

Memorandum

REPORT TO: City Commission

FROM: Brian Heaston, Senior Engineer
Chris Saunders, Community Development Manager
Martin Matsen, Community Development Director

SUBJECT: Ordinance 2057, Final Adoption of Floodplain Regulations Text Amendment, to Update the City of Bozeman Floodplain Regulations for Consistency with State and Federal Minimum Requirements and Implement the New Federal Emergency Management Agency Flood Insurance Study for Bozeman Creek and Tributaries, Application 20136

MEETING DATE: March 9, 2021

AGENDA ITEM TYPE: Ordinance

RECOMMENDATION: Final adoption of Ordinance 2057.

STRATEGIC PLAN: 3.1 Public Safety: Support high quality public safety programs, emergency preparedness, facilities, and leadership.

BACKGROUND: The City Commission provisionally adopted Ordinance 2057 by unanimous vote on February 23, 2021. This final adoption action is the last step in the process. The effective date for the ordinance is set for April 21, 2021 to coordinate with the effective date of the new floodplain insurance rate maps.

Waterway protection has been a matter of concern and regulation since the early days of the City. Ordinance 105, adopted in 1893, first established protections for Bozeman Creek. The City of Bozeman adopted regulations for flood management to protect the public health, safety, and welfare in 1975 (Ordinance 952). Since 2012, the Federal Emergency Management Agency, in conjunction with state and local partners, has been working on a new flood study for Bozeman Creek and its tributaries. The effort has included topographic surveys, hydrologic analyses, hydraulic modeling, peer review, public comment, and new flood insurance rate maps, which are complete and become effective April 21, 2021. Floodplain regulations are based on the base flood, defined as a flood event with a 1% chance of occurring in any given year. This intensity of flooding may occur repeatedly in sequential years or have large intervals between events.

The City is updating its municipal regulations for floodplain management including components related to floodplain development, subdivision,

zoning, and environmental health. This work advances priorities of the Bozeman Community Plan 2020 and the Climate Action Plan.

This proposal entirely replaces the floodplain regulations of the Bozeman Municipal Code with new standards and procedures to meet minimum state and federal requirements. The standards and procedures restrict certain construction and land alterations, require issuance of permits for construction and land alterations, and set necessary administrative procedures integrated with the City's subdivision and zoning development review procedures. To provide clarity and consistency across the Bozeman Municipal Code, cross references are proposed to be added or changed, watercourse setback language is proposed to be changed, definitions related to floodplain provisions are proposed to be revised, added, and in some cases, removed, and an artificial obstruction within a regulated flood hazard area that does not have a floodplain permit where one is otherwise required is declared to be a public nuisance.

UNRESOLVED ISSUES: None.

ALTERNATIVES: As identified by the City Commission.

FISCAL EFFECTS: No specific changes to budgeted City funds has been identified.

Attachments:

[FINAL_Ordinance No. 2057_Floodplain Regs REVISED 2-24-2021.docx](#)

Report compiled on: February 25, 2021