



# DESCHENES & ASSOCIATES

ATTORNEYS AT LAW

Gary S. Deschenes

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File No. TY6-01

June 18, 2021

Board of County Commissioners  
Cascade County, Montana  
325 2<sup>nd</sup> Avenue North, Room 111  
Great Falls, MT 59401  
Email: [commission@cascadecountymt.gov](mailto:commission@cascadecountymt.gov)

Re: Stephen and Rhonda Tylinski - Floodplan Administrative Decision

Dear Board:

This office represents Stephen and Rhonda Tylinski and this letter is an appeal of the Floodplain Administrative Decision of Charity N. Yonker, Planning Director/Floodplan Administrator dated June 7, 2021. A copy of that decision is enclosed with this letter.

Mr. And Mrs. Tylinski previously request an Administrative Review before the Floodplan Administrator. That letter is attached and incorporated herein.

As discussed at the review, a permit is required under 6.1.1 "within the Regulated Hazard Area for a person to establish or alter an artificial obstruction...". Neither of the Tylinski's established or altered an artificial obstruction, so the Tylinski's are not required to obtain a permit. It appears the person that actually established or altered an artificial obstruction needs to obtain the permit. That is not the Tylinski's.

By letter dated December 28, 2020, Mr. and Mrs. Tylinski along with Gary and Marilyn Parker received a letter from Mr. Hopkins regarding a flood plain permit. After speaking with Mr. Hopkins, Mr. Tylinski assumed the matter was resolved. Obviously, it is not as they received the subject letter. While Mr. and Mrs. Tylinski own the subject land, they purchased it with an easement already in place to Mr. Parker. That easement allowed Mr. Parker to do the work that has now been constructed. Mr. and Mrs. Tylinski do not have the power to stop Mr. Parker as stated in that easement.

It is understood that Mr. Parker obtained the proper 310 permit. It is also my understanding that there were several state and federal authorities observing the work done by Mr. Parker several years ago, including the Floodplan Administrative Office. At no time did any

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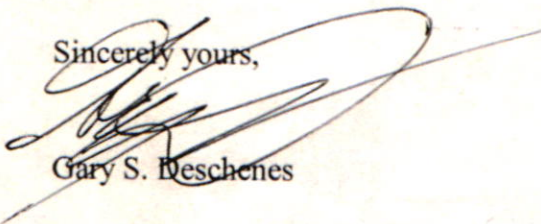
state or federal authority inform the Tylinski's that they, personally, needed to obtain any permits. Why this is now a concern after all these years is a question.

It appears that the Floodplan Administrative Office have attempted to work with Mr. Parker, apparently to no avail. It further appears that the FAO is now trying to make the Tylinski's a scapegoat. My understanding is that there is a severe problem in the area and rather than work on a resolution, the FAO is more concerned with attacking innocent parties.

Again, due to the easement, Mr. and Mrs. Tylinski could not stop Mr. Parker. Nevertheless, they did witness personnel from the county observing the work done by Mr. Parker when the diversion was constructed. Due to the easement, there is nothing that the Tylinski's can do without getting sued by Mr. Parker. Hopefully, you can understand that they are caught between a rock and a hard place.

We respectfully request the BCC reverse the Floodplan Administrative's decision and try and find a workable solution.

Sincerely yours,



Gary S. Deschenes

GSD/lp

cc: Stephen and Rhonda Tylinski

Enc.