incorporate all findings and conclusions entered into the record in this matter.”

SECOND by I-Ho Pomeroy

VOTE:

Carried unanimously

5. Variance Request 2019-024, Carlstrom, 1597 Williams Bridge Road
Staff Report

Jeremy Jenks presented the variance request from DEQ4 - not satisfying the requirement to groundwater monitor. An Elevated Sand Mound with 48-inches of sand is proposed.

- Owner’s Ron and Debra Carlstrom are seeking a variance from DEQ-4 2.1.8.4 specifically not having to groundwater monitor.
- Property is located south of Willow Creek and on Williams Bridge Road just east of the Jefferson River.
- Property is currently undeveloped.
- A site evaluation was performed on October 01, 2019
  - Groundwater was found in the test pit at 72 inches.
  - Evidence of groundwater was found at 36 inches.
- System design
  - The applicant is proposing an elevated sand mound system with 48 inches of sand below the absorption bed.
  - The system will also contain a 1500 gal septic tank and a 100 gal dose tank
  - This system will serve a 4-bedroom living unit on the property with a detached garage that has a bathroom inside.
- Staff comments
  - Direct your attention to staff comments on the variance criteria located on page 5-3 through 5-7.
  - Specifically the staff does not know of a reason why groundwater monitoring could not happen on this site.
- This variance was publicly noticed
  - Letters were sent out to adjoining property owners on January 22, 2020
  - Notice was published in the Bozeman Chronicle on January 12 & 22 2020
- Public Comment
  - No written or verbal public comment has been received at this time.
- Reminder that this variance being sought is to not have to groundwater monitor the property.
- The engineer and I are here to answer any questions.
### Questions by Board

Joe Skinner asked about the extra 4 feet of sand under the Elevated Sand Mound and noted that the 48-inch sand mound would achieve the required level of separation.

Matt Kelley noted that the absence of groundwater monitoring results does raise some concerns. First, there is no way for the staff to attest that the proposed site is the best site on the 70+ acre property. Second, he noted that the Board could decide that development of the property is not acceptable if groundwater is extraordinarily high. Kelley also noted that the Board may see many more variance applications from others seeking to bypass groundwater monitoring.

### Comments by Petitioners

Lewis Baeth, Site Evaluator, and Ron Carlstrom, property owner, provided information on the variance request. Mr. Baeth described the site as hemmed in; one test pit was made near the home and was similar to the site.

Ron Carlstrom, owner, looking to build a home. Dug a test pit near the home. Mr. Carlstrom also talked about drilling a well for the new home and mentioned the 70 feet of clay then hit groundwater. Mr. Carlstrom noted that he has been farming the land for more than a decade and knows the groundwater depth. He also said the system is sited to accommodate irrigation systems and his cattle raising operation. He said the ability to install the system soon, prior to groundwater monitoring, would be helpful to his cattle raising operation.

Lewis Baeth commented on soils as loamy sand, gravel layer; groundwater; no evidence that groundwater at surface.
Questions by Board

Seth Walk asked about USDA soil survey report that shows groundwater not further than 3 foot level.

Steve Custer– regarding the test pit at site, what did they see for height of groundwater? Noticed a change in patina of rocks about 3 feet; sandy gravelly so not much mottling;

Becky Franks – noted that groundwater monitoring is important and necessary. Ms. Franks requested an explanation of why they feel they do not need to monitor.

Mr. Carlstrom - To prevent change of farming practices; his experience tells him groundwater does not rise closer to the ground surface than what was indicated by the test pit.

Steve Custer referred to exhibit C - where is this? Mr. Carlstrom distributed a map of his property showing where the pivot is located. Pivot does not cross the proposed site.

Mari Eggers asked about his farming years – 2009 and farmed next door for 24 years.

Christopher Coburn asked Mr. Carlstrom about the undue hardship criteria. Mr. Carlstrom - Wait to May, June or July, raising crops on adjoining land, trench in middle of making hay, sooner to get there with cattle and a bathroom on site. Christopher Coburn paraphrased: Harder to make his living if the variance is not passed.

Mari Eggers asked for clarification about the structure to be built. Mr. Baeth confirmed that it would be a four bedroom home.

Public Comment including Written Comments and questions by the Board - none

Staff’s rebuttal and questions by the Board

Jeremy Jenks had no further comment.

Petitioner’s rebuttal comments and questions by the Board

Lewis Baeth had no further comment

Questions from Board to any staff or person providing comments

Steve Custer asked Ron Carlstrom if he has other leased property for cattle to graze. Mr. Carlstrom - This is the calving area. Regarding the question of urgency, Mr. Carlstrom added the sooner he is there in a camper to get system in so can be there for calving season. March 4th was 40 degrees below zero. If there is a huge snow storm and cannot reach livestock, it is dangerous. If he uses a camper, he needs a place to drain the camper. He has 100 head of cattle calving.

Lewis Baeth added cattle need help calving and it is Mr. Carlstrom’s livelihood.
Sean Bowen described ‘undue hardship’ to the Board as conditions unique to the land. A Board member asked: Could what the land is used for be included in undue hardship? Mr. Bowen said the undue hardship criteria should be tied to conditions of the land itself. He said the conditions should not be created by a landowner, but should be unique to the land itself.

**Board discussion and decision**

Christopher Coburn acknowledged the DEQ requirement to monitor groundwater but said the Board of Health is looking at the bigger picture of what the Board’s actions mean for the county and community. He said Mr. Carlstrom earns a living on the property; groundwater monitoring would not give us more information needed to make a decision.

Becky Franks agreed with Christopher Coburn and the DEQ requirements need to be followed. She said it was difficult for her to find the applicant had met the criteria for undue hardship.

Seth Walk discussed the DEQ guidance and up to us to approve the variance or not. No evidence groundwater monitoring and digging test pits would be undue hardship. Would be a set back to his farming activities. Believes this is one situation where it is safe to grant and maintain public health.

Joe Skinner noted evidence of no 4-ft separation, does not come to 1-inch of surface – about 3 feet with 4-feet sand mound. Farmer knows his soils and evidence of historic knowledge of the groundwater.

Mari Eggers agrees this is not establishing a precedent. She said she believes that groundwater monitoring has been taking place for the last 10 years through years of farming by Mr. Carlstrom.

**MOTION by Joe Skinner**

“Having reviewed and considered the application materials, staff report, and any public comment, in accordance with ARM 17.36.922, I hereby adopt the findings presented in the staff report and move to approve the variance request from Ron & Debra CARLSTROM, with approval subject to all applicable laws and regulations and staff recommended conditions.”

Variance request #2019-024

**SECOND by Christopher Coburn**
Findings

Mr. Skinner adopted Staff comments and Applicant’s response in Exhibit A as his findings except he wants to add his comments related to a reasonable alternative to include the historical knowledge of Applicant as evidence that no further groundwater monitoring needed.

Extraordinary conditions due to the timing needed to get on property; this is a reasonable alternative.

Point of clarification from Matt Kelley - staff provides the facts necessary for the Board to make decisions. Not a matter of staff trying to sway the Board one way or the other.

Board discussion

Mari Eggers suggested to update the request for 4-bedroom home

Steve Custer – evidence presented to influence decision should not be used as precedence to not use groundwater monitoring

Sean Bowen requested the Board address the criteria ‘not more than minimum needed to address the extraordinary conditions’

Joe adopted the variance criteria

Steve Custer entered the handout into the record

VOTE:

Board Member - Joe Skinner: Motion
Board Member - Christopher Coburn: 2nd
Board Member - Steve Custer: Approve
Board Member - Mari Eggers: Approve
Board Chair - Becky Franks: Approve
Board Member - Joe Skinner: Approve
Board Vice-Chair - Buck Taylor: Absent
Board Member - Seth Walk: Approve
Board Member - I-Ho Pomeroy: Approve
Board Member - Justin Kamerman: Approve
Board Member - Christopher Coburn: Approve

Motion carried.
**MOTION** by Steve Custer

“I move to authorize the Chair of the Gallatin City-County Board of Health to sign and issue written the Findings of Fact, Conclusions of Law, and Order that incorporate all findings and conclusions entered into the record in this matter.” Variance request #2019-024

**SECOND** by Mari Eggers

**VOTE:**

Carried unanimously

6. Variance Request 2019-023, Carlstrom, 1597 Williams Bridge Road
**Staff Report**

Jeremy Jenks presented the variance request for less than 4 feet of vertical separation to groundwater

Background and variance notice same as previous variance request #2019-024

Jeremy’s Presentation Notes:

- I would like to note that the background, property owner, and variance public notice facts are the same as the previous variance and that they be incorporated into the record for this variance.
- Property owners are seeking a variance to ARM 17.36.914(3). More specifically the applicants wish to construct an ESM in an area that does not meet the 4 feet of vertical separation of natural soils from the bottom of the absorption area to groundwater.
- **System Design**
  - Applicant is proposing an ESM with 48 in of sand below the absorption bed. This provides the 48 inches of separation between the bottom of the trench and seasonally high groundwater. However there is evidence that there is not 48 in of natural soil in between the absorption area and seasonally high groundwater thus the need for this variance.
  - The system will also consist of a 1500 gal septic and 1000 gal dose tank
  - The system will serve a 4 bedroom living unit with a detached garage with a bathroom.
- **Staff Comments.**
  - Direct your attention to the staff comments on the variance criteria located on page 6-3 and 6-4 of the variance packet.
  - To our knowledge only one test pit was dug on this 73 acre parcel it is unclear if this location is maximizes the vertical separation to seasonally high groundwater.
- At this time no public comment has been made on this variance
- To reiterate that the variance being sought is for ARM 17.36.914(4) not meeting the 4 feet of vertical separation of natural soils from the bottom of the absorption area to groundwater.

The engineer and myself are here to answer any questions.

**Questions by Board**

Becky Franks about the implications of one test pit. The one near the house was not provided to staff. Identifies how groundwater is moving, and able to make judgement that this is the best area.

What science is missing due to one test pit? Makes it hard to tell if this is the best area for the system.
Seth Walk asked about the DEQ requirement – less than 4 feet. Vertical separation must be maximized? Jeremey and Matt Kelley responded.

Comments by Petitioner
Lewis Baeth and Ron Carlstrom provided comments; constraints due to farming needs and Mr. Carlstrom’s experience with groundwater.

Questions by Board
Steve Custer noted the septic system site and discussed the separation from the well is appropriate.

Public Comment including Written Comments and questions by the Board - none

Staff’s rebuttal and questions by the Board - none

Petitioner’s rebuttal comments and questions by the Board - none

Questions from Board to any staff or person providing comments - none

Board discussion and decision - none

MOTION by Joe Skinner
“Having reviewed and considered the application materials, staff report, and any public comment, in accordance with ARM 17.36.922, I hereby adopt the findings presented in the staff report and move to approve the variance request from Ron and Debra CARLSTROM, with approval subject to all applicable laws and regulations and staff recommended conditions.”

Variance Request #2019-023

SECOND by Justin Kamerman

Findings
Joe Skinner adopted staff report and the Applicant’s response in Exhibit A; agrees with it; no need for more test pits based on historical knowledge of property owner and site engineer; all criteria are met; exact distance to groundwater is not known but there will be 4-ft of separation with the sand mound.

Board discussion
Steve Custer apologized for his mistake with well location, now sees the well indicated on the site plan.
VOTE:

Board Member - Joe Skinner: Motion
Board Member - Justin Kamerman: 2nd
Board Member - Steve Custer: Approve
Board Member - Mari Eggers: Approve
Board Chair - Becky Franks: Approve
Board Member - Joe Skinner: Approve
Board Vice-Chair - Buck Taylor: Absent
Board Member - Seth Walk: Approve
Board Member - I-Ho Pomeroy: Approve
Board Member - Justin Kamerman: Approve
Board Member - Christopher Coburn: Approve

Motion carried

MOTION by Steve Custer

“I move to authorize the Chair of the Gallatin City-County Board of Health to sign and issue written the Findings of Fact, Conclusions of Law, and Order that incorporate all findings and conclusions entered into the record in this matter.”

SECOND by Joe Skinner

VOTE:

Motion carried

7. GCCHD Strategic Planning Discussion

Matt Kelley, Health Officer, presented the July 1, 2020 to June 30, 2023 strategic planning PowerPoint presentation.

Health Officer will schedule one on one meetings with him and each Board member to discuss how the Board wants to do this, what the Board wants out of it, how to shape the process.

The strategic plan is the foundation for annual performance plans. Spring season will see re-accreditation and strategic planning occurring simultaneously.

Quarterly performance plans identify metrics of progress, challenges, successes, contract deliverable; using QI methods to address challenges, knock down barriers.

What is the best way to provide strategic plan progress reports to the Board?

Matt Kelley distributed the strategic plan and will send the Board links to other plans.
Christopher Coburn commented about the function of the Board of Health and how to get public health updates. He feels this is an important conversation and how to organize the agenda; perhaps creating a committee to be more heavily involved in other issues besides septic systems; to ensure we are doing the most to protect the health and wellbeing of the public.

Perhaps updates at top of agenda; he see Board giving staff more items to discuss to educate the Board; expects the Board to function at higher level of talking about health issues (emerging, etc.) community may then be more engaged.

Becky discussed the former Prevention subcommittee of the Board that functioned in this way – to keep these public health ideas at the forefront.

Matt Kelley added strategic planning discussions will help to identify areas of focus so could plan for it; matching resources, staff and Board. Helpful to think about the strategic plan subcommittee, and a subcommittee that would allow Board to do the work outside of the Board.

I-Ho Pomeroy skeptical about strategic plans and looks forward to seeing this plan.

Steve Custer discussed LWQD Board strategic plan that generated positive feedback and discussion. Looking forward to this.

Matt Kelley reported that Gallatin County heads the state with the # of influenza cases; monitoring and guidance on the Wuhan flu/pneumonia with the CDC.

Seth Walk noted the EHS subcommittee – SM criteria and streamline variance hearings with subcommittee action

Meeting adjourned 9:36pm