

**ORDINANCE NUMBER \_\_\_\_\_**

**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 Appendix A depicting updated Flood Insurance Studies and Map Revisions, and to incorporate revisions to Sections 1.2, 1.4, 1.5, 1.7, 2, 4.1, 4.2, 4.3, 6.1, 8.4, 9.10, 9.13, 9.15, 10.2, 10.3, and 10.4 in alignment with the updated Montana Department of Natural Resources and Conservation (DNRC) model ordinance.**

**Be it ordained that Sections 1.2, 1.4, 1.5, 1.7, 2, 4.1, 4.2, 4.3, 6.1, 8.4, 9.10, 9.13, 9.15, 10.2, 10.3, 10.4 and Appendix A be amended as follows:**

**1.2 STATUTORY AND REGULATORY AUTHORITY**

1. Floodplain and Floodway Management is incorporated in Montana Code Annotated (MCA) Title 76, Chapter 5 and describes the authority, procedures and minimum standards for local regulations and is further described in Montana Administrative Rule (ARM) 36, Chapter 15.
2. The authority to regulate development in specifically identified flood hazard areas has been accepted pursuant to 76-5-301, MCA.

**Explanation:**

Minor amendment to Section 1.2 to add the word “regulatory” in alignment with the Montana DNRC model ordinance.

**1.4 PURPOSE**

The purpose of these regulations is to promote public health, safety and general welfare of the residents and minimize public and private losses due to flood conditions in Regulated Flood Hazard Areas. These Regulations are intended to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business and public service interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood disruptions; ~~and to~~
7. Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program for the benefit of the residents-; ~~and to~~
8. Protect the integrity of natural resources, including water quality, riparian/wetland habitats, and natural channel function associated with streams and river floodplain with the City of Missoula.

**Explanation:**

The amendment to Section 1.4 corrects an organizational error in the regulations.

**1.5 METHODS TO REDUCE LOSSES**

In accordance with 76-5-102, MCA, these regulations are intended to reduce flood losses through the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or that may cause excessive increases in flood heights or velocities;
2. Require that uses of land vulnerable to floods, including public facilities, be developed or constructed to at least minimum standards or to otherwise minimize flood damage;
2. 3. Regulate the alteration of natural floodplains, stream channels, and natural protective barriers which are needed to accommodate floodwaters;
3. 4. Regulate filling, grading, dredging and other development which may increase flood damage;
4. 5. Prevent or regulate the construction of flood barriers which will impact other land, flood water depth or velocity of floodwaters;
5. 6. Distinguish between the land use regulations applied to the floodway within the Regulated Flood Hazard Area and those applied to that portion of the Regulated Flood Hazard Area not contained in the floodway;
6. 7. Apply more restrictive land use regulations within the floodway of the Regulated Flood Hazard Area; and
7. 8. Ensure that regulations and minimum standards balance the greatest public good with the least private injury.

**Explanation:**

The amendment to Section 1.5 corrects a numbering error in the regulations.

**1.7 FLOODPLAIN ADMINISTRATOR**

A Floodplain Administrator is hereby ~~officially appointed and is~~ the responsibility of the office of ~~Director of~~ Development Services. The Floodplain Administrator's duty is to administer and implement the provisions of these regulations. The Floodplain Administrator must serve to meet and maintain the commitments pursuant to 44 CFR 59.22(a) to FEMA to remain eligible for National Flood Insurance for individuals and business within the political subdivision. ((44 CFR 59.22(b)(1)) (ARM 36.15.204(2)(h))

**Explanation:**

The amendment is required by Montana DNRC to simplify the code section and to better align with actual process. Floodplain Administration is the responsibility of the Permits and Land Use Planning Division of Development Services. There is one floodplain administrator, but several staff are trained in floodplain management. There is not an official appointment process.

## SECTION 2. DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted as to give them the meaning they have in common usage and the most reasonable application. For the purpose of these regulations, the following definitions are adopted:

**100-year Flood** – One percent (1%) annual chance flood. See Base Flood.

**Alteration** – Any change or addition to an artificial obstruction that either increases its external dimensions or increases its potential flood hazard. (ARM 36.15.101(2))

**Appurtenant Structure** – A structure in which the use is incidental or accessory to the use of a principal structure. (44 CFR 59.1)

**Artificial Obstruction** – Any obstruction which is not natural and includes any development, dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, road, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across, or projecting into any Regulated Flood Hazard Area that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property. See also Development. (ARM 36.15.101(3) & MCA 76-5-103(1))

**Base Flood (Flood of 100 Year Frequency)** – A flood having a one percent (1%) chance of being equaled or exceeded in any given year (ARM 36.15.101(4) & (44 CFR 59.1)

**Base Flood Elevation (BFE)** – The elevation above sea level of the Base Flood in relation to the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988 or unless otherwise specified. (ARM 36.15.101(5)) The BFE for AO Zones is measured at the highest adjacent grade up to as high as the depth number specified in feet on the Flood Insurance Rate Maps (FIRMs); or at least two feet if no depth number is specified.

**Basement** – Any area of a building, except a crawl space, as having its lowest floor below ground level on all sides. (44 CFR 59.1) (NFIP Insurance Manual, Rev. May 2013)

**Building** – A walled and roofed structure, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. (44 CFR 59.1)

**Channel** – The geographical area within either the natural or artificial banks of a watercourse or drain way. (MCA 76-5-103(2))

**Channelization Project** – The excavation and/or construction of an artificial channel for the purpose of diverting the entire flow of a stream from its established course. (Ord. #3267)

**Crawl Space** – An enclosure that has its interior floor area no more than 5 feet below the top of the next highest floor. See Enclosure and Sub grade Crawlspace. (NFIP Insurance Manual, Rev. May 2013)

**DNRC** – Montana Department of Natural Resources and Conservation

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. See also Artificial Obstruction. (44 CFR 59.1)

**Drainway** - Any depression two (2) feet or more below the surrounding land serving to give direction to a current of water less than nine (9) months of the year, having a bed and well-defined banks; provided that in the event of doubt as to whether a depression is a watercourse or drainway, it shall be presumed to be a watercourse. (Ord. #3267)

**Elevated Building** – A building that has no Basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns. A building on a crawlspace is considered an elevated building. (NFIP Insurance Manual, Rev. May 2013)

**Enclosure** – That portion below the lowest elevated floor of an elevated building that is either partially or fully shut in by rigid walls including a crawlspace, sub grade crawlspace, stairwell, elevator or a garage below or attached.

**Encroachment** – Activities or construction within the Regulated Flood Hazard Area including fill, new construction, substantial improvements, and other development.

**Encroachment Analysis** – A hydrologic and hydraulic analysis performed by an engineer to assess the effects of the proposed artificial obstruction or nonconforming use on Base Flood Elevation, flood flows and flood velocities.

**Establish** – To construct, place, insert, or excavate. (MCA 76-5-103(7) (ARM 36.15.101(9))

**Existing Mobile Home Park or Subdivision** - A mobile home park or subdivision where the construction of facilities for servicing the manufactured homes lots is completed before the effective date of the floodplain management regulations. This includes, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads. (Ord. #3267)

**Existing Artificial Obstruction or Nonconforming Use** – An artificial obstruction or nonconforming use that was established before land use regulations were adopted pursuant to Section 76-5-301(1), MCA. (MCA 76-5-404(3))

**FEMA** – Federal Emergency Management Agency

**Flood Fringe** – The identified portion of the Floodplain of the Regulated Flood Hazard Area outside the limits of the Floodway. (ARM 36.15.101(10))

**Flood of 100 Year Frequency (Base Flood)** – A flood magnitude expected to recur on the average of once every 100-years or a flood magnitude that has a 1% chance of occurring in any given year. (MCA 76-5-103(9)) (44 CFR 59.1)

**Flood Insurance Rate Map (FIRM)** - Official map of a community on which FEMA has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs), and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** - A compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the NFIP, the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables.

**Floodplain** – The area of the Regulated Flood Hazard Area including and adjoining the watercourse or drainway that would be covered by the floodwater of a Base Flood. The area is partitioned into a Flood Fringe and Floodway where specifically designated. See Regulated Flood Hazard Area.

**Floodway** – The identified portion of the Floodplain of the Regulated Flood Hazard Area that is the channel and the area adjoining the channel that is reasonably required to carry the discharge of the Base Flood without cumulatively increasing the water surface by more than one half foot. (MCA 76-5-103(11)) (MCA 76-5-103(5))

**Floodplain Administrator** – Community official or representative appointed to administer and implement the provisions of this ordinance.

**Floodplain Permit** – The permit issued by the Floodplain Administrator that confirms a proposed Development, New Construction, Alteration or Substantial Improvement in the Regulated Flood Hazard Area is designed to comply with the requirements of these Regulations.

**Flood Proofing** – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, electrical, plumbing, HVAC systems, structures and their contents. The term includes wet flood proofing, dry flood proofing and elevation of structures. ((44 CFR 59.1)

**Historic Structure** – any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

**Letter of Map Change (LOMC)** – An official response from FEMA that amends or revises the FEMA Special Flood Hazard Area and FEMA Flood Insurance Study for flood insurance purposes and/or flood risk hazard. FEMA Letters of Map Change specific to an amendment or revision include:

**Letter of Map Amendment (LOMA)** – A letter of determination from FEMA issued in response to a request that a property or structure is not subject to the mandatory flood insurance requirement because it was inadvertently located in the effective FEMA Special Flood Hazard Area. The material submitted and response from FEMA may be considered by the Floodplain Administrator for determining if a property or structure is within the Regulated Flood Hazard area and subject to these regulations.

**Letter of Map Revision Based on Fill (LOMR-F)** – A letter of approval from FEMA removing the mandatory requirement for flood insurance on property based on placement of fill or an addition. Placement of fill or an addition must be preceded by a permit pursuant to these regulations. Placement of fill does not remove the development from the Regulated Flood Hazard Area or these regulations.

**Letter of Map Revision Floodway (LOMR-FW)** – A letter of determination from FEMA issued in response to a request that a property or Structure mapped as being within the Floodway is not subject to the mandatory flood insurance requirement because it was inadvertently located in the effective FEMA Special Flood Hazard Area.

**Letter of Map Revision (LOMR)** – An official FEMA amendment to the currently effective FEMA Flood Insurance Rate Map or FEMA Flood Boundary 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 or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study. It must be preceded by an approved alteration of the designated floodplain from DNRC and subsequently an amendment to the Regulated Flood Hazard Area.

**Conditional Letter of Map Revision (CLOMR)** – A FEMA letter of approval for a proposed physical change that when completed would propose to change the flood zones, delineation or elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study through a subsequent LOMR. The CLOMR may be considered in an evaluation by DNRC and the Floodplain Administrator during consideration of a proposed alteration to the Regulated Flood Hazard Area.

**Lowest Floor** – Any floor of a building including a basement used for living purposes, storage, or recreation. This includes any floor that could be converted to such a use. ((ARM 36.15.101(14)) (44 CFR 59.1))

**Maintenance** - Any routine or regularly scheduled activity undertaken to repair or prevent the deterioration, impairment, or failure of any feature, component, or material referenced in these regulations, so long as the work substantially conforms to the most recent approved design or regulatory hydraulic model, whichever is newer. Maintenance does not include expansion, enlargement, replacement, reconstruction, Substantial Modification, or Substantial Improvement of a building, Artificial Obstruction, or structure, including hydraulic structures. Maintenance does not include changing the use of a property or Artificial Obstruction.

**Manufactured Home Park or Subdivision** – Includes the construction of facilities for servicing the manufactured home lots and at a minimum includes the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads. (44 CFR 59.1)

**Manufactured or Mobile Home** – A building that may be residential or non-residential, is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities and includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (ARM 36.15.101(15))

**Mobile Home Lot** - A designated portion of a mobile home park designed for the accommodation of one (1) mobile home and its accessory buildings or structures for the exclusive use of the occupants.

**Mobile Home Park** - A tract of land providing two (2) or more mobile home lots for lease or rent to the general public.

**Mobile Home Stand** - The area of a mobile home lot which has been reserved for the placement of a mobile home.

**Natural Obstruction** - Any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodplain or floodway by a non-human cause.

**New Construction** – Structures for which the commencement of clearing, grading, filling, or excavating to prepare a site for construction occurs on or after the effective date of these regulations and includes any replacements and subsequent improvements to such structures. (ARM 36.15.101(20)) (44 CFR 59.1)

**New Manufactured Home Park Or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed includes at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads and is completed on or after the effective date of floodplain management regulations adopted by a community. (44 CFR 59.1)

**Nonconforming Use – Development, use, or improvements that were lawful prior to the adoption, revision, or amendment to these Regulations, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of these Regulations.**

**Non-Residential**– Buildings including manufactured homes that are not residential including commercial, agricultural, industrial buildings and accessory buildings. See Residential.

**Owner** – Any person who has dominion over, control of, or title to an artificial obstruction. (MCA 76-5-103(13))

**Person** – Includes any individual, or group of individuals, corporation, partnership, association or any other entity, including State and local governments and agencies. (44 CFR 59.1)

**Recreational Vehicle** – A park trailer, travel trailer, or other similar vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a motorized vehicle; and (d) designed primarily for use as temporary living quarters for recreation, camping, travel, or seasonal use, not for use as a permanent dwelling. (44 CFR 59.1)

**Regulated Flood Hazard Area** – A Floodplain whose limits have been designated pursuant to Part 2, Chapter 5 of Title 76, MCA, and is determined to be the area adjoining the watercourse that would be covered by the floodwater of a Base Flood. The Regulated Flood Hazard Area consists of the Floodway and Flood Fringe where specifically designated. (MCA 76-5-103(4)), (MCA 76-5-103(10)), (ARM 36-15-101(11))

**Residential Building** – A dwelling or building for living purposes or place of assembly or permanent use by human beings and including any mixed use of residential and non-residential use. All other buildings are **non-residential**.

**Riprap** – Stone, rocks, concrete blocks, or analogous materials that are placed along the bed or banks of a watercourse or drainway for the purpose of preventing or alleviating erosion. (ARM 36.15.101(18))

**Scour Depth** – The maximum depth of streambed scour caused by erosive forces of the Base Flood.

**~~Shaded Zone X~~**—~~Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods. B zones are also used to designate base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than 1 square mile.~~

**Start of Construction** – Shall include substantial improvement and means the date the floodplain permit is issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement begins within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets, and/or walkways; nor does it include the excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For mobile homes being placed in an existing park or subdivision, start of construction means placement of the home on the foundation. (Res. #88-083-8/10/88)

**Special Flood Hazard Area** – Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. The 1 percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, . Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2 percent annual chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2 percent annual chance flood, are labeled Zone C or Zone X (unshaded). Land area which has been specifically identified by the Federal Emergency Management Agency as the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is useful for the purposes of identifying flood hazards by local subdivisions of government for regulatory purposes as well as use by the National Flood Insurance Program for establishing risk zones and is used in helping to establish flood insurance premium rates. The FEMA flood hazard area zone designation or flood risk potential is as illustrated on FEMA's Flood Hazard Boundary Map or Flood Insurance Rate Map.

<u>Zone A</u>	<u>- No Base Flood Elevations determined.</u>
<u>Zone AE</u>	<u>- Base Flood Elevations determined.</u>
<u>Zone AH</u>	<u>- Flood depths of 1 to 3 feet (example areas of ponding); BFE determined</u>
<u>Zone AO</u>	<u>- Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.</u>
<u>Zone A99</u>	<u>- Area to be protected from 1% annual chance flood by a Federal flood protection system under construction. No BEFs determined.</u>
<u>Zone C</u>	<u>- See Zone X</u>
<u>Shaded Zone X</u>	<u>- Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.</u>
<u>Zone X</u>	<u>- Areas determined to be outside the 0.2% annual chance floodplain.</u>
<u>Zone D</u>	<u>- Areas in which flood hazards are undetermined, but possible.</u>

**Start of Construction** – for purposes of these rules means the start of any substantial improvement, replacement of existing structure, or new construction, or the commencement of clearing, grading, filling or excavation for the purposes of preparing a site for construction.

**Structure** – Any Artificial Obstruction.

**Sub grade Crawlspace** – A Crawlspace foundation enclosure that has its interior floor no more than 5 feet below the top of the next higher floor and no more than 2 feet below the lowest adjacent grade on all sides. A foundation exceeding either dimension is a Basement. (NFIP Insurance Manual, Rev. May 2013)

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (44 CFR 59.1)

**Substantial Improvement** – Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a 10-year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. ~~Before the start of construction of the improvement, including substantial damage structures regardless of the actual repair work performed, or repair is started, or~~
- b. ~~If the structure has been damaged, and is being restored, before the damage occurred.~~

~~For the purposes of this definition, s~~Substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences during the 10-year period. For the purpose of Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimension of the building. A substantial improvement differs from the alteration of a structure in that it is not defined to include increasing or affecting the external dimensions of the structure. The term also does not include ~~either:~~

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided the proposed alteration will not preclude the structure's continued designation as a historic structure (ARM 36.15.101(21)) (44 CFR 59.1)

**Suitable Fill** – Fill material which is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))

**Variance** – Means a grant or relief from the development requirements of these regulations which would permit construction in a manner that would be otherwise prohibited by these regulations by an approval pursuant Section 12. (ARM 36.15.101(23))

**Violation** – A finding and order pursuant to the regulations against the owner or responsible party of the failure of a structure or other development to be fully compliant with these regulations. (44 CFR 59.1)

**Watercourse** - Any depression two (2) feet or more below the surrounding land serving to give direction to a current of water at least nine (9) months of the year, having a bed and well-defined banks; provided that it shall, upon order of the Board of Natural Resources, also include any particular depression which would not otherwise be within the definition of watercourse.

**X Protected by Levee** – Floodplain area designated by FEMA that is otherwise known as a Shaded X Zone or B Zone.

**Explanation:**

Updates to definitions are required by DNRC to align with updated State and FEMA guidance. In several cases, definitions for commonly used terms were missing from the regulations all together. Missing definitions include Flood Insurance Rate Map (FIRM), Flood Insurance Study, Floodplain Permit, and Letter of Map Revisions Floodway (LOMR-FW). These definitions have been added in alignment with the DNRC model ordinance. DNRC required updates to the definitions of Historic Structure, Maintenance, and Non-Conforming Use, however these definitions were missing from Title 18. DNRC required updates to the definitions of New Construction, Special Flood Hazard Area, Start of Construction, and Substantial Improvement. The definition of Shaded Zone X was eliminated because it is now imbedded into the definition of Special Flood Hazard Area. The definition of Start of Construction was moved for the purpose of alphabetizing. Updates to the definitions provide additional clarity for how to implement the regulations. All definitions come from the DNRC model ordinance, ensuring accurate use of terms in alignment with FEMA guidance.

## **SECTION 4. REGULATED FLOOD HAZARD AREA**

### **4.1 REGULATED FLOOD HAZARD AREAS**

1. The Regulated Flood Hazard Areas are the 100-year floodplains illustrated and referenced in the following specific studies and reports described in Appendix A. as follows:
  - ~~4.~~ These Regulations apply to the Regulated Flood Hazard Area within the jurisdiction of the City of Missoula, State of Montana, which are shown on the most recent City of Missoula/Missoula County Flood Insurance Study or flood studies adopted by the City of Missoula City Council. See Appendix A for a list of the currently effective FIS report and FIRM panels with accompanying effective dates.
2. The Regulated Flood Hazard Areas specifically described or illustrated in the above referenced studies and maps of the 100-year floodplain listed in Appendix A have been delineated, designated and established by order or determination by the DNRC pursuant to 76-5-201et.seq., MCA.
3. The Floodplain Administrator may obtain, review, and reasonably use any Base Flood Elevation or Floodway data available from a Federal, State, or other reliable source to administer and enforce these Regulations when such data is not available from the Federal Emergency Management Agency.
4. Use allowances, design and construction requirements specifically in Sections 5, 6, 9, and 10 in these regulations vary by the specific Floodplain areas including areas identified as Floodway and Flood Fringe within the Regulated Flood Hazard Area.

**Explanation:**

The DNRC model ordinance lists effective flood studies and maps in Section 4.1. However, the City of Missoula lists effective studies and maps in Appendix A. The previous language partially followed the model ordinance and did not provide clear reference to Appendix A. Amendments to Sections 4.1.1 and 4.1.2 provide clear reference to the correct section of the regulations. The amendment to add new language in 4.1.3 is required by DNRC and clarifies that when Federal flood data is not available for an area, the Floodplain Administrator may use other reliable data to implement the regulations.

## **4.2 INTERPRETATION OF REGULATED FLOOD HAZARD AREA BOUNDARIES**

1. The mapped boundaries of the Floodplain illustrated in the referenced studies and maps in ~~this Section~~Appendix A are a guide for determining whether property is within the Regulated Flood Hazard Area.
2. A determination of the outer limits and boundaries of the Regulated Flood Hazard Area or the Flood Fringe and Floodway within the Regulated Flood Hazard Area includes an evaluation of the maps as well as the particular study data referenced in ~~this Section~~Appendix A. Supporting study material for Base Flood Elevations takes precedence over any map illustrations if it exists. Requirements for determining the exact boundaries of the Regulated Flood Hazard Area and Floodway are provided below.
3. The Regulated Flood Hazard Area boundary is delineated by the Base Flood Elevation. The physical field regulatory boundary of the Regulated Flood Hazard Area is the actual intersection of the applicable study Base Flood Elevation with the existing adjacent terrain of the watercourse or drainway. (ARM 36.15.501(6))
4. The Floodway boundary where identified within the Floodplain is as illustrated on the referenced maps and studies. Since the Floodway boundary is a study feature, the location of the boundary may be physically located by referencing the study data to a ground feature. The Floodplain Administrator's interpretation of the boundary and decision may be appealed as set forth in Section 13.
5. The Floodplain Administrator may request additional information described below to determine whether or not the proposed development use or artificial obstruction is within the Regulated Flood Hazard Area:
  - ~~1.~~ a. Where Base Flood Elevations exist, the property owner and/or applicant may provide additional information which may include elevation information provided by an engineer or land surveyor in order to determine if the proposed development use, or artificial obstruction is subject to these regulations. (ARM 36.15.501(6))
  - ~~2.~~ b. Where Base Flood Elevations do not exist, the property owner and/or applicant may provide additional information to be considered to determine the location of the regulatory boundary or alternatively provide a computed Base Flood Elevation provided by an engineer.
  - ~~3.~~ c. The Floodplain Administrator's interpretation of the boundaries and decision may be appealed as set forth in Section 13.
6. Any owner or lessee of property who believes ~~his~~their property has been inadvertently included in the Regulated Flood Hazard Area including the Floodway or Flood Fringe may submit scientific and/or technical information to FEMA in the form of an application for a Letter of Map Change. ~~the Floodplain Administrator for a determination if the property is appropriately located.~~ Scientific or technical information submitted to FEMA by an owner to affect the insurance rating for insurance purposes may be considered by the Floodplain Administrator. A determination by the Floodplain Administrator whether a property is located within the Regulate Flood Hazard Area and subject to these regulations is independent of any determination by FEMA for insurance purposes.

**Explanation:**

Amendments to Sections 4.2.1 and 4.2.2 clarify the accurate reference to effective studies and maps listed in Appendix A of the regulations. A sentence has been added to Section 4.2.2 to provide clarity on the purpose of Section 4.2 which lists requirements for determining the boundaries of the floodplain. Amendments to Section 4.2.5 are required by DNRC to provide additional clarity on the process. Amendments to Section 4.2.6 are required by DNRC and provides clear language stating a Letter of Map Change approved by FEMA is the correct process when a property owner or lessee believes their property has been inadvertently included in the floodplain. The amendment to this section is not a change in process, but more accurately describes the current process.

**4.3 ALTERATION OF REGULATED FLOOD HAZARD AREA**

- ~~1. Revisions or updates to the specific maps and data that alter the established Floodplains or Floodway of the Regulated Flood Hazard Area may be altered require DNRC approval pursuant to 75-5-20376-5-201 et. seq. MCA and the requirements of these regulations. Alterations to FEMA studies and maps can only be approved by FEMA through the Letter of Map Change (LOMC) process. An alteration of the Regulated Flood Hazard Area is a DNRC approved amendment to the DNRC order that originally delineated and designated the 100-year floodplain and is the basis of the Regulated Flood Hazard Area referenced in Section 4.1.2. A DNRC approved alteration consists of revisions or updates to the specific maps and data of the referenced studies in this Section and forms the basis for an amendment to the Regulated Flood Hazard Area in these regulations; (ARM 36.15.505)~~
2. Any change to the Regulated Flood Hazard Area ~~as a result of a DNRC alteration is shall~~ only become effective upon amendment to Appendix A of these regulations. ~~the Regulated Flood Hazard Area described in Section 4.1.1;~~
3. Substantial natural physical change or new technical or scientific flood data showing that the Base Flood Elevation has or may be changed or was erroneously established shall be brought to the attention of DNRC and FEMA; (ARM 36.15.505(1)(a)) (44 CFR 65.3)
4. Any Floodplain permit application for a proposed development or artificial obstruction that will result in ~~must be denied until a DNRC alteration pursuant to 76-5-203, MCA is approved if it causes~~ an increase of 0.5 feet or more to the Base Flood Elevation of a Regulated Flood Hazard Area without a Floodway or an increase of more than 0.00 feet to the Base Flood Elevation of a Floodway, shall not be approved by the Floodplain Administrator until a Conditional Letter of Map Revision (CLOMR) is approved by FEMA.
- ~~5. To propose an alteration a petition must be submitted to DNRC and The CLOMR request~~ must include the following information:
  - ~~1. a.~~ Certification that no buildings are located in the areas which would be impacted by the increased Base Flood Elevation; (44 CFR 65.12(a)(5))
  - ~~2. b.~~ Evidence of notice to all property and land owners of the proposed impacts to their properties explaining the proposed impact on their property; (44 CFR 65.12(a)(3))
  - ~~3. c.~~ Information that demonstrates that alternatives are not feasible; and (44 CFR 65.12(2))
  - ~~4. Information that demonstrates that development is for a public use or benefit;~~  
~~and~~

~~5. d.~~ Any other supporting information and data as needed for approvals.  
((ARM 36.15.505) (44 CFR 60.3(c)(10)) (44 CFR 60.3(d)(3)) (44 CFR 65.7(3))  
(44 CFR 65.12))

~~6. 5.~~ The Floodplain Administrator may represent the permit authority for any necessary applications, approvals or endorsements such as the FEMA Community Acknowledgement Form to FEMA where affecting the FEMA Special Flood Hazard Area;

~~6. The Regulated Flood Hazard Area is not officially altered until a Letter of Map Revision (LOMR) has been approved by FEMA.~~

7. A determination by the Floodplain Administrator that land areas located within the Regulated Flood Hazard Area are naturally above the Base Flood Elevation as proven by a certified elevation survey does not constitute or require an alteration or an amendment of the Regulated Flood Hazard Area and may be maintained as a public record that more explicitly defines the Regulated Flood Hazard Area boundary. (ARM 36.15.505(2)) The material submitted and response from FEMA may be considered by the Floodplain Administrator for determining if a property or structure is within the Regulated Flood Hazard area and subject to these regulations.; ~~and~~

8. Elevating with suitable fill as permitted does not alter the Regulated Flood Hazard Area or remove the elevated area from the Regulated Flood Hazard Area. (ARM 36.15.505(2))

~~9. A floodplain permit implementing the physical change cannot be approved —until a CLOMR has been issued by FEMA.~~

#### **Explanation:**

Section 4.3 describes requirements and process for altering the effective maps. Alterations approved by FEMA are required when a project will increase the base flood elevation of the floodway, or will increase the base flood elevation of a floodplain with no delineated floodway by more than 0.5 feet per Montana State Law. The current regulatory language is difficult to decipher. The amendment aligns with the DNRC model ordinance and does not change current process, but more accurately describes the process. Section 4.3.5.4 has been omitted as required by DNRC. Section 4.3.9 has been moved to Section 4.3.4 to improve organization.

**6.1 FLOODWAY** The following artificial obstructions and nonconforming uses are prohibited in the Floodway of the Regulated Flood Hazard Area, except for those established before land use regulations pursuant to Section 76-5-301, MCA have been adopted: (MCA 76-5-404(3))

1. A building for residential or non-residential purposes; (MCA 76-5-403(1)), ((ARM 36.15.605)(1a)), (ARM 36.15.605(2b)), (ARM 36.15.605(2)(a)).
2. An artificial obstruction (e.g. structure, fill, etc.), or excavation that would cause water to be diverted from the Floodway, cause erosion, obstruct the natural flow of waters or reduce the carrying capacity of the Floodway. Notwithstanding these requirements, excavation or fill may be allowed subject to floodplain permit approval when it is a component to a permitted use allowed in these regulations and complies with all applicable requirements of these regulations; (MCA 76-5-403(2)).
3. The construction or storage of an object (artificial obstruction) subject to flotation or movement during flood level periods; (MCA 76-5-403(3) and ARM 36.15.605(1)(c))

4. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-605(2c)) (44 CFR 60.3(a)(3)))
5. Storage of toxic, flammable, hazardous or explosive materials; and (ARM 36.15.605(2d))
6. Cemeteries, mausoleums, or any other burial grounds.

**Explanation:**

Amendments to Section 6.1.2 align with the DNRC model ordinance and provide clarification on which proposals in the floodway cannot be approved, and what process must be followed for proposals that are permitted. Using the term “artificial obstruction” in addition to structure, fill, or excavation considers a broad range of proposals that may be impacted by flooding. See the definition of artificial obstruction in Section 2.

**8.4 DECISION**

1. The Floodplain Administrator shall approve, conditionally approve, or deny the proposed Floodplain permit application. The Floodplain Administrator shall notify the applicant of ~~his~~**their** action and the reasons thereof within 60 days of receipt of a correct and complete Floodplain permit application unless otherwise specified. A copy of the approved Floodplain permit must be provided to DNRC. ((MCA 76-5-405(2)) (ARM 36.15.204(2)(e))
2. The approval of a Floodplain permit application does not affect any other type of approval required by any other statute or ordinance of the state or any political subdivision or the United States, but is an added requirement. (MCA 76-5-108)

**Explanation:**

Minor amendment to Section 8.4 to modernize language.

**9.10 PUBLIC AND PRIVATE CAMPGROUNDS** provided, in addition to the requirements of Section 9.2, that:

1. Access roads require only limited fill and do not obstruct or divert flood waters; (ARM 36.15.602(8))
2. The project meets the accessory structures requirements in this Section;
3. Recreational vehicles and travel trailers are ready for highway use with wheels intact, with only quick disconnect type utilities and securing devices, and have no permanently attached additions; ~~and~~ (44 CFR 60.3(c)(14))
4. There is no large-scale clearing of riparian vegetation within 50 feet of the mean annual high water mark; ~~and-~~
5. No dwelling or permanent mobile home is allowed. (ARM 36.15.602(8))

**Explanation:**

The amendment to Section 9.10 corrects an organizational error in the regulations.

**9.13 FLOOD CONTROL AND STREAM BANK STABILIZATION MEASURES** provided, in addition to the requirements of Section 9.2, that the design is reviewed and approved by an engineer and constructed to substantially resist or withstand the forces associated with hydrodynamic and hydrostatic pressures, including flood depths, velocities, impact, ice, buoyancy, and uplift associated with the Base Flood. The design must also show compliance with the following applicable criteria: ((CFR 60.3(a)(3) (CFR 60.3(d)(3)) (ARM 36.15.606))

**1. LEVEE AND FLOODWALL** construction or alteration:

1. Must be designed and constructed with suitable fill and be designed to safely convey a Base Flood; (ARM 36.15.606(1)(a))
2. Must be constructed at least 3 feet higher than the elevation of the Base Flood unless the levee or floodwall protects agricultural land only; (ARM 36.15.606(2)(a))
3. Must meet state and federal levee engineering and construction standards and be publicly owned and maintained if it protects structures of more than one landowner; and (ARM 36.15.505(1)(c)(ii) and (iii))
4. For any increase in the elevation of the Base Flood, an alteration of the Regulated Flood Hazard Area requires approvals pursuant to Section 4.3.

...

**3. CHANNELIZATION PROJECTS** where the excavation and/or construction of a channel is for the purpose of diverting the entire or a portion of the flow of a stream from its established course, the project must:

1. Not increase the magnitude, velocity, or elevation of the Base Flood; and
2. Meet the requirements of Section 9.13.2. (ARM 36.15.101(7)) (ARM 36.15.606(1)(c))

**Explanation:**

The amendments to Section 9.13 correct two typographical errors.

**9.15 EXISTING RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS IN THE FLOODWAY**

1. Any alteration or substantial improvement to an existing building must meet the requirements of Section 9.2 and the applicable requirements in Section 10 for residential or non-residential buildings. (MCA76-5-404(3)(b))
- ~~2. Substantial Improvement—Any combination of repair, reconstruction, or improvement of a structure, taking place during a 10-year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
  - a. Before the improvement or repair is started, or
  - b. If the structure has been damaged, and is being restored, before the damage occurred.~~

~~For the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences during the 10-year period. A substantial improvement differs from the alteration of a structure~~

~~in that it is not defined to include increasing or affecting the external dimensions of the structure. The term also does not include either:~~

~~a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or~~

~~b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places provided the proposed alteration will not preclude the structure's continued designation as a historic structure.~~

**Explanation:**

The definition for substantial improvement is updated in Section 2 Definitions and does not need to be repeated in Section 9.15. The amendment eliminates redundancy.

**10.2 GENERAL REQUIREMENTS** An application for a Floodplain permit must demonstrate or meet the following applicable requirements:

1. **Base Flood Elevation** Where necessary to meet the appropriate elevation requirement in these regulations, the Base Flood Elevation(s) must be determined by an engineer and utilized in the design and layout of the project demonstrating the design and construction criteria herein are met. For Regulated Flood Hazard Areas that do not have computed and published Base Flood Elevations in the adopted flood hazard study referenced in [Appendix A Section 4](#), a Base Flood Elevation must be determined or obtained from a reliable source, utilizing appropriate engineering methods and analyses;

...

13. **Structural Fill Flood Proofing** Fill used to elevate structures, including but not limited to residential and non-residential buildings must be certified to meet the following requirements:

1. ~~The filled area must be at or above the Base Flood Elevation and extend at least fifteen (15) feet beyond the structure in all directions~~ The fill must be a minimum of 0.5 feet above the Base Flood Elevation and extend at least fifteen (15) feet beyond the structure in all directions;
2. Fill material must be suitable fill, that is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))
3. The fill must be compacted to minimize settlement and compacted to 95 percent of the maximum density. Compaction of earthen fill must be certified by an en engineer;
4. No portion of the fill is allowed within the floodway; and
5. The fill slope must not be steeper than 1 ½ horizontal to 1 vertical unless substantiating data justifying a steeper slope is provided and adequate erosion protection is provided for fill slopes exposed to floodwaters. ~~;~~ and
6. ~~The fill must be a minimum of 0.5 feet above the Base Flood Elevation and extend at least fifteen (15) feet beyond the structure in all directions.~~

**Explanation:**

The amendment to Section 10.2.1 corrects a reference to the portion of the regulations listing the effective flood study. The amendment to Section 10.13 corrects an error in the regulations. Sections 10.2.13.1 and 10.2.13.6 list a similar requirement but are contradictory. The model ordinance listed both options, but stated if the higher standard in 10.2.13.6 is adopted then the other line of code must be eliminated. The higher standard requiring fill to be a minimum of 0.5 feet above base flood elevation was previously adopted. However, the requirement that fill be at or above base flood elevation was not eliminated at that time. The amendment retains the higher standard and eliminates the contradictory lower standard.

**10.3 RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS** New construction, alterations, and substantial improvements of residential dwellings, manufactured homes, including replacement of manufactured homes, must be constructed such that:

**1. Elevation of the Lowest Floor** The Lowest Floor of the building including an attached garage or basement must be two (2) feet or more above the Base Flood Elevation; (ARM 36.15.701(3))

**2. Enclosure** Enclosures of elevated buildings cannot be dry flood proofed. Use for an enclosure is limited to facilitating building component access. The enclosure including a crawlspace must be wet flood proofed and the enclosure floor must be at or above the Base Flood Elevation. An attached garage floor must be two (2) or more feet above the Base Flood Elevation; and

**3. Recreation Vehicles** Recreational vehicles on site for more than 180 days or not ready for highway use must meet the requirements for manufactured homes for residential use.

~~**4. Substantial Improvement** – Any combination of repair, reconstruction, or improvement of a structure, taking place during a 10-year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:~~

- ~~— a. Before the improvement or repair is started, or~~
- ~~— b. If the structure has been damaged, and is being restored, before the damage occurred.~~
- ~~— For the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences during the 10-year period. A substantial improvement differs from the alteration of a structure in that it is not defined to include increasing or affecting the external dimensions of the structure. The term also does not include either:~~
  - ~~— a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or~~
  - ~~— b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places provided the proposed alteration will not preclude the structure's continued designation as a historic structure.~~

**Explanation:**

The definition for substantial improvement is updated in Section 2 Definitions and does not need to be repeated in Section 10.3. The amendment eliminates redundancy.

**10.4 NON-RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS** New construction, alterations, and substantial improvements of non-residential including agricultural, commercial and industrial buildings and residential and non-residential accessory buildings must be constructed such that:

1. **Elevation of the Lowest Floor** The Lowest Floor of the building must be elevated two (2) feet above the Base Flood Elevation or adequately dry flood proofed according to this Section. The Lowest Floor may be wet proofed provided the use is limited to only parking, loading and storage of equipment or materials not appreciably affected by floodwater; ((ARM 36.15.702(2) (44 CFR 60.3(c)(3)(ii) (44 CFR 60.3(c)(3) & (4)))
2. **Enclosure** Enclosures below the Lowest Floor on elevated buildings must be wet flood proofed and the use must be limited to parking, access or storage or must be adequately dry flood proofed according to this Section;
3. **Manufactured homes** Manufactured homes proposed for use as non-residential buildings cannot be dry flood proofed; and
4. **Agricultural structures** The following additional requirements and exceptions from the requirements of 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:
  1. 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. Such Structures shall comply with the requirements of Section 9.11.

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

**Explanation:**

DNRC requires an incorrect reference in Section 10.4 to be eliminated.

## APPENDIX A

### City of Missoula, Flood Insurance Study

Study #	Suffix	Effective Date	Description
CV001	<u>BC</u>	<del>March 7, 2019</del> <u>October 5, 2023</u>	Revised Missoula County FIS Report (Volume 1)
CV002	<u>BC</u>	<del>March 7, 2019</del> <u>October 5, 2023</u>	Revised Missoula County FIS Report (Volume 2)
CV003	<u>BC</u>	<del>March 7, 2019</del> <u>October 5, 2023</u>	Revised Missoula County FIS Report (Volume 3)

### City of Missoula FIRMs – Community Number 30049

Panel #	Suffix	Effective Date
IND1	<u>BC</u>	<del>March 7, 2019</del> <u>October 5, 2023</u>
IND2	<u>BC</u>	<del>March 7, 2019</del> <u>October 5, 2023</u>
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
1195	E	April 27, 2022
1215	E	June 27, 2022
<u>1190</u>	<u>E</u>	<u>May 22, 2023</u>

### Explanation:

Missoula County and the City of Missoula are working with DNRC and FEMA to update the floodplain maps (FIRM) and flood insurance studies for the Clark Fork, Bitterroot, and Clearwater Rivers. The Clearwater River is located in Missoula County, but is not within Missoula city limits. The floodplain maps and studies for the Clark Fork and Bitterroot Rivers are not ready to be adopted. The Clearwater River floodplain maps and studies are ready to be adopted. Though none of the Clearwater River floodplain is within city limits, the City and County share a flood insurance study. The Clearwater River updates are resulting in a new flood insurance study. For this reason, the references in Appendix A must be updated. There are no regulatory changes to base flood elevations within the City of Missoula at this time. The amendment lists the new effective flood insurance studies as required by FEMA. The top two rows in the table list the updated FIRM Index.

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. One LOMR for Butler Creek has 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 for Butler Creek was initiated by a group of property owners abutting the creek. Prior to the LOMR, the floodplain designation was Approximate A, which means there was no detailed flood study. The LOMR resulted in a detailed flood study for a portion of the creek and the updated FIRM is listed in the last row of the table.

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

**Effective date:** The provisions of this ordinance shall be effective 30 days after adoption.

**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 \_\_\_\_\_, 2023.

ATTEST:

APPROVED:

Martha L. Rehbein

Jordan Hess

City Clerk

Mayor

(SEAL)