

Owner information:

11/24/99  
Date submitted

Permit results:

Permit denied as information submitted incomplete.

Information needed: \_\_\_\_\_

✓ Permit approved with the following specifications:

Amendment, 400 lineal feet of drainfield 4-100' laterals  
( 800 ft<sup>2</sup> square feet of drainfield).

Install 4-85' \_\_\_\_\_ any special design for the system. List design details to obtain 340 lf. specifications: drainfield must be installed at least 5 bdm x 65 lf, 200' from surface water and exactly as lot layout.  
325 lf.

Add 15¢ 7 Signature of Sanitarian \_\_\_\_\_

extra 11/24/99 Date

8 00-097 Permit number

11/24/00 Expiration date of permit

016  
9-26-00 SEP 26 2000

AS-BUILT SKETCH  
AND  
STATEMENT OF ACCURACY OF INSTALLATION

Land owner's name Howard Morkert

Permit number 00-097

I, Scott Gilbert, as the licensed installer for the following system have either  
(Printed Name of Installer)  
constructed or altered the septic system or supervised and/or approved the construction of the  
septic system of the above noted parcel.

I do hereby declare that the specifications of the approved permit issued have been followed.  
Accompanying this statement is a copy of the lot layout to file in the Courthouse Environmental  
Health office. This statement and the "as-built" sketch on the back of this page or attached to this  
page shall be submitted to the Environmental Health office within ten (10) days of completion of  
the system.

Installer's Signature Scott Gilbert

Installer's License Number LI TC31

Completion Date of System 9-16-00

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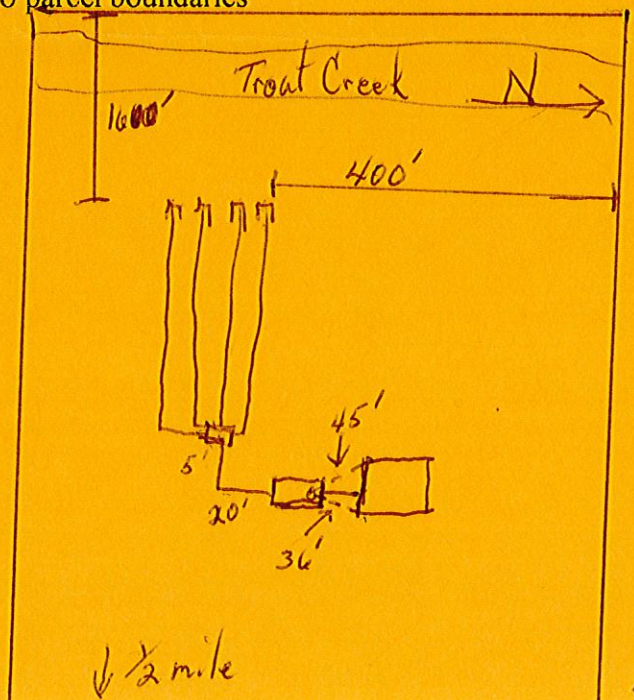
Checklist of as-built sketch:

- ☒ North arrow
- ☒ triangular measurements from two corners of house to tank access
- ☒ measurement of pipe from tank to D-box or manifold
- ☒ all parcel boundaries
- ☒ distance between the system and at least two parcel boundaries

Additional information needed (fill this out):

100' length of drainfield laterals  
4 number of drainfield laterals  
1500 volume of septic tank

file reg/as-builts form



SEP 5 8 5000

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INSTITUTIONAL RESEARCH

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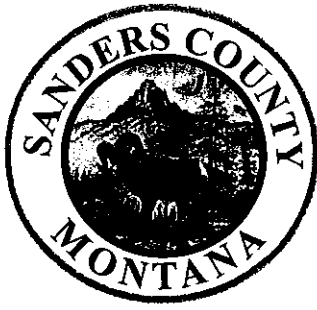
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# SANDERS COUNTY

## ENVIRONMENTAL HEALTH

March 29, 2017

Randy and Julie McMillian  
14305 US HWY 2 East  
Essex, MT 59916

Dear Randy and Julie:

Thank you for your request to use an existing drainfield for a residence and Bed and Breakfast located at 135 Squire Lane, Trout Creek. The Sanders County Board of Health approved your request March 27, 2017.

Please note this variance cannot be exercised until you legally own this parcel.

**Variance Request:** Allow use of an existing residential wastewater treatment system for a Bed and Breakfast and private residence. The variance would specifically allow additional flow into the existing system and defer replacement until future system failure.

**Variance Conditions:**

- The system may serve a 5 room bed and breakfast and a private residence;
- An effluent filter, compliant with Circular DEQ 4, must be installed in the existing septic tank;
- A riser and lid, compliant with Circular DEQ 4, must be installed on the existing septic tank;
- Septic tank sludge level must be inspected upon occupancy and quarterly thereafter. The tank must be pumped as needed;
- The effluent filter must be inspected and cleaned at least quarterly or more frequently if necessary;
- The drainfield must be visually monitored for signs of failure;
- The replacement area must be clearly marked to ensure there are no activities that will disturb or compact native soils;
- The owner assumes all risk of system failure. Operations must be ceased and the system must be replaced immediately if failure occurs.

Please contact our office if you have any questions. Thank you.

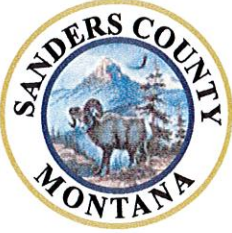
Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sorenson", is written over a horizontal line.

Shawn Sorenson, RS  
Sanders County Sanitarian

cc: Sanders County Board of Health

PO Box 519, 1111 Main ST, Thompson Falls, MT 59873 • (406) 827-6909, Fax: (406) 827-4388



# SANDERS COUNTY

## Board of Health

### REQUEST FOR VARIANCE

Property Owner: Randy + Julie McMillian

Mailing Address: 14305 US HWY 2 East

City: Essex Zip: 59916

Physical Address of Property: 135 Squire Lane S, Trout Creek, MT 59874

Section: 19 Township: 24 Range: 31 COS or EQ#: \_\_\_\_\_

Describe PERMIT denial (if applicable):

A permit denial may be appealed to the Sanders County Board of Health as provided in the Administrative Rules of Montana 17.36.922 LOCAL VARIANCES. The appeal must be made in writing and submitted to the Sanders County Board of Health within thirty (30) days of the denial. The Board of Health shall act on the appeal within sixty (60) days. The applicant shall be notified, in writing, of the Board of Health's approval or denial of a variance. Board of Health's letter of decision will be sent by registered mail. If a request for variance is denied by the Board of Health, the appellant may seek variance from the State, according to the provisions in Administrative Rules of Montana 17.36.924 VARIANCE APPEALS TO THE DEPARTMENT.

17.36.922 LOCAL VARIANCES (1) As provided in this rule, a local board of health, as defined in 50-2-101, MCA, may grant variances from the requirements in this subchapter and in Department Circular DEQ-4, except for requirements established by statute.

(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.

(3) The local board of health's decision regarding a variance of a requirement in this subchapter or in Department Circular DEQ-4 may be appealed to the department pursuant to ARM 17.36.924.

Describe variance request, provide evidence supporting the variance, and include a statement addressing ARM 17.36.922 (2) (a-e):

*Please see enclosed letter.*

*Separately provide all necessary documentation supporting this request.*

  
Signature of Applicant

3-19-17  
Date

Randy McMillian  
Printed Name of Applicant

3-19-17  
Date

**Variance Review Fee: \$100.00 per request**

How Paid: Check #4692 Date: 3-19-17

Received by (Initials) TAS 3/23/17

\*\*\*\*\*

**BOARD OF HEALTH USE ONLY**

**Board of Health Decision** Approved: ✓

Denied: \_\_\_\_\_

Comments:

  
Signature of Board Chair or designee

3-29-17  
Date

Glacier Haven Inn & RV  
Healthy Haven Cafe  
14305 US HWY 2 East  
Essex, MT 59916  
406-888-5720

Psalm 62

For my rock and my salvation,  
He is my fortress.

4692

83-7092/2929

3/20/17

Date

Pay to the order of Sanders County Treasurer

\$ 100<sup>00</sup>

One hundred and 00/100

Dollars



Security  
Features  
Include a  
Star

Glacier Bank  
P.O. Box 190  
Columbia Falls, MT 59912  
406-882-7100 1-800-735-4371

For

John D. McMill

⑆292970825⑆ 050098017⑈ 4692

**To: Sanders County Board of Health**  
**Ref: Request For Variance for use of current septic system**  
**From: Randy and Julie McMillian**  
**Property: 135 Squire Lane South, Trout Creek, MT 59874**  
**Date: March 19, 2017**

We are in the process of purchasing the property at 135 Squire Lane South, Trout Creek, MT. The only way we can purchase this property is as a revenue generating property. It would be used as a Bed and Breakfast.

The building of the house started in 1999 and was completed in 2000. Since it's completion the current owners have used it just a few weeks per year as a vacation home. The home currently has 6 suites. One suite will be used by the owners/managers. We have plans to partition part of the suite to make two sleeping areas for our family of three. The other 5 suites will be rented out for B & B guests.

The septic system that is currently in place is permitted for 5 bedrooms, thus this request for a variance. We were surprised that the system was not built for at least 6 bedrooms as this house is. Everything else was built "over the top" and we do not know why the septic system was not as well.

Up to this date, the septic system has had very little use. It is designed for 5 bedrooms, and unless we are full, we would be using that amount or less. We desire to be full more than not. In reality, that will not be the case throughout the whole year. We do need the B & B licensed for at least 5 bedrooms. We cannot secure the financing unless we have the 5 revenue producing suites.

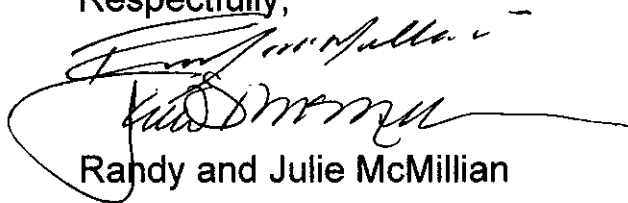
The current septic system was designed and permitted to meet all the requirements for health and safety. It currently will not cause any of the concerns addressed in ARM 17.36.922 (2). We are requesting a variance to use it for a little bit more than what it is permitted for, knowing that it will not be exceeding it's design use on a regular basis.

If it should fail, there is a cleared designated area to put in another system, (the replacement zone). At this time we cannot afford to both put a new septic system in and purchase the property. We believe that we should not be required to put in a new system since the current system in place is practically new and was designed to accommodate the amount of usage we expect to have the majority of the time.

We will be glad to make any reasonable adjustments to the current system that the board deems fit. We have been in the hospitality business for 12 years, working closely with the officials of Flathead County, the State of Montana, and DEQ. We have an Inn, Café, and built and operate a RV park near the southern tip of Glacier Park. We desire to do things right and we have always asked permission prior to building and operating anything. We will continue to work professionally and forthright as well with Sanders County.

If it were at all possible, we would hope to get a timely response to our request. We are up against deadlines with the closing of the sale of this property. We would need to know before we close if we have secured the variance. If we do not get a variance, we cannot proceed to purchase the property. Our closing date is April 14, 2017. Thank you for your time and consideration. We look forward to living and serving our guests in Sanders County.

Respectfully,



Randy and Julie McMillian