**Flood Control Committee**

**February 21, 2014**

The **Flood Control Committee** met Friday, February 21, 2014, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members John Hollowell, Dwayne Andrews, Ken Gardner and Sheena Martin. Also present were Councilperson Jerry Partridge, Floodplain Administrator Sam Malenovsky, and Recorder HR/Payroll Officer Billie Burkhalter.

**1. Request of Citizens/Public Comment**

-None.

**2. Approval of Flood Plain Ordinance**

\*\* *Committee Member Andrews moved to recommend to Council to approve the Flood Plain Ordinance, seconded by* *Committee Member Gardner.*

Administrator Malenovsky explained the following proposed changes to the Flood Plain Ordinance:

* Pg 49; **Section 12. Variances**; *12.3 Notice Requirements for Floodplain Variance Application*: add back in “given pursuant to Section 8.2” and delete everything after that statement. Section 8.2 covers everything that has been taken out.
* Pg 50; **Section 12. Variances**; *12.4 Evaluation of Variance Application*: 2. An exception to the variance criteria may be allowed as follows: subsection (1.): to be changed as follows: “For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation or (44 CFR 60.6(a). This has been recommended by DNRC.

Committee Members questions and comments:

* Pg 29: **Section 8. Floodplain Permit Application Evaluation**; *8.1 Floodplain Permit Application Review*: Subsection 1

Committee Member Andrews questioned where it states “60 days or a time specified”, was that working days or calendar days. Administrator Malenovsky stated that would be 60 working days. Committee Member Andrews requested that this be clarified in this section and also in **Section 8.4 Decision**; Subsection 1. Committee Member Martin asked if the MCA codes dictate what the 60 days are. Administrator Malenovsky replied that it did not.

* Pg 51: **Section 12. Variances:** *12.5 Decision*: Subsection 1

Committee Member Andrews pointed out that this section also just states 60 days. Administrator Malenovsky explained this is different due to the Board of Appeals.

* Pg 52: **Section 13. Administrative Appeals:** *13.3 Notice and Hearing:* Subsection 2

Committee Member Andrews stated this section also just states 30 days. Administrator Malenovsky stated she would recommend 60 calendar days replace the 30 days in this section.

* Pg 44: **Section 10. Development Requirements in the Flood Fringe or Regulated Flood Hazard area with No Floodway:** *13. Structural Fill Flood Proofing:* Subsection 1 and Subsection 6

Chairperson Hollowell questioned if the Committee wanted to have the higher standard or keep it as it is. Administrator Malenovsky explained the higher standard is under subsection 6 and states that if a person does a structure on fill it would have to be .5 feet higher than BFE (Base Flood Elevation) and extend at least 15 feet beyond the structure in all directions. Under Subsection 1, the fill would only have to be at BFE and it would also have to extend at least 15 feet beyond the structure in all directions. She explained the problem with Subsection 6 is that lots in this town are not very big and most people would have to get a variance to complete this. Her recommendation would be to strike subsection 6 and keep subsection 1. Committee Member Martin questioned if there would be any benefit to keeping it at .5 feet above base level. Administrator Malenovsky replied that it could possibly give the City more CRS (Community Rating System) but it isn’t very practical for the size of lots in Miles City.

* Pg 52: **Section 13. Administrative Appeals:** *13.2 Appeals Requirements:* Subsection 3

Committee Member Andrews questioned if the timeframe of 30 days was acceptable to the Floodplain Administer. Administrator Malenovsky stated she is in agreement with the 30 days.

\*\* *Committee Member Hollowell moved to amend Section 8. Floodplain Permit Application Evaluation; pg 29; 8.1 Floodplain Permit Application Review, subsection 1; to state “****60 working days or a time specified****”, seconded by Committee Member Andrews, and motion passed unanimously 4-0.*

\*\* *Committee Member Hollowell moved to amend Section 8. Floodplain Permit Application Evaluation, pg 30; 8.4 Decision, subsection1, to state “****60 working days or a time specified****”, seconded by* *Committee Member Gardner, and motion passed unanimously 4-0.*

\*\* *Committee Member Hollowell moved to amend Section 10. Development Requirements in the Flood Fringe or Regulated Flood Hazard Area with No Floodway, pg 44; 13. Structural Fill Flood Proofing;* ***to strike subsection 6, in its entirety****, seconded by* *Committee Member Andrews, and motion passed unanimously 4-0.*

\*\* *Committee Member Hollowell moved to keep Section 12. Variances, pg 49, 12.3 Notice Requirements for Floodplain Variance Application, subsection 1; be kept in its original form and shall read* ***“Public Notice of the Floodplain permit application and Variance application shall be given pursuant to Section 8.2”,*** *seconded by* *Committee Member Gardner.*

Committee Member Andrews questioned if the public was going to understand a blanket statement like that. Administrator Malenovsky explained that when a property owner comes into her office, she prints out the section they need.

*\*\* Motion passed unanimously 4-0.*

\*\* *Committee Member Hollowell moved to amend Section 12. Variances, pg 50; 12.4 Evaluation of Variance Application; Subsection 2. An exception to the variance criteria may be allowed as follows: (1) shall now read* **“*For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation or (44 CFR 60.6(a).****, seconded by* *Committee Member Andrews, and motion passed unanimously 4-0.*

\*\* *Committee Member Andrews moved to recommend that any and all other amendments the Floodplain Administrator has recommended be approved, seconded by* *Committee Member Gardner, and motion passed unanimously 4-0.*

*\*\* On original motion and on roll call vote, motion passed unanimously 4-0.*

**3. Adjournment**

\*\* *Committee Member Martin moved to adjourn the meeting, seconded by*

*Committee Member Gardner and passed unanimously, 4-0.*

There being no further business, the Committee adjourned at 6:40 p.m.

Respectfully Submitted, Flood Control Committee Chairperson

Billie D. Burkhalter, Recorder John Hollowell, Chairperson