

RESOLUTION NO. R16-71

**RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM THE
FLOODPLAIN HAZARD MANAGEMENT REGULATIONS,
WHICH PROHIBITS STORAGE OF TOXIC,
FLAMMABLE, HAZARDOUS, OR EXPLOSIVE MATERIALS IN THE
FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA.**

WHEREAS, the owners of the property at issue currently seeks a variance of the building restriction allowing to build an underground storage tank in flood fringe area; and

WHEREAS, the owners submitted their request for a variance to the Laurel-Yellowstone City-County Planning Board. The Planning Board held a public hearing on the matter and one letter in opposition was submitted. The owners testified in support of their requested variance; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board considered all of the documentary evidence in the applicant's file and the testimony of the owners and objection and recommends the approval of the variance, subject to the following conditions:

1. Each condition within the Department of Environmental Quality Underground Storage Tank Permit #16-0056 must be met; and
2. There will be no increase to the Base Flood Elevation at any point in time.

WHEREAS, the City Council held a public hearing concerning this matter on August 16, 2016. No objections were noted or received into the record.

WHEREAS, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to allow the variance since:

1. There is good and sufficient cause as contained in the record;
2. Failure to grant the variance would result in an exceptional hardship to the applicant;
3. Residential dwellings including basements and attached garages do not have the lowest flood elevation below the Base Flood Elevation;
4. Any enclosure including a crawl space must meet the requirements of Section 10.2.14 Wet Flood Proofing if the enclosure interior grade equals or is below the Base Flood Elevation;
5. Granting a variance will not result increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with other existing local laws or ordinances;
6. The proposed use is adequately flood proofed;
7. The variance is the minimum necessary, considering the flood hazard, to afford relief;
8. Reasonable alternative locations are not available;
9. An encroachment that causes an increase to the Base Flood Elevation that is beyond that allowed in these regulations cannot be permitted by a variance but may only be allowed in an alteration is approved pursuant to Section 4; and
10. All other criteria for a Flood Plain permit besides the specific development standard requested by variance have been satisfied.

NOW THEREFORE, BE IT RESOLVED that, based on the record created hereto, the owner's request for a variance is hereby approved for the property located at 18 Eighth Avenue; and

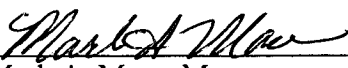
BE IT FURTHER RESOLVED, that the variance is site specific to this address, and the variance granted herein is subject to the two conditions provided herein.

Introduced at a regular meeting of the City Council on August 16, 2016, by Council Member Poehls.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 16th day of August, 2016.

APPROVED BY THE MAYOR this 16th day of August, 2016.

CITY OF LAUREL



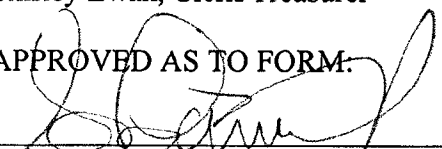
Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer

APPROVED AS TO FORM:



Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City Council
FROM: Noel Eaton, City Planner
RE: Variance for the storage of toxic, flammable, hazardous or explosive materials at Town & Country Supplies Association
HEARING
DATE: August 16, 2016

Town & Country Supplies Association submitted a variance to allow the property off of East Main Street and 8th Avenue known as Town & Country Supplies to allow for the installation and use of Underground Storage Tanks of toxic, flammable, hazardous or explosive material in the flood fringe (LMC 15.70, Floodplain Hazard Management Regulations section 6.2.2, ARM36-15-703(2))

- (A) On Wednesday March 16th, 2016 City of Laurel Floodplain Administrator was informed that the Town and Country Supplies Association had started construction work within the floodplain.
- (B) As determined on panel 1420E of 1875 of the Flood Insurance Rate Map of Yellowstone County, Montana and Incorporated Areas, the subject parcel is within Zone AE of the Special Flood Hazard Areas subject to inundation by the 1% annual chance of flood.
- (C) A stop work order was issued by the City of Laurel Building and Planning department as some permits were not approved for construction at the site.
- (D) After meetings held with members from the City of Laurel, Town & Country Supplies, KLJ Engineering, and the Montana Department of Natural Resources it was determined that no floodplain permit applications had been applied for by Town and Country Supplies Association.

- (E) Site plan and footings for a fuel canopy had been approved and inspected for compliance in December 2015 by the previous Building Official.
- (F) Montana Department of Environmental Quality permitted the underground storage tanks at the subject parcel in October 2015 and the tanks were then installed (see attached permit).
- (G) As per section 6.2.2 of the Floodplain Hazard Management Regulations, adopted as Laurel Municipal Code 15.70, storage of toxic, flammable, hazardous, or explosive materials are prohibited in the Flood Fringe or Regulated Flood Hazard Area.
- (H) Town and Country Supplies Association applied for a floodplain permit and variance on May 13th, 2016 for the storage of toxic, flammable, hazardous, or explosive material in underground storage tanks within the flood fringe.
- (I) The United States Environmental Protection Agency has an Underground Storage Tank Flood Guide that DEQ follows when permitting UST.
- (J) Design and installation of the tanks meets strict flood proofing requirements set forth by DEQ and the designer and installer certification. The tanks deviate from floodplain development rules but still fits the intent of the rules in that; it's reasonable to expect that no adverse effects will occur from this development during the base flooding event.
- (K) Development use fits zoning regulations.
- (L) Consistent with the City of Laurel Floodplain Regulations, public notice was given in the Laurel Outlook, a newspaper of general circulation, on July 28, 2016. Letters were mailed out to the adjoining property owners as required by the Floodplain Regulations. One comment was received from an adjacent landowner.
- (M) As per the requirements of LMC 17.72.070, a public hearing on the matter shall be held before the zoning commission before being heard by the Laurel City Council. The Laurel City County Planning Board and Zoning Commission held a public hearing on July 7th, 2016. As per B. of the section, public notice was published in the Laurel Outlook and adjacent property owners were notified by certified mail 15 days prior to the public hearing.

17.4.11.17.1 FLOODPLAIN VARIANCE APPLICATION

A Variance shall only be issued upon a determination that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all of the following criteria are met (section 12.4.1 of the Floodplain Hazard Management Regulations):

1. There is good and sufficient cause. Financial hardship is not a good and sufficient cause;
2. Failure to grant the variance would result in an exceptional hardship to the applicant;
3. Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;
4. Any enclosure including a crawl space must meet the requirements of Section 10.2.14. Wet Flood Proofing if the enclosure interior grad is at or below the Base Flood Elevation;
5. Granting a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances;
6. The proposed use is adequately flood proofed;
7. The variance is the minimum necessary, considering the flood hazard, to afford relief;
8. Reasonable alternative locations are not available;
9. An encroachment that causes an increase to the Base Flood Elevation that is beyond that allowed in these regulations cannot be permitted by a variance but may only be allowed if an Alteration is approved pursuant to Sections 4; and
10. All other criteria for a Flood Plain permit besides the specific development standard requested by variance are met.

17.4.11.17.2 VARIANCE CONDITIONS

If the Planning Board recommends approval of the land use variance, the following conditions are suggested:

1. Each condition within the Department of Environmental Quality Underground Storage Tank Permit #16-0056 must be met.
2. There will be no increase to the Base Flood Elevation at any point in time.

The Laurel City County Planning Board held a public hearing to review the variance on July 7th at 10:00am at their regularly scheduled meeting.

There were two proponents that attended the public hearing; Leann Hacknee from DEQ spoke. She works in the underground storage tank protection program which was started in 1984 to protect human health in the environment. This includes very strict regulations for installing underground storage tanks and also what kind of underground storage systems that can be installed such as double wall piping verses your single wall piping.

Leann went on to say the situation with Town and Country Supply is a concern about float out of the tank and the tank top tightness. She assured the board that Town and Country Supply was assisted with the calculations and all requirements have been met on the tanks.

Kurt Brumfield of 719 4th Avenue N in Billings spoke. He is the installation contractor that installed the tanks. He has followed all the requirements of the DEQ and all the tanks were installed properly and safely. He also stated he is a proponent for the project.

There was one letter submitted in opposition from Monna Rae Addickes of 108 8th Ave. #B. Noel tried to answer her questions and concerns as best as possible however some questions did not pertain to the variance itself nor was it a concern the City could regulate. Her letter with Noel's answers is attached in the minutes.

The 10 criteria from section 12.4.1 of the Floodplain Management Regulations were reviewed, that portion of the minutes is below.

1. There is good and sufficient cause. Financial hardship is not a good and sufficient cause;
Town and Country stated that the hardship is that the underground fuel tanks were permitted by DEQ and the site plan and fuel canopy received approval from the City of Laurel prior to a floodplain permit being applied for.
2. Failure to grant the variance would result in an exceptional hardship to the applicant;
Town and Country supply stated that a lot of the work approved by the City of Laurel and installed by the Owner would have to be removed or abandoned.
3. Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;
Town and Country stated no residential structures are being proposed.
4. Any enclosure including a crawl space must meet the requirements of Section 10.2.14. Wet Flood proofing if the enclosure interior grad is at or below the Base Flood Elevation;
Town and Country stated no crawl spaces are being proposed.

5. Granting a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances;

Town and Country stated the vessels have been permitted by DEQ and have been anchored to resist uplift and are proven to be water tight.

6. The proposed use is adequately flood proofed;

Town and Country stated that the vessels have been permitted by DEQ and have been anchored to resist uplift and are proven to be water tight.

7. The variance is the minimum necessary, considering the flood hazard, to afford relief;

Town and Country stated that Yes, all other work associated with the project is an allowed use within the flood fringe.

8. Reasonable alternative locations are not available;

Town and Country stated the tanks have been installed and foundations poured as approved by the City of Laurel.

Almost the entirety of this parcel is within the Floodplain.

9. An encroachment that causes an increase to the Base Flood Elevation that is beyond that allowed in these regulations cannot be permitted by a variance but may only be allowed if an Alteration is approved pursuant to Sections 4; and

Noel stated there will be no impact to the base flood elevations.

10. All other criteria for a Flood Plain permit besides the specific development standard requested by variance are met.

Noel stated that all other criteria for the flood plain permit besides the specific development standard request by the variance have been met.

The Laurel Planning Board voted on the motion to approve the variance for Town and Country. The motion carried 4 – 1.

APPLICATION FOR A VARIANCE FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS

A *variance* is a grant of relief given by the Planning Board from the terms of the specific standards required in the City of Laurel *Flood Plain Hazard Management Regulations*. The issuance of the variance is for floodplain management purposes only. Insurance premium rates are determined by the Federal government according to actuarial risk and are not modified by the granting of a variance. ANY VARIANCE GRANTED BY THE PLANNING BOARD MUST BE CONSISTENT WITH THE CITY OF LAUREL'S FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS.

A non-refundable fee of \$150 must accompany this application.

Date of Application: 5/3/2016 Application No: _____

Property Address of Request: 18 8th Avenue, Laurel, MT 59044

Lot No.: _____ Subdivision: _____ Parcel No. _____

Name of Property Owner: Town & Country Supply Assoc. Phone Number: 406-628-6314

Name of Applicant: Josh Starr – Town & Country Supply Assoc. Phone Number: 406-628-6314

Address (if different than Owner): _____

SECTION 1 - VARIANCE REQUESTED:

Cite the minimum development standard of the *Flood Plain Hazard Management Regulations* from which a variance is sought: Storage of toxic, flammable, hazardous or explosive material is not allowed in the flood fringe.

Explain how proposed development would vary from the provision of the *Flood Plain Hazard Management Regulations*: Storage of said materials will be allowed as long as the containers are properly anchored and water tight.

SECTION 2 – APPLICATION FOR VARIANCE: Complete a Joint Permit Application and the attached worksheet to address the submittal requirements of the City of Laurel's *Flood Plain Hazard Management Regulations*.

✓ Worksheet completed and attached

AN APPLICANT RECEIVING A VARIANCE TO BUILD A STRUCTURE NOT MEETING THE MINIMUM STANDARDS OF THE REGULATIONS, ESPECIALLY IF THE LOWEST FLOOR IS CONSTRUCTED BELOW THE BASE FLOOD LEVEL, MAY RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE. CONSTRUCTION BELOW THE BASE FLOOD LEVEL INCREASES RISK TO LIFE AND PROPERTY. (44 CFR 60.6 (a)(5))

APPLICANT'S SIGNATURE

5-3-16

DATE

ANY PERSON OR PERSONS AGGRIEVED BY THE DECISION MAY APPEAL SUCH DECISION IN THE COURTS OF COMPETENT JURISDICTION (MCA 76-5-209(1))

SECTION 3 – AFFECTED LANDOWNERS:
(Some communities may require certified list)

List the names, addresses and telephone numbers of all property owners within and contiguous to and directly across the street from the parcel or parcels of property referenced by this application:

Name	Address	Telephone
SEE ATTACHED		

(Attach additional sheets as necessary.)

RECORD OF VARIANCE ACTIONS: TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

Variance Request submitted on _____ Fee Paid: \$ _____

Public Notice Given: _____ Variance Hearing held on: _____

The Board has made a determination that the variance **is** or **is not** the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and **meets** or **does not meet** the criteria in the regulations for approval.

In accordance with the criteria and guidelines of the City of Laurel, *Flood Plain Hazard Management Regulations*, the Planning Board hereby approves, denies the request for variance by a vote of _____ for the variance and _____ against the variance.

Special Provisions of the Variance Approval:

Secretary, Planning Board

Date

APPLICATION WORKSHEET FOR VARIANCES TO THE
FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS

PLEASE NOTE: Your statements and supporting data and information, including a completed Montana joint application or floodplain permit application, will be used to evaluate your variance request. If these questions are not answered, the variance may be denied due to insufficient information to support it. The following will be used as a guide to evaluate your petition. Additional information may be requested.

The City of Laurel's Flood Plain Hazard Management Regulations provides the criteria that must be considered and met before a variance may be granted. The Planning Board must consider the following items when determining a variance request. State in detail the manner in which you believe each of these standards are met in this case:

1. Will the structure or proposed activity/use reside on 0.5 acre or less? YES NO
If NO, what is the size of the lot or parcel? The tanks will occupy roughly 6000 square feet of the
1 acre site.

(If the new construction or substantial improvements on a lot of one-half acres or less is contiguous to and surrounded by lots of existing structures constructed below the base flood level, a variance may be approved. However, as lot sizes increase beyond one-half acre, additional technical justification may be required.)

2. Are the surrounding properties pre-FIRM? YES NO
3. Are the lowest floor of the pre-FIRM structures on the adjoining and contiguous lots below the base flood elevation? YES NO

(Attach documentation which show the contours and lowest floor elevations of the surrounding property)

4. Is the proposed work on a recognized historic structure? YES NO

If yes, will the improvements maintain the historic integrity of the structure and not preclude the

5. Is the proposed work the minimum necessary, considering the flood hazard, to afford relief?

Yes, all other work associated with the project is an allowed use within the flood fringe.

6. Does the project show good and sufficient cause for the variance? Financial hardship is not a good and sufficient cause. Describe the exceptional hardship.

Yes, underground fuel tanks were permitted by DEQ and the site plan and fuel canopy received approval from the City of Laurel prior to a floodplain permit being applied for.

7. Basements and/or the lowest floor elevation of a residential structure are not below the Base Flood Elevation?

No residential structures are proposed.

8. If crawl spaces or enclosures are proposed, they must meet the requirements of Section 10 of the Flood Plain Hazard Management Ordinance. Explain why the minimum building standard cannot be met.

No crawl spaces are proposed.

9. Describe your analysis or supporting information that the granting of this variance does not result in increased flood heights to the existing insurable buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

The vessels have been permitted by DEQ and have been anchored to resist uplift and are proven water tight.

10. Describe how the structure is adequately flood proofed.

The vessels have been permitted by DEQ and have been anchored to resist uplift and are proven water tight.

11. Describe why reasonable alternative locations outside the Flood Plain are not or available or possible.

The tanks have been installed and foundations poured as approved by the City of Laurel

12. Describe the data or information that there is no danger to life and property by erosion damage or water that may be backed up or diverted by the obstruction or use.

No drainage patterns will be affected. No obstructions are proposed.

13. Describe your supporting information that there will not be a danger of materials being swept onto other lands to the injury of others.

Vessels have been properly anchored to avoid uplift per DEQ standards.

14. Describe how the construction or alteration of the obstruction or use in such a manner is designed as to lessen the danger.

The vessels have been permitted by DEQ and have been anchored to resist uplift and are proven water tight.

15. Describe the permanence of the obstruction or use.

This will be a permanent fueling site.

16. Describe the impacts of the obstruction or use affect the anticipated development in the foreseeable future of the surrounding area.

The project site may potentially change uses to a convenience store, but only if a detailed flood study shows the property is out of the floodplain.

17. Describe if the failure to comply with the Flood Plain regulations results in an exceptional hardship to the applicant.

A lot of the work approved by the City of Laurel and installed by the Owner will have to be removed or abandoned

18. Describe how the granting of a variance does not adversely affect existing properties or structures.

No obstructions are proposed, no work will result in an increase in flooding potential. Materials will be stored in a vessel designed to be flood-proof.

19. Describe the impacts to the BFE of the Floodway and/or Flood Plain. Provide supporting data and analysis that the variance will not increase the BFE of the Floodway by more than 0.00 and/or increase to the Flood Plain is 0.5 feet or less.

There will be no impacts to the BFE.

20. Describe the estimated cost and damage of the proposed facility and its contents to flood damage and the effect of such damage on the owner.

The facility will be entirely below grade. No damage is anticipated during a flooding event.

21. Describe the importance of the services to be provided by the facility to the community?

The facility may become a fueling station open to the public if a detailed flood study shows the property is out of the floodplain.

22. Describe the public services, including fire and rescue that may or may not be provided during various flood events.

In the event of a flood, the tanks and pumps would be turned off and the material would be sealed in the tanks. No services would be needed.

23. If this facility is located on the waterfront, describe the necessity for that location.

N/A

24. Describe the safety and access of emergency vehicles to the property during times of various flood events. The streets adjacent to the property are outside the flood hazard area and should provide adequate emergency access.

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the City of Laurel.

Signature of Applicant

5-3-16

Date

Signature(s) of Owner(s)
(Must be Notarized)

Signature(s) of Owner(s)
(Must be Notarized)

***Agent must provide documentation that they are legally representing the property owner.**

***Approval does not validate the responsibility of the property owner to meet all restrictions and covenants that are on that property.**

***A record of all actions involving a Floodplain permit and variance, including the findings and decision must be submitted to DNRC Floodplain Program and FEMA Region VIII.**

Revised: 6/5/15 (310 form 270). Form may be downloaded from: www.dnrc.mt.gov/licenses-and-permits/stream-permitting

AGENCY USE ONLY: Application # _____ Date Received _____
Date Accepted _____ / Initials _____ Date Forwarded to DFWP _____

This space is for all Department of Transportation and SPA 124 permits (government projects).

Project Name _____
Control Number _____ Contract letting date _____
MEPA/NEPA Compliance Yes No If yes, #14 of this application does not apply.

JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.

<input checked="" type="checkbox"/>	PERMIT	AGENCY	FEE
<input type="checkbox"/>	310 Permit	Local Conservation District	No fee
<input type="checkbox"/>	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
<input checked="" type="checkbox"/>	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+) \$50
<input type="checkbox"/>	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
<input type="checkbox"/>	318 Authorization 401 Certification	Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
<input type="checkbox"/>	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

A. APPLICANT INFORMATION

NAME OF APPLICANT (person responsible for project): Josh Starr (Town & Country Supply Assoc.)
Has the landowner consented to this project? Yes No
Mailing Address: PO Box 367, Laurel, MT 59044
Physical Address: 18 8th Avenue, Laurel, MT 59044
Day Phone: 406-628-6314 Evening Phone: _____ E-Mail: jstarr@tandcsupply.com

NAME OF LANDOWNER (if different from applicant): SEE ABOVE
Mailing Address: _____
Physical Address: _____
Day Phone: _____ Evening Phone: _____ E-Mail: _____

NAME OF CONTRACTOR/AGENT (if one is used): Rob Ferguson (Millennial Construction)
Mailing Address: 12 Roundup Drive, Billings, MT 59102
Physical Address: 12 Roundup Drive, Billings, MT 59102
Day Phone: 406-690-8897 Evening Phone: _____ E-Mail: builtstronger@me.com

B. PROJECT SITE INFORMATION

NAME OF STREAM or WATER BODY at project location None Nearest Town Laurel
Address/Location: 18 8th Avenue, Laurel, MT 59044 Geocode (if available): 03-0821-08-1-05-15-0000
SE 1/4 SE 1/4 SE 1/4, Section 8, Township 25, Range 24E, County Yellowstone
Longitude 108° 46' 57.76" W, Latitude 45° 40' 07.63" N

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No?
If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.

There is very little vegetation present. The lot is historically dirt/gravel and the only grass present is in the roadside ditch along Main Street.

10. **MATERIALS.** Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic Yards/Linear feet	Size and Type	Source
N/A	N/A	N/A

11. **EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

None. Tanks have been installed. They will not be filled with fuel until variance has been approved.

12. **DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?
A NOI has already been submitted and the SWPPP is in place. BMPs have also been installed.
- Minimize stream channel alterations?
N/A
- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?
BMPs have been installed to mitigate erosion.
- Minimize effects on fish and aquatic habitat?
N/A
- Minimize risks of flooding or erosion problems upstream and downstream?
The site will be approved by the City of Laurel as a separate application.
- Minimize vegetation disturbance, protect existing vegetation, and control weeds?
Disturbed areas will be stabilized by paving or permanent seeding.

13. **WHAT ARE THE NATURAL RESOURCE BENEFITS** of the proposed project?

N/A

14. **LIST ALTERNATIVES** to the proposed project. Why was the proposed alternative selected?

N/A

D. ADDITIONAL INFORMATION FOR SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS ONLY.

If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits – See “Information for Applicant.”)

1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.
No.

2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.
N/A

3. List the names and address of landowners adjacent to the project site. This includes properties adjacent to and across from the project site. (Some floodplain communities require certified adjoining landowner lists).
See Attached.

4. List all applicable local, state, and federal permits and indicate whether they were issued, waived, denied, or pending. Note: All required local, state, and federal permits, or proof of waiver must be issued prior to the issuance of a floodplain permit.
City building/site plan permit is in process. MDT Approach Permit is in process. DEQ underground storage tank is approved. DEQ General Permit coverage is approved.

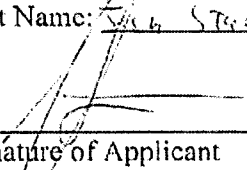
5. Floodplain Map Number: 300086-1420-E and 300142-1420-E

6. Does this project comply with local planning or zoning regulations? Yes No

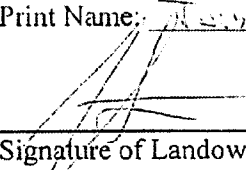
E. SIGNATURES/AUTHORIZATIONS -- Each agency must have original signatures signed in blue ink.

After completing the form, make the required number of copies and then sign each copy. Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possess' the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized.

APPLICANT (Person responsible for project):
Print Name: John Stross c/o Tomer & Company


Signature of Applicant 5-3-16
Date

LANDOWNER:
Print Name: John Stross c/o Tomer & Company


Signature of Landowner 5-3-16
Date

*CONTRACTOR/AGENT:
Print Name: _____

Signature of Contractor/Agent Date

*Contact agency to determine if contractor signature is required.

Montana Department of Environmental Quality		Page 1 of 3	
UNDERGROUND STORAGE TANK PERMIT			
Facility ID#:	60-15264	Permit Number:	16-0056
Owner/Operator Name:	Town and Country Supply Laurel Association		
Is Granted a Permit to: Install, Close, Modify or Repair Underground Storage Tank(s) and/or Piping at:			
Site Address/Location:	Town and Country West Main, 801 West Main Street, Laurel, MT 59044		
Install	USTs 1,2,3,4,5, and 6 [UST 1 (tag #5611), UST 2 (tag #5612), UST 3 (tag #5613), UST 4 (tag #5614), UST 5 (tag #5615), and UST 6 (tag #5616)]	Licensed Installer/Remover	Tyrel Schroth
		Proposed Work Date(s):	October 2015

PERMIT TO: Install the above-referenced UST systems (USTs 1,2,3,4,5, and 6):

TANKS:

- One dual-compartment, double-walled, 10 foot diameter, Xerxes fiberglass underground storage tank
 - 15,000 gallon, Dyed Diesel
 - 15,000 gallon, #2 Clear Diesel
- One triple-compartment, double-walled, 10 foot diameter, Xerxes fiberglass underground storage tank
 - 10,000 gallon, #2 Clear Diesel
 - 10,000 gallon, Unleaded
 - 10,000 gallon, Premium Unleaded
- One single-compartment, double-walled, Xerxes fiberglass underground storage tank
 - 1,000 gallon, Unregulated Diesel Exhaust Fluid (DEF)

Per Xerxes buoyancy calculations conducted by Jeffrey Lexvold on September 18, 2015, the tanks shall be buried to a minimum depth of 3 feet 7 inches in order to achieve the following minimum float-out factors:

- 1.22:1 Buoyancy Safety Factor - 10 foot diameter, 30,000 gallon, Dual-compartment tank
- 1.21:1 Buoyancy Safety Factor - 10 foot diameter, 30,000 gallon, Triple-compartment tank

Installation of anchorage to each UST system, in the form of Deadmen anchors, is optional. Geotextile shall be used for the tank installation if recommended by the tank manufacturer.

PRODUCT PIPING:

All associated product piping will be 2-inch NOV Fiberglass Systems Dualoy 3000/LCX double-walled FRP piping. Product piping for the unregulated DEF tank will be double-walled flexible plastic.

VENT PIPING:

New underground 2-inch Ameron FRP single-walled vent piping (size required by fire code) will be installed.

FLEXIBLE CONNECTORS:

Product flexes will be in sumps and vent line flexes will have department-approved shrink wrap installed. Flex connectors must be UL listed for hydrocarbons. Flex connectors exposed to the environment must be fire rated.

OVERFILL PREVENTION:

Audible high level alarms will be installed for overflow prevention on this tank system

SECONDARY CONTAINMENT SUMPS:

Xerxes tank-top sumps will be installed around the STPs. OPW Flexworks model DS-1836 dispenser sumps will be installed under all the dispensers. Sump boots at each sump penetration are to be compatible with Dualoy 3000/LCX double-walled FRP piping. All sumps shall be tested according to the specific installation conditions below.

TANK LEAK DETECTION:

Tank leak detection equipment will consist of a new Veeder Root TLS-350 Plus console, Veeder Root model 846390 Mag Plus Probes, and Veeder Root model 794390 tank interstitial monitoring sensors. The console will conduct 0.2 gph monthly Continuous Statistical Leak Detection (CSLD) tests and continuous interstitial monitoring for tank and piping leak detection.

Montana Department of Environmental Quality		Page 2 of 5	
UNDERGROUND STORAGE TANK PERMIT			
Facility ID#:	60-15264	Permit Number:	16-0056
Owner/Operator Name:	Town and Country Supply Laurel Association		
Is Granted a Permit to; Install, Close, Modify or Repair Underground Storage Tank(s) and/or Piping at:			
Site Address/Location:	Town and Country West Main, 801 West Main Street, Laurel, MT 59044		

PIPING LEAK DETECTION:

Piping leak detection equipment will consist of Veeder Root model 794380 liquid sensors in the dispenser sumps and STP sumps, and Veeder Root series 8484 PLLD electronic line leak detectors programmed to shut down the STP when a 0.2 gph leak is detected. An annual 0.1 gph line leak test is optional.

SPILL PREVENTION:

Fill risers will have OPW 3112 Series double-walled thread-on spill containers installed.

GENERAL:

All tank risers will be FRP or steel with polyethylene isolation boots (fill riser). There shall be no underground metallic components in contact with soil. This UST system's configuration shall be in accordance with the Permit Application dated September 18, 2015, and received at MT DEQ UST program on September 18, 2015.

GENERAL PERMIT CONDITIONS:

1. Submit all completed installation paperwork within 30 days of project completion.
2. Submit a detailed site diagram (site plan, piping layout, dimensions and locations of tank within 30 days of project completion)
3. Notify DEQ at (406)-444-5300 the week before starting work. Provide the permit number and the facility number.
4. Submit red-lined drawings of plan changes and optional components not installed within 30 days of project completion.
5. Work must comply with MT UST regulations, permit conditions, PEI RP100-2000, API 1615, manufacturer specifications, Montana Critical Installation Elements and all other state and local requirements. For above ground components related to an underground storage tank system, contact the local fire official and State Fire Marshal Office.
6. Permit modification is required from DEQ (406) 444-5300 for any changes from the permit proposal. Change of an installer requires a permit modification.

--Contact DEQ (1-800-457-0568) within 24 hours if suspected contamination (soil staining, soil odors, sheen on water, detectable headspace concentrations, lab analysis over DEQ action levels, holes in tanks or piping, or any unusual operating conditions) is discovered, regardless of the suspected source. If a ppm meter is available, collect dual samples and conduct a vapor headspace test on the samples not being submitted to the lab. Record the headspace readings on the closure forms.

SPECIFIC INSTALLATION CONDITIONS:

1. Tank Installation:
 - a) Follow Xerxes instructions for pre-installation and post-installation testing (i.e. pressure testing) of the interstice and the primary tank. Verify that the tanks are pressure tested in accordance with the manufacturer's installation instructions and submit the manufacturer's installation checklist to the department.
 - b) Per Xerxes calculations conducted by Jeffrey Lexvold on September 18, 2015, tanks shall be buried to a minimum depth of 3 feet 7 inches in order to achieve the minimum Buoyancy Safety Factor for all tanks.
2. Tank Testing:
 - a) Fill each tank to at least 90% capacity and conduct a 0.2 gph or 0.1 gph EPA-certified leak test on each tank and submit the results to the department.
 - i. Or, have an EPA-certified non-volumetric tank tightness test conducted and submit the results to the department.
3. Product Pipe Installation:
 - a) Follow NOV Fiberglass Systems requirements for Dualoy 3000/LCX double-walled FRP piping installation
4. Pipe Testing:
 - a) Test NOV Fiberglass Systems Dualoy 3000/LCX double-walled FRP primary and secondary pipe in accordance with the manufacturer's instructions. Record and submit test results to the department.
 - i. NOV Fiberglass Systems recommended procedure for testing Dualoy 3000/LCX primary piping is to conduct a hydrostatic pressure test at 150% of the expected operating pressure and maintain that pressure for at least 1 hour.
 - After testing, maintain 5 to 10 psi in the system during subsequent construction so that any damage caused to the piping can be detected and corrected before pavement is installed or product is pumped.

Montana Department of Environmental Quality		Page 3 of 5
UNDERGROUND STORAGE TANK PERMIT		
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- ii. NOV Fiberglass Systems recommends pneumatically testing Dualcoy 3000/LCX containment piping systems at approximately 10 psi.
5. **PLLD programming:**
 - a) Conduct monthly 0.2 gph line tests and a continuous 5.0 gph line test with system shut down for any failure. (An annual 0.1 gph test is optional).
 6. **ATG Programming:**
 - a) Conduct monthly 0.2 gph Continuous Statistical Leak Detection (CSLD) tank tests, continuous tank interstitial monitoring, and continuous piping sump monitoring.
 - b) De-energize the system on any indication of a leak from any tank and/or piping sensor (positive shut-down).
 7. **Spill Prevention:**
 - a) Install Thread-On Model Spill Containment Only.
 8. **Overfill Alarm:**
 - a) Set the Audible High-Level Alarm to fully activate at 90% tank capacity, maximum
 - b) Audible alarm must:
 - provide visual and audible signals to the delivery person
 - be located in close proximity to where the delivery person stands during the delivery, and
 - be clearly labeled as a "tank overfill alarm"
 9. **Vent Flex Isolation Boots:**
 - a) Install Universal Valve Company model 211-QB3 or John Dows Flex Protector 1 (FP-1) series one-piece compounded heat shrink tubes on each vent flex.
 10. **Hydrostatic Testing:**
 - a) All newly-installed containment sumps shall be hydrostatically tested with water, to a minimum of 6 inches above the highest sump penetration. Maintain static water level for a minimum of 1 hour in order to ensure that all sumps are liquid-tight.
 - b) All sumps must pass this hydrostatic test. Record and submit test results to the department

THIS PERMIT MUST BE ON THE WORK SITE WHEN UST WORK IS BEING CONDUCTED

--Contact DEQ (1-800-457-0568) within 24 hours if suspected contamination (soil staining, soil odors, sheen on water, detectable headspace concentrations, lab analysis over DEQ action levels, holes in tanks or piping, or any unusual operating conditions) is discovered, regardless of the suspected source. If a ppm meter is available, collect dual samples and conduct a vapor headspace test on the samples not being submitted to the lab. Record the headspace readings on the closure forms.

Montana Department of Environmental Quality		Page 4 of 5
UNDERGROUND STORAGE TANK PERMIT		
Facility ID#:	60-15264	Permit Number: 16-0056
Owner/Operator Name:	Town and Country Supply Laurel Association	
Is Granted a Permit to; Install, Close, Modify or Repair Underground Storage Tank(s) and/or Piping at:		
Site Address/Location:	Town and Country West Main, 801 West Main Street, Laurel, MT 59044	

SUBMIT:

- Sensor functionality tests showing that all sensors are able to detect an alarm situation (includes all tank interstitial sensors, all sump sensors, and all in-tank probes)
- Tank installation testing results, including:
 - Xerxes installation checklist,
 - 0.2 gph or 0.1 gph EPA-certified tank test on each tank at least 90% full (or ullage testing results)
- Dualoy 3000/LCX Primary and Secondary Pipe installation testing results
- Dualoy 3000 Installation Checklist
- ATG Setup and Diagnostics Printouts
- ATG programming printouts, verifying leak rate tests and shut down parameters, including:
 - "PLLD Line Disable Setup"
 - "Pressure Line Leak Setup"
 - 0.1 gph, 0.2 gph, and 3.0 gph passing line leak tests on all lines
- Hydrostatic Sump Testing Results
- Permit: Signed and Dated by the Licensee
- Certificate of Compliance: Complete, Signed, and Dated by the Licensee
- Notification of Underground Storage Tanks form
- Photographs showing various stages of this project (digital preferred)
- Unique GPS Coordinates for each fill pipe of each tank:
 - UST 1 (Tag #5611) – Latitude _____ Longitude _____
 - UST 2 (Tag #5612) – Latitude _____ Longitude _____
 - UST 3 (Tag #5613) – Latitude _____ Longitude _____
 - UST 4 (Tag #5614) – Latitude _____ Longitude _____
 - UST 5 (Tag #5615) – Latitude _____ Longitude _____
 - UST 6 (Tag #5616) – Latitude _____ Longitude _____
- One Time Fill Permit: Complete and Signed by the Licensee

Important: A One Time Fill Permit is issued for the purposes of testing the UST system only. Operation of the equipment is not allowed until a Conditional Operating permit is issued by the department. All permit conditions must be satisfied and a "Notification of Underground Storage Tanks" form must be submitted before the department will issue a Conditional Operating Permit.

Montana Department of Environmental Quality		Page 5 of 5
UNDERGROUND STORAGE TANK PERMIT		
Facility ID#:	60-15264	Permit Number: 16-0056
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Is Granted a Permit to: Install, Close, Modify or Repair Underground Storage Tank(s) and/or Piping at:		
Site Address/Location:	Town and Country West Main, 801 West Main Street, Laurel, MT 59044	

THIS PERMIT MUST BE ON THE WORK SITE WHEN UST WORK IS BEING CONDUCTED

—Contact DEQ (1-800-457-0568) within 24 hours if suspected contamination (soil staining, soil odors, sheen on water, detectable head space concentrations, lab analysis over DEQ action levels, holes in tanks or piping, or any unusual operating conditions) is discovered, regardless of the suspected source. If a ppm meter is available, collect dual samples and conduct a vapor headspace test on the samples not being submitted to the lab. Record the headspace readings on the closure forms.

Permit Issued By:

[Handwritten Signature]
 (Permit is valid for 6 months unless otherwise stipulated)

Date: 10/13/2015

I certify that the work for which this permit was issued was conducted in accordance with all applicable statutes and rules, and the conditions specified in this permit:	
INSTALLER: _____	_____
(Signature)	(Date)
I certify, that to the best of my knowledge, the work for which this permit was issued and that I witnessed being conducted, was completed in accordance with all applicable statutes and rules, and the conditions specified in this permit.	
INSPECTOR: _____	_____
(Signature)	(Date)
Comments:	
No. of Hours of Inspection:	

XERXES®

a ZCL company

September 18, 2015

Kirk Brumfield
E-mail: kirk@mrktgspec.com

CC: Mike Piathek, RMRA

Re: Model P100DW - 15,000 x 15,000-gallon Double-Wall MCT
Model P100DW - 10,000 x 10,000 x 10,000-gallon Double-Wall MCT
Buoyancy Calc - Town and Country West Main

Dear Mr. Brumfield:

We have summarized the buoyancy data you requested. All of the calculations are based on the site data you have provided to us and on nominal engineering values for the physical parameters.

All of the calculations are based on standard engineering practice. Xerxes uses approaches in a manner similar to the protocols presented in the PEI/RP 100-05 manual to calculate the underground tank Buoyancy Safety Factors.

It is the tank owner's responsibility to determine the suitability and applicability of installation. Our sole responsibility in any installation is as stated in our Limited Warranty.

Our calculations show that, given the installation parameters that you have provided to us (calculated with the tank empty, water table at the same elevation as the top of the tank, burial depth of 3 feet 7 inches, and no secondary anchorage) the Buoyancy Safety Factors are as follows:

Tank	Buoyancy Safety Factor
15,000 x 15,000-gallon Double-Wall MCT	1.22:1
10,000 x 10,000 x 10,000-gallon Double-Wall MCT	1.21:1

Xerxes recommends a minimum Buoyancy Safety Factor of 1.20:1. I have included copies of the worksheets for your files.


If we can be of additional assistance, please feel free to contact us.

Sincerely,




Jeffrey Lexvold
Sales Engineer

Attachments-2

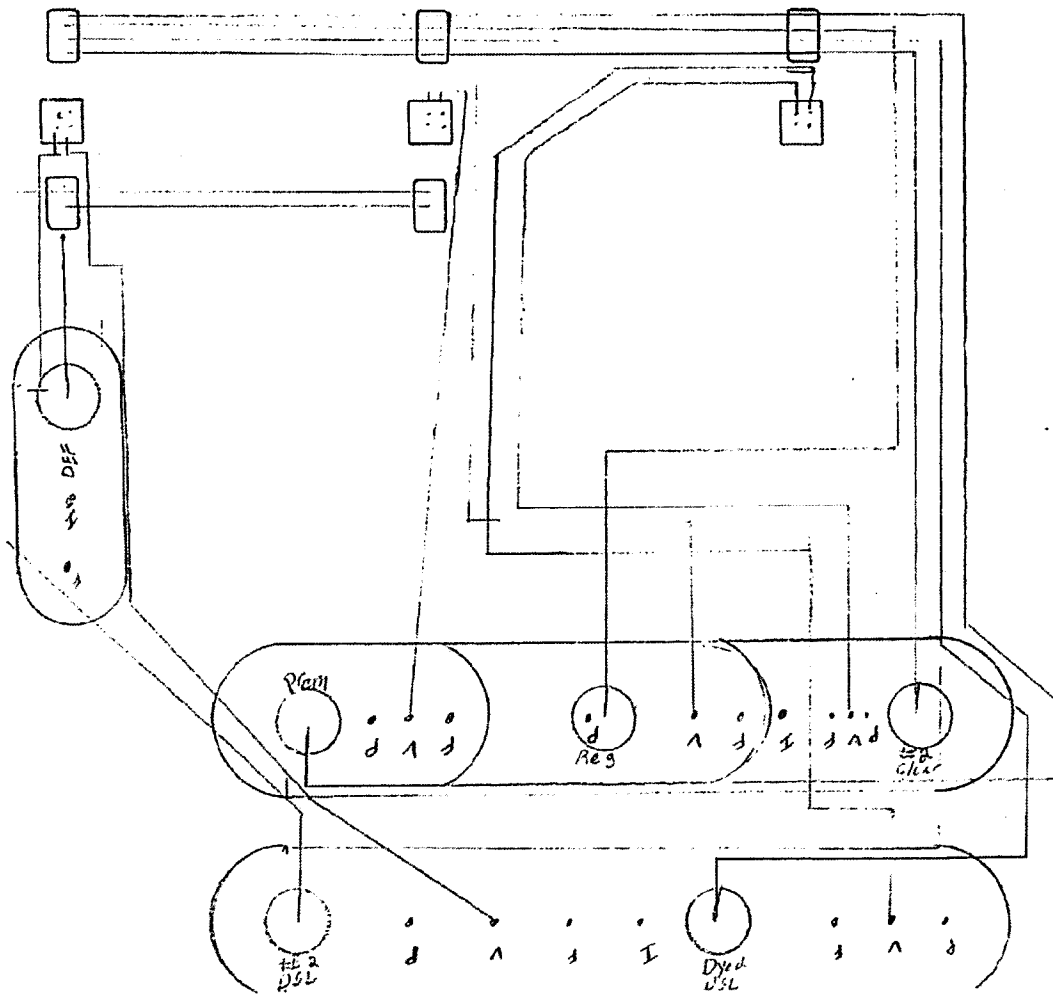
	NON-ANCHORED WATER AT TANK TOP		Town and Country West Main	
			JWL	09/18/15
<u>TANK DATA</u>		<u>INSTALLATION</u>		
NOM. CAP. (GAL)	30000	(10k x 10k x 10k)	TOTAL COVER INCLUDING SOIL & TOP SLAB (FT)	3.58
TYPE (SINGLEWALL=1;DW=3)	3		TOP SLAB THICKNESS (IN)	8.00
DRY=1; WET=2	1		TOP SLAB LENGTH (FT)	55.54
NOM. TANK DIA. (FT.)	10		TOP SLAB WIDTH (FT)	12.00

PROD. STORED (GAL)	0		# OF 42" DIAMETER SUMPS	3
SPEC. GRAV. USED	1.00			
	0			
SAFETY FACTOR				
DOWN FORCE/UP FORCE =		1.21 :1		
TOTAL WEIGHTS				
DOWN FORCES				
CONCRETE WEIGHT	66650.00	LBS.		
BACKFILL WEIGHT	229361.28	LBS.		
TANK WEIGHT	16300.00	LBS.		
PRODUCT WEIGHT	0.00	LBS.		
			TOTAL DOWN FORCE	312311.28 LBS.
UP FORCES				
TANK DISP. FORCE	257884.63	LBS.		
			TOTAL UP FORCE	257884.63 LBS.
WORKSHEET				
<u>TANK DATA</u>				
SHELL DIAMETER-----	10.00	FT.	*	ACTUAL CAP (GAL) 30344.00
SHELL LENGTH-----	48.53	FT.	*	TANK WT. (LBS.) 16300.00
DOME PROJECTION-----	2.51	FT.	*	O.A.L. (FT.) 53.54
MID POINT HEIGHT-----	7.92	FT.	*	NUMBER OF RIBS 31.00
COLUMN HEIGHT-----	12.92	FT.	*	*****
RIB VOLUME-----	3513.09	CU. IN.		DOME A. (SQ FT) 39.37
				DOME VOL. (CU FT) 259.44
REINFORCED CONCRETE VOLUMES (CU. FT.)				
TOP SLAB	444.33			
TOTAL DRY VOLUME	444.33			
			FORCE = VOL. X 150 LBS/CF	66650.00 LBS.
BACKFILL VOLUMES (CU. FT.)				
OVER TANK (DRY)-----	1732.24			678.66 WET
END-WEDGES (DRY)-----	111.50			71.14 WET
TOTAL DRY VOLUME	1843.74			
TOTAL WET VOLUME	749.80			
			FORCE (DRY) = VOL. X 100 LBS	184373.55 LBS.
			FORCE (WET) = VOL. X 60 LBS	44987.73 LBS.
BUOYANCY				
SHELL VOLUME-----	3811.42	CUBIC FT.		
DOME VOLUME-----	259.44	CUBIC FT.		
RIB VOLUME-----	63.02	CUBIC FT.		
TOTAL VOLUME	4133.88	CUBIC FT.		
VOL X 7.48 GAL/CU.FT.	30921.42	GALLONS		
			FORCE = GAL X 8.34 (LBS./GAL.)	257884.63 LBS.

	NON-ANCHORED WATER AT TANK TOP		Town and Country West Main	
			JWL	09/18/15
TANK DATA			INSTALLATION	
NOM. CAP. (GAL.)	30000	(15k x 15k)	TOTAL COVER INCLUDING SOIL & TOP SLAB (FT)	3.58
TYPE (SINGLEWALL=1;DW=3)	3		TOP SLAB THICKNESS (IN)	8.00
DRY=1; WET=2	1		TOP SLAB LENGTH (FT)	55.39
NOM. TANK DIA. (FT.)	10		TOP SLAB WIDTH (FT)	12.00

PROD. STORED (GAL)	0		# OF 42" DIAMETER SUMPS	2
SPEC. GRAV. USED	1.00			
	0			
SAFETY FACTOR				
DOWN FORCE/UP FORCE =		1.22 :1		
TOTAL WEIGHTS				
DOWN FORCES				
CONCRETE WEIGHT	66462.50 LBS.			
BACKFILL WEIGHT	231507.15 LBS.			
TANK WEIGHT	14800.00 LBS.			
PRODUCT WEIGHT	0.00 LBS.			
	TOTAL DOWN FORCE		312769.65 LBS.	
UP FORCES				
TANK DISP. FORCE	257372.73 LBS.			
	TOTAL UP FORCE		257372.73 LBS.	
WORKSHEET				
TANK DATA				
SHELL DIAMETER-----	10.00 FT.	*	ACTUAL CAP (GAL)	30083.00
SHELL LENGTH-----	48.37 FT.	*	TANK WT. (LBS.)	14800.00
DOME PROJECTION-----	2.51 FT.	*	O.A.L. (FT.)	53.39
MID POINT HEIGHT-----	7.92 FT.	*	NUMBER OF RIBS	33.00
COLUMN HEIGHT-----	12.92 FT.	*	*****	
RIB VOLUME-----	3513.09 CU. IN.		DOME A. (SQ FT)	39.37
			DOME VOL. (CU FT)	259.44
REINFORCED CONCRETE VOLUMES (CU. FT.)				
TOP SLAB	443.08			
TOTAL DRY VOLUME	443.08			
	FORCE = VOL. X 150 LBS/CF		66462.50 LBS.	
BACKFILL VOLUMES (CU. FT.)				
OVER TANK (DRY)-----	1755.00		676.49 WET	
END-WEDGES (DRY)-----	111.50		71.14 WET	
TOTAL DRY VOLUME	1866.50			
TOTAL WET VOLUME	747.63			
	FORCE (DRY) = VOL. X 100 LBS		186649.63 LBS.	
	FORCE (WET) = VOL. X 60 LBS		44857.53 LBS.	
BUOYANCY				
SHELL VOLUME-----	3799.14 CUBIC FT.			
DOME VOLUME-----	259.44 CUBIC FT.			
RIB VOLUME-----	67.09 CUBIC FT.			
TOTAL VOLUME	4125.67 CUBIC FT.			
VOL X 7.48 GAL/CU.FT.	30860.04 GALLONS			
	FORCE = GAL X 8.34 (LBS./GAL.)		257372.73 LBS.	

TOWN AND COUNTRY LAUREL, MIT



MINUTES
LAUREL YELLOWSTONE CITY-COUNTY PLANNING BOARD
JULY 7, 2016 10:00 AM
COUNCIL CHAMBERS

MEMBERS PRESENT: Kathy Siegrist, President
Judy Goldsby, Vice President
Dan Koch, City Rep.
Lee Richardson, County Rep.
Hazel Klein, City Rep.

OTHERS PRESENT: Noel Eaton, Planner
Cheryll Lund, City Secretary

CALL TO ORDER: The meeting was called to order at 10:00 am by President Siegrist.

ROLL CALL: Members present were Koch, Goldsby, Richardson, Klein and Siegrist.

APPROVAL OF MINUTES: A motion to approve the minutes of April 2, 2016 and June 2, 2016 was made by Judy Goldsby and seconded by Hazel Klein. The motion was carried by a vote of 5 – 0.

NEW BUSINESS: Town and Country Floodplain Variance.

President Siegrist read the rules and regulations for holding a public hearing and opened the public hearing at 10:02 am and asked City Planner Noel Eaton to present the application for Town & Country Supply Association.

DESCRIPTION/LOCATION:

Town & Country Supply Association submitted a variance to allow the property off of East Main Street and 8th Avenue known as Town & Country Supply to allow for the installation and use of Underground Storage Tanks of toxic, flammable, hazardous or explosive material in the flood fringe (LMC 15.70, Floodplain Hazard Management Regulations section 6.2.2, ARM36-15-703(2)).

STAFF FINDINGS:

- A. On Wednesday March 16, 2016 City of Laurel Floodplain Administrator was informed that the Town and Country Supply Association had started construction work within the floodplain.
- B. As determined on panel 1420E of 1875 of the Flood Insurance Rate Map of Yellowstone County, Montana and Incorporated Areas, the subject parcel is within Zone AE of the Special Flood Hazard Areas subject to inundation by the 1% annual chance of flood.
- C. A stop work order was issued by the City of Laurel Building and Planning department as some permits were not approved for construction at the site.
- D. After meetings held with members from the City of Laurel, Town & Country Supply, KLI Engineering, and the Montana Department of Natural Resources it was determined that no floodplain permit applications had been applied for by Town and Country Supply Association.

- E. Site plan and footings for a fuel canopy had been approved and inspected for compliance in December 2015 by the previous Building Official.
- F. Montana Department of Environmental Quality permitted the underground storage tanks at the subject parcel in October 2015 and the tanks were then installed (see attached permit).
- G. As per section 6.2.2 of the Floodplain Hazard Management Regulations, adopted as Laurel Municipal Code 15.70, storage of toxic, flammable, hazardous, or explosive materials are prohibited in the Flood Fringe or Regulated Flood Hazard Area.
- H. Town and Country Supply Association applied for a floodplain permit and variance on May 13, 2016 for the storage of toxic, flammable, hazardous, or explosive material in underground storage tanks within the flood fringe.
- I. The United States Environmental protection Agency has an Underground Storage Tank Flood Guide that DEQ follows when permitting UST.
- J. Design and installation of the tanks meets strict flood proofing requirements set forth by DEQ and the designer and installer certification. The tanks deviate from floodplain development rules but still fits the intent of the rules in that; it's reasonable to expect that no adverse effects will occur from this development during the base flooding event.
- K. Development use fits the existing land use.
- L. Consistent with the City of Laurel Floodplain Regulations, public notice was given in the Laurel Outlook, a newspaper of general circulation, on June 9, 2016. Letters were mailed out to the adjoining property owners as required by the Floodplain Regulations. One comment was received from adjacent landowner Monna Rae Adickes who lives at 102 8th Ave. #B, Laurel, Montana.
- M. As per the requirements of LMC 17.72.070, a public hearing on the matter shall be held before the zoning commission before being heard by the Laurel City Council. As per B. of the section, public notice was published in the Laurel Outlook and adjacent property owners were notified by certified mail more than 15 days prior to the public hearing.

EVALUATION OF FLOODPLAIN VARIANCE APPLICATION:

A Variance shall only be issued upon a determination that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all of the following criteria are met (section 12.4.1 of the Floodplain Hazard Management Regulations):

1. There is good and sufficient cause. Financial hardship is not a good and sufficient cause;
2. Failure to grant the variance would result in an exceptional hardship to the applicant;
3. Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;
4. Any enclosure including a crawl space must meet the requirements of Section 10.2.14. Wet Flood proofing if the enclosure interior grad is at or below the Base Flood Elevation;
5. Granting a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances;
6. The proposed use is adequately flood proofed;
7. The variance is the minimum necessary, considering the flood hazard, to afford relief;
8. Reasonable alternative locations are not available;
9. An encroachment that causes an increase to the Base Flood Elevation that is beyond that allowed in these regulations cannot be permitted by a variance but may only be allowed if an Alteration is approved pursuant to Sections 4; and

10. All other criteria for a Flood Plain permit besides the specific development standard requested by variance are met.

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on the following chapters and sections of the Laurel Municipal Code (LMC):

1. According to Chapter 17.60.020 of the LMC the Zoning Commission may not recommend granting a land use variance:
 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 2. Unless the grant relates to a condition or situation special and peculiar to the applicant; is something more than mere financial loss to the owner;
 4. Unless the hardship was created by someone other than the owner;
 5. Unless the variance would be within the spirit, intent, purpose, and general plan of this title;
 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
2. As per LMC 17.72.060 the Zoning Commission shall make a recommendation to the City Council to:
 1. Deny the application for amendment to the official map;
 2. Grant action on the application for a period not to exceed thirty days;
 3. Delay action on the application for a period not to exceed thirty days;
 4. Give reasons for the recommendation.

STAFF SUGGESTED CONDITIONS:

If the Planning Board recommends approval of the land use variance, the following conditions are suggested:

1. Each condition within the Department of Environmental Quality Underground Storage Tank Permit #16-0056 must be met.
2. There will be no increase to the Base Flood Elevation at any point in time.

APPLICANT:

Josh Starr from Town & Country Supply Association located at 18 8th Avenue in Laurel spoke. He is the Energy Division Manager for Town & Country Supply Association.

Josh stated that this has been a bit of a learning experience for Town & Country Supply.

They hired an engineer to do a survey and make a recommendation for development of the site. After the engineer's recommendation they went through the standard process of obtaining a permit for underground storage tanks and DEQ issued the permit to them in October 2015. The site plan and

footings for a fuel canopy was approved by the previous Building Official and inspected for compliance in December of 2015. So, construction began.

On Wednesday March 16, 2016 the City of Laurel was informed that Town & Country Supply had started construction work with the floodplain which is not allowed per LMC 15.70 and Floodplain Hazard Management Regulations 6.2.2, ARM36-15-703(2). Town and Country Supply was not aware that the building sight at 18 8th Avenue was within a floodplain. They stopped construction and hired a new engineer, Matt Corcoran of KLJ Engineering. After meetings held with members from the City of Laurel, Town & Country Supply, KLJ Engineering and the Montana Department of Natural Resources it was determined that no floodplain permit applications had been applied for by Town and Country Supply.

Josh went on to state that they were completely unaware they were within a floodplain as they are a long distance from the Yellowstone River. From what he can determine through research a heavy rain event in 1978 caused ponding issues because of the highway and the floodplain map was revamped with their property becoming a floodplain zone.

Josh stated that he felt that miscommunication and change in staffing was the reason they did not know they were in the floodplain. He will make sure this project is done properly.

President Siegrist asked if there were any proponents wishing to speak in favor of the project.

Leann Hacknee from DEQ spoke. She works in the underground storage tank protection program which was started in 1984 to protect human health in the environment. This includes very strict regulations for installing underground storage tanks and also what kind of underground storage systems that can be installed such as double wall piping verses your single wall piping.

Leann went on to say the situation with Town and Country Supply is a concern about float out of the tank and the tank top tightness. She assured the board that Town and Country Supply was assisted with the calculations and all requirements have been met on the tanks.

Kurt Brumfield of 719 4th Avenue N in Billings spoke. He is the installation contractor that installed the tanks. He has followed all the requirements of the DEQ and all the tanks were installed properly and safely. He also stated he is a proponent for the project.

President Siegrist if there were any other opponents wishing to speak in favor of the project. There were none.

OPPONENTS:

President Siegrist asked three (3) times if there were any opponents wishing to speak in opposition of the variance. There were none.

President Siegrist read a letter of opposition written and submitted by Monna Rae Adickes of 102 8th Ave. #B in Laurel, Montana that was submitted July 6, 2016. (See the attached letter)

Noel went through the questions in the letter.

Number one on the letter was not a question.

Number two asked if FEMA has signed off on the permit. Noel stated that there has been a lot of conversation with DNRC and the FEMA DNRC representative have known about Town and Country Associations application since the very beginning. FEMA doesn't sign off on permits but DNRC gave their blessing on the projects. Noel is the only one that signs off on the permits.

Number three on the letter asked what other city departments must approve this permit. Noel stated there are no other departments within the city that must sign for the approval of this permit in its present state of construction.

Number four on the letter asked if the contractor provided proof of all the proper licenses to operate in the City of Laurel, Yellowstone County, and the state of Montana. Noel stated that Town and Country has a city license. The City of Laurel doesn't handle licensing for Yellowstone County and the State of Montana.

Number five on the letter asked if the contractor provided proof of liability insurance naming all insured entities. Noel stated that this is a private contractor doing work for Town and Country Supply and not for the City.

Number six on the letter asked about the contractor showing proof of unemployment compensation. Noel stated again that this is a private contractor doing work for Town and Country Supply and not for the city.

Number seven on the letter asked if the City needs another gas station and convenience store. Noel stated this is not for her to decide.

Number eight on the letter asked if the City has done a traffic study regarding the increase traffic in that area. Noel stated the City is not the one required to do the traffic study.

Number 9 on the letter asked if the city plans to install a traffic light as Monna Rae considers it a dangerous intersection already and now more traffic will be added to the area. Noel stated the information from the traffic study will be used to determine that and it is not the city's responsibility to put up a traffic light. It is also located on a state highway and the state will be involved in whether or not a light should be installed.

Number 10 on the letter stated that the property owner should be given a \$10,000 penalty and be required to put a full page ad in the local paper with an apology for their arrogance. Noel stated that there is no code section within the Laurel Municipal Code schedule of fees and charges for something like this. There is also no requirement that an apology be placed in the paper.

Matt Corcoran of KJ Engineering spoke. He stated that the variance is only for the filling of the fuel tanks and storage of materials. The questions being asked by Monna Rae Adickes are questions regarding the construction site and a construction permit was approved by the city and purchased by Town and Country Association. They are currently in the process of being issued a permit by the Montana Department of Transportation.

Kurt Brumfield, the contractor that installed the tanks, stated that they did have a permit to do so.

President closed the public hearing at 10:27 a.m. She asked the board members if they had any questions that needed answered.

A motion to approve the variance for Town and Country Association with the staff findings and recommendations was made by Judy Goldsby and seconded by Dan Koch.

DISCUSSION:

Lee Richardson stated he was surprised that this property was within the floodplain since it is not in close proximity to the river.

Noel stated that the floodplain in that area does not cover a large area. Town and Country is looking at old records and are hoping to get the map amended.

Josh Starr with Town and Country stated that everyone was surprised that the property is within the floodplain. They have found out that this went back to a storm in 1978 that produced heavy rainfall and snow. Because of the highway being higher and the agricultural development on the north there was a ponding issue because when the water would hit the highway it would stop.

Josh went on to say that there have been many changes in the development in the area and more road accesses and they are hoping that the floodplain can be re-evaluated and changed. When they re-developed 8th Avenue they redid the storm drain system and put in a massive storm drain and they redid the culvert that is right next to them. Town and Country hired KLJ Engineering to re-survey the entire site and floodplain for FEMA to determine the risk of flooding in that area now.

President Siegrist asked City Planner Noel Eaton if the board is required to go by the set of criteria from section 12.4.1 of the Floodplain Management Regulations or the seven (7) criteria from LMC 17.60.020.

Noel stated that the board should go by the ten (10) Floodplain Management regulations.

President Siegrist went over the ten (10) criteria from section 12.4.1 and Noel explained.

1. Town and Country stated that the hardship is that the underground fuel tanks were permitted by DEQ and the site plan and fuel canopy received approval from the City of Laurel prior to a floodplain permit being applied for.
2. Town and Country supply stated that a lot of the work approved by the City of Laurel and installed by the Owner would have to be removed or abandoned.
3. Town and Country stated no residential structures are being proposed.
4. Town and Country stated no crawl spaces are being proposed.
5. Town and Country stated the vessels have been permitted by DEQ and have been anchored to resist uplift and are proven to be water tight.
6. Town and Country stated that the vessels have been permitted by DEQ and have been anchored to resist uplift and are proven to be water tight.
7. Town and Country stated that Yes, all other work associated with the project is an allowed use within the flood fringe.
8. Town and Country stated the tanks have been installed and foundations poured as approved by the City of Laurel.
9. Noel stated there will be no impact to the base flood elevations.

10. Noel stated that all other criteria for the flood plain permit besides the specific development standard request by the variance have been met.

Dan Koch asked if the tanks will hold all gasoline products and will there be 6 tanks.

Josh Starr of Town and Country stated it will be different grades of gasoline and diesel. By DEQ standards the tank equals 6 tank compartments.

At this time the board voted on the motion to approve the variance for Town and Country. The motion carried 4 – 1.

Hazel Klein asked if there could be a follow up letter sent to Monna Rae Adickes regarding her questions and comments. Noel stated she will send her a letter.

REVIEW OF APPLICATION FOR OPEN BOARD MEMBER POSITION:

The board reviewed two applications for one board member opening.

Jon Klasna of 3900 Yard Office Road, Laurel, Montana has applied for the position of county representative on the planning board.

Jon stated he became interested in this board when a subdivision application that was closed to where he lives was submitted. Even though the subdivision was not done he decided he needed to get educated on what planning is all about. He is willing to listen to complaints by opponents or proponents and abide by the rules as best he can. This will be a learning process for him.

Ron Benner of 1408 E. Maryland Avenue, Laurel, Montana has applied for the position of county represent on the planning board. He was not able to attend the meeting.

Ron is the owner of Southern Montana Optometric Center located in Laurel. He has 20 plus years dealing with national, state and local association duties. He has been active with both his subdivision road maintenance and has been on the Nutting Drain board for 20 plus years. He has seen the board struggle through repeated requests for zoning changes and development approvals without the workings of a full board membership and without consideration of infrastructure needs such as water, sewer and traffic only to leave the community and residents to struggle with the consequences of those decisions. He feels it is time for him to take part in the decision process instead of just the complain process.

A motion was made by Judy Goldsby to recommend Jon Klasna for the county representative position. The motion was seconded by Lee Richardson and carried by a vote of 5-0.

OLD BUSINESS:

Noel stated that Entertainment Park Subdivision is going to final plat. It is a minor subdivision two-lot split. The property is owned by Stephen Diefenderfer and located on E. Railroad Street to the west of the greenhouse. He is splitting the 6 acre lot into two 3 acre lots.

MISCELLANEOUS:

The next meeting is on Tuesday, August 4, 2016 at 10:00 am. There will be a public hearing for a zone change.

PUBLIC INPUT: None.

The meeting was adjourned at 10:55 am.

Respectfully submitted,

Cheryll Lund, Secretary

To the Laurel City - County Planning Board
115 W First St
Laurel MT 59044

RE: Public Hearing schedule for July 7, 2016, regarding review of application for a floodplain variance for the storage of **TOXIC, FLAMMABLE, HAZARDOUS OR EXPLOSIVE** materials.

Please deny this request for the following reasons:

1. Owner and Contractor blatantly avoid obtaining the proper permitting process.
 - a. How can we have confidence in the quality of workmanship from a contractor who chooses to purposefully ignore the building and flood plain permitting rules put in place by our local City, County, State and FEMA to protect the citizens from a disaster?
 - b. In additions to ignoring the permitting process, this contractor has also chosen to pour concrete at 5am in the morning without any regard to the neighboring property owners.
 - c. A child was observed on the job site in and near the location that heavy equipment is being operated.
 - d. Is it easier to ask for forgiveness than be told NO?
2. Has FEMA signed off on this permit?
3. What other REQUIRED departments must sign for the approval this permit, in its present state of construction?
4. Has the Contractor provided proof of all the proper licenses to operate in the City of Laurel, Yellowstone County, and the State of Montana?
5. Has the Contractor provided proof of Liability Insurance naming all insured entities?
6. Does the Contractor have proof of Unemployment Compensation being paid and current?
7. Does the City of Laurel need another gas station/convenient store?
8. Has the City done a traffic study regarding the increase traffic in that area?
9. Will a stop light be installed at the corner of 8th Ave and Hwy 10?
 - a. It is a very dangerous intersection and now there will be an additional approach added to an already busy State Hwy.
10. I would like to see both the Owner and the Contractor receive a monetary fine.
 - a. This type of crime should have a penalty of \$10,000.00 each.
 - b. And a full page ad in the local paper with an apology for their arrogance.

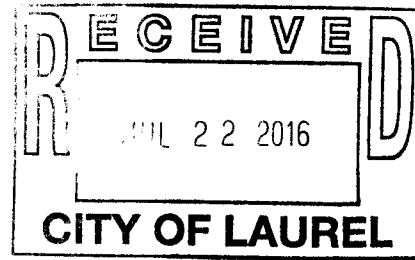
Monna Rae Adickes

7-6-2016

Monna Rae Adickes
102 8th Ave #B
Laurel MT 59102

date

6 pages



July 22, 2016

Laurel City Council
Cindy Allen, Council Secretary
115 W. First Street
PO Box 10
Laurel, MT 59044

Dear Laurel City Council Members:

First and foremost, I would like to thank the Laurel City-County Planning Board the opportunity to present testimony on July 7, 2016, at your public hearing for the review of the application for a floodplain variance for the installation of Underground Storage Tanks located at 18 8th Avenue in Laurel Montana. I understand that there will be two additional hearings regarding this variance. I would therefore like to reiterate my message from the public hearing for the purposes of addressing any concerns or questions the Laurel City Council (Council) may have regarding the tanks installation at this address.

As I stated at the public hearing, the Montana Department of Environmental Quality (DEQ) Underground Storage Tank (UST) program has been overseeing the installation of underground storage tank systems in a variety of environmental conditions for nearly thirty years. The UST program has strict regulations that follow industry codes of standards for installing underground storage tank systems. Moreover, unlike most states, the UST program controls UST construction activities, such as installation, by permitting and approving the process to ensure industry standards and UST regulations are adhered to. Additionally, UST construction activities must be performed by UST-licensed experts. In order to become a licensee, the individual must successfully pass a rigorous exam and prove demonstrated knowledge and ability with underground storage tank installations.

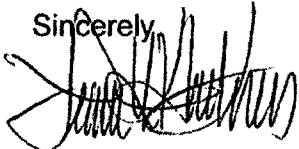
The permit application for Town and Country West Main was reviewed in depth by UST staff. The proposed UST systems met all regulatory and industry standard requirements, including double-walled tank and piping. Two forms of leak detection methods for the tanks and piping, beyond the required single leak detection method, were identified and approved. Tank buoyancy calculations were performed by the manufacturer in simulated, worst case, flood conditions with an empty tank scenario and water at the top of the tank. This buoyancy factor addresses the real threat of "tank float-out" and includes conditions, such as overburden and concrete thickness that must be met to prevent tank float-out. The minimum buoyancy factor for this proposed facility

Laurel City Council
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was not only met, but was exceeded. Finally, all conditions set forth in the permit must be met in the installation process to receive UST approval and operating status. If any permit conditions are not met, the facility is prohibited from receiving and dispensing fuel. The UST program is confident in its permitting process and is confident the installation of the six UST systems at 18 8th Avenue in Laurel, Montana, can be accomplished in an environmentally protective manner.

Should the Council require further information as to any of the details provided in this letter, please feel free to contact me at any of the methods listed below.

Sincerely,



Leanne Hackney, UST Section Supervisor
Montana Department of Environmental Quality
Underground Storage Tank Program
1520 E. 6th Avenue
P.O. Box 200901
Helena, MT 59620-0901

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