

**DRAFT: ORDINANCE (5-4-2022)**

**A City of Missoula initiated ordinance generally amending Title 18, Missoula Municipal Code, the City of Missoula Floodplain Hazard Management Regulations, to incorporate revisions to Section 10.4.4 Agricultural Structures and Appendix A in response to FEMA Policy #104-008-03 regarding Floodplain Management Requirements for Agricultural Structures and Accessory Structures and to include map revisions.**

**Be it ordained that Sections 10.4.4 and Appendix A be amended as follows:**

**10.4 NON-RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS**

New construction, alterations, and substantial improvements of nonresidential including agricultural, commercial and industrial buildings and residential and non-residential accessory buildings must be constructed such that:

- 4. Agricultural structures** ~~The following additional requirements and exceptions from the requirements of Section 10.4 apply to Agricultural structures not intended to be insurable, used solely for agricultural purposes, having low flood damage potential, used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including raising of livestock and animal confinement facilities, and not intended for human habitation are exempt from the elevation requirement, dry or wet flood proofing, but shall:~~

- ~~1. Be located on higher ground and as far from the channel as possible; Such structures may be exempted by the Floodplain Administrator from the Lowest Floor Elevation requirements established in Section 10.4.1 provided the Lowest Floor of the Structure is elevated to at least the Base Flood Elevation or adequately dry floodproofed in conformance with the requirements of Section 10.2.15; and~~
- ~~2. Offer minimal obstruction to flood flows; Such Structures shall comply with the requirements of Section 9.11.~~
- ~~3. Be adequately anchored to prevent flotation or collapse;~~
- ~~4. Where electrical, heating and plumbing systems are installed, meet the flood proofing requirements in Sections 10.2.10, 10.2.11, and 10.2.12; and~~
- ~~5. Meet the elevation or dry flood proofing requirements if the structure is an animal confinement facility.~~

(ARM 36.15.602(9)) (ARM 36.15.701(3)(e)) (ARM 36.15.702(2))

**Explanation:**

The Federal Emergency Management Agency (FEMA) issued Policy #104-008-03 to provide clarification and technical assistance to National Flood Insurance Program (NFIP) local floodplain administrators regarding implementation of the NFIP design and performance standards for agricultural structures and accessory structures. The policy established standards for agricultural and accessory structures which are located within Special Flood Hazard Areas (SFHAs). As a result of this policy, the Montana Department of Natural Resources and Conservation (DNRC) requested the City of Missoula update Title 18 with the above language. The changes promote public health and safety by ensuring agricultural structures are at a minimum elevated to Base Flood Elevation or adequately dry floodproofed.

**APPENDIX A**

City of Missoula FIRMs – Community Number 30049

Panel #	Suffix	Effective Date
IND1B		March 7, 2019
IND2B		March 7, 2019
1170	E	July 6, 2015
1185	E	July 6, 2015
1190	E	July 6, 2015
1195	E	July 6 2015
1215	E	July 6 2015
1220	E	July 6 2015
1455	E	July 6 2015
1460	E	July 6 2015
1465	E	July 6 2015
1470	E	July 6 2015
1480	E	July 6 2015
1485	E	July 6 2015
<u>1195</u>	<u>E</u>	<u>April 27 2022</u>
<u>1215</u>	<u>E</u>	<u>June 27 2022</u>

**Explanation:**

A Letter of Map Revision (LOMR) is an official FEMA amendment to the currently effective FEMA Flood Insurance Rate Map based on a physical change to the floodplain of the Special Flood Hazard Area. It is issued by FEMA and changes flood zones, delineations, and elevations on the FEMA Flood Insurance Rate Map and may amend the FEMA Flood Insurance Study. Two LOMRs have been issued since the last Title 18 update and the associated changes to the Flood Insurance Rate Map must be listed in Appendix A. The LOMR effective April 27, 2022 was issued to revise the map in response to updated data for a portion of Grant Creek. The LOMR effective June 27, 2022 was issued to revise the map following the removal of Rattlesnake Dam.

**Codification instructions:** Please remove all Explanation paragraphs prior to codification.

**Effective date.** This ordinance shall be effective \_\_\_\_\_

**Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

PASSED by a \_\_\_ Ayes, \_\_\_ Nays, \_\_\_ Abstain and \_\_\_ absent vote and  
APPROVED by the Mayor this \_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

APPROVED:

Martha L. Rehbein

John Engen

City Clerk

Mayor

(SEAL)