Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
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planning@ravallicounty.mt.gov

OG-07-04-474

April 26, 2007

RECEIVED
APR 27 2007
Ravalli County Commissioners

Tom Hanson, PE, LS
PCI
1713 N First St
Hamilton, MT 59840

RE: Final response to letter dated March 2, 2007
Floodplain Violation (VLTN-06-02) West Fork of the Bitterroot River Floodplain
271 Conner Cutoff Rd, T2N, R20W, Section 18, Ravalli County
Geocode #1074-18-1-01-33-0000, Parcel # 1156400

Dear Mr. Hanson,

In consultation with the Ravalli County Attorney's Office, we have determined that the alternatives proposed in the above named letter are not viable options to address the floodplain violations at Rudy Michaud's property. The house and improvements must be completely removed from the property and relocated to a parcel outside of the 100-year floodplain. An "After the Fact" Floodplain permit is required for all work conducted in the floodplain.

The extended deadline to remove the structure and improvements is April 30, 2007. Please advise our office of the scheduled date for relocating the structure.

If you have any questions, please feel free to contact us at (406) 375-6530.

Respectfully,

Laura Hendrix

Laura Hendrix, CFM
Ravalli County Floodplain Administrator

Enclosure

cc: Correspondence File-General
File VLTN-06-02
David Markette, Markette Law Office
Karen Hughes, Ravalli County Planning Director
Ravalli County Attorney's Office
Ravalli County Commissioners
Larry Schock, DNRC
Rudy Michaud
Ben Ricciardi

RAVALLI COUNTY ATTORNEY

205 Bedford Street, Suite C, HAMILTON, MT 59840-2853
Phone (406) 375-6750 Fax (406) 375-6731

IC-07-04-461

TO: **Laura Hendrix**
CC: **Commissioners**

FROM: **Alex Beal, Deputy** AB

DATE: **April 12, 2007**

RE: **Your Request for Legal Review, Michaud Floodplain Issues**

Included in the last request for legal review from the Planning Department was the Michaud Floodplain Violation (VLTN 06-02). In addition to reviewing that correspondence, we also spoke about this matter on April 10, 2007. From those sources, I understand that:

- The Michaud's built a home within the mapped 100-year floodplain which is not allowable under the Ravalli County Floodplain Regulations
- The Michaud's discovered this when their house was under water last Spring
- The Michaud's have temporarily moved their home to a spot on higher ground on their parcel
- The Michaud's had sought to permanently move their home to another spot on their parcel, but their entire parcel has been determined to be within the elevational floodplain
- The Michaud's have since sought to do a boundary line relocation with a neighbor in order to create a buildable lot
- Even with their proposed boundary line relocation, there is not a large enough space of "dry ground" to place their home

While I appreciate the Michaud's problem, and I would no doubt be heartbroken if this had happened to me, it appears that the Michaud's have not yet proposed any solutions that can be legally accomplished. It appears from what you have described that there is no physical way that a home of that size can be placed on that parcel of land (or even the adjoining parcel) and be outside of the floodplain. It is also my understanding that no one from Ravalli County has ever encouraged them to build their home on this site, or even told them that it is permittable. As I am sure you are, I am more than willing to consider other proposals from them, and I will continue to try to think of them myself, as well. However, at this time it appears that they will need to find a new parcel to place their home on. Perhaps this is a sign that more pubic education of floodplain issues is necessary for the building community.