

Memorandum

REPORT TO: City Commission

FROM: Tom Rogers, Senior Planner
Chris Saunders, Community Development Manager
Nicholas Ross, P.E., Director of Transportation and Engineering
Erin George, Director of Community Development

SUBJECT: Ordinance, Provisionally Adopting a Text Amendment modifying Sections 38.610.030 and 040 (Application of wetland regulations), 38.620 (Watercourse setbacks), and 38.710.120 (Submittal Materials for Review) within Chapter 38 of the Bozeman Municipal Code, Application 26217

MEETING DATE: September 1, 2026

AGENDA ITEM TYPE: Ordinance

RECOMMENDATION: **Consider the Motion:** *Having reviewed and considered the staff report, draft ordinance, public comment, recommendation of the Community Development Board, and all information presented, I hereby adopt the findings presented in the staff report for application 26217 and move to provisionally adopt the ordinance.*

STRATEGIC PLAN: 1.3 Public Agencies Collaboration: Foster successful collaboration with other public agencies and build on these successes.

BACKGROUND: The City of Bozeman approved substantial revisions to its Wetland and Watercourse regulations with the Unified Development Code in October 2025 via [Ordinance 2025-04](#) [External Link] and since integrated into the overall Unified Development Code. Upon adoption and implementation of the revised standards and processes, staff were made aware of two submittal requirement issues associated with outside agencies.

The City relies on the authority of the United States Army Corps of Engineers and Gallatin Conservation District to determine certain natural resource information to enable review of proposed land development that affects watercourse and wetlands. Both agencies have approached City staff following adoption and initial implementation of our code update to note recent changes in policy and practice that leave them unable to provide certain information at the initial submittal phase of a development project or would induce significant delay in review. This change needs to be reflected in the municipal code submittal requirements for land development applications.

All City initiated text amendments must be initiated by action of the

commission. On May 12, 2026, the Bozeman City Commission acted to start numerous text amendments including authorized staff to consider amending the code to remove these conflicts in the Wetlands and Watercourse Submittal Materials Technical Text Amendment. Link to the May 12, 2026, [City Commission agenda](#) [External Link]. As part of the engagement plan for this effort, staff will present the revision to the Sustainability Board for review and comment. Feedback from the Board will be provided to the Community Development Board and City Commission for consideration.

Section 38.710.120.A.2, BMC defines nine elements that must be included in a Wetlands and Watercourses Delineation Report, including: (2) An Approved Jurisdictional Determination provided by the USACE and (8) A determination of status issued by the Gallatin Conservation District (GCD). Representatives from USACE and GCD have expressed to the city that the demands of these requirements now fall outside of their capacity or internal policy. This conflict requires amendment of city code to allow for a viable path to approval.

In addition to adjusting the timing submitting a final determination, if applicable, the text amendment explicitly grants authority to preliminary approve a plan prior to the final determination being issued. All standards and requirements to ensure compliance with adopted codes are required with a development proposal with or without final watercourse determination and permitting by the outside agency. All documentation must be provided before construction begins.

The ordinance includes updates and modifications to Sections 38.610.030 (Application of wetland regulations), 38.610.040 (Wetlands Boundary and Jurisdictional Determinations), 38.620 (Watercourse setbacks), and 38.710.120 (Submittal materials for review of activities in or adjacent to wetlands and watercourses). The full details of the text amendment are provided in the attached Ordinance. As proposed, project applicants subject to the City's plan review process will be required to demonstrate compliance with the updated standards and processes.

Applicant may be required to modify a preliminarily approved application based on final USACE and Conservation District determination and permitting, if applicable.

UNRESOLVED ISSUES: There are no identified conflicts on this application.

ALTERNATIVES:

1. Adopt the ordinance as presented;
2. Direct revisions to the ordinance prior to adoption;
3. Do not adopt the ordinance; or
4. Request additional information and continue discussion on the ordinance.

FISCAL EFFECTS: No unusual fiscal effects have been identified. No presently budgeted funds

will be changed by this Text Amendment.

Attachments:

[26217 Wetland & Watercourse ZTA CC SR.pdf](#)

[26217 Ordinance Wetlands Submittal Provisional
Adoption.docx](#)

Report compiled on: August 20, 2026