

GALLATIN COUNTY ORDINANCE NO. 2017- 011
**ORDINANCE ADOPTING UPDATED GALLATIN COUNTY
FLOODPLAIN REGULATIONS**

1. Legislative Findings and Purpose.

A. Recurrent flooding of land resources in Gallatin County can cause loss of life, damage to property, disruption of commerce and governmental services, and unsanitary conditions; all of which are detrimental to the health, safety, welfare, and property of occupants of flooded lands and the people of Gallatin County.

B. The public interest necessitates management and regulation of flood-prone land and waters in a manner consistent with sound land and water use management practices which will prevent and alleviate flooding threats to life and health and reduce private and public economic losses.

C. The Gallatin County Floodplain Regulations ("Regulation(s)") have been established to promote public health, safety, and general welfare by guiding development within the floodplain areas of Gallatin County, outside incorporated areas through: (1) recognizing the right and need of water courses to periodically carry more than the normal flow of water; (2) participating in coordinating efforts of federal, state and local management activities for floodplains; and (3) maintaining regulations and minimum standards, insofar as possible, that balance the greatest public good with the least private injury.

D. It is the specific purpose of the Gallatin County Floodplain Regulations to: (1) restrict or prohibit uses which are dangerous to health, safety or property in times of flood, or cause increased flood heights or velocities; (2) require that land uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction; (3) identify lands unsuitable for certain development purposes because of flood hazards; (4) minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public; (4) support disclosure to potential buyers of property within a floodplain; and (5) inform those who occupy floodplains that they are responsible for their actions.

E. This Ordinance adopts a set of comprehensive land-use regulations for identified 100-year floodplains within Gallatin County, Montana. Identification of 100-year floodplains is based on the "Flood Insurance Study for Gallatin County, Montana and Incorporated Areas" dated September 2, 2011, published by the Federal Emergency Management Agency (FEMA) and Letters of Map Revision subsequently approved by FEMA.

F. Previous versions of the Gallatin County Floodplain Regulations were adopted on July 31, 1984 in Ordinance #84-02 and amended in May, 1987, April 9, 1991, May 3, 1994, July 12, 1994, December 7, 1999, February 3, 2004, October 13, 2009, and Ordinance #2011-005 adopted August 2, 2011.

G. The purpose of the updates to the Gallatin County Floodplain Regulations is to recognize the Letters of Map Revision that have been approved by FEMA since Gallatin County last adopted Ordinance #2011-005. The updated Floodplain Regulations incorporate these Letters of Map Revision by reference and supersede and replace Ordinance #2011-005.

2. Authority. The Board of Gallatin County Commissioners are authorized to adopt this Ordinance in accordance with the Montana Floodplain and Floodway Management Act (Title 76, Chapter 5, MCA) and §76-5-302, MCA and §§7-5-102 and 109, MCA, inter alia, to comply with the requirements for the continued participation by Gallatin County, Montana in the National Flood Insurance Program. The land-use regulations adopted by this Ordinance are to be applied to all identified 100-year floodplains and lands within Gallatin County, Montana.

3. Penalty & Enforcement. Any person who violates this Ordinance or the Regulations adopted herein shall, upon conviction, be fined not more than \$500.00 or imprisoned for not more than six (6) months or both the fine and imprisonment as set forth in the Regulations. This Ordinance may be enforced by any law enforcement officer with jurisdiction.

4. Severability. If any part of this Ordinance is unenforceable then the remainder shall be enforceable.

5. Effective Date. The Gallatin County Clerk and Recorder shall post a copy of this Ordinance and make copies available to the public upon first reading and approval. This Ordinance shall take effect thirty (30) days after its second reading and approval (which shall be not less than 12 days apart from the first reading as required by § 7-5-103, MCA) has been filed with the Clerk & Recorder as required by §7-5-105, MCA or December 14, 2017 whichever is later.

6. Gallatin County Floodplain Regulations Adopted. This Ordinance hereby supersedes and replaces Ordinance #2011-005 and adopts the Gallatin County Floodplain Regulations attached hereto. The Regulations are hereby incorporated into this Ordinance by reference.

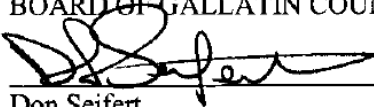
7. Absolute Liability Finding. This Ordinance has the legislative purpose to impose absolute liability for any conduct described. Pursuant to §45-2-104, MCA any violation of this Ordinance or Regulations adopted thereunder is subject to absolute liability. A person may be guilty of an offense without having, as to each element of the offense, one of the mental states of knowingly, negligently or purposely.

8. Ratification. All valid permits issued and action taken pursuant to previous ordinances, resolutions and regulations are, for the purposes of this ordinance, ratified, confirmed, and adopted in lieu of any requirement for an additional permit or additional action for the same purpose.

FIRST READING & APPROVAL

DATED this 31 day of October, 2017

BOARD OF GALLATIN COUNTY COMMISSIONERS


Don Seifert
Chairman

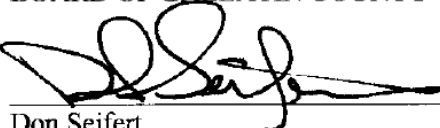
ATTEST


Charlotte Mills, Clerk and Recorder


SECOND READING & APPROVAL

DATED this 14 day of November, 2017

BOARD OF GALLATIN COUNTY COMMISSIONERS


Don Seifert
Chairman

ATTEST


Charlotte Mills, Clerk and Recorder

GALLATIN COUNTY FLOODPLAIN REGULATIONS

Gallatin County, Montana

ORDINANCE # 2017-011

EFFECTIVE DATE: December 14, 2017

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**SECTION 1
TITLE AND PURPOSE**

1.01 Title

These Regulations shall be known and cited as Gallatin County Floodplain Regulations. These Regulations are promulgated under the authority of the laws of the State of Montana and relevant federal law.

1.02 Findings

- A. Recurrent Flooding of a portion of Gallatin County’s land resources causes loss of life, damage to property, disruption of commerce and governmental services, and unsanitary conditions; all of which are detrimental to the health, safety, welfare, and property of occupants of flooded lands and the people of Gallatin County; and
- B. The public interest necessitates management and regulation of flood-prone land and waters in a manner consistent with sound land and water use management practices which will prevent and alleviate Flooding threats to life and health and reduce private and public economic losses.

1.03 Purpose

To promote the public health, safety and general welfare, to minimize flood losses in areas subject to flood hazards and to promote wise use of the floodplain. These Regulations have been established with the following purposes intended:

- A. To guide development within the Floodplain areas of Gallatin County outside incorporated areas by:
 - 1. recognizing the right and need of water courses to periodically carry more than the normal flow of water;
 - 2. participating in coordinating efforts of federal, state and local management activities for Floodplains; and,
 - 3. maintain regulations and minimum standards, insofar as possible, that balance the greatest public good with the least private injury.
- B. Specifically it is the purpose of these Regulations to:
 - 1. restrict or prohibit uses which are dangerous to health, safety or property in times of Flood, or cause increased Flood heights or velocities;
 - 2. require that uses vulnerable to Floods, including public facilities which serve such uses, be provided with Flood protection at the time of initial construction;

3. identify lands unsuitable for certain development purposes because of flood hazards;
4. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
5. support the provisions of 36.15.204(2)(g) Administrative Rules of Montana, which require disclosure to potential buyers of property within a Floodplain and subject to the provisions of these Regulations; and,
6. inform those who occupy Floodplains that they are responsible for their actions.

SECTION 2 DEFINITIONS

2.01 Definitions

Unless specifically defined below, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations their most reasonable application. Additional definitions for terms commonly used for Floodplain management purposes are provided by FEMA and DNRC. Such terms and definitions may be utilized by the Floodplain Administrator for the purposes of administering these Regulations where the term is defined by FEMA or DNRC and is not in conflict with a definition included in these Regulations.

Act - Montana Floodplain and Floodway Management Act, Title 76, Chapter 5, MCA.

Alteration(s) - Any change or addition to an Artificial Obstruction that either increases the size of the Artificial Obstruction or increases its potential flood hazard. Maintenance of an Artificial Obstruction is not an Alteration.

Appeal - A request for a review by the Board of County Commissioners of the Decision of the Floodplain Administrator.

Artificial Obstruction- Any obstruction which is not natural and includes any dam, diversion, wall, Riprap, embankment, Levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across or projecting into any Floodplain which may impede, retard or alter the pattern of 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 water would carry the same downstream to the damage or detriment of either life or property.

Base Flood (100-year Flood) - A Flood having a one percent (1%) chance of being equaled or exceeded in any given year. A Base Flood is the same as a Flood of 100-year frequency.

Base Flood Elevation - The elevation above sea level of the Base Flood in relation to North American Vertical Datum of 1988 unless another datum is otherwise specified in the Flood Insurance Study.

Channelization Project - Excavation or construction or both of an artificial channel for the purpose of diverting the entire flow of a stream from its established course.

Commission – The Board of Gallatin County Commissioners.

Decision – The action rendered by the Floodplain Administrator: 1) on an application for a Permit; or 2) on a request for interpretation of a Floodplain boundary.

Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings or Structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DNRC – Montana Department of Natural Resources and Conservation

Establish - To construct, place, insert or excavate.

FEMA -- The Federal Emergency Management Agency

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry lands from the overflow of a stream, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain - The areas subject to these Regulations, generally adjoining a stream, which would be covered by floodwater of a Base Flood except for designated Sheet Flood Areas that receive less than one foot of water per occurrence which are considered “Zone B” by FEMA. The Floodplain consists of a Floodway and Floodway Fringe. The Floodplain is delineated according to where the Base Flood Elevation intersects surveyed elevations of natural ground.

Floodplain Administrator - The person authorized under Section 4.01.A to administer these Regulations.

Floodway - The channel of a stream and those portions of the Floodplain adjoining the channel that must be reserved in order to discharge a Base Flood without cumulatively increasing the water surface elevation more than one-half (1/2) foot.

Floodway Fringe - That portion of the Floodplain outside the limits of the Floodway.

Levee - A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water to provide protection from temporary Flooding.

Levee System - A Flood protection system that consists of a Levee, or Levees, and associated structures, such as drainage and closure devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor - Any floor of a Structure used for living purposes, storage or recreation. This includes any floor that could be converted to such a use.

Lowest Floor Elevation – The elevation of the Lowest Floor reported in the North American Vertical Datum of 1988, unless another datum is otherwise specified in the Flood Insurance Study

Manufactured Home - A structure that 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. This term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - The North American Vertical Datum (NAVD) of 1988 or other datum to which Base Flood Elevations are referenced.

New Construction – Any Structure for which the start of construction, Substantial Improvement or Alteration commences on or after the effective date of these Regulations.

Non-Conforming Uses – Uses, Artificial Obstructions, Development, and Structures that existed prior to adoption of Floodplain Regulations by Gallatin County on July 31, 1984, but that are not in conformance with the requirements of these Regulations. To be considered a valid Non-Conforming Use, the Floodplain Administrator may require documentation to demonstrate the Non-Conforming Use met the requirements of all applicable laws at the time it was established.

Permit(s) – a Floodplain Development Permit.

Recreational Vehicle Park or Campground - A parcel or contiguous parcels of land divided into two or more recreational vehicle spaces for rent or sale.

Regulations – these Gallatin County Floodplain Regulations.

Riprap - Stone, rocks, concrete blocks or analogous material that is placed along the banks or bed of a stream for the purpose of alleviating erosion.

Sheet Flood Area – Areas subject to 100-year Flooding with depths less than one foot, removed from the main-stem channel, and identified as Zone B by FEMA.

Start of Construction - Commencement of clearing, grading, filling, or excavating to prepare a site for construction.

Structure - A walled and roofed building, Manufactured Home, (or) a gas or liquid storage tank, bridge, culvert, dam, diversion, wall, revetment, dike, or other projection that may impede, retard, or alter the pattern of flow of water.

Substantial Damage - Damage sustained by a Structure where the cost of restoring the Structure to its condition before damage would equal or exceed fifty percent of the market value of the Structure before the damage occurred.

Substantial Improvement - Any repair, reconstruction, or improvement of a Structure, the cost of which equals or exceeds fifty percent of the market value of the Structure either:

- (1) before the improvement or repair is started, or
- (2) 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. A Substantial Improvement differs from the Alteration of a Structure in that it is not qualified by affecting the external dimensions of the structure. The term also does not

include either:

- (1) 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
- (2) any Alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

Suitable Fill - Fill material which is stable, compacted, well graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, and tree stumps or other organic material; and is fitted for the purpose of supporting the intended use or a permanent Structure.

Variance - A grant or relief from the requirements of these Regulations which would permit construction in a manner that would otherwise be prohibited by these Regulations.

Violation - The failure of a Structure or other Development to be fully compliant with these Regulations.

100 - Year Flood - A 100-year flood is the same as the Base Flood.

**SECTION 3
GENERAL PROVISIONS**

3.01 Jurisdictional Area

These Regulations shall apply to lands within Gallatin County, Montana, outside of incorporated areas, and shown on the Official Floodplain Maps as being located within a Floodplain District (the “Floodplain District”). See Section 3.04 below.

3.02 Floodplain District Establishment

The Floodplain District is based on the FEMA *Flood Insurance Study for Gallatin County, Montana and Incorporated Areas*, dated September 2, 2011 (the “Flood Insurance Study”), and the accompanying Flood Insurance Rate Maps (the “Official Maps”). The Flood Insurance Study and Official Maps are on file in the office of the Gallatin County Floodplain Administrator. The Floodplain District includes all lettered and numbered flood zone designations and the definitions of those designations as provided on the Official Maps or otherwise provided by FEMA. Gallatin County recognizes the FEMA approved Letters of Map Amendment listed in Table 3.1 as superseding the Flood Insurance Study.

TABLE 3.1 GALLATIN COUNTY RECOGNIZED LETTERS OF MAP REVISION			
FEMA Case Number	Effective Date	Affected Map Panel(s)	Watercourse
13-08-0284P	September 10, 2013	30031C0790D	W. Gallatin River
15-08-1248P	October 30, 2015	30031C0808D 30031C0816D 30031C0818D 30031CINDIA	Various Locations
17-08-0448P	December 1, 2017	30031C0931D 30031C0932D 30031C0818D	Bozeman Creek

3.03 Floodplain Administrator

As provided in Section 4.01 of these Regulations, the Gallatin County Floodplain Administrator has been appointed by the Board of Gallatin County Commissioners, and has the responsibility of such position as outlined in these Regulations.

3.04 Rules for Interpretation of Floodplain District Boundaries

The boundaries of the Floodway shall be determined by scaling distances on the Official Maps, and using the floodway data table contained in the Flood Insurance Study.

The Official Maps may be used as a guide for determining the Floodplain boundary, but the exact location of the Floodplain boundary shall be determined where the Base Flood Elevation, as detailed in the Flood Insurance Study, intersects surveyed elevations of the natural ground. Elevations of the natural ground shall be determined by a level survey completed by a professional Montana engineer or registered land surveyor. See sections 5.05 and 5.06 of these Regulations for clarification about determining the Floodplain boundary for unnumbered A Zones and AO Zone floodplains.

Upon written request, submittal of relevant supporting documentation, and payment of applicable fees, the Floodplain Administrator will make Floodplain District boundary interpretations.

3.05 Compliance

No new Development or Alteration to existing Development may commence without full compliance with the provisions of these Regulations and other applicable regulations. These Regulations meet the minimum Floodplain development requirements as set forth by the Montana Board of Natural Resources and Conservation and the National Flood Insurance Program. Any Development that fails to fully comply with the requirements of these Regulations shall be presumed to be a Violation until proven otherwise.

3.06 Abrogation and Greater Responsibility

These Regulations are not intended to repeal, abrogate or impair any existing easements, covenants, deed restrictions or underlying zoning. However, where these Regulations impose greater restrictions, the provisions of these Regulations shall prevail.

3.07 Regulation Interpretation

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements and shall be liberally construed and shall not be deemed a limitation or repeal of any other powers granted by law.

3.08 Warning and Disclaimer of Liability

These Regulations do not imply that areas outside the Floodplain boundaries or permitted land uses within such areas will always be free from flooding or flood damages. These Regulations shall not create liability on the part of, or a cause of action against Gallatin County, or any officer or employee thereof for any flood damages that may result from reliance upon these Regulations.

3.09 Severability

If any section, clause, provision or portion of these Regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Regulations shall not be affected thereby.

3.10 Disclosure Provision

All owners of property in an identified Floodplain as indicated on the Official Maps must notify potential buyers or their agents that such property is subject to the provisions of these Regulations.

SECTION 4 ADMINISTRATION

4.01 Administration

- A. The Board of Gallatin County Commissioners (Commission) appoints and authorizes the Gallatin County Planning Director as the Gallatin County Floodplain Administrator. The Gallatin County Planning Director may subsequently designate an individual with requisite knowledge and training to act as Floodplain Administrator. The Gallatin County Planning Director may also designate individuals with requisite knowledge and training to assist the Floodplain Administrator. The responsibilities of the Floodplain Administrator are outlined in these Regulations.
- B. The Floodplain Administrator is hereby appointed with the authority to review applications for Floodplain Development Permits (Permits) and proposed uses or construction to determine compliance with these Regulations, and is required to assure all necessary permits have been received from other governmental agencies from which approval is required by federal and state laws and local codes, including Section 404 of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334, and provisions of the Natural Streambed and Land Preservation Act.
1. Additional Factors - Permits shall be granted or denied by the Floodplain Administrator on the basis of whether the applicant proposes to Establish or proposes an Alteration or Substantial Improvement of an Artificial Obstruction or Non-Conforming Use which meets the requirements of these Regulations. Additional factors that shall be considered for every Permit application are:
- a. the danger to life and property due to increased flood heights, increased flood water velocities or alterations in the pattern of flood flow caused by encroachments;
 - b. the danger that materials may be swept onto other lands or downstream to the injury of others;
 - c. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions, and whether septic systems will be located to avoid impairment or contamination during flooding;
 - d. the susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
 - e. the importance of the services provided by the facility to the community;
 - f. the proposed development will be reasonably safe from flooding;
 - g. the drainage at the site is adequate to reduce exposure to flood hazards;

- h. the requirement of the facility for a water-front location;
 - i. the availability of alternative locations not subject to Flooding for the proposed use;
 - j. the compatibility of the proposed use with existing development and anticipated development in the foreseeable future;
 - k. the relationship of the proposed use to any adopted growth policy or other plans covering the project area;
 - l. the safety of access to property in times of flooding for ordinary and emergency services; and
 - m. such other factors as are in harmony with the purposes of these Regulations, the Montana Floodplain and Floodway Management Act and the National Flood Insurance Program.
- C. In accordance with Section 76-5-405(2) Mont. Code Ann., unless the Floodplain Administrator has requested additional information from the applicant, a Decision on an application for a Permit shall be made within sixty (60) days of receipt of a complete application. The Floodplain Administrator may approve, conditionally approve, or deny applications for Permit.
- D. The Floodplain Administrator shall adopt such administrative procedures as may be necessary to efficiently administer the provision of these Regulations.
- E. The Floodplain Administrator shall maintain such files and records as may be necessary to document Nonconforming Uses, Base Flood Elevations, floodproofing and elevation certifications, fee receipts, the issuance of Permits, agendas, minutes, records of public meetings, and any other matters relating to Floodplain management in Gallatin County. Such files and records shall be open for public inspection.
- F. Copies of all permits granted must be sent to the Montana Department of Natural Resources and Conservation.
- G. The Floodplain Administrator may require whatever additional information is necessary to determine whether the proposed activity meets the requirements of these Regulations. Additional information may include hydraulic calculations assessing the impact on Base Flood Elevations or velocities; level survey; or certification by a Montana licensed land surveyor, professional engineer or architect that the requirements of these Regulations are satisfied.
- H. Notice - Upon receipt of an application for a Permit the Floodplain Administrator shall prepare a notice containing the facts pertinent to the application and shall publish the notice at least once in a newspaper of general circulation in the area. Notice shall also be served by first-class mail upon adjacent property owners and provided to the DNRC Floodplain Management Section. The notice shall provide a reasonable period of time, not less than 15 days, for interested parties to submit comments on the proposed activity.

The notice requirements for Variances or Appeals shall be the same, except notice to adjoining property owners shall be through certified mail.

- I. The flood-carrying capacity within the altered or relocated portion of any stream must be maintained. Erosion control measures shall be incorporated to ensure stability of altered channels and stream banks. Prior to any alteration or relocation of a stream in riverine situations, notification by the Floodplain Administrator must be made to adjacent local governments, the Floodplain Management Section (DNRC), and the Federal Emergency Management Agency.

4.02 Permit Applications

- A. Activities or uses which require the issuance of a Permit, including the expansion, Substantial Improvement or Alteration of such uses, shall not be initiated, established or undertaken until a Permit has been issued by the Floodplain Administrator.
- B. Applicants for Permits may be required to furnish such of the following as is deemed necessary by the Floodplain Administrator for determining the suitability of the particular site for the proposed use:
 1. Plans in duplicate drawn to scale with dimensions shown, showing the nature, location and elevation of the lot, existing and proposed structure locations, fill, storage or materials sites, flood-proofing measures, first floor of proposed structures in mean sea level elevation and location of the channel;
 2. A plan view of the proposed development indicating external dimensions of structures, street or road, finished grade elevations, well locations, individual sewage treatment and disposal sites, excavation, fill quantity estimates, site plan and construction plans; and,
 3. Specifications for flood-proofing, filling, excavating, grading, riprapping, storage of materials and utilities location.
 4. In evaluating a proposed use within a Floodplain for which no Floodway has been designated, the Floodplain Administrator may require the applicant to submit the following:
 - a. Cross Sections A minimum of four (4) surveyed valley cross sections by a Montana licensed land surveyor according to the following field survey instructions:
 1. The surveys required are cross sections of stream channels and the floodplain on both banks.
 2. One cross section shall be taken at a point on the stream from which it could be extended through the site. For projects involving a Structure, this cross section should be located at the upstream end of the Structure. For projects that don't involve Structures, this cross section should be taken at the upstream end of the property.

3. Three cross sections shall be taken downstream from the site, each approximately one thousand (1,000) feet apart. In no case, however, should the fall in the Base Flood Elevation between two (2) sections exceed five (5.0) feet. Cross sections should also be taken at all bridge locations in the reach. The cross section farthest downstream should be located at a natural constriction or at a bridge crossing. Cross sections shall be taken at any bridge location between site and lowest cross section. All bridges in the reach should be described and sketched showing unobstructed waterway openings and elevations.
4. Distances between cross sections are to be determined by stadia, and these distances and locations of cross sections shall be shown on the location map.
5. The overbank cross sections are to be extended to obtain a vertical rise of fifteen (15) feet above the water surface.
6. If a U.S. Geological Survey river gauging station is within the reach of the stream under study, the elevation of any convenient foot mark shall be surveyed and clearly indicated on the location map.
7. Elevations of the water surface determined by survey as part of each valley cross section.
8. Cross sections should be plotted on ten (10) divisions to the inch cross section paper, using any convenient, identified scale for vertical and horizontal distance.
 - a. The elevation of any known high water mark shall be identified and included in the survey.
 - b. Profile A profile sheet shall be prepared by a Montana licensed land surveyor or civil engineer on cross section paper of ten (10) divisions to the inch, showing the observed water surface profile, location of cross sections, site boundaries, riverbank profile, and thalweg (lowest point of the channel bottom along the reach of stream).
 - c. Reference All surveyed elevations shall be tied to mean sea level datum and the benchmark used shall be identified.
5. Instructions for field surveys for flood hazard elevations are available in the Flood Administrator's Office.
6. A Montana licensed professional engineer's or architect's design calculations and certification that the proposed activity has been designated to be in compliance with these regulations.
7. Certification of flood-proofing or elevation or both shall be provided on a standard form available from the Floodplain Administrator.

- C. The Floodplain Administrator may require applicants who have received Permits to furnish the following upon completion of a project, to determine that the Permit specifications and conditions have been complied with:
1. Certification by a Montana licensed professional engineer or land surveyor of the actual mean sea level elevation of the lowest floor (including basement) of all new, altered or substantially improved structures.
 2. If flood-proofing techniques were utilized for the above described structures, then the mean sea level elevation to which the flood proofing was accomplished must be similarly certified.
 3. Certification shall also be required, for Artificial Obstructions and Development other than buildings, to verify that the activity was accomplished in accordance with these Regulations and the design plans submitted with the application for the Permit activity, and the conditions of Permit approval. This certification may be waived by the Floodplain Administrator if it can be clearly ascertained by a site inspection or other suitable documentation that the activity was accomplished in accordance with these Regulations.
 4. Certification of flood-proofing or elevation or both shall be provided on a standard form available from the Floodplain Administrator.

4.03 Emergency Waiver

- A. Emergency repair or replacement of severely damaged public transportation facilities, public water and sewer facilities, flood control works and private projects are subject to the Permit requirement of these Regulations.

The provisions of these Regulations are not intended to affect other actions that are necessary to safeguard life or structures, during periods of emergency.

1. Prior to any action being taken, the property owner or person responsible for taking emergency action shall notify the Floodplain Administrator. Within five days of the emergency action being taken, the person responsible for taking emergency action shall provide the Floodplain Administrator with a written description of the action taken; and
2. Within thirty days of initiating the emergency action, a person who has undertaken an emergency action must submit an application for a Permit, and along with the standard Permit submittal requirements, describe the work that took place during the emergency and any additional work that may be necessary to bring the project into compliance with the requirements of these Regulations.

4.04 Review -Variances-Appeals

- A. The Commission may, by Variance, grant a Permit that is not in compliance with the minimum standards contained in these Regulations according to the following

procedures.

- B. All applications for a Variance shall be accompanied by the Variance application fee. The application must clearly state the facts and circumstances on which any Variance is requested.
1. In order to have FEMA review and approve the technical basis of the proposed Variance prior to the Variance being considered by the Commission, Variance requests involving any of the circumstances described below require approval of a Conditional Letter of Map Revision (CLOMR) by FEMA prior to submission of the Variance application to the Floodplain Administrator:
 - a. A project in the Floodway that would result in any increase (greater than or equal to one one-hundredth of one foot) in Base Flood Elevations after considering allowable encroachments into the Floodway Fringe;
 - b. A project that would increase the Base Flood Elevation greater than one-half foot in an area where Base Flood Elevations have been specified but no Floodway has been designated; and
 - c. A project that would increase the Base Flood Elevation greater than one-half foot in an unnumbered Zone A Floodplain.
 2. Variances shall only be issued upon:
 - a. a showing of good and sufficient cause;
 - b. a determination that refusal of a Variance would, because of exceptional circumstances, cause a unique or undue hardship on the applicant or community involved;
 - c. a determination that the granting of a Variance will not increase flood hazard either upstream or downstream in the area of insurable building, present additional threats to public safety, be an extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;
 - d. a determination that a proposed use would be adequately flood-proofed;
 - e. a determination that a reasonable alternative location outside the Floodplain is not available;
 - f. a determination that the Variance requested is the minimum necessary, considering the flood hazard, to afford relief; and
 - g. approval of DNRC, upon request from Gallatin County prior to formally approving any permit application which is in variation to these Regulations.
 3. Variances shall be issued in writing from the Gallatin County Commission who shall notify the applicant that:
 - a. a specific Variance is granted, and that certain conditions may be attached,
 - b. the issuance of a Variance to construct a structure below the Base Flood Elevation will result in increased premium rates and
 - c. such construction below the Base Flood Elevation increases risks to life and property.

The Floodplain Administrator shall maintain the records of Variance notification, Variance actions, including justification for their issuance, and forward copies of all Variance actions to the Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency.

4. Upon approval of a Variance, the applicant shall be required to obtain a Permit to document compliance with the conditions of the Variance and all other applicable requirements of these Floodplain Regulations. A separate application fee shall be required for the Permit.
- C. An aggrieved person may Appeal any Decision of the Floodplain Administrator to the Commission by filing a notice of appeal no more than 30 days after the date of the Decision. An Appeal shall allege the Floodplain Administrator's Decision was an erroneous interpretation or application of these Regulations or relevant State or Federal laws. The notice of appeal shall be in writing and be served in person or by mail upon the Floodplain Administrator. The appellant shall have an additional 30 days after providing a notice of appeal to submit a formal Appeal request which shall set forth the Decision appealed from, document the basis for the Appeal and be accompanied by the appropriate application fee. The Commission shall hold a public hearing on the Appeal, and shall take testimony and enter findings of fact and conclusions and shall make such findings and conclusions available to the appellant within a reasonable time.

4.05 Fees

Fees for all floodplain-related applications (Permits, Variances, Appeals, etc.) are established by the Commission and available from the Floodplain Administrator on a fee-schedule. All required fees shall be paid at the time of submittal of the relevant floodplain-related application.

4.06 Compliance

Any use, arrangement or construction not in compliance with that authorized shall be deemed a violation of these Regulations and punishable as provided in Section 4.07. An applicant may be required to submit certification by a licensed Montana professional engineer, architect, land surveyor or other qualified person designated by the Floodplain Administrator that finished fill and building floor elevations, flood proofing or other flood protection measures were accomplished in compliance with Regulations.

4.07 Penalties

Violation of the provisions of this Resolution or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than six (6) months or both. Nothing herein contained shall prevent the Gallatin County from taking such other lawful action as is necessary to prevent or remedy any violation.

4.08 Emergency Preparedness Planning

In formulating community development goals, the community shall consider the development of a plan for evacuating residents of all manufactured home parks or subdivisions located within flood prone areas. This plan should be developed, filed with, and approved by appropriate community emergency management authorities.

4.09 Amendments

These Regulations may be amended by the Commission whenever the public necessity and convenience and general welfare require such amendment.

4.10 Extensions to Duration of Approved Floodplain Development Permits

When a Permit has been approved by the Floodplain Administrator for a specific period of time, the applicant may, prior to expiration of the approved Permit, request the Floodplain Administrator extend the duration of the approval. Such requests shall be in writing and accompanied by the relevant fee; shall justify the need for the extension; and shall document that any work completed to-date has been in compliance with the requirements of the approved Permit. Extension requests do not require public notification. Approvals to extension requests shall be issued in writing upon a determination by the Floodplain Administrator that:

- A. All work completed to-date is in compliance with the requirements of the approved Permit;
- B. The size, scope, and details of the project have not been expanded from those included in the approved Permit; and
- C. The requested extension provides a reasonable time frame to complete the project. Extensions shall not be of greater duration than the original Permit approval period (for example, if a Permit was granted for one year, no extension may exceed one year). Multiple extension requests are discouraged, but allowed upon showing of good cause.

SECTION 5 SPECIFIC STANDARDS

5.01 Application

The minimum standards listed in this Section apply to the Floodplain District established by Section 3.02.

A. All Development within the Floodplain District shall:

1. Be consistent with the need to minimize Flood damage;
2. Use construction methods and practices that will minimize Flood damage; and
3. Use construction materials and utility equipment that are resistant to Flood damage.

B. All New Construction and Substantial Improvements shall:

1. Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads; and
2. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.02 Floodway

A. Uses Allowed Without Permits The following open space uses shall be allowed without a Permit anywhere within the Floodway, provided that such uses conform to the provisions of Section 6 of these Regulations, are not prohibited by any other ordinance, resolution or statute and do not require fill, excavation, permanent storage of materials or equipment or structures other than portable structures:

1. Agricultural uses;
2. Accessory uses such as loading or parking areas, or emergency landing strips associate with industrial-commercial facilities;
3. Private and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat-launching ramps, parks, wildlife management and natural areas, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking or horseback riding trails;
4. Forestry, including processing of forest projects with portable equipment;

5. Residential uses such as lawns, gardens, parking areas and play areas;
 6. Irrigation and livestock supply wells, provided that they are located at least five hundred (500) feet from domestic water supply wells;
 7. Fences, except permanent fences crossing channels; and
 8. Storage of recreational vehicles provided that they be on the site for fewer than 180 consecutive days, or be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system with wheels intact, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- B. Uses Requiring Permits The following Artificial Obstructions and Non-Conforming Uses may be permitted in the Floodway subject to the issuance of a Permit by the Floodplain Administrator if the cumulative effect of such uses combined with allowable Floodway Fringe encroachments does not result in any increase (greater than or equal to one one-hundredth of one foot) to the unobstructed elevation of the Base Flood:
1. Excavation of material from the pits and pools provided that:
 - a. a buffer strip of undisturbed land of sufficient width to prevent Flood flows from channeling into the excavation is left between the edge of the channel and edge of the excavation;
 - b. the excavation meets all applicable laws and regulations of other local and state agencies; and
 - c. excavated material is stockpiled outside the Floodway, and if reasonably attainable, outside the Floodplain.
 2. Stream crossings provided the crossings are designed to offer minimal obstruction to Flood flow. Stream crossings shall not increase the Base Flood Elevation nor cause a significant increase in velocities of the Base Flood.
 3. Limited filling for transportation-related embankments not associated with stream crossings, provided that:
 - a. reasonable alternative transportation routes outside the designated Floodway are not available; and
 - b. such Floodway encroachment is located as far from the stream channel as possible and shall not result in a cumulative increase in Base Flood Elevations, after allowable encroachments into the Floodway Fringe, exceeding one-half foot.
 4. Buried or suspended utility transmission lines, provided that:
 - a. suspended utility transmission lines are designed such that the lowest point of

- the suspended line is at least six (6) feet higher than the Base Flood Elevation;
- b. towers and other appurtenant structures are designed and placed to withstand and offer minimal obstruction to Flood flows; and
 - c. utility transmission lines carrying toxic or flammable materials are buried to a depth at least twice the calculated maximum depth of scour for the Base Flood. The maximum depth of scour may be determined from any of the accepted hydraulic engineering methods, but the final calculated figure shall be subject to approval by the Floodplain Administrator.
5. Storage of materials and equipment, provided that:
- a. the material or equipment is not subject to major damage by Flooding and is properly anchored to prevent flotation or downstream movement; or,
 - b. the material or equipment is readily removable within the limited time available after Flood warning. Storage of flammable, toxic or explosive materials shall not be permitted.
6. Domestic water supply wells, provided that:
- a. they are driven or drilled wells located on ground higher than the surrounding ground to assure positive drainage from the well;
 - b. well casings are water tight to a distance of at least twenty five (25) feet below the ground surface;
 - c. water supply and electrical lines have a watertight seal where the lines enter the casing;
 - d. all pumps, electrical lines and equipment are either of the submersible type or are adequately flood-proofed; and
 - e. check valves are installed on main water lines at wells and all building entry locations.
7. Buried and sealed vaults for sewage disposal in recreational areas, provided that they meet applicable laws and standards administered by the Montana Department of Environmental Quality or the Gallatin City-County Environmental Health Department.
8. Public or private campgrounds, and Recreational Vehicle Parks or Campgrounds provided that:
- a. access roads require only limited fill and do not obstruct or divert Flood waters; and
 - b. Recreational vehicles and travel trailers are not in place more than 180

consecutive days and are licensed and ready for highway use. They are ready for highway use if on wheels or jacking system with wheels intact, are attached to the site with only quick disconnect type utilities and securing devices, and have no permanently attached additions.

9. Structures accessory to the uses permitted in this Section such as boat docks, marinas, sheds, picnic shelters, tables and toilets, provided that:
 - a. the Structures are not intended for human habitation;
 - b. the Structures, because of their type, construction, and use will have minimal potential to be damaged by a Flood;
 - c. the structures will, insofar as possible, be located on ground higher than the surrounding ground and as far from the channel as possible;
 - d. the flood-proofing standards of Section 6 are met; and,
 - e. the Structures will be constructed and placed so as to offer a minimal obstruction to Flood flows and are anchored to prevent flotation.
10. Substantial Improvements to any structure provided that the provisions of Section 5.03-B.5 or 5.03-B.6 of these Regulations are met. In the Floodway the structure must be flood-proofed or elevated on a permanent foundation rather than on fill.
11. All other Artificial Obstructions, Substantial Improvements or Non-Conforming Uses not specifically listed in, or prohibited by, these Regulations.

C. Permits for Flood Control Works Flood control works shall be allowed within Floodways subject to the issuance of a Permit by the Floodplain Administrator if the proposed project combined with allowable Floodway Fringe encroachments does not result in any increase (greater than or equal to one one-hundredth of a foot) to the unobstructed elevation of the Base Flood, and with the following conditions:

1. Levees and floodwalls are permitted if:
 - a. the proposed Levee or floodwall is designed and constructed to safely convey the Base Flood; and,
 - b. the cumulative effect of the Levee or floodwall combined with allowable Floodway Fringe encroachments does not increase the unobstructed elevation of the Base Flood. With concurrence of the Montana Department of Natural Resources and Conservation, and after the issuance of a CLOMR by FEMA and a Variance by the Commission, the Floodplain Administrator may issue a Permit authorizing a higher permissible increase in the Base Flood Elevation for individual Levee projects. In issuing such a Permit the Floodplain Administrator shall consider the following criteria:
 1. the estimated cumulative effect of other reasonable anticipated future

permissible uses; and,

2. the type and amount of existing flood-prone development in the affected area.

c. the proposed Levee or floodwall, except those to protect agricultural land only, are constructed at least three (3) feet higher than the Base Flood Elevation.

2. Bank stabilization, including Riprap and stream restoration projects, if:

a. the project materials are designed to withstand the Base Flood;

b. the project does not increase the Base Flood Elevation; and

c. the project will not increase erosion upstream, downstream, or adjacent to the project site.

3. Channelization and channel alteration projects if they do not significantly increase the magnitude, velocity of the Base Flood in the proximity of the project.

4. Dams, provided that:

a. they are designed and constructed in accordance with the Montana Dam Safety Act approved safety standards; and,

b. they will not increase Flood hazards downstream, either through operational procedures or improper hydrologic design.

D. Permits for Water Diversions: Permits for the establishment of a water diversion or change in place of diversion shall not be issued if:

1. the proposed project combined with allowable Floodway Fringe encroachments results in any increase (greater than or equal to one one-hundredth of a foot) to the unobstructed elevation of the Base Flood;

2. the proposed diversion is not designed and constructed to minimize potential erosion from the Base Flood; and

3. any permanent diversion structure crossing the full width of the stream channel is not designed and constructed to safely withstand the Base Flood.

E. Prohibited Uses. The following Artificial Obstructions and Alterations to Non-Conforming Uses are prohibited within the Floodway:

1. New construction and Alterations of any, residential, commercial, or industrial Structure;

2. Encroachments, including fill, new construction, Substantial Improvements, and other Development within the adopted regulatory Floodway that would result in

erosion of embankment, obstruction of the natural flow of waters, or increase in Flood elevations within the community during the occurrence of the Base Flood.

3. The construction or permanent storage of an object subject to flotation or movement during Flooding;
4. Solid and hazardous waste disposal, water distribution systems, and sewage treatment or disposal systems, except as allowed or approved under the laws and standards administered by the Montana Department of Environmental Quality Sciences or the Gallatin City-County Environmental Health Department; and,
5. Storage of highly toxic, flammable or explosive materials.
6. Alterations of structures unless it can be shown the Alteration will not raise flood heights;
7. Manufactured Homes.

5.03 Floodway Fringe

- A. Uses Allowed Without Permits. All uses allowed in the Floodway, according to the provisions of Section 5.02 A of these Regulations, shall also be allowed without a Permit in the Floodway Fringe. In addition, individual or multiple family subsurface sewage disposal systems are allowed only when they are reviewed and approved under laws and regulations administered by the Montana Department of Environmental Quality or the Gallatin City-County Environmental Health Department.
- B. Uses Requiring Permits. All uses allowed in the Floodway subject to the issuance of a Permit, according to the provisions of Section 5.02 B through Section 5.02 D of these Regulations, shall also be allowed by Permit within the Floodway Fringe. Where the requirements of Section 5.02 prohibit any increase in the Base Flood Elevation in the Floodway, those requirements shall be interpreted to allow up to one-half foot increase in the Base Flood Elevation in the Floodway Fringe, unless the Flood Insurance Study describes a lower allowable encroachment at a given location. In addition, new construction, Substantial Improvements and Alterations to structures, including but not limited to residential, commercial and industrial construction and Suitable Fill shall be allowed by Permit from the Floodplain Administrator subject to the following conditions:
 1. Such Structures or fill must not be prohibited by any other statute, regulation, ordinance or resolution, and must be compatible with any adopted growth policy or applicable law;
 2. Enclosures: If a Structure includes any fully enclosed area below the Lowest Floor (other than a basement, which are prohibited), use of this space shall be limited to parking, loading areas, building access, and storage of equipment or materials not appreciably affected by Flood waters. Walls shall be designed to automatically equalize hydrostatic forces by allowing for entry and exit of Flood waters. The

location, number, and design of any required openings to allow for the automatic entry and exit of Flood waters shall be certified by a Montana Professional Engineer as meeting the minimum requirements of the National Flood Insurance Program;

3. Such Structures are designed and built in accordance with the flood-proofing standards of Section 6;
4. Such structures are placed and constructed so as to offer minimal obstruction to Flood flows and are anchored to prevent flotation;
5. The new construction, Alterations and Substantial Improvements of residential Structures including Manufactured Homes must be constructed such that the Lowest Floor Elevation, including basements, is a minimum of two feet above the Base Flood Elevation in accordance with one of the below options. If built with a crawlspace, the lowest finished interior grade of the crawlspace shall be at or above the Base Flood Elevation.
 - a. The structure is built on Suitable Fill placed at an elevation greater than or equal to the Base Flood Elevation, and extending at least fifteen (15) feet, at that minimum elevation, beyond the structures in all directions; or
 - b. The structure is elevated on a backfilled permanent foundation.
6. The new construction, Alterations and Substantial Improvement of commercial and industrial structures must be either constructed as specified in Section 5.03-B.5 of these Regulations, or be adequately flood-proofed to an elevation no lower than two (2) feet above the Base Flood Elevation. Flood-proofing shall be accomplished in accordance with Section 6 of these Regulations and shall further include impermeable membranes or materials for floor and walls, water-tight enclosures for all window, doors, and other openings, and be certified by a licensed Montana professional engineer or architect that the flood-proofing methods are adequate to withstand the Flood depths, pressures, velocities, impact and uplift forces associated with the Base Flood:
 - a. Structures whose lowest floors are used for a purpose other than parking, loading, or storage of materials resistant to Flooding shall be flood-proofed to an elevation no lower than two feet above the Base Flood Elevation. Flood-proofing shall include impermeable membranes or materials for floors and walls and watertight enclosures for all windows, doors, and other openings. The floors and walls shall be designed and constructed of materials resistant to Flooding to an elevation no lower than two feet above the Base Flood Elevation. These structures shall also be designed to withstand the hydrostatic, hydrodynamic, and buoyancy effects of the Base Flood.
 - b. Flood-proofing of electrical, heating, and plumbing systems shall be accomplished in accordance with Section 6 of these regulations.
7. All Manufactured Homes placed in the Floodway Fringe must have the chassis securely anchored to a foundation system that will resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, over-

the-top or from ties to ground anchors. The following conditions also apply;

- a. When a Manufactured Home 1) undergoes Alterations, 2) is replaced because of Substantial Damage as a result of a Flood, or 3) is replaced on an individual site, the Lowest Floor must be elevated at least two feet above the Base Flood Elevation. The home can be elevated on Suitable Fill or raised on a permanent foundation of reinforced concrete, reinforced mortared block, reinforced piers, or other foundation elements of at least equivalent strength.
 - b. Replacement or Substantial Improvements of Manufactured Homes in an existing Manufactured Home Park or Subdivision must be raised on a permanent foundation. The Lowest Floor must be elevated at least two feet above the Base Flood Elevation. The foundation must consist of reinforced concrete, reinforced mortared block, reinforced piers, or other foundation elements of at least equivalent strength.
 - c. Manufactured Homes proposed for use as commercial or industrial structures must be elevated and anchored, rather than flood-proofed;
8. Suitable Fill placed in the Floodway Fringe must be stable, compacted (a minimum compaction rate of 95% is recommended), well graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, devoid of tree stumps or other organic material, and appropriate for the purpose of supporting the intended use and/or permanent structure.
 9. Transportation-related improvements such as roads, streets, highways, and rail lines shall be designed to minimize increase in Flood heights. Where failure or interruption of transportation facilities would result in danger to the public health or safety, the facility shall be located two (2) feet above the Base Flood Elevation;
 10. Agricultural structures that have a low damage potential, such as sheds, barns, shelters, and hay or grain storage structures must be adequately anchored to prevent flotation or collapse; and all electrical facilities shall be placed above the Base Flood Elevation; and
 11. Recreational vehicles, if they are on the site for more than 180 consecutive days are not ready for highway use, must meet the elevation requirements of Section 5.03-B.5.
- C. Prohibited Uses The following Artificial Obstructions and Non-Conforming Uses are prohibited within the Floodway Fringe:
1. Solid and hazardous waste disposal; and
 2. Storage of highly toxic, flammable, or explosive materials. Storage of petroleum products may be allowed by Permit if stored on compacted Suitable Fill at least two feet above the Base Flood Elevation and anchored to a permanent foundation to prevent downstream movement.

5.04 Floodplain Areas with Base Flood Elevations and No Delineated Floodway

- A. A Development proposed for a Floodplain, where Base Flood Elevations are available but no Floodway is delineated, may not significantly increase Flood velocities of depths or generally alter patterns of Flood flow. The provisions of Section 5.03, Floodway Fringe, shall apply to these areas. The Floodplain Administrator may require a Permit applicant to furnish additional hydraulic data before acting on a Permit application for such a Floodplain. The data may include, but are not limited to, any of the following:
1. a hydraulic study documenting probable effect on upstream, downstream, or adjacent property owners caused by the proposed development; or
 2. the calculated increase in the Base Flood Elevation caused by the proposed development.
- B. Permits for such proposed Development may be modified or denied if the additional information shows that the proposed use would cause an additional flood hazard to adjacent property or significantly increase Flood heights. A significant increase in Flood heights is one-half foot unless existing or anticipated Development in the area dictates a lesser amount of allowable increase.

5.05 Floodplain Areas without Base Flood Elevations or Delineated Floodways (Zone A)

The following requirements apply to the Floodplains delineated by approximated methods and identified as Zone A on the Official Maps.

- A. Uses Allowed Without Permits. All uses allowed in a Floodway, according to the provisions of Section 5.02-A of these Regulations shall also be allowed without a Permit in Zone A.
- B. Uses Requiring Permit. The requirements of Section 5.03-B shall also apply to Zone A Floodplains. Since there are no Base Flood Elevations computed for a Zone A, the following conditions also shall apply:
1. Base Flood Elevations shall be provided for subdivision proposals and other proposed Developments which contain at least fifty (50) lots or five (5) acres (whichever is less) and those Base Flood Elevations shall be used in applying these Regulations;
 2. The Floodplain Administrator may obtain, review, and reasonably use any Base Flood Elevation or Floodway data available from a Federal, State, or other source, until such data has been provided by the Federal Emergency Management Agency to enforce these Regulations;
 3. Historical Flood elevations may be used by the Floodplain Administrator in determining Suitable Fill or flood-proofing elevations to be achieved, and used to enforce these Regulations;
 4. If historical Flood evidence is not available, then the Floodplain Administrator shall determine, from a field review at the proposed Development site, an appropriate fill or flood-proofing elevation or both to be utilized in applying these Regulations. In

the absence of depth or elevation, a minimum two-foot flood depth shall be used; and

5. Proposed structures must be anchored to prevent flotation or collapse and must be located as far from stream channels as practicable.
- C. Prohibited Uses. Those uses prohibited in the Floodway Fringe, in accordance with Section 5.03-C. of these Regulations, shall also be prohibited within the Zone A boundaries.
- D. Floodplain Boundary Interpretation. The Floodplain Administrator shall make interpretations where needed, as to the exact location of the Zone A boundary when there appears to be a conflict between a mapped boundary and actual field conditions.

5.06 Shallow Flooding (Zone AO)

- A. Shallow Flooding areas are delineated as Zone AO on the Official Maps. The provisions of Section 5.03, (Floodway Fringe) of these Regulations shall apply to Zone AO. The Flooding depth of 100-year frequency is indicated as the depth number on the Official Maps and shall be referenced to the crown of the nearest street or stream flow line in determining fill or flood-proofing heights or both which are to be utilized in applying the provisions of Section 5.03-B. of these Regulations. In the absence of depth or elevation information, a minimum two-foot flood depth shall be used.
 1. Floodplain Boundary Interpretation. The Floodplain Administrator shall make interpretations where needed, as to the exact location of an Zone AO boundary when there appears to be a conflict between a mapped boundary and actual field conditions.

SECTION 6 FLOOD-PROOFING REQUIREMENTS

6.01 Certification

If the following flood-proofing requirements are to be applied to a proposed structure, as stipulated by the Floodplain Administrator in accordance with these Regulations, the methods used must be certified as adequate by a licensed Montana professional engineer or architect.

6.02 Conformance

Permitted flood-proof systems shall conform to the conditions listed below and, for commercial and industrial structures, the flood-proofing standards listed in Section 5.03-B.6. of these Regulations

A. Electrical Systems

1. All incoming power service equipment, including all metering equipment, control centers, transformers, distribution and lighting panels and all other stationary equipment must be located at least two (2) feet above the Base Flood Elevation;
2. Portable or movable electrical equipment may be placed below the Base Flood Elevation, if the equipment can be disconnected by a single plug-and-socket assembly of the submersible type;
3. The main power service line shall have automatically operated electrical disconnect equipment or manually operated electrical disconnect equipment located at an accessible remote location outside the Floodplain and above the Base Flood Elevation; and
4. All electrical wiring systems installed at or below the Base Flood Elevation shall be suitable for continuous submergence and may not contain fibrous components.

B. Heating Systems

1. Float operated automatic control valves must be installed in supply lines to gas furnaces so that the fuel supply is automatically shut off when flood waters reach the floor level where the furnaces are located;
2. Manually operated gate valves that can be operated from a location above the Base Flood Elevation also shall be provided in gas supply lines;
3. Electric heating systems must be installed in accordance with the provisions of Section 6.02 A.

C. Plumbing Systems

1. Sewer lines, except those to be buried and sealed in vaults, must have check valves installed to prevent sewage backup into permitted structures;
2. All toilet stools, sinks, urinals and drains must be located such that the lowest point of possible water entry is at least two (2) feet above the Base Flood Elevation, unless dry flood-proofing is used.

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