



**Missoula City-County Health Department**

**ENVIRONMENTAL HEALTH**

301 West Alder Street | Missoula MT 59802-4123  
www.missoulacounty.us/HealthDept

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## MEMO

**Date:** November 14, 2019  
**To:** Missoula City-County Health Board Members  
**From:** Environmental Health Staff (Jim Erven, RS)  
**Re:** Description of Documents, and Variance Information

### CONTENTS

This packet includes:

- An application for variances from the Health Code Administrative Section and Reg 1, and the Alternative Systems Manual
- A staff report outlining the request and the variance evaluation criteria, and
- A proposed Board of Health decision

### ADDITIONAL INFORMATION

**Variance Regulations:** The Administrative Section of the Missoula City-County Health Code allows the Board of Health to approve variance from any section of the Code, provided the applicant can show that certain criteria are met. The Administrative Section of the Code can be found on the Department website at [missoulacounty.us/envhealthregs](http://missoulacounty.us/envhealthregs).

**Proposed Decision Document:** The included Proposed Decision is written by staff before the hearing and the intended to give the Board a starting point. It can be modified during or after the Hearing, based on Board discussion and ultimate decision.

**Procedure:** The hearing procedure has a specific order. First, Department staff will present information and findings, and summarize the included staff report. Second, the applicant may present relevant information to the Board. Third, the Board will hear from anyone else who supports or opposes the request, and can accept related letters, documents or materials into the record. The Board members may ask questions during any of these presentations. Finally, the Board discusses the proposal and decide if they have enough information to make a decision. The Board can, but does not always, make a decision the day of the variance hearing.

If you have questions about the Hearing procedure, please contact the Environmental Health Division at 258-4755.

I, Roger A. Garman, property owner at 25580 Highway 200 East, Bonner, Montana, respectfully request two variances from the Missoula City-County Health Code: 1) per Administrative Section 6, Part D – requesting that the application fee be waived. Please see supplemental financial information attached. And, 2) Missoula City-County Alternative Systems Manual – Section 8.2.4, so I can install an unsealed pit privy on my property. Thank you for your consideration.

*Roger A Garman 9/26/2019*

VARIANCE APPLICATION

ROGER A. GARMAN – 25580 HIGHWAY 200 EAST  
BONNER, MONTANA 59823

Per Missoula City-County Health Code, Administrative Section 6, Part E:

- (1) I could not have reasonably prevented natural aging, the downward economy, and my income.
- (2) Compliance with health department rules (see compliance agreement) to install a drain field is not feasible on my limited income. See supplemental financial information attached.
- (3) I believe my only alternative is an approved composting toilet that cost from \$2,000.00 to \$3,000 dollars. I can not afford that.
- (4) The variance requested for a pit privy would meet the only feasible minimum requirement required by the health department.
- (5) Granting the variance will not:
  - (a) contaminate any actual or potential drinking water supply;
  - (b) cause a public health hazard as a result of 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;
  - (d) violate any law or regulation governing water pollution or wastewater treatment and disposal except for the rule that the variance is requested from;
  - (e) pollute or contaminate state waters in violation of 75-5-605 MCA;
  - (f) degrade state waters unless authorized pursuant to 75-5-303 MCA; or
  - (g) cause a nuisance due to odor, unsightly appearance or other aesthetic consideration.

Per Missoula City-County Health Code, Administrative Section 6, Part H:

- (1) ROGER A. GARMAN – 25580 HIGHWAY 200 EAST – BONNER, MONTANA 59823
- (2) Missoula City-County Alternative Systems Manual – Section 8.2.4
- (3) S08, T13 N, R16 W, ACRES 11.658, IN NE1/4 NE1/4, E OF HWY
- (4) The proposed pit privy will be designed in compliance with Missoula City-County Alternative Systems Manual – Section 8.3.1 through 8.5.1, and all construction requirements of Circular DEQ 4, Section 8.3 dealing with unsealed pit privies. See attached map for proposed location of pit privy.
- (5) See section 6 E above.
- (6) North-Northwest: UNITED STATES BUREAU OF LAND MANAGEMENT, no physical address, mailing: 3255 FORT MISSOULA RD MISSOULA, MT 59804-7204. Northeast: same as North-Northwest property owner. East: WILLS CATTLE CO, no physical address, mailing: 26255 MT HIGHWAY 200 E BONNER, MT 59823-9524. South: WILSON JEFFERY P and WILSON SHONI L CARD, 25195 HWY 200 E POTOMAC, MT 59823-9713
- (7) See supplemental financial information sheet attached.



Roger Garman – Proposed Location of Pit Privy

Legend

Trailer



Proposed Pit Privy



Distance to nearest water source – approximately 125 feet



<p><b>FLOOD</b></p> <p>Tax ID: 5812603</p> <p>PLSS: T13MP16W-08</p> <p>Geocode: 04-2202-08-1-01-01-0000</p> <p><b>Legal:</b></p> <p>S08, T13 N, R16 W, ACRES 11.658, IN THE 1/4 THE 1/4, E OF HWY</p> <p><b>Owner(s):</b></p> <p>GARMAN, ROGER A</p> <p><b>Mail:</b> PO BOX 668 MELLTOWN, VT 58710-0668</p> <p><b>Prop:</b> 25580 HWY 200 E BONNER, VT 59023</p> <p><b>Physical Address(es):</b> (Click address to zoom)</p> <p>25580 HIGHWAY 200 E 59023</p>	<p><b>SEPTIC</b></p> <p>Tax Year: 2014</p> <p>Levy: 04-05890-11-20</p> <p><b>CAMA</b></p> <p><b>Survey Info:</b> (Based on Legal)</p> <p><b>SUB:</b> 636 1-1</p> <p><b>COs:</b> Search View</p> <p><b>Property Type:</b> Imp R : Improved Property : Rural</p> <p>• D08 AC/Sqft : 12.25 / -533610.00</p> <p>• G15 AC/Sqft : 11.34 / -493995.96</p> <p>• Res/Com/Obv: 0/0/1</p> <p>Living Units :</p>
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