

## **Documentation Requirements for: Flathead County, MT Due: 11/26/06**

**Date extended to 11/29/06 per Kerry Redente, C.F.M.**

### **Activity 310 – Elevation Certificates:**

Copies of all completed elevation certificates (EC, ECPR, ECPO, ECCF. or ECWS), corrected if applicable, the community wants credited

- We have a total of five elevation certificates to submit at this time. We will continue the process of updating our files and following up with past applicants.

### **Activity 320 – Map Information:**

Documentation that shows how the service was publicized (copy of the updated letter). Records of institutions and agencies that were notified of this service (copy of the mailing list).

- Attached is our annual memo dated 24 November 2006 that was sent to real estate professionals, insurance agents, home loan officials, and mortgage companies. The mailing list is also attached.
- Attached is a statement concerning Flathead County's procedures in providing FIRM information to people who inquire. A table is attached showing typical requests that come into our office.
- A copy of the Floodplain Information section of Flathead County Planning & Zoning Office Website is attached.

### **Activity 330 Outreach Projects:**

Copies of the notices, flyers, and other materials used in the outreach projects.

If applying for Outreach Program Strategy (OPS), a copy of the public information program strategy document and documentation that it is being implemented by the community. Documentation that shows when the projects are undertaken.

- A copy of the annual letter to Flathead County residents concerning Floodplain Insurance.
- A copy of the annual letter to Flathead County residents that reside in the 100-year floodplain which point out information concerning the floodplain program, insurance and floodplain development permits.
- Letter from FCPZ office concerning the documents available to and displayed for public use.
- Letter from FCPZ office and documentation concerning the week long display of floodplain and DFIRM information at the 2006 Northwest Montana Fair (August 15<sup>th</sup> – 20<sup>th</sup>).

### **Activity 340 – Hazard Disclosure:**

If applying for ODR credit, a copy of the portion of the ordinance or law that requires one or more additional disclosure methods at the time of sale or rental of a property (flood areas delineated on final subdivision plats).

If applying for REB credit, the brochure or other document made available by real estate agents.

- Flathead County Subdivision Regulations:

#### **3.5 FLOODPLAIN PROVISIONS:**

Land located in the floodway of a flood of 100 year frequency as defined by Title 76, Chapter 5, M.C.A., or land deemed subject to flooding as delineated by the most current floodplain maps available and adopted by Flathead County, shall not be subdivided for building or residential purposes, or other uses that may increase flood hazard to life, health or property.

If any portion of a proposed subdivision is within 2,000 horizontal feet and 20 vertical feet of a live stream draining an area of 25 square miles or more and no official floodway delineation or floodway studies of the stream have been made, the subdivider shall furnish survey data to the Water Resources Division of the Montana Department of Natural Resources and Conservation. Survey data shall comply with the Standards of Flood Hazard Evaluation as contained in Appendix F of these Regulations. After the Water Resources Division has

prepared a report delineating the floodway, the subdivider shall submit it to the Flathead County Planning & Zoning Office along with the Environmental Assessment required for the preliminary plat.

The County Commission shall waive this requirement where the subdivider contacts the Water Resources Division and that agency states in writing that available data indicates that the proposed subdivision is not in a flood hazard area.

- Montana Department of Natural Resources Administrative Rules: 36.15.204(g)

A disclosure provision requiring all property owners with property in a designated floodplain or floodway, or their agents to notify potential buyers that such property is located within the designated floodplain or floodway and is subject to regulation;

- Flathead County Floodplain and Floodway Management Regulations Section 3.10

Disclosure Provision:

All owners of property in an identified 100-year floodplain as indicated on the Official Floodplain Maps must notify potential buyers or their agents that such property is subject to the provisions of these regulations.

**Activity 350 – Flood Protection Information:**

If applying for LIB or LPD credit: A statement from the head of the library that includes:

1. A list of the flood related documents available in the library and their publication date
2. A certification that the documents listed have been entered into the library's card catalog or a copy of the appropriate card catalog cards or printout from the library's automated inventory, and
3. A certification that the library will maintain adequate numbers of the listed documents to meet the demand and that the FIRM and other materials will be kept up to date.

If applying for website (WEB) credit, the address of the community website.

- Letter from FCPZ office concerning the documents available to and displayed for public use.
- Attached is an email from the Flathead County Library stating that they have floodplain information on hand and the information is available to the public (list of publications are attached).
- The State of Montana maintains an online FIRM. These can be viewed at: [http://dnrc.mt.gov/wrd/water\\_op/floodplain/default.asp](http://dnrc.mt.gov/wrd/water_op/floodplain/default.asp).
- Flathead County Planning & Zoning Office maintains a floodplain section on the Website, [www.co.flathead.mt.us](http://www.co.flathead.mt.us).
- The State of Montana maintains the preliminary maps for the DFIRM project for Flathead County at <http://www.montanadfirm.com/>.

**Activity 360 – Flood Protection Assistance:**

A copy of the document the community used to publicize the service. A description of the technical qualifications of the persons providing the assistance. A list of the names of contractors or consultants and/or a copy of the material the community provides on how to select a contractor. Records noting the date and person assisted and the type of assistance provided.

- We are not applying for credit at this time.

**Activity 410 – Additional Flood Data:**

Develop new flood elevations, floodway delineations, wave heights, or other regulatory hazard data for an area not mapped in detail by the flood insurance study. Have a more restrictive mapping standard.

- Flathead County is currently going through the DFIRM process, see attached DNRC announcements.

- Part of the DFIRM project for Flathead County includes the approximate study for a portion of the North Fork River which is currently not mapped, see attached DNRC notification.
- Part of the DFIRM project for Flathead County includes the restudy Ashley Creek to include new BFEs.
- Part of the DFIRM project included the restudy of Trumble Creek and Spring Creek and included some regulatory BFEs.

**Activity 420 – Open Space Preservation:**

If credit for OS is based on a prohibitory regulation, a copy of the regulatory language.

Documentation, signed by a professional in a natural science, that parcels credited under NB have been preserved in or restored to an undeveloped natural state. If Option 2 was used, then documentation is only needed for 5 acres.

[Required only if Option 3 was used] The Impact Adjustment Map showing the areas designated for credit.

- Flathead County has many parks in the 100-year floodplain. They total over **617 acres** in the 100-year floodplain. See attachment for a breakdown of park names and areas.
- Montana Fish Wildlife & Parks has the following parks in the 100-year floodplain for a total acreage of over **417 acres**:

|              |              |
|--------------|--------------|
| Kiwanis Park | 128.07 acres |
| Presentine,  | 10.7 acres   |
| Kokanee Bend | 185.52 acres |
| Ashley Creek | 18 acres     |

Waterfowl Production areas:

|                   |             |
|-------------------|-------------|
| Lower Stillwater  | 1.79 acres  |
| Sportman’s Bridge | 5.77 acres  |
| Swan              | 58.52 acres |
| Teakettle         | 3.23 acres  |
| Whitefish River   | 6.19 acres  |

Many other parks are located on lakes and are not included.

- Owen Sowerine Nature Preserve is situated on State of Montana School Trust lands with a lease to the Flathead Audubon Society. It contains **442 acres**.
- Many private landowners have secured conservation easements with accredited organizations, and all of them have been reviewed and approved by the Flathead County Planning Board. The acreage of these easements in the 100-year floodplain is over **2135 acres**.
- Many subdivisions maintain parks in the 100-year floodplain. These are not calculated at this time.
- The total acreage of Flathead County’s open space in the 100-year floodplain is **3611 acres**.
- Standard condition for new subdivision in and around the 100-year floodplain (Crown Jewel Estates FPP-06-39, Condition 11): “The open space (99.2 acres), which is located entirely within the 100-year floodplain, will be placed under a perpetual deed restriction to preserve the land for agricultural and environmental purposes. No more subdivision shall take place. [Section 3.3, 3.4, 3.5, FCSR]”. A copy of the subdivision report is attached.

**Activity 430 – Higher Regulatory Standards:**

The portion of the state or local law or ordinance that adopts the regulatory standard for which credit is requested.

[If impact adjustment factors are based on Option 3 (432.c)] The Impact Adjustment Map.  
An explanation of the community's enforcement procedures. [If requesting credit for STF (431.n)] A copy of the certification of graduation of an approved course or floodplain manager certification.

- Flathead County is currently making some minor amendments to its ordinances affecting floodplain development, see attached report FRTA-06-01.
- The county's position is not to penalize, but to enforce and bring the property back into compliance. We attempt to work with the owner to raise their awareness and to return the property to compliance. In the event of a violation, Flathead County Planning & Zoning staff sends a letter via first class mail to the property owner or violator requesting they contact us immediately to discuss the situation. If there is no response, we send a second letter via certified mail. Should we not receive a response, or the owner is unwilling to remedy the situation, the Planning Office turns the file over to the County Attorney's Office for prosecution.
- Attached are two (2) copies of ASFPM Certified Floodplain Managers certificates for Traci M. Sears-Tull and B.J. Grieves.

**Activity 430LD – Land Development Criteria:**

The ordinance language that adopts the land development criteria and/or the low density zoning standard.

[If impact adjustment ratios are based on Option 3 (432LZ.c)] The Impact Adjustment Map. An explanation of the community's enforcement procedures. Examples of developments constructed in accordance with the ordinance language or letter stating that no development has occurred since our last evaluation.

- Flathead County Zoning Regulations include various zones that exceed one acre lot sizes. The number in the designation refers to the minimum lot size (AG-80 has an 80 acres minimum lot size).
  - 3.04 AG-80 Agricultural
  - 3.05 AG-40 Agricultural
  - 3.06 AG-20 Agricultural
  - 3.07 SAG-10 Suburban Agricultural
  - 3.08 SAG-5 Suburban Agricultural
  - 3.09 R-1 Suburban Residential

• **Flathead County Subdivision Regulations Section 3.5 FLOODPLAIN PROVISIONS:**

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If any portion of a proposed subdivision is within 2,000 horizontal feet and 20 vertical feet of a live stream draining an area of 25 square miles or more and no official floodway delineation or floodway studies of the stream have been made, the subdivider shall furnish survey data to the Water Resources Division of the Montana Department of Natural Resources and Conservation. Survey data shall comply with the Standards of Flood Hazard Evaluation as contained in Appendix F of these Regulations. After the Water Resources Division has prepared a report delineating the floodway, the subdivider shall submit it to the Flathead County Planning & Zoning Office along with the Environmental Assessment required for the preliminary plat.

The County Commission shall waive this requirement where the subdivider contacts the Water Resources Division and that agency states in writing that available data indicates that the proposed subdivision is not in a flood hazard area.

- The county's position is to enforce and bring the property back into compliance. We attempt to work with the owner to raise their awareness and to return the property to compliance. In the event of a violation, Flathead County Planning & Zoning staff send a letter via first class mail to the property owner or violator requesting they contact us immediately to discuss the situation. If there is no response, we send a second letter via certified mail. Should we not receive a response, or the owner is unwilling to remedy the situation, the Planning Office turns the file over to the County Attorney's Office for prosecution.

**Activity 440 – Flood Data Maintenance:**

A summary or examples of the flood data maintenance program and a description of how these elements are used and updated on a regular basis. Copies of the digitized mapping, parcel records, and/or overlay maps, elevation reference mark data, erosion date, shoreline erosion records and /or old FIRMS/FIS, as appropriate.

- Flathead County utilizes a computerized database to store and retrieve data concerning floodplain development permits and letters of map amendments. The stored data includes the owner's name, type of project and legal description, as well as other data. The information is stored on the local network and is available to all staff in the planning office. See attached printout from the two databases.
- Flathead County is currently going through the DFIRM process which has produces better base maps.
- Flathead County also maintains elevation reference marks, see attached listing.
- Bench Marks are also available on the NGS Website: [www.ngs.noaa.gov/cgi-bin/datasheet.prl](http://www.ngs.noaa.gov/cgi-bin/datasheet.prl).
- Flathead County maintains on-site all FIRM maps for the community.

**Activity 450 – Stormwater Management:**

If applying for SMR credit, A copy of the language from the ordinance that tells how surface water runoff from new development is regulated. If requesting credit for ESC, a copy of the erosion and sediment control ordinance or law. If requesting credit for WQ, a copy of the ordinance or law that requires new developments to implement best management practices. If impact adjustment ratios use Options 1 or 3, Impact Adjustment Map. Development and building permit records that demonstrate enforcement of the regulations.

- Montana's Department of Environmental Quality regulates and enforces stormwater management regulations. Post development runoff is not permitted to exceed predevelopment runoff. See attached letter from Environmental Health Services and Circular DEQ 8, Montana Standards for Subdivision Storm Drainage.

**Activity 510 – Flood Damage Reduction:**

The community shall have copies of an updated comprehensive flood hazard mitigation plan using a standard planning process.

- See attached Pre-Disaster Mitigation Plan included in section 610 of binder.
- See attached example of Incident Action Plan.

**Activity 520 – Acquisition and Relocation:**

Provided information concerning the acquiring and or relocation of flood-prone buildings so that they are out of the floodplain.

- Attached is a copy of the State-Local Disaster Assistance Agreement – Hazard Mitigation Grant Program that was used to assist individuals financially in relocating homes affected by severe sloughing along the Whitefish and Stillwater Rivers. There are a total of five homes that were a part of this program.

**Activity 530 – Flood Protection:**

Protection of existing floodplain development by floodproofing, elevation, or minor structural projects.

- We are not applying for credit at this time.

**Activity 540 – Drainage System Maintenance:**

The procedures, instructions, or other documents that explain the community's routine inspection and debris removal program. Credit for Activity 540 Channel and Debris Removal (CDR) is based on two main items.

Item 1: The procedure that outlines the inspection and maintenance program. This procedure should include the following items:

1. Who is responsible for administering the program.
2. Frequency of inspections (minimum requirement is once per year). It should also mention that an inspection of the drainage system is conducted after any storm that could adversely impact the drainage system and that responses to complaints from the public are also required in addition to the routine inspection(s).
3. What portion of the community's drainage system (streams, ditches, canals, etc.) is covered by the inspection and maintenance program? Any areas not covered (not inspected and maintained by your community or covered by another entity's program) should be indicated. This would include private property, if any, where the community doesn't have the authority to enter for inspections and maintenance purposes,
4. Types of problems, trash, debris, tires, culverts, vegetation, encountered and an explanation of what materials are removed or allowed to remain. Are materials that are removed disposed of properly (taken to a landfill or other disposal site)?
5. Records will be kept of the inspections and any required maintenance.
6. A list of any problem areas, if any, that require more frequent inspections or maintenance than the routine frequency indicated in #2.

Item 2: Copies of the inspection and maintenance records that show the drainage system is being inspected and maintained according to the written procedure.

The records would show that the inspections were conducted (number of times indicated in #2 above) and, if maintenance is indicated by the inspection, that maintenance was actually performed.

- Flathead County Road and Bridge Department head, Charlie Johnson, oversees the inspection and maintenance of county bridge and culvert systems. These inspections take place as part of routine road maintenance and repair programs throughout the year. Trash and woody debris that can occlude a floodplain is removed and taken to the local greenbox site. Private crossings are not inspected as a part of this program. See attached Flathead County Road and Bridge Department maintenance logs.

**Activity 540 – Drainage System Maintenance (continued):**

Required if applying for credit for SDR under Section 541.b] A copy of the stream dumping ordinance or pertinent portion of the law.

[Required if applying for SDR under Section 541.b.2] A photo or photocopy of the “no dumping” sign OR a copy of the outreach project OR a note that the outreach project documentation is included in the documentation submitted for Activity 330 (Outreach Projects).

[If the community determines the impact adjustment factors using Options 1 or 3 (Sections 542.a and 542.c)] An Impact Adjustment Map that shows all channels and other drainage facilities in the developed portion of the community and identifies the channels and facilities covered by the channel and basin debris removal program.

- Flathead County Floodplain and Floodway Management Regulations Section 5.02E outlines prohibited uses:

The following artificial obstructions and nonconforming uses are prohibited within the floodway:

1. New construction of any residential, commercial, agricultural, or industrial structure;
2. Encroachments, including fill, new construction, alterations, substantial improvements, and other development within the adopted regulatory floodway that would result in erosion of the embankment, obstruction of the natural flow of waters, or increase in flood levels within the community during the occurrence of the 100-year flood.
3. The construction or permanent storage of an object subject to flotation or movement during flooding;
4. Solid and hazardous waste disposal, sewage treatment, and sewage disposal systems;
5. Solid and hazardous waste disposal, sewage treatment, and sewage disposal systems;
6. Storage of highly toxic, flammable, hazardous, or explosive materials; and
7. Alterations of structures unless it can be shown the alteration will not raise flood heights; and
8. Manufactured homes.

**Activity 610 – Flood Warning Program:**

Provide early flood warning to the public, and have a detailed flood response plan keyed to flood crest predications.

- Attached is a copy of our new FIS report for Flathead County which describes the local flood hazards.
- Attached is a copy of the Emergency Alert System Operations Plan for Flathead County.

**Activity 620 – Levee Safety:**

Maintain existing levees not otherwise credited in the flood insurance rating system that provide some flood protection.

- Flathead County has ten agricultural levees that are not credited in the flood insurance rating system and provides a small level of protection on the Flathead River. The following are a list of the levees that were installed by the Army Corps. of Engineers in 1964 and are maintained by Flathead County – see attached maintenance information:

1. **Bradley/Brenneman Channel Levee**
2. **Brewer Levee**
3. **Edmiston Levee**
4. **El Rancho Levee**
5. **El Rancho Street Levee**
6. **Handcock Levee**
7. **Lybeck Levee**
8. **Presentine Bar Levee**
9. **Robocker Levee**
10. **Steel Bridge Levee**

**Activity 630 – Dam Safety:**

- Hungry Horse Dam is under the jurisdiction of the U.S. Department of Interior Bureau of Reclamation and the U.S. Army Corp. of Engineers.
- The State of Montana has a dam safety program, department and regulations.
- Attached are copies of the following Emergency Action Plans for the following Dams

1. Cedar Creek Dam
2. Notellem Dam