

Chapter 518 "F" Flood Plain Overlay District

518.01 Statutory Authorization, Purpose and Disclaimer

- A. **Statutory authority.** The Legislature of the State of Minnesota has, in Minnesota Statutes Chapters 103F and 394, delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statute Chapter 103F further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program.
- B. **Purpose.** The purpose of this Chapter is to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures base, all of which adversely affect the public health, safety and general welfare.
- C. **Disclaimer of liability.** This Chapter does not imply that areas outside of the flood plain overlay district or land uses permitted within such districts will be free from flooding and flood damages. This Chapter shall not create liability on the part of Rice County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made under this Ordinance

518.02 General Provisions

- A. **Adoption of Flood Insurance Rate Maps and Study.** The Flood Insurance Rate Maps and Flood Insurance Study for Rice County, both dated August 4, 1988, developed by the Federal Emergency Management Agency are hereby adopted by reference as the Official Flood Plain Zoning District Map and made a part of this Ordinance. This map was previously entitled the Flood Hazard Boundary Map.
- B. **Lands to which Flood Plain regulations apply.** Regulations in this Chapter shall apply to all lands designated as flood plain within the zoning jurisdiction of Rice County.
- C. **Map interpretation.** The boundaries of the Flood Plain Overlay District shall be determined by scaling distances on the Official Flood Plain Zoning District Map. Where interpretation is needed as to the exact location of the boundaries of the Flood Plain District, the Zoning Administrator shall make the necessary interpretations based on elevations on the regional (100 year) flood profile, if available. If 100 year flood elevations are not available, the County shall:
 1. Require a flood plain evaluation consistent with §518.07 to determine a 100 year flood elevation for the site; or
 2. Base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the flood plain; or
 3. Set the 100-year flood elevation on outletted lakes at three (3) feet above the ordinary high water level.
- D. **Relationship to other Rice County zoning regulations – Overlay District.** The Flood Plain Overlay District shall be considered a zoning district overlaying and superseding all existing land use regulations of Rice County. The permitted and conditional uses in §§518.03 and 518.04 shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this Chapter shall apply in addition to other legally established regulations of the County and where the flood plain regulations contained in this Chapter impose greater restrictions, the provisions of the flood plain regulation shall apply.
- E. **Compliance.** No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter.

- F. **Uses not listed are prohibited.** Within the Floodway and Flood Fringe areas, all uses not listed as a permitted use or a conditional use in §§518.03 and 518.04 shall be prohibited. In addition, the following should be noted:
1. **Manufactured homes and travel trailers.** New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Chapter and specifically §§518.03 and 518.08, below.
 2. **Damage to Nonconforming uses or structures.** Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Chapter and Chapter 504 of this Ordinance.
 3. **Elevations must be certified.** As-built elevations for elevated structures must be certified by ground surveys as stated in §518.07.

518.03 Permitted Uses

The following are uses permitted in the Flood Plain Overlay District **if not prohibited in the underlying zoning district (See Table 508-1) and if in compliance with the provisions of this Ordinance:**

- A. **Roads and bridges.** Roads, bridges and associated fill, subject to meeting minimum State standards set by the Department of Natural Resources and the Minnesota Department of Transportation.
- B. **Agricultural uses, not structures or storage.** Any agricultural use of land that does not involve a structure, an addition to the outside dimensions of an existing structure or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment.
- C. **Structures in Flood Fringe only.** Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the flood plain, shall be subject to the development standards in §518.06 and the flood plain evaluation criteria in §518.07 for determining floodway and flood fringe boundaries.

518.04 Conditional Uses

The following are uses that may be allowed as a conditional use in the Flood Plain Overlay District **if not prohibited in the underlying zoning district (See Table 508-1), if in compliance with the provisions of this Ordinance,** and if a conditional use permit application is submitted and approved following the provisions in Chapter 503:

- A. **Storage.** Storage of equipment and materials in conformance with §518.06 B. below
- B. **Extraction.** Gravel mining and other earth material extraction operations
- C. **Limited filling for new permitted structures.** Clean earth fill, not to exceed two (2) feet in depth and limited to one (1) acre in area, to elevate new permitted structures in the flood fringe area above the 100-year flood elevation is permitted if in conformance with §518.06 A. below.
- D. **Filling for existing structures.** Clean earth fill to elevate existing structures in the flood fringe above the one hundred (100) year flood elevation is permitted if in conformance with §518.06 A. below.
- E. **Campgrounds.** Recreational vehicle campgrounds

518.05 Prohibited Uses in the Floodway

The placement of any structure in the floodway, including new residences, is specifically prohibited. New residential subdivisions are also prohibited in the floodway.

518.06 General Regulations

The following regulations apply to all lands and activities in the Flood Plain Overlay District:

- A. **Standards for fill.** Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structure properly elevated on fill above the one hundred (100) year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- B. **Storage of materials and equipment.** The storage or processing of materials that are, in time of flooding, flammable, explosive, toxic or potentially injurious to human, animal, or plant life is prohibited.
 - 1. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the Regulatory Flood Protection Elevation.
 - 2. Mining spoil shall not be stockpiled in the floodway.
- C. **Obstructions.** No uses shall be permitted or issued a Conditional Use Permit which will adversely affect the capacity of the channels or floodways of any main stream or any of its tributaries, or of any drainage ditch, or any other drainage facility or system, unless it is a flood control or conservation project approved by the Department of Natural Resources and the Rice County Soil and Water Conservation District.
- D. **Finished fill elevation.** All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the basement floor, or first floor if there is no basement, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation must be no lower than one foot below the Regulatory flood Protection Elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of the structure constructed thereon.
- E. **Vehicular Access.** Uses that do not have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board of Adjustment shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist. Vehicular access to agricultural lands for purposes of working the farmland shall be exempted from these provisions.
- F. **Parking lots and public access.** Accessory land uses, such as railroad yards, public access and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a Conditional Use Permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity that when multiplied the depth in feet and velocity in feet per second exceeds four feet.
- G. **On-site sewage treatment and water supply systems.** In addition to meeting the provisions of the Rice County Sewage and Wastewater Treatment Ordinance, sewage and water supply systems in the Flood Plain Overlay District shall comply with the following where public utilities are not provided:
 - 1. On-site water supply systems must be designed to prevent infiltration of flood waters into the systems; and
 - 2. New replacement on-site sewage treatment systems must contain check valves or other devices designed to prevent infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding.

- H. **Manufactured homes.** All existing manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top of frame tied to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- I. **Utilities, railroads, roads and bridges.** All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state flood plain management standards contained in Minnesota Rules 1983, Parts 6120.5000 to 6120.6200.

518.07 Evaluation Procedure

- A. **Site evaluation.** Upon receipt of an application for a Conditional Use Permit, variance, manufactured home park development or subdivision approval within the Flood Plain Overlay District, the Planning Director shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a certified engineer, hydrologist, or other qualified person, specifying the nature of the development and whether the proposed use is located in the Floodway or Flood Fringe and the Regulatory Flood Protection Elevation for the site. Procedures consistent with Minnesota Rules 1983, Parts 6120.5000 (Technical Standards and Requirements for Flood Plain Evaluation) and 6120.5700 (Minimum Flood Plain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.
- B. **Certification of lowest floor elevations.** Except in Shoreland Districts, the lowest floor elevation shall be a minimum of one (1) foot above the 100-year flood elevation. Shoreland Districts are regulated in §516.19. The applicant shall be required to submit certification by a registered professional engineer, registered architect, registered land surveyor, or other qualified person, that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. The Planning Director shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions, to existing structures in the Flood Plain District.

518.08 Travel Trailers and Recreational Vehicles

Travel trailers and recreational vehicles, as defined in Chapter 502 of this Ordinance, that do not meet the exemption criteria specified below shall be subject to the provisions of this Chapter and the provisions of the underlying zoning district.

- A. **Exemptions.** Travel trailers and recreational vehicles are exempt from the Flood Plain provisions of this Chapter if they are placed in any of the areas listed in B. below, and if they meet the following criteria:
 - 1. They meet the requirements for the underlying zoning district
 - 2. Have current licenses required for highway use
 - 3. Are highway ready, meaning on wheels or the internal jacking system is attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the trailer/travel vehicle has no permanent structural additions attached.
- B. **Areas exempted for placement of travel trailers and recreational vehicles**
 - 1. Individual lots or parcels of record
 - 2. Existing commercial recreational vehicle parks or campgrounds
- C. **Loss of exemption.** Travel trailers and recreational vehicles exempted above lose this exemption when development occurs on the parcel exceeding 500 dollars for a structural addition to the travel trailer/recreational vehicle or where an accessory structure such as a garage or storage building is constructed. The travel trailer/recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in this Ordinance.

- D. **Parks and campgrounds.** New commercial travel trailer or recreational vehicle parks or campgrounds and the expansion of any existing similar use exceeding five (5) units or camping sites shall be processed as a Planned Unit Development where not prohibited in the underlying zoning district and shall be subject to the following provisions:
1. **Evacuation plan.** The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation.
 2. **Sewage and water facility protection.** All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with §518.06.