

CASCADE COUNTY SPECIAL COMMISSION MEETING
August 4, 2022
CHAMBERS MEETING AND VIA ZOOM
9:00 AM

Commission
Journal #62

Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at cascadecountymt.gov and the Clerk and Records Office. This is a written record of the meeting to reflect all the proceeding of the Board. MCA 7-2-2611 (2) (b). Timestamps are indicated below, in red, and will direct you to the precise location should you wish to review a specific agenda item audio segment. These minutes were officially approved on August 23, 2022.

Cascade County Commission: Chairman Joe Briggs, Commissioner Jim Larson, and Commissioner Don Ryan via conference call.

Present: Carey Ann Haight, Charity Yonker, Gary Poore, Kevin Angland, Mary Embleton, Bonnie Fogerty, and Marie Johnson.

Public Attendance: Bernard L. Cooper, Troy D. Kaldor, Greg Mackenstadt, Elizabeth Mackenstadt, Mike Kubas, Wild Bill Johnson, Dan Sanger, Dale Schaffer, and Owen Skolnick-Hayes.

Zoom Attendees: Technical difficulties with no attendees.

Call to Order: Chairman Briggs called the special meeting to order. **00:01**

Agenda Item #1 Motion to Approve or Disapprove **Contract 22-88** :

Floodplain variance #2022-013 project location of 76 Eaton Avenue, Great Falls, MT.

Initiated by Greg and Elizabeth Mackenstadt (tabled at the July 27, 2022, Commission meeting).

Opening of Public Meeting: Chairman Briggs set the ground rules for this public meeting.

00:43-03:10 R0433972

Conference Call: Commissioner Ryan was unable to attend via Zoom and attendant per conference call. **03:12**

Staff Presentation: Charity Yonker, read the Staff Report Addendum (see Exhibit "A"). The 2 (two) motions for consideration were also read into the record as follows:

Motions for Consideration:

1. "I move that the Board **deny** the Applicant's requested Variance from CCFR Section 9.3(1) be denied upon a finding that one or more of the variance criteria/findings listed in CCFR Section 11.3 have not been met."

OR

2. "I move that the Board adopt the Staff Report and Addendum with Findings of Fact, additional materials provided, testimony, and public comments, and **approve** the Applicants' requested **variance from Cascade County Floodplain Regulation § 9.3(1) to allow** the enclosure of the proposed residential structure below the Base Flood Elevation on Parcel #2005900 with the following conditions:

1. A Nonconversion Agreement must be executed prior to the issuance of any Floodplain Permit preventing any residential use in the enclosure below the Base Flood Elevation.

2. All utilities devices must be installed 2 feet above the Base Flood Elevation. A utility chase is allowed (including utility insulation) that is made of flood resistant materials, not large enough for a human to enter and shall be included on the Design Plans.
3. Wet flood proofing must be completed in accordance with the requirements set forth in CCFR § 9.5(1) including restricting the use of the enclosed space to use as parking, loading, and storage of equipment or materials that are not appreciably affected by floodwater; and
4. The Applicant's Engineer shall certify and provide supporting technical data demonstrating:
 - i. That granting of the variance will not result in increased flood heights to existing insurable buildings.
 - ii. There is no danger to life and property by water that may be backed up or diverted by the obstruction or use.
 - iii. There is no danger that the obstruction or use will be swept downstream to the injury of others.
 - iv. There will be no adverse effect to anticipated development in the foreseeable future of the area that may be affected by the obstruction or use.
 - v. there will be no adverse effect to existing properties and structures; and
 - vi. There will not be more than 0.5 feet increase to the Base Flood Elevation as a result of the proposed project.
5. The Applicants shall obtain all other required permits for the project prior to doing any work, including the Floodplain Permit and a Location/Conformance Permit in order to comply with local laws and ordinances. **04:06-11:00**

Discussion: There was discussion amongst Commission, Staff, and the Applicants. **11:34-18:44**

Call for a Motion:

Commissioner Ryan made a **MOTION** to approve the Floodplain Variance with the conditions required. **18:45**

Discussion: There was discussion amongst Commission, Staff, and the Applicants. **19:17-25:50**

Motion Carries: Motion carried 3-0 **25:51**

Public comment on any public matter that is not on the meeting agenda, and that is within the Commissioners ' jurisdiction. (MCA 2-3-103) : None

Adjournment: Chairman Briggs adjourned the special meeting at 1:57 a.m.