

AGENDA
MAPLE PLAIN CITY COUNCIL – REGULAR MEETING
MAPLE PLAIN CITY HALL
October 24, 2016
6:30 P.M.

- 1. WELCOME**
- 2. CALL TO ORDER**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPT AGENDA**
- 5. CONSENT AGENDA**
 - A. Accounts Payable
 - B. October 10, 2016 City Council Minutes
 - C. Payment Request No. 1 in the amount of \$236,791.30 to Ryan Contracting Co. Re Budd Ave. Street Improvement Project
- 6. ADMINISTRATIVE REPORTS**
 - A. City Engineer October Monthly Report
 - B. City Planner October Monthly Report
 - C. West Hennepin September Monthly Report
 - D. Public Works October Monthly Report
 - E. City Administration October Monthly Report
- 7. OLD BUSINESS**
- 8. PUBLIC HEARING**
 - A. Ordinance Amending Chapter 151 of the Maple Plain City Code Relating to Floodplain Management Regulations
- 9. NEW BUSINESS**
 - A. Adopt Ordinance Amending Chapter 151 of the Maple Plain City Code Relating to Floodplain Management Regulations
 - B. Schedule Budd Ave. Street Improvement Assessment Hearing
 - C. Northside Park Redevelopment Plan
- 10. COUNCIL REPORTS & OTHER BUSINESS**
 - A. Attitude of Gratitude
- 11. VISITORS TO BE HEARD**

Note: This is a courtesy extended to persons wishing to address the council who are not on the agenda. A completed public comment form should be presented to the city administrator prior to the meeting; presentations will be limited to 3 minutes. This session will be limited to 15 minutes.
- 12. ADJOURNMENT**

CITY OF MAPLE PLAIN
Payments

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Current Period: October 2016

Batch Name	10/21/16 PAY	User Dollar Amt	\$101,404.18		
	Payments	Computer Dollar Amt	\$101,404.18		
				\$0.00	In Balance
Refer	0 AMERICAN PUBLIC WORKS ASSO				
Cash Payment	E 601-49400-331 Training & Travel				\$387.50
Invoice	635782	9/9/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$387.50
Refer	0 BERGERSON-CASWELL, INC.				
Cash Payment	E 601-49400-311 Contract Service	Testing Pump #3			\$300.00
Invoice		9/30/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$300.00
Refer	0 BUDGET PRINTING CENTER				
Cash Payment	E 101-41500-437 Miscellaneous				\$28.00
Invoice	66	10/3/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$28.00
Refer	0 CITY OF INDEPENDENCE				
Cash Payment	G 101-21707 Dental Insurance				\$508.95
Invoice		10/15/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$508.95
Refer	0 ECM PUBLISHERS INC				
Cash Payment	E 101-41420-351 Legal Notices Publishing	Floodplain			\$34.70
Invoice	414903	10/8/2016			
Cash Payment	E 101-41420-351 Legal Notices Publishing	Plan. Comm.			\$34.70
Invoice		10/7/2016			
Cash Payment	E 101-41410-351 Legal Notices Publishing	PAT Test			\$15.42
Invoice		10/7/2016			
Cash Payment	E 101-41410-351 Legal Notices Publishing	Gen. Election			\$15.42
Invoice		10/7/2016			
Cash Payment	E 101-41410-351 Legal Notices Publishing	Absentee Voting			\$19.28
Invoice		10/7/2016			
Cash Payment	E 101-41410-351 Legal Notices Publishing	Well 4 Bids			\$53.97
Invoice	413444	10/1/2016			
Cash Payment	E 101-41410-351 Legal Notices Publishing	Cable Franchise			\$69.39
Invoice		10/18/2016			
Cash Payment	E 105-45100-340 Advertising	MP Days			\$393.00
Invoice		9/30/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$635.88
Refer	0 FINANCE & COMMERCE				
Cash Payment	E 101-41420-351 Legal Notices Publishing	Well 4 Bids			\$121.91
Invoice	742960653	10/5/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$121.91
Refer	0 FORCE FLOW				
Cash Payment	E 601-49400-227 Utility Maintenance Supp				\$1,271.10
Invoice	30286	10/10/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$1,271.10
Refer	0 MAPLE PLAIN/INDEPENDENCE FIR				

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Payments

Current Period: October 2016

Cash Payment	E 101-42290-307 Fire Administration			\$14,839.67
Invoice				
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$14,839.67
Refer	0 HAWKINS INC.			
Cash Payment	E 601-49400-216 Chemicals & Chemical P			\$15.00
Invoice	3960000 9/30/2016			
Cash Payment	E 601-49400-216 Chemicals & Chemical P			\$100.00
Invoice	3960177 9/30/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$115.00
Refer	0 HEALTHPARTNERS			
Cash Payment	G 101-21706 Health Insurance			\$6,607.06
Invoice	68585052 10/7/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$6,607.06
Refer	0 HENNEPIN COUNTY			
Cash Payment	E 101-42110-437 Miscellaneous	Radio Fee		\$74.32
Invoice	1000082175 9/1/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$74.32
Refer	0 METRO WEST INSPECTION SERVI			
Cash Payment	E 101-42400-308 Building Inspection			\$185.29
Invoice	10/5/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$185.29
Refer	0 METROPOLITAN COUNCIL			
Cash Payment	E 602-49450-319 Other Consulting Service Water Waste Serv.			\$14,011.24
Invoice	0001060042 10/5/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$14,011.24
Refer	0 PIPE SERVICES CORP			
Cash Payment	E 601-49400-311 Contract Service	Sanitary Sewer Clean./Inspect.		\$12,481.51
Invoice	2007833 9/7/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$12,481.51
Refer	0 ENGEL WATER TESTING, INC			
Cash Payment	E 601-49400-311 Contract Service	Water Samples		\$75.00
Invoice	16-16725 9/16/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$75.00
Refer	0 NW HENN LEAGUE MUNICIPALITIE			
Cash Payment	E 101-41110-433 Dues & Subscriptions	Member Dues		\$200.00
Invoice	9/26/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$200.00
Refer	0 NEOFUNDS BY NEOPOST			
Cash Payment	E 101-41500-322 Postage			\$1,163.44
Invoice	9/30/2016			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$1,163.44
Refer	0 OFFICE DEPOT			
Cash Payment	E 101-41500-201 Office Supplies			\$197.81
Invoice	861627610001 9/1/2016			

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Payments

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Current Period: October 2016

Cash Payment	E 101-41500-201 Office Supplies			\$37.77
Invoice	861629230001	9/1/2016		
Cash Payment	E 101-41500-201 Office Supplies			\$92.01
Invoice	868749190001	10/3/2016		
Cash Payment	E 101-41500-201 Office Supplies			\$52.60
Invoice	869294005001	10/4/2016		
Cash Payment	E 101-41500-201 Office Supplies			\$53.91
Invoice	870859765001	10/11/2016		
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$434.10
Refer	0 <u>ORONO COMMUNITY EDUCATION</u>			
Cash Payment	E 101-46630-490 Civic Organization Donat Summer Rec.			\$684.53
Invoice	16106	10/6/2016		
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$684.53
Refer	0 <u>ORONO ISD #278</u>			
Cash Payment	E 101-41940-387 Office Lease			\$2,673.68
Invoice	163	10/4/2016		
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$2,673.68
Refer	0 <u>BOBBY SCHOEN</u>			
Cash Payment	E 601-49400-433 Dues & Subscriptions	Camera Acct		\$20.00
Invoice		10/12/2016		
Cash Payment	E 101-41500-321 Telephone			\$50.00
Invoice		10/12/2016		
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$70.00
Refer	0 <u>TOSHIBA</u>			
Cash Payment	E 101-41500-413 Office Equipment Rental			\$251.34
Invoice	315226894			
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$251.34
Refer	0 <u>UNIFIRST</u>			
Cash Payment	E 101-43000-417 Uniform Rentals			\$39.21
Invoice	0900320791	8/31/2016		
Cash Payment	E 101-43000-417 Uniform Rentals			\$46.17
Invoice	0900321876	9/7/2016		
Cash Payment	E 101-43000-417 Uniform Rentals			\$46.17
Invoice	0900322940	9/14/2016		
Cash Payment	E 101-43000-417 Uniform Rentals			\$46.17
Invoice	0900323949	9/21/2016		
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$177.72
Refer	0 <u>VERIZON</u>			
Cash Payment	E 601-49400-321 Telephone			\$143.19
Invoice	9773400065	10/10/2016		
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$143.19
Refer	0 <u>WELLENS</u>			
Cash Payment	E 101-49990-725 Contingencies	Seeding		\$4,300.00
Invoice	4750	10/13/2016		
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total \$4,300.00
Refer	0 <u>WEST HENNEPIN PUBLIC SAFETY</u>			

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Payments

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Cash Payment	E 101-42110-306	Police Administration			\$36,317.75
Invoice					
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$36,317.75
Refer	0	<i>XCEL ENERGY</i>			
Cash Payment	E 801-42280-381	Electric Utilities	Fire		\$330.22
Invoice 519093893 10/4/2016					
Cash Payment	E 101-43160-381	Electric Utilities	Traffic Signals		\$43.71
Invoice 519093893 10/4/2016					
Cash Payment	E 101-43160-381	Electric Utilities	Park		\$54.60
Invoice 519093893 10/4/2016					
Cash Payment	E 101-43160-381	Electric Utilities	Garage		\$13.00
Invoice 519093893 10/4/2016					
Cash Payment	E 101-43160-381	Electric Utilities	Park		\$140.46
Invoice 519093893 10/4/2016					
Cash Payment	E 601-49400-381	Electric Utilities	Water Acct		\$31.73
Invoice 519093893 10/4/2016					
Cash Payment	E 602-49450-381	Electric Utilities	Sewer		\$287.62
Invoice 519093893 10/4/2016					
Cash Payment	E 101-43160-381	Electric Utilities	Traffic		\$29.72
Invoice 519093893 10/4/2016					
Cash Payment	E 601-49400-381	Electric Utilities	Street Lights		\$2,018.94
Invoice 518808015 10/3/2016					
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$2,950.00
Refer	0	<i>SUTHERLANDS NURSERY & TREE</i>			
Cash Payment	E 105-45100-311	Contract Service	MP Days Refund		\$50.00
Invoice					
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$50.00
Refer	0	<i>TAYLOR RICHTER</i>			
Cash Payment	E 101-41500-331	Training & Travel	APMP Conference		\$25.00
Invoice 10/20/2016					
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$25.00
Refer	0	<i>ZONEONE LOCATING / HANCE UTI</i>			
Cash Payment	E 601-49400-227	Utility Maintenance Supp			\$321.00
Invoice 23577 10/5/2016					
Transaction Date	10/21/2016	Bank of Maple Plain	10100	Total	\$321.00

CITY OF MAPLE PLAIN
Payments

Current Period: October 2016

Fund Summary

	10100 Bank of Maple Plain	
101 GENERAL FUND		\$69,167.13
105 COMMUNITY EVENTS FUND		\$443.00
601 WATER FUND		\$17,164.97
602 SEWER FUND		\$14,298.86
801 FIRE PARTNERSHIP FUND		\$330.22
		<u>\$101,404.18</u>

Pre-Written Checks	\$0.00
Checks to be Generated by the Computer	\$101,404.18
Total	<u>\$101,404.18</u>

MINUTES
MAPLE PLAIN CITY COUNCIL – REGULAR MEETING
MAPLE PLAIN CITY HALL
October 10, 2016
6:30 P.M.

1. WELCOME

2. CALL TO ORDER

Present: Mayor, Jerry Young; Councilmembers Julie Maas Kusske, Mike DeLuca, Justin McCoy and Dave Eisinger. Also present: City Administrator, Robert Schoen; City Planner, Mark Kaltsas; and City Attorney, John Thames.

3. PLEDGE OF ALLEGIANCE

4. ADOPT AGENDA

Motion by Councilmember DeLuca, seconded by Councilmember Eisinger to adopt the agenda as written with the addition of Orono School Referendum Presentation. Motion passed 5 to 0.

5. ORONO SCHOOL DISTRICT REFERENDUM PRESENTATION

Bob Tunheim, Orono School Board Chair presented the Orono School referendum question on the ballot for voters this fall. The Referendum focuses on two questions. Those two questions are;

Question 1 (Excellence in Academics) will seek voter approval to generate an additional \$1.25 million annually to support classroom instruction and school operations through an increase in our operating levy.

Question 2 (Excellence in Activities) will seek voter approval to construct an 80,000-square-foot indoor activities center attached to Orono High School.

For more information on the Orono School Referendum, please visit <http://orono.k12.mn.us/business-services/communications/2016-operating-levy-bond-referendum/>

6. CONSENT AGENDA

- A. Accounts Payable
- B. City Council Minutes from September 26, 2016 City Council Regular Meeting
- C. Adopt Resolution 16-1010-02 Appointing Election Judges for the General Election
- D. Adopt Resolution No.16-1010-01 Appointing Absentee Ballot Board

Motion by Councilmember Eisinger to approve the October 10th Consent Agenda. Seconded by Councilmember McCoy. Motion passed 5 to 0.

6. ADMINISTRATIVE REPORTS

7. OLD BUSINESS

A. Discuss Resolution 16-1010-03 Collision Corner CUP

City Planner, Mark Kaltsas explained to City Council that this resolution is the result from the September 26th meeting that reviewed an application to amend Collision Corner's Site Plan. City staff took the direction from City Council and is back with a resolution for approval. The resolution removes the requirement for a building to be constructed before October 1st and provides additional parking requirements and flexibility in the back of the building. The Resolution also requires a handicapped parking space in the front of the building. All previous conditions remain into effect from the previous CUP.

Motion by Councilmember DeLuca to approve Resolution 16-1010-03. Seconded by Councilmember Maas-Kusske. Motion passed 5 to 0.

B. Discuss Resolution 16-1010-04 Collision Corner Lease Agreement

City Planner, Mark Kaltsas shared that before you is a resolution to revoke the Oak Street Right-of-Way that was issued to Collision Corner to help relieve the space needed for the number of cars located on their site. Collision Corner did not make the improvements required in the license agreement and as a result a resolution is before the City Council to revoke that license agreement.

Motion by Councilmember McCoy to approve Resolution 16-1010-04. Seconded by Councilmember DeLuca. Motion passed 5 to 0.

8. NEW BUSINESS

9. COUNCIL REPORTS & OTHER BUSINESS

A. Attitude of Gratitude

10. VISITORS TO BE HEAR

Note: This is a courtesy extended to persons wishing to address the council who are not on the agenda. A completed public comment form should be presented to the city administrator prior to the meeting; presentations will be limited to 3 minutes. This session will be limited to 15 minutes.

Judy Sutherland a resident in town shared her concerns with the moving of the historical museum and wanted to have confidence that the City Council will invest in Northside park if the museum does relocate there. City Council shared that the historical museum is owned by the City and that the building is being moved this fall. The City is in the process of approving a plan that would lay a vision for park improvements at Northside park.

Mike Shannon and Gary keller spoke about Total Auto Sales a business located at 5330 U.S. Hwy 12. Both Mike and Gary were upset that their property is in need of a variance to operate their car dealership in the manner in which cars are presently parked. City Staff and City Council worked and talked to the property owners and were able to agree that a variance is needed and will be heard at the November Planning Commission meeting. Until then the property owners were advised to comply with their current CUP to receive City dealership approval.

11. ADJOURNMENT

Motion by Councilmember McCoy to adjourn the October 10th City Council meeting at 7:35 P.M. Motion seconded by Councilmember Maas-Kusske. Motion Passed 5 to 0.



Agenda Information Memorandum
October 24, 2016 - Maple Plain City Council

3. CONSENT AGENDA

C. Payment Request No. 1 – BUDD AVENUE UTILITY & STREET IMPROVEMENTS

ACTION TO BE CONSIDERED

To approve Payment Request No. 1 in the amount of \$236,791.30 to Ryan Contracting Co.

FACTS

- Construction on the project started in September, 2016.
- The payment request reflects work completed up to October 13, 2016.
- Utility work is finishing up at this time and street construction should begin on October 21 or October 24, 2016.

ATTACHMENTS

Attached on the following page - Payment Request No. 1



Owner: City of Maple Plain, P. O. Box 97, Maple Plain, MN 55359	Date: October 18, 2016
For Period: 9/13/2016 to 10/13/2016	Request No: 1
Contractor: Ryan Contracting Co., 26480 France Ave., P. O. Box 246, Elko New Market, MN 55020	

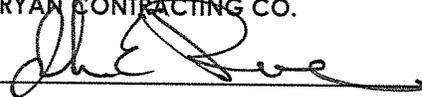
CONTRACTOR'S REQUEST FOR PAYMENT
 BUDD AVENUE STREET AND UTILITY IMPROVEMENTS
 STANTEC PROJECT NO. 193803417

SUMMARY

1	Original Contract Amount		\$	885,269.10
2	Change Order - Addition	\$	0.00	
3	Change Order - Deduction	\$	0.00	
4	Revised Contract Amount		\$	885,269.10
5	Value Completed to Date		\$	249,254.00
6	Material on Hand		\$	0.00
7	Amount Earned		\$	249,254.00
8	Less Retainage 5%		\$	12,462.70
9	Subtotal		\$	236,791.30
10	Less Amount Paid Previously		\$	0.00
11	Liquidated damages -		\$	0.00
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>1</u>		\$	<u>236,791.30</u>

Recommended for Approval by:
STANTEC

Approved by Contractor:
RYAN CONTRACTING CO.



Approved by Owner:
CITY OF MAPLE PLAIN

Specified Contract Completion Date:

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
ALTERNATE 2A - STREET IMPROVEMENTS							
135	MOBILIZATION	LS	1	30000.00	0.5	0.5	\$15,000.00
136	TRAFFIC CONTROL	LS	1	7500.00	0.5	0.5	\$3,750.00
137	TEMPORARY MAILBOX	LS	1	2500.00	0.5	0.5	\$1,250.00
138	TEMPORARY CONSTRUCTION ENTRANCE	EA	3	200.00			\$0.00
139	STREET SWEEPER (WITH PICK UP BROOM AND OPERATOR)	HR	10	135.00			\$0.00
140	BOBCAT (WITH OPERATOR)	HR	10	80.00	4	4	\$320.00
141	CLEAR & GRUB	TREE	8	600.00	10	10	\$6,000.00
142	BRUSH REMOVAL	LS	1	2000.00	1	1	\$2,000.00
143	TREE TRIMMING	HR	4	300.00	4	4	\$1,200.00
144	REMOVE WOODEN POST	EA	3	50.00	3	3	\$150.00
145	SALVAGE AND REINSTALL FENCE, SPLIT RAIL	LF	100	20.00	50	50	\$1,000.00
146	SALVAGE AND REINSTALL SIGN	EA	1	250.00			\$0.00
147	SAWING BITUMINOUS PAVEMENT	LF	300	4.00			\$0.00
148	SAWING BITUMINOUS DRIVEWAY	LF	280	5.00			\$0.00
149	REMOVE BITUMINOUS PAVEMENT	SY	4560	3.50	4300	4300	\$15,050.00
150	REMOVE BITUMINOUS DRIVEWAY	SY	780	5.00	700	700	\$3,500.00
151	REMOVE BITUMINOUS TRAIL	SY	60	5.00			\$0.00
152	REMOVE CONCRETE SIDEWALK	SF	150	1.00			\$0.00
153	REMOVE CONCRETE CURB & GUTTER	LF	260	4.00	100	100	\$400.00
154	REMOVE SIGN	EA	3	100.00	3	3	\$300.00
155	REMOVE SANITARY SEWER PIPE	LF	900	3.00	900	900	\$2,700.00
156	ABANDON SANITARY SEWER PIPE	LF	450	6.00			\$0.00
157	REMOVE WATERMAIN PIPE	LF	225	6.00	225	225	\$1,350.00
158	ABANDON WATERMAIN PIPE	LF	1350	6.00	500	500	\$3,000.00
159	REMOVE SANITARY MANHOLE	EA	5	500.00	6	6	\$3,000.00
160	ABANDON SANITARY MANHOLE	EA	1	700.00			\$0.00
161	REMOVE STORM SEWER MANHOLE OR CATCHBASIN	EA	7	400.00			\$0.00
162	REMOVE STORM SEWER PIPE	LF	1100	8.00			\$0.00
163	REMOVE HYDRANT	EA	3	300.00	3	3	\$900.00
164	SALVAGE HYDRANT	EA	1	400.00	1	1	\$400.00
165	ADJUST GATE VALVE BOX	EA	6	350.00			\$0.00
166	ADJUST FRAME AND RING CASTING	EA	11	400.00			\$0.00
167	FURNISH AND INSTALL NEW FRAME AND RING CASTING IN STREET	EA	2	700.00			\$0.00
168	FURNISH AND INSTALL NEW CASTING FOR CURB BOX IN DRIVEWAY	EA	4	300.00			\$0.00
169	DITCH GRADING	LF	200	12.00			\$0.00
170	COMMON EXCAVATION (P)	CY	4450	15.00	200	200	\$3,000.00
171	SUBGRADE EXCAVATION (EV)	CY	500	12.00			\$0.00
172	SELECT GRANULAR BORROW	CY	2425	18.00			\$0.00
173	COMMON TOPSOIL BORROW (LV)	CY	775	25.00			\$0.00
174	GEOTEXTILE FABRIC, TYPE V NON-WOVEN	SY	5770	1.50			\$0.00
175	AGGREGATE BASE, CLASS 5, 100% CRUSHED	TN	2950	15.00			\$0.00
176	TYPE SP 9.5 WEARING COURSE (2,B)	TN	420	64.62			\$0.00
177	TYPE SP 12.5 NON-WEARING COURSE (2,B)	TN	560	58.92			\$0.00
178	TYPE SP 9.5 WEARING COURSE (2,B) 3.0" THICK (DRIVEWAY REPAIR)	SY	530	23.05			\$0.00
179	BITUMINOUS WEDGE FOR PLOW PROTECTION	TN	10	114.00			\$0.00
180	BITUMINOUS MATERIAL FOR TACK COAT	GAL	245	2.60			\$0.00
181	AGGREGATE BASE, CLASS 2, 100% CRUSHED	TN	150	45.00			\$0.00
182	AGGREGATE MATERIAL FOR ACCESS	CY	400	20.00			\$0.00
183	CONNECT EXISTING DRAINTILE TO STRUCTURE	EA	4	250.00			\$0.00
184	4" PERFORATED POLYETHYLENE PIPE	LF	2750	6.00			\$0.00
185	4" PERFORATED PVC DRAIN TILE, SDR 26	LF	175	10.00			\$0.00
186	4" PVC SUMP PIPE STUB INCLUDING WYE AND CAP	EA	10	200.00			\$0.00
187	POTHOLE EXISTING UTILITY	EA	4	300.00	3	3	\$900.00
188	SURMOUNTABLE CONCRETE CURB AND GUTTER	LF	2300	12.00			\$0.00
189	6" CONCRETE DRIVEWAY APRON	SF	1825	6.00			\$0.00

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
190	4" CONCRETE SIDEWALK	SF	8100	5.00			\$0.00
191	CONCRETE PEDESTRIAN CURB RAMP	SF	300	8.00			\$0.00
192	TRUNCATED DOME SURFACE	SF	74	40.00			\$0.00
193	SIGN PANEL, TYPE C	SF	92	45.00			\$0.00
194	INSTALL STREET NAME SIGN	EA	2	300.00			\$0.00
195	PROTECTION OF CATCHBASIN	EA	15	100.00	5	5	\$500.00
196	SILT FENCE, MACHINE SLICED	LF	1250	1.00	1000	1000	\$1,000.00
197	ROCK DITCH CHECK	EA	5	250.00			\$0.00
198	FILTER LOG	LF	200	3.00	100	100	\$300.00
199	WATER FOR DUST CONTROL	MGAL	15	30.00			\$0.00
200	5' HIGH CONIFEROUS TREE B&B	EA	3	300.00			\$0.00
201	DECIDUOUS TREE 2.5" CAL. B&B	EA	3	450.00			\$0.00
202	SODDING, LAWN TYPE	SY	5500	4.55			\$0.00
203	SHRUB	EA	10	50.00			\$0.00
204	SEEDING	AC	0.5	2000.00			\$0.00
205	SEED MIXTURE TYPE 25-151	LB	60	5.00			\$0.00
206	SEED MIXTURE TYPE 33-262	LB	20	5.00			\$0.00
207	WATER FOR TURF ESTABLISHMENT	MGAL	10	80.00			\$0.00
208	FERTILIZER, TYPE 3	LB	200	1.00			\$0.00
209	EROSION CONTROL BLANKETS, CATEGORY 1	SY	100	2.00			\$0.00
210	EROSION CONTROL BLANKETS, CATEGORY 3	SY	600	2.50			\$0.00
211	LANDSCAPE RESTORATION	LS	1	10000.00			\$0.00
212	HERBICIDE	AC	0.5	1000.00			\$0.00
213	4" WHITE STRIPING (PAINT)	LF	300	1.50			\$0.00
214	4" DOUBLE YELLOW STRIPING (PAINT)	LF	250	3.00			\$0.00
215	PAVEMENT MESSAGE, ARROW (EPOXY)	EA	2	160.00			\$0.00
216	ZEBRA WALK (EPOXY)	SF	240	4.90			\$0.00
	TOTAL ALTERNATE 2A - STREET IMPROVEMENTS						\$66,970.00
ALTERNATE 2B - SANITARY SEWER IMPROVEMENTS							
217	BYPASS PUMPING	LS	1	1.00	1	1	\$1.00
218	CONNECT TO EXISTING SANITARY SEWER STRUCTURE, CORE DRILL	EA	1	2500.00	1	1	\$2,500.00
219	CONNECT TO EXISTING SANITARY SEWER PIPE	EA	1	2000.00	1	1	\$2,000.00
220	4' DIAMETER SANITARY MH, INCL R-1642-B CSTG AND CONC ADJ RINGS	EA	4	2800.00	4	4	\$11,200.00
221	4' DIAMETER SANITARY MANHOLE OVERDEPTH	LF	4	125.00	4	4	\$500.00
222	EXTERNAL SEAL SYSTEM	EA	5	300.00			\$0.00
223	8" PVC SANITARY SEWER, SDR 35	LF	75	37.00	75	75	\$2,775.00
224	10" PVC SANITARY SEWER, SDR 35	LF	1338	38.00	1338	1338	\$50,844.00
225	10" X 4" SEWER WYE	EA	6	300.00	4	4	\$1,200.00
226	10" X 6" SEWER WYE	EA	6	350.00	8	8	\$2,800.00
227	8" PLUG	EA	2	200.00	2	2	\$400.00
228	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	400	2.00	400	400	\$800.00
229	TELEWISE SANITARY SEWER	LF	1413	2.00			\$0.00
230	RECONNECT SANITARY SEWER SERVICE	EA	12	200.00			\$0.00
231	CLEANOUT	EA	4	300.00			\$0.00
232	4" PVC, SCH. 40 SERVICE PIPE	LF	225	20.00			\$0.00
233	6" PVC, SCH. 40 SERVICE PIPE	LF	225	22.00			\$0.00
	TOTAL ALTERNATE 2B - SANITARY SEWER IMPROVEMENTS						\$75,020.00
ALTERNATE 2C - WATERMAIN IMPROVEMENTS							
234	TEMPORARY WATER MAIN	LS	1	5000.00	1	1	\$5,000.00
235	CONNECT TO EXISTING WATER MAIN	EA	6	1000.00	6	6	\$6,000.00
236	HYDRANT	EA	3	3600.00	3	3	\$10,800.00
237	6" GATE VALVE & BOX	EA	6	1700.00	6	6	\$10,200.00
238	8" GATE VALVE & BOX	EA	8	2000.00	8	8	\$16,000.00
239	6" PVC WATER MAIN, C900	LF	180	29.00	180	180	\$5,220.00
240	8" PVC WATER MAIN, C900	LF	1600	30.00	1600	1600	\$48,000.00
241	INSULATION 4" THICK	SY	25	30.00	8	8	\$240.00

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
242	DUCTILE IRON FITTINGS	LB	1500	5.00	1160	1160	\$5,800.00
243	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	400	0.01	400	400	\$4.00
244	CONNECT TO EXISTING WATER SERVICE	EA	14	250.00			\$0.00
245	1" TYPE "K" COPPER WATER SERVICE	LF	625	20.00			\$0.00
246	1" CURB STOP AND BOX	EA	13	300.00			\$0.00
247	1" CORPORATION STOP WITH SERVICE SADDLE	EA	13	250.00			\$0.00
	TOTAL ALTERNATE 2C - WATERMAIN IMPROVEMENTS						\$107,264.00
ALTERNATE 2D - STORM SEWER IMPROVEMENTS							
248	BULKHEAD STORM SEWER PIPE	EA	2	200.00			\$0.00
249	CONNECT TO EXISTING STORM SEWER PIPE	EA	2	1000.00			\$0.00
250	12" PVC STORM SEWER PIPE, SDR 35	LF	59	38.00			\$0.00
251	12" RCP STORM SEWER, CLASS 5	LF	89	40.00			\$0.00
252	15" RCP STORM SEWER, CLASS 5	LF	706	42.00			\$0.00
253	18" RCP STORM SEWER, CLASS 5	LF	32	45.00			\$0.00
254	24" EQUIVALENT ARCH RCP STORM SEWER(29" SPAN), CI	LF	61	75.00			\$0.00
255	27" RCP STORM SEWER, CLASS 3	LF	46	60.00			\$0.00
256	30" EQUIVALENT ARCH RCP STORM SEWER(36" SPAN), CLASS 3	LF	50	95.00			\$0.00
257	27" RC FLARED END SECTION, INCLUDING TRASH GUARD	EA	1	1800.00			\$0.00
258	30" EQUIVALENT ARCH RC FLARED END SECTION, INCLUDING TRASH GUARD	EA	2	2000.00			\$0.00
259	30" HDPE CORRUGATED STORM PIPE	LF	28	55.00			\$0.00
260	30" METAL FLARED END SECTION, INCLUDING TRASH GUARD	EA	2	750.00			\$0.00
261	27" DIA STORM SEWER CBMH, INCL R-4342 CSTG AND CONC ADJ RINGS	EA	2	2000.00			\$0.00
262	2' X 3' CB, INCL R-3067 CSTG AND CONC ADJ RINGS	EA	2	2200.00			\$0.00
263	4' DIA STORM SEWER CBMH, INCL R-3067 CSTG AND CONC ADJ RINGS	EA	6	2400.00			\$0.00
264	4' DIA STORM SEWER MH, INCL R-4342 CSTG AND CONC	EA	1	2400.00			\$0.00
265	5' DIA STORM SEWER CBMH, INCL R-1642 CSTG AND CONC ADJ RINGS	EA	1	3200.00			\$0.00
266	5' DIA STORM SEWER CBMH, INCL R-3067 CSTG AND CONC ADJ RINGS	EA	2	3300.00			\$0.00
267	6' DIA STORM SEWER CBMH, INCL R-3067 CSTG AND CONC ADJ RINGS	EA	1	4500.00			\$0.00
268	RANDOM RIP RAP, CLASS 3	CY	25	60.00			\$0.00
	TOTAL ALTERNATE 2D - STORM SEWER IMPROVEMENTS						\$0.00
TOTAL ALTERNATE 2A - STREET IMPROVEMENTS							\$66,970.00
TOTAL ALTERNATE 2B - SANITARY SEWER IMPROVEMENTS							\$75,020.00
TOTAL ALTERNATE 2C - WATERMAIN IMPROVEMENTS							\$107,264.00
TOTAL ALTERNATE 2D - STORM SEWER IMPROVEMENTS							\$0.00
TOTAL WORK COMPLETED TO DATE							\$249,254.00

PROJECT PAYMENT STATUS

OWNER CITY OF MAPLE PLAIN
STANTEC PROJECT NO. 193803417
CONTRACTOR RYAN CONTRACTING CO.

CHANGE ORDERS

No.	Date	Description	Amount
Total Change Orders			

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	09/13/2016	10/13/2016	236,791.30	12,462.70	249,254.00

Material on Hand

Total Payment to Date		\$236,791.30	Original Contract	\$885,269.10
Retainage Pay No.	1	12,462.70	Change Orders	
Total Amount Earned		\$249,254.00	Revised Contract	\$885,269.10

To: Honorable Mayor and Council, City Staff
City of Maple Plain

From: Dan D. Boyum
City Engineer

File: 193801804

Date: October 20, 2016

Reference: Monthly Engineering Report

The purpose of this update is to provide you with information on various projects and engineering activities since the last report and to date.

Meadows of Maple Plain

- Performed weekly erosion control inspection and prepared list of items to address.
- Contractor has discussed paving the final lift of asphalt and reviewed with Staff.

Budd Avenue Improvements

- Performed various survey and site construction observations.
- Sanitary and Water Main work is completed. Storm Sewer work will be completed the week of October 17.
- Street construction is scheduled to begin October 21 or October 24.
- Met with City Staff from Maple Plain and Independence on a draft Joint Powers Agreement.
- Reviewed dates for assessment hearing with Maple Plain and Independence Staff.
- Worked with Public Works on flushing hydrant to Well No. 1.
- Provided various project updates to staff for resident communications.
- Prepared Payment Request No. 1 for the project.

Well No. 4

- Discussions with contractors on plans and specifications.
- Will send addendum related to a base bid (open hole) and alternate (one or two screens) based on discussions with contractors.
- Will extend bid date to the week of November 7.

Miscellaneous

1. Prepared monthly engineering report.
2. Attended staff and council meetings.
3. Conducted Proto Labs erosion control site visits.
4. Coordinated restoration work on Main/Rainbow Project.
5. Took additional survey shots for landscape architect on Northside Park.
6. Attended meeting with museum and City Staff and prepared drawing for foundation slab.
7. Reviewed Larson Landscape drainage issues and forwarded correspondence for permit.
8. Prepared general correspondence to City Staff on various items.

Memorandum

To: Mayor and City Council

From: Mark Kaltsas, City Planner

CC: Robert Schoen, City Administrator

Date: October 24, 2016

Re: **Planning Update – October 2016**

Meetings:

- **City Council Meetings** – provided September planning report and reviewed Collision Corner Conditional Use Permit Amendment and Floodplain Ordinance update.
- **Planning Commission Meetings** – Attended the October Planning Commission Meeting to discuss Floodplain Ordinance application.
- **Staff Meetings** – one meeting to discuss current project status/issues – discussed Collision Corner site plan, vehicle sales license for the car lot at 5330 Highway 12, Proto Labs parking expansion and church parking lot expansion.
- Site visit to look at recently approved CUP compliance.

Correspondence:

Staff has had correspondence with various constituents over the course of the last month, including the following:

- Correspondence with City and applicant pertaining to Collision Corner.
- Correspondence with Maple Terrace Apartments regarding parking lot expansion.
- Correspondence with Meadows of Maple Plain Developer regarding additional marketing of the project.
- Correspondence with downtown developer regarding status of leasing for project.
- Correspondence with City and contractor for Proto Labs parking lot expansion.

- Correspondence with new business owner of used auto sales lot.
- Staff has had correspondence with developers, builders and residents regarding building setbacks, zoning and other related planning questions.



Date: October 13, 2016
To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members
From: Director Gary Kroells *G. Kroells*
SUBJECT: SEPTEMBER 2016 ACTIVITY REPORT

The purpose of this report is to give the reader a quick overview of the activities of the Public Safety Department each month. It also compares monthly and year-to-date information to the reader.

The report is broken down into five categories, as defined by the Criminal Justice Reporting System.

CRIMINAL-- Criminal is broken down into Part I and Part II crimes.

Part I includes crimes against persons versus crimes against property; criminal homicide, forcible rape, robbery assault, aggravated assault, burglary -breaking or entering, larceny-theft, larceny analysis, motor vehicle theft and arson.

Part II includes other assaults, forgery and counterfeiting, fraud, embezzlement, stolen property, buying, receiving, possession; vandalism, weapons, carrying, possessing, etc.; prostitution and commercialized vice, sex offenses; drug abuse violations, gambling, offenses against the family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses, suspicion, curfew and loitering laws - persons under 18; and runaways - persons under 18.

TRAFFIC-- Includes violations of the road and driving laws.

PART III-- Lost and Found: Includes lost and found persons, animals, and property, and stalled and abandoned vehicles.

PART IV-- Casualties: Includes all motor vehicle accidents, boating, and snowmobile; public home occupational accidents, fires, suicides, sudden deaths, burning permits, and burning violations.

PART V-- Miscellaneous Public: Includes open doors, gun permit applications, suspicious activities, animal complaints, motorist assists, alarm calls, parking complaints, house checks, driving complaints, civil matters, family disputes, department assists.

The balance of the report shows the total number of incidents handled, miles driven and how the Public Safety Department received calls. If anyone should desire more detailed statistical data, please contact my office.

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West Hennepin Public Safety Department
1918 County Road 90 / Maple Plain, Minnesota 55359
Phone: (763) 479-0500 / Fax: (763) 479-0504
Web Address: <http://www.westhennepin.com> E-mail: westhennepin@westhennepin.com

**Monthly Activity Report
September 2016**

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	13	5	96	94
Traffic	161	189	1,922	1,839
Part III	4	14	107	92
Part IV	26	35	299	299
Part V	154	173	1,517	1,444
Total City of Independence	358	416	3,941	3,768
City Of Maple Plain				
Criminal	1	10	58	57
Traffic	134	77	864	513
Part III	14	3	73	50
Part IV	17	26	176	202
Part V	149	158	1,229	1,175
Total City Of Maple Plain	315	274	2,400	1,997
Grand Total Both Cities	673	690	6,341	5,765
TZD	1	0	131	211
Agency Assists	92	53	400	290
Total ICR Reports	766	743	6,743	6,266
Mileage	12,169	11,089	115,147	113,712
How Received				
Fax	5	8	103	94
In Person	21	60	330	362
Mail	1	0	17	27
Other	3	6	52	34
Phone	40	51	316	404
Radio	251	217	1,964	1,746
Visual	387	337	3,484	3,123
Email	6	6	44	35
Lobby Walk In	52	58	433	441
Total	766	743	6,743	6,266

**September 2016 Criminal Part I & II
City of Independence Grid #'s 3-5**

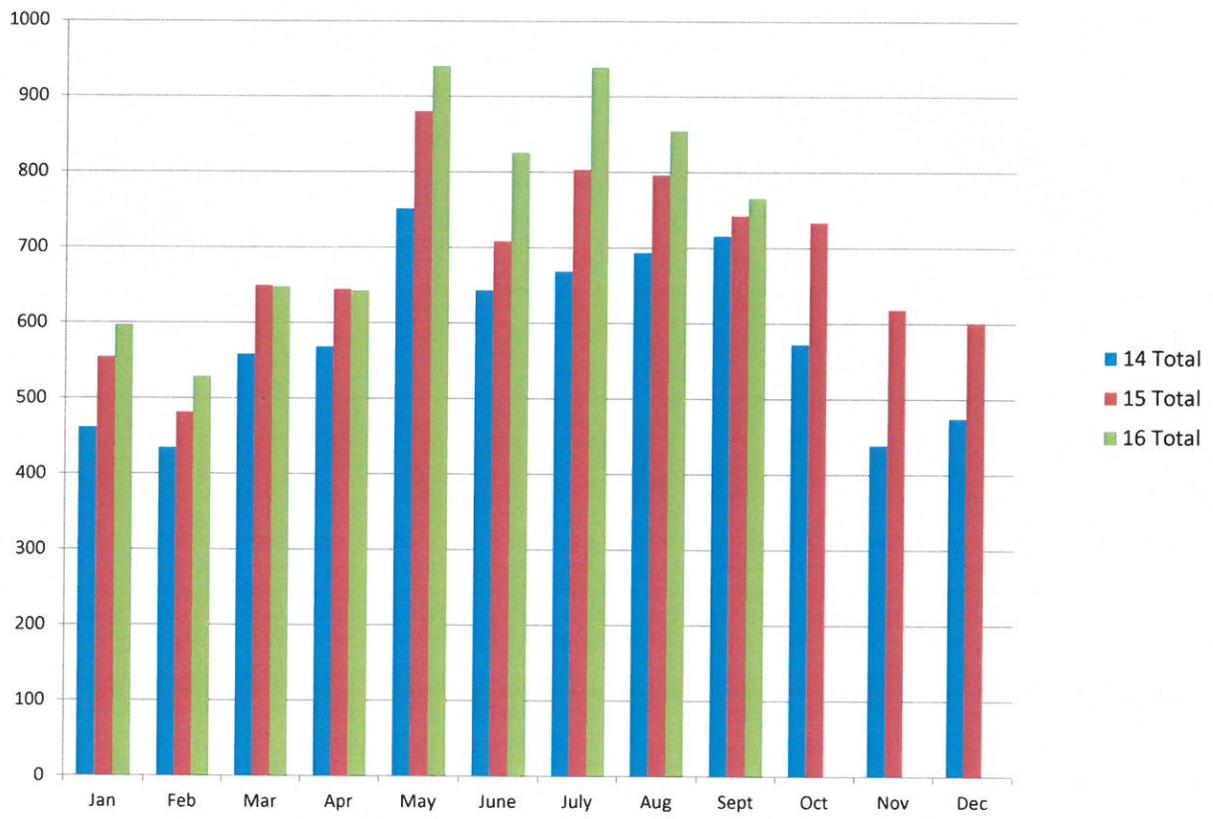
AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	16006086	4th Degree DWI	42616	3	42616	JGW01
WHPS	16006168	Theft Construction Equipment	42620	3	42620	TB229
WHPS	16006262	4th Degree DWI / Drugs - Possess Over 1.4 Grams Marijuana In Motor Vehicle	42624	3	42624	JGW01
WHPS	16006282	Domestic Assault	42625	3	42625	A5352
WHPS	16006287	Burglary - Theft of Coins / Property Damage	42625	4	42625	P3119
WHPS	16006308	Theft - Gravel	42626	3	42626	TD229
WHPS	16006352	Theft from Vehicle / LED Lights / Beacon Light and Bracket	42628	5	42628	TQ229
WHPS	16006408	Small Amount of Marijuana in Motor Vehicle / Drug Paraphernalia - Possession	42629	3	42629	DA540
WHPS	16006431	3rd Degree DWI - Open Bottle	42631	3	42631	JFW01
WHPS	16006614	Damage Property	42638	3	42638	P3119
WHPS	16006666	3rd Degree Gross Misdemeanor DWI	42641	4	42641	JFW01
WHPS	16006677	Domestic Assault	42641	3	42641	AL501

**September 2016 Criminal Part I & II
City of Maple Plain Grid # 1-2**

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
16006730	16006730	2nd Degree DWI; Open Bottle	9/30/2016	2	8/8/2016	T0999

**September 2016 Criminal Part I & II
Towards Zero Death Grant Shift**

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	16006139	Minor Consumption - Alcohol	42618	81	42618	M4140
WHPS	16006407	DUI - Controlled Substance	42629	35	42629	JF501



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY

September 2016 Activity Report

Year to Date Activity Report

At the end of September 30, 2016, West Hennepin Public Safety (WHPS) has year-to-date handled a total of 6,743 incident complaints; 2,400 in Maple Plain and 3,941 in Independence. This is an increase of 477 incidents compared to the same time frame last year.

The Criminal Part I and Part II cases for both cities have been highlighted for your review on the attached documents.

Recent Highlighted Cases:

4th Degree DWI

Sept 3 2:59 a.m. Driver failed to dim vehicle headlights. The Driver Jason Vernon Wall, 47 from Fridley submitted a breath sample which resulted in .09% breath alcohol concentration. Wall was arrested for 4th degree DWI and released to a responsible party.

Holdup Alarm

Sept 6 A silent holdup alarm at the Maple Plain Bank. WHPS assisted by several PD's and as they approached the building they were notified that a proper code was given. The alarm was accidentally tripped and everything was ok.

Theft

Sept 7 Co Rd 92N and Highway 12, Independence. Stolen from the Highway 12 construction site a hydraulic hammer and a set of forks for a skid loader. The theft occurred sometime between 10:30 a.m. on 09-06-16 and 2:30 p.m. on 09-07-16. Please call WHPS at 763-479-0500 if you noticed the equipment being loaded onto a trailer. The equipment has a welded metal plate with the initials "NLC" and a 3 – 4 digit number underneath the initials. Approximate loss is \$12,000.00.

Crash

Sept 7 A northbound SUV stopped at the stop sign at Budd Avenue / Highway 12, Maple Plain going to cross Highway 12; traffic was heavy and the driver decided to turn right striking a northbound vehicle that had pulled up alongside the SUV at the intersection to turn right. Both vehicles had damage, no injuries were reported. The SUV driver was issued a citation for "Fail to Drive with Due Care".

Warrant

Sept 7 Vehicle stopped at 1300 block of Baker Park Rd, Maple Plain for the driver not wearing his seatbelt. The driver had a misdemeanor warrant for Driving After Revocation from St. Louis County in Duluth. He was taken into custody and transported to jail.

Fraudulent Credit Card Use

Sept 8 Resident in the 900 block of Co Rd 19, Independence reported someone use a fraudulent debit card with their name on it at a bank branch inside a business. Three unauthorized withdrawals were made in the amounts of \$400.00, \$300.00 and \$300.00. The case is under investigation.

Runaway

Sept 9 5000 block of Co Rd 6, Independence reported a juvenile runaway. The juvenile was found in Duluth and returned home.

IRS Scam Attempt

Sept 9 Resident in the 6000 block of Woodhill Lane, Independence reported 6 calls received from a male who said he was from the IRS and there was a miscalculation on taxes and she owed money. WHPS Investigator called the phone number and it had been disconnected. Resident knew it was a scam; she was concerned of the many calls and the male was aggressive over the phone.

Illegal Dumping

Sept 10 Illegal dumping by a non-resident at the Maple Plain Compost, Maple Plain. The driver had just finished unloading some brush. He thought he could dump there since he lived so close to the site. He was told he could not dump.

4th Degree DWI

Sept 11 Vehicle traveling 70 mph in 50 mph zone at Highway 12 and Co Rd 90, Independence. Cory Quinn Sorenson, 25 from Stockton, CA submitted a breath sample which resulted in .14% Breath Alcohol Concentration. Sorenson was arrested for 4th Degree DWI and Possession of Marijuana. He was released.

Verbal Domestic

Sept 12 200 block of Co Rd 92, Independence. Reported a boyfriend and girlfriend got into an argument and the female left and she was intoxicated. She returned and it was found she was not intoxicated. The male submitted a preliminary breath test which resulted in .16% breath alcohol concentration. Both agreed to stay apart for the night and not leave the residence.

Burglary

Sept 12 Someone kicked in the front door of a residence in the 5000 block of Co Rd 11, Independence. Nothing was found missing; case is damage to property. The case is under investigation.

Theft

Sept 13 Someone stole gravel from a business in the 2000 block of Co Rd 90, Independence. The thief used the business loader to load the gravel. Tire tracks left behind indicate the gravel was loaded into a smaller 3 yard dump truck. The case is under investigation.

Scam Phone Call

Sept 14 Resident in the 5000 block of Joyce Street, Maple Plain reported a male caller stated the resident had a warrant for his arrest and he needed to turn himself in. Resident knew it was a scam but wanted to make sure. Confirmed it was a scam.

Lawn Mower Fire

Sept 14 200 block of Kuntz Drive, Independence. While mowing the grass in a horse area, the lawn mower started on fire. The resident and neighbor could not extinguish it. Maple Plain Fire Dept assisted in putting the fire out. Lawn mower total loss, no injuries.

Reported Kidnapping

Sept 14 Caller from Wisconsin reported her son had been kidnapped in a car-jacking and was in the 5000 block of Manchester Dr, Maple Plain. The son and his father were located and they were ok. Kidnapping did not occur.

Harassment

Sept 15 Resident reported a neighbor is harassing him and keeps taking pictures of his property in the 1000 block of County Rd 83, Independence. The neighbor stated the resident is always making noise with his business. Her boyfriend was getting the newspaper, saw additional trucks, noise and took pictures. She was told her boyfriend is to stay away from the resident who was paving his driveway and working during city allowed hours to do the work.

Welfare Check

Sept 15 1500 block of Howard Ave., Maple Plain. Reported since Aug 27 a resident nor her vehicle had been seen. The apartment was checked and the resident was not there. It was found she had put her mail on hold for a month as she was going out of town.

Civil

Sept 15 2600 block of Valley Rd, Independence. Resident reported a neighbor's tree limbs fell on his gate, crushing it. He wanted her to remove it and she said she was woman what was she to do. He was advised it was civil.

Theft

Sept 15 Co Rd 11 / East Rebecca Rd, Independence. LED lights and bracket were stolen off of a Lano Equipment DV83PD Roller. Approximate loss is \$400.00.

Health and Welfare Check

Sept 15 Residence in the 3000 block of Lake Sarah Rd, Independence had six trusses broken from a storm and the house was not safe to live in. The renters were not at home and the house was found inhabitable. The house was tagged "do not occupy". The house was condemned for safety.

Traffic Complaint

Sept 16 8:02 a.m. traffic complaint of a vehicle all over the road at Highway 12 / Valley Road, Independence. The driver stated that she was at a sleep study the night prior and did not get much sleep. She was warned on her driving conduct.

Car Stalled

Sept 16 Highway 12 and Baker Park Rd, Maple Plain. The driver had a flat tire on her vehicle, stated she was scared to get out and wanted emergency roadside assistance to come change the tire. She did not want to call for a tow. She was advised Roadside Emergency does not come out this far and WHPS Officer changed the tire and she was able to continue on her way.

Warrant Arrest

Sept 16 5:28 p.m. at 1500 block of Howard Ave, Maple Plain. 47 year old male was visiting at his friends apartment was found to have a Washington County Misdemeanor Warrant for Disturbing the Peace. The male was taken into custody, transported booked into Hennepin County Jail.

Loud Music

Sept 17 11:10 p.m. Complaint of loud music in the 5000 block of Drake Drive, Independence of 'Sweet Caroline' playing. Homeowner was hosting a wedding reception with a band and they were done for the night.

3rd Degree DWI

Sept 18 1:52 a.m. vehicle stopped for speed 64 mph on Co Rd 6 and Co Rd 110, Independence. Driver Nadia Maria Jaworsky, 43 provided a breath test which resulted in .24 % breath alcohol concentration. Jaworsky was arrested for 3rd degree DWI, Open Bottle and transported and booked into Hennepin County Jail.

Parked Car

Sept 18 100 Ingerson Road, Independence Caller was concerned that his neighbors would occasionally discharge firearms on their own land. He was told it is legal to discharge firearms in the city of Independence as long as the shooters are 500 feet from any building and shooting in a safe direction. Caller did not have damage to his buildings or see them shoot, or shoot in an unsafe manner.

Crash

Sept 19 Vehicle pulled up alongside of the squad car at 1300 Baker Park Rd, Maple Plain. The driver said she came back to check mailboxes as her passenger side mirror was knocked off and she thought she had struck mailboxes. Three mailboxes were inspected and two had been struck. The property owner was notified of the damage. Parts of the vehicles side mirror were lying on the roadside near the mailboxes.

Illegal Grilling

Sept 19 5200 Manchester Drive, Maple Plain. Contact was made with a tenant who was grilling on a balcony. The tenant was unaware it against fire code and the city ordinance to grill on a balcony. He was warned he would be cited if found storing or using the grill in the future. Future grilling would need to be at least 15' from the complex.

Theft of Trailer – Unfounded

Sept 20 911 call reporting a trailer was stolen, no longer at 4300 Woodhill Dr, Independence. Owner had called people that might have used it and they had not. After the 911 call reporting the theft, the owner received a call from a family member who said they had it. The owner recalled talking about the use of the trailer by his family member but was unable to make contact before calling 911. No Theft.

Theft / Scam

Sept 21 5000 Joyce Street, Maple Plain. Resident reported a pop up message came up on his computer that said he had a virus. He clicked on the message that they would fix it for \$499.00. He called the 800 number and spoke with a person, then sent an electronic check to them. Afterwards he felt it was a scam and canceled the check with his bank. No work was performed on his computer, no crime of theft had been committed and he closed his bank account the check was sent from. He wanted to file a report in case the company tries to contact him.

Civil

Sept 22 Caller in 300 Co Rd 92, Independence stated she wanted to report her car was stolen. Both she and her boyfriend are listed on the title of her car and he took the car to the north side and is there driving around and doing who knows what. The car would not be stolen as both names are on the title.

Utility Check

Sept 23 Water from a culvert was washing out the bed of the railroad tracks at Sunset Lane and Townline Road, Independence. Canadian Pacific Railroad was contacted to respond for repairs.

Harassment

Sept 25 10:51 a.m. Vinland National Center, Independence. Reported a male has been making lewd and inappropriate comments to a female and Vinland is discharging him because of his behavior.

Drug Overdose

Sept 26 1:44 a.m. Vinland National Center, Independence. Reported a male had taken a large amount of Benadryl, 80 - 25ml pills and he was feeling 'weird'. He said was trying to get high. He had a high pulse of around 145 and was transported to the hospital by ambulance.

Parking Complaint

Sept 26 Drake Street, Maple Plain Caller reported construction cars were parked on the both sides of Drake Street and her van could barely make it through the street. Today is garbage day and she wanted the road opened for the trucks to get down the street.

Gross Misdemeanor – 3rd Degree DWI

Sept 28 7:35 a.m. Co Rd 11 and Townline Rd, Independence, Driving conduct complaint of a vehicle that was weaving all over the road, driving into lanes of oncoming traffic, driving in the wrong lane going over a hill, driving without its headlights, narrowly missing several vehicles and a school bus loaded with kids. Second call received that the vehicle had pulled into a gas station at the intersection of Hwy 55 and Co 19 and hit a parking lot light pole, damaging the car. The driver Mark Gregory Nolan, 50 from Delano gave a breath test resulting in a .23% breath alcohol concentration. Nolan was arrested for 3rd Degree DWI and booked into Hennepin County Jail.

Citation

Sept 29 County Road 29/Hwy 12, Maple Plain. Driver cited for going through a red light, almost hitting a pedestrian.

2nd Degree DWI

Sept 30 Vehicle was driven around the barricaded "road closed to thru traffic" on Budd Ave., Maple Plain. Vehicle was stopped; the driver and passenger knew the road was closed and drove through the area 'just to do some four-wheeling'. The driver, Christopher Jon Herdegen, 32 of Medina was found under the influence of alcohol and open bottles of Fireball Whiskey were inside the vehicle. Herdegen submitted a breath sample which resulted in .20% Breath Alcohol Concentration. Herdegen was arrested for 2nd Degree DWI, Open Bottle and transported and booked into Hennepin County Jail. The passenger was given a ride home. Herdegen vehicle is under forfeiture.



Agenda Information Memorandum
October 24, 2016 - Maple Plain City Council

7. ADMINISTRATION MONTHLY REPORTS
D. Public Works October Monthly Report

ACTION TO BE CONSIDERED

To approve the October Monthly Report for Public Works:

FACTS

Staff has been busy with seasonal projects and ongoing issues that include:

- Continuing work and collaboration on the Budd Ave. Road Project.
- Working to get Water Treatment Plant (WTP) SCADA system and our CL2 scales repaired and re-installed.
- Replaced failed UPS at WTP.
- Continuing compost site cleanup and prep for fall leaves.
- Having Vessco at WTP to replace chemical feed lines.
- Winterizing Concession stand and bathrooms at Northside Park.
- Working with American Custom Rotomolding LP with their fire suppression system to determine a need for an additional water line.



Agenda Information Memorandum
October 24, 2016 - Maple Plain City Council

7. ADMINISTRATIVE REPORTS
E. ADMINISTRATION OCTOBER MONTHLY REPORT

ACTION TO BE CONSIDERED

To approve the October Monthly Report for Administration

FACTS

- Staff is administering absentee voting and preparing for the 2016 General Election.
- Staff attended the October Police Commission meeting.
- Staff attended the APMP Annual Conference discussing community equity and inclusion.
- Staff has been working with to establish Cable Franchise Applications.
- Staff has been communicating with Budd Avenue residents during the street reconstruction project.
- Staff has been working on discussing and drafting an electronic sign policy.
- Staff attended the shared services meeting with surrounding Fire Departments and City Officials.
- Staff was trained by the LMCC with the new City Chamber AV equipment.

City of Maple Plain

ORDINANCE AMENDING CHAPTER 151 OF THE MAPLE PLAIN CITY CODE RELATING TO FLOODPLAIN MANAGEMENT REGULATIONS

To: City Council
From: Mark Kaltsas, Planner
Meeting Date: October 24, 2016

Request:

Consideration of an amendment to the City's Zoning Ordinance as follows:

1. Chapter 151, Floodplain Management
 - a. Amendment to the Floodplain Ordinance following FEMA mapping changes made in 2016.

Discussion:

The Federal Emergency Management Agency (FEMA) has recently completed an update of the federal Flood Insurance Rate Maps (FIRMS). Along with the updated maps, the City is required to update certain local controls pertaining to the updated mapping information. The Department of Natural Resources (DNR) administers the federal floodplain management regulations for the State of Minnesota.

The City has an existing Floodplain Ordinance which was adopted in 2005. There are several references and regulations in the City's ordinance that need to be updated as a result of the recent FIRM map changes. The DNR has reviewed the City's ordinance and recommended that the City repeal the current ordinance and adopt a new code based on the DNR model ordinance. The City is obligated to have an ordinance which meets the federal guidelines prior to the maps becoming effective on November 4, 2016. Failure to adopt the requisite changes to the ordinance will cause for a City to be suspended from the National Flood Insurance Program.

Staff has reviewed the requested changes and agrees with the DNR to adopt a new ordinance. Staff has prepared a draft of the City's ordinance for further review and consideration by the City. The proposed ordinance and the existing ordinance are similar in format and most content. Changes relate primarily to the map section numbers, several definitions and several floodplain provisions. The DNR will review the final ordinance following consideration by the Planning Commission and prior to adoption by the City Council. The City has limited ability to make changes to the recommended language provided by the DNR if it wants to remain in the National Flood Insurance Program.

Planning Commission Discussion:

The Planning Commission considered the proposed ordinance amendment. Commissioners asked questions pertaining to the new mapping and areas within the City that would be impacted by the changes. Staff noted that there were no known impacts to any of the properties in the City as a result of the proposed map changes. Commissioners discussed the basic concepts of the ordinance along with the optional language that was recommended to be included in the ordinance. Commissioners ultimately made a recommendation to the City Council to adopt the ordinance as proposed. It should be noted that no public comments were made prior to or at the public hearing.

Recommendation:

The Planning Commission recommended to the City Council to adopt the amendment to the City's floodplain ordinance requirements. In addition to the ordinance amendment, the Council is being asked to adopt a summary ordinance that will be published in lieu of the entire floodplain ordinance.

Attachments:

1. Flood Plain Management Ordinance
2. Flood Plain Management Summary Ordinance
3. Letter from DNR
4. Model Ordinance with Comments



Minnesota Sample Floodplain Ordinance Three District Ordinance

This sample ordinance includes the three primary types of floodplain districts: Floodway, Flood Fringe, and General Floodplain. It can be used in a variety of situations, where all three districts or only some of them are present.

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Ordinance Language	Commentary
<p>SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE</p> <p>1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter [394/462] delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the [City Council/ Board of Commissioners] of [community], Minnesota, does ordain as follows.</p> <p>1.2 Purpose:</p> <p>1.21 This ordinance regulates development in the flood hazard areas of [community]. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.</p> <p>1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community’s eligibility in the National Flood Insurance Program.</p> <p>1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.</p>	<p>1.1. is mandatory language. The zoning enabling statute reference is Chapter 394 for counties and Chapter 462 for cities and townships. “Governing body” is the City Council or County or Township Board.</p> <p>1.21 7 1.22 is mandatory language</p> <p>1.23 is optional language referencing the natural beneficial functions of floodplains.</p>
<p>SECTION 2.0 GENERAL PROVISIONS</p> <p>2.1 How to Use This Ordinance: This ordinance adopts the floodplain maps applicable to [community] and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.</p> <p>2.11 Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 4 or 5 will apply, depending on the location of a property.</p> <p>2.12 Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 4 apply unless the floodway boundary is determined, according to the process outlined in Section 6. Once the floodway boundary is determined, the Flood Fringe District standards in Section 5 may apply outside the floodway.</p> <p>2.2 Lands to Which Ordinance Applies: This ordinance applies to all lands within the jurisdiction of [Community] shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.</p> <p>2.21 The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.</p> <p>2.3 Incorporation of Maps by Reference: The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for _____ County, Minnesota, and Incorporated Areas, dated _____ and the Flood Insurance Rate Map panels enumerated below, dated _____,</p>	<p>The types of floodplain zones present in a community will vary, depending on hydrologic conditions and the level of detail of the applicable maps.</p> <p>If the General Floodplain District (the A zone or other zones without a defined floodway) is not present within the community, references to it, including the provisions of Section 6, may be deleted but Section 6 should be “reserved for future use” (i.e., in case a future annexation adds an A zone).</p> <p>2.21 is optional – if the community has a zoning ordinance – as most do – it’s helpful to define these districts as overlay districts. If not, then delete this statement and other overlay references.</p> <p>2.3 is mandatory language. Each community must adopt the Flood Insurance Study and specific map panels that encompass its boundaries. Under Minnesota Rules 6120.5700, these</p>

all prepared by the Federal Emergency Management Agency. These materials are on file in the (list location where maps will be filed – i.e., City Clerk’s office).

(list all map panels here)

materials are considered attachments to the Zoning Map.

Listing of maps will vary by jurisdiction and map type.

- For communities with older maps, such as Flood Hazard Boundary Maps, in addition to Flood Insurance Rate Maps, these maps should also be listed in Section 2.3.
- For counties, the map index may be used in lieu of listing all the map panels individually.

Cities may need to adopt other map panels to encompass areas that may be annexed in the future. Counties and townships may need to adopt city map panels to encompass areas that may be detached from cities. See Section 2.10 & 2.11

Communities may also adopt preliminary flood studies and/or other best available data for regulatory purposes.

2.4 is optional - Reiterates information in the (mandatory) definition of this term in Section 2.9. The RFPE can be increased beyond one foot to provide enhanced flood protection.

(In A-O zones, add more detailed language: “Within the AO Zone, the RFPE is an elevation no lower than [the number shown on the FIRM] above the highest adjacent grade of an existing structure or proposed structure or a proposed structural addition.”)

2.4 **Regulatory Flood Protection Elevation:** The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

2.5 **Interpretation:** The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

2.51 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

2.52 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the (Planning Commission/Board of Adjustment) and to submit technical evidence.

2.6 **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.7 **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of (community) or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

<p>2.8 Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.</p> <p>2.9 Definitions: Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.</p> <p>2.911 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.</p> <p>2.912 Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.</p> <p>2.913 Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.</p> <p>2.914 Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:</p> <p>(a) Certain conditions as detailed in the zoning ordinance exist.</p> <p>(b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.</p> <p>2.915 Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.</p> <p>2.916 Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.</p> <p>2.917 Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.</p> <p>2.918 Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.</p> <p>2.919 Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.</p> <p>2.920 Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.</p> <p>2.921 Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for (community), Minnesota.</p> <p>2.922 Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).</p>	<p>2.8 This statement not needed if already included in zoning ordinance</p> <p><i>These definitions may already exist as part of zoning ordinance, but check for consistency. Definitions are mandatory unless otherwise indicated.</i></p> <p>2.912 is an optional definition</p> <p>2.914 is an optional definition – check against zoning ordinance. Some local ordinances – and the state rules that apply to floodplains – use the older term “special use.”</p> <p>2.915 is an optional definition – see the (optional) regulation of critical facilities in Section 3.2.</p> <p>2.918 is an optional definition – to be used if this type of farm fence is to be exempted from permit requirements</p> <p>2.919. Optional definition</p> <p>2.920. Optional definition</p> <p>2.921. For cities mapped as part of county-wide flood insurance study, the county name should be inserted here.</p> <p>2.922 is an optional definition – see provisions of Section 7 on flood prone areas</p>
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<p>2.923 Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.</p> <p>2.924 Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.</p> <p>2.925 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.</p> <p>2.926 Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.</p> <p>2.927 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”</p> <p>2.928 New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.</p> <p>2.929 Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.</p> <p>2.930 One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).</p> <p>2.931 Principal Use or Structure – all uses or structures that are not accessory uses or structures.</p> <p>2.932 Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.</p> <p>2.933 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”</p> <p>2.934 Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.</p> <p>2.935 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood</p>	<p>2.929. <i>Optional definition</i></p> <p>2.931. <i>Optional definition</i></p> <p>2.932. <i>Optional definition</i></p> <p>2.935. <i>The one-foot elevation is mandated by state law, but a higher elevation can yield increased protection.</i></p>
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elevation caused by encroachments on the floodplain that result from designation of a floodway.

- 2.936 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- 2.937 Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- 2.938 Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. 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 excavation for a basement, footings, piers, foundations, 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 part of the main structure. For a 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 dimensions of the building.
- 2.939 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.22 of this ordinance and other similar items.
- 2.940 Substantial Damage - means damage of any origin sustained by a structure where 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.
- 2.941 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

2.936. This is an optional definition linked to the optional provision for repetitive loss properties in Section 11.16.

2.941(b). “Historic structures” as defined in the CFR generally include sites listed on or eligible for the National Register of Historic Places and state- or locally-designated historic properties.

2.10 applies to cities only. It is optional but recommended – if not included, any

2.10 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the (community) at the time of adoption of this ordinance. If any of these floodplain land

areas are annexed into the (community) after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

annexation will trigger an amendment of the floodplain ordinance.

Section 2.11 applies only to counties or townships that exercise zoning authority. Counties may choose to adopt specific map panels or adopt the countywide map index.

2.11 **Detachments.** The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of (community) after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts:

- 3.11 Floodway District. The Floodway District includes those areas within Zones AE/AO/AH (that have a floodway delineated) as shown on the Flood Insurance Rate Map adopted in Section 2.3.
- 3.12 Flood Fringe District. The Flood Fringe District includes areas within Zones AE/AO/AH (that have a floodway delineated) on the Flood Insurance Rate Map adopted in Section 2.3, but located outside of the floodway.
- 3.13 General Floodplain District. The General Floodplain District includes those areas within (Zone A or Zones AE/AO/AH) as shown on the Flood Insurance Rate Map adopted in Section 2.3.

3.11. For lakes, ponds and wetlands, the floodway is usually administratively defined as the area at or below the Ordinary High Water Level.

3.12 & 3.13. If a community has floodplain delineations on the FIRM for lakes, ponds and wetland without delineated floodways, contact DNR Floodplain Program staff for specific language.

Zones AO and AH are areas prone to flooding due to overland flow or small ponds, and are not typically found on most FIRMs. If not present, references in 3.12 and 3.13 can be deleted.

3.2 **Applicability:** Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 are prohibited. In addition, critical facilities, as defined in Section 2.915, are prohibited in all floodplain districts.

3.2. The last sentence is optional, but recommended language that would prohibit critical facilities in all floodplain districts. This is a higher regulatory standard intended to keep critical infrastructure and concentrations of people out of floodplain areas.

SECTION 4.0 FLOODWAY DISTRICT (FW)

4.1 **Permitted Uses:** The following uses, subject to the standards set forth in Section 4.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

4.0. It is critical that the floodway be protected so that it can transport and store the waters of the regional (100-year) flood without increased flood heights or velocities or threats to public health and safety.

- 4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.
- 4.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
- 4.14 Residential lawns, gardens, parking areas, and play areas.
- 4.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

Note that communities are not required to adopt all of the listed uses, but must provide for some use of the floodway land. Other similar uses may be included in this section if they meet the standards in Section 4.2. If a community wishes to restrict all floodplain districts to only these permitted floodway uses, that could be carried out through the DNR's model "Restrictive Ordinance."

4.15. Earlier versions of the DNR sample ordinances listed utility and transportation uses as conditional uses. In this version, these uses are permitted if DNR is notified and certain standards are met

4.2 Standards for Floodway Permitted Uses:

<p>4.21 The use must have a low flood damage potential.</p> <p>4.22 the use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.</p> <p>4.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.</p> <p>4.3 Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 10.4 of this ordinance and further subject to the standards set forth in Section 4.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.</p> <p>4.31 Structures accessory to the uses listed in 4.11 – 4.13 above and the uses listed in 4.32 - 4.33 below.</p> <p>4.32 Extraction and storage of sand, gravel, and other materials.</p> <p>4.33 Marinas, boat rentals, docks, piers, wharves, and water control structures.</p> <p>4.34 Storage yards for equipment, machinery, or materials.</p> <p>4.35 Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section 2.918, are permitted uses.</p> <p>4.36 Travel-ready recreational vehicles meeting the exception standards in Section 9.3.</p> <p>4.37 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.</p> <p>4.4 Standards for Floodway Conditional Uses:</p> <p>4.41 All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.</p> <p>4.42 Fill; Storage of Materials and Equipment:</p> <p>(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.</p> <p>(b) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.</p> <p>(c) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the (Governing Body) has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.</p> <p>4.43 Accessory Structures. Accessory structures, as identified in Section 4.31, may be permitted, provided that:</p>	<p>4.2. Higher standards for floodway protection could include limiting impervious coverage in the floodway, in order to facilitate infiltration of rainfall.</p> <p>4.3. Note that these conditional uses are <u>optional</u> for the community but, if allowed, must meet the standards in Sections 4.4. Communities are encouraged to select only those conditional uses that are appropriate for their community.</p> <p>4.35. Optional statement in 4.35 allows typical farm fences such as barbed wire fences that don't obstruct flood flows as permitted uses. See also Section 10.21(c).</p> <p>4.36 is optional. We recommend treating recreational vehicles as a conditional use so that road access and warning systems are carefully reviewed to ensure public safety in times of flooding.</p> <p>4.4. Note that flood control projects intended to remove areas from the floodway to allow development of single or multiple structures are not permitted unless a Letter of Map Revision (LOMR) can be obtained to change the floodway boundary. Contact DNR Floodplain Program staff for further information.</p> <p>4.42(a) and (b) must be included if deposition or storage of fill is allowed in the floodway</p> <p>4.42(c) is an optional alternative allowing temporary storage of fill or other materials that could increase flood stage, suitable for locations where adequate flood warning times will be available to allow removal of materials.</p>
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- (a) structures are not intended for human habitation;
- (b) structures will have a low flood damage potential;
- (c) structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
- (d) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
- (e) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
- (f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

4.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

4.46 Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

SECTION 5.0 FLOOD FRINGE DISTRICT (FF)

5.1 **Permitted Uses:** Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 5.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

5.2 Standards for Flood Fringe Permitted Uses:

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

4.43. If accessory structures are to be allowed in the floodway, items (a) through (d) are required.

4.43(e) is optional language allowing for wet floodproofing of small accessory structures that constitute a minimal investment.

4.44 is an optional provision providing notice that work in public waters requires a DNR permit.

5.1. If underlying zoning district(s) are present (as in most communities) the second sentence can be deleted.

5.21. “Lowest floor” is defined as the lowest floor of the lowest enclosed area, including basements, crawl spaces, etc. See Section 2.926.

5.22 Accessory Structures. As an alternative to the fill requirements of section 5.21, structures accessory to the uses identified in Section 5.1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

(a) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

(b) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

(1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

5.23 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance, or if allowed as a conditional use under Section 5.33 below.

5.24 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

5.25 All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

5.26 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

5.27 All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

5.28 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the **(Governing Body)**.

5.29 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

5.30 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In

5.22(a). A special note that the bulk standards here slightly exceed those allowed through 6120.330(Subp 3)(H) of the Shoreland Rules.

5.22(b). If an accessory structure exceeds 576 square feet, then FEMA will not allow internal floodproofing, and the structure must be elevated on fill in accordance to 5.21 or dry floodproofed in accordance with 5.43.

5.23 is an optional provision. Treating large volumes of fill as a conditional use allows communities to require an erosion control and emergency removal plan for uses such as sand and gravel mining or dredge spoil storage.

5.28 is optional, but is mandatory for subdivisions, including manufactured home parks and recreational vehicle parks/campgrounds. See also Section 7.13.

considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

5.31 Manufactured homes and recreational vehicles must meet the standards of Section 9 of this ordinance.

5.3 **Conditional Uses:** The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 10.4 of this ordinance.

5.31 Any structure that is not elevated on fill or floodproofed in accordance with Sections 5.21 and 5.22 of this ordinance.

5.32 Storage of any material or equipment below the regulatory flood protection elevation.

5.33 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 5.21 of this ordinance.

5.34 **(OPTIONAL)** The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 5.46.

5.4 **Standards for Flood Fringe Conditional Uses:**

5.41 The standards listed in Sections 5.24 through 5.30 apply to all conditional uses.

5.42 Basements, as defined by Section 2.913 of this ordinance, are subject to the following:

(a) Residential basement construction is not allowed below the regulatory flood protection elevation.

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 5.43 of this ordinance.

5.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

5.44 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

(a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

(b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the **(Governing Body)**.

(c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

5.3. As with conditional uses in the floodway, conditional uses in the flood fringe are optional – communities should determine which of these uses are needed and appropriate in their floodplain areas.

5.34. The DNR refers to these as “alternative elevation methods”, meaning it is an alternative to fill. This is designated optional because they are burdensome to administer – typically requiring nonconversion agreements and detailed monitoring and inspections. See 5.46.

5.44. Optional provisions to be used if placement of this amount of fill is regulated as a conditional use.

5.45 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

5.46 **(OPTIONAL)** Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

SECTION 6.0 GENERAL FLOODPLAIN DISTRICT (GF)

6.1 Permitted Uses:

6.11 The uses listed in Section 4.1 of this ordinance, Floodway District Permitted Uses, are permitted uses.

6.12 All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 6.2 below. Section 4.0 applies if the proposed use is determined to be in the Floodway District. Section 5.0 applies if the proposed use is determined to be in the Flood Fringe District.

6.2 Procedures for Floodway and Flood Fringe Determinations:

6.21 Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

6.22 If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall

5.46. Standard tied to the optional 5.34. The DNR refers to these as "alternative elevation methods", meaning it is an alternative to fill. This is designated optional because they are burdensome to administer – typically requiring nonconversion agreements and detailed monitoring and inspections.

6.1. If the General Floodplain District (the A zone, or the AE, AO or AH zones without a defined floodway) is not present within the community, delete the contents of this section and retitle it "Reserved for Future Use" (i.e., in case a future annexation or map update would add an A zone).

6.2. State and federal rules establish standards for this determination but do not specify a procedure to be followed. (However, the community is required under 44 CFR 60.3(b)(4) to "obtain, review and reasonably utilize" base flood elevation and floodway data.) The procedure shown here is one that DNR suggests that communities follow. DNR Floodplain Program staff can assist communities in obtaining relevant data and completing the determination.

within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 6.23 below.

6.23 The determination of floodway and flood fringe must include the following components, as applicable:

- (a) Estimate the peak discharge of the regional (1% chance) flood.
- (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
- (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

6.24 The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

6.25 Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this ordinance.

6.24. Federal rules require that communities assess the cumulative effects of floodway encroachments on both sides of a stream. Contact Floodplain Program staff for assistance in making this assessment.

SECTION 7.0 LAND DEVELOPMENT STANDARDS

7.1 **In General:** Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within (community).

7.2 **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

7.1 is optional – this and related provisions in 7.25 and 7.3 are designed to enable communities to manage flood risks in unmapped but flood-prone areas (i.e., wetlands, ditches, isolated basins). If these standards are not needed, Section 7 can be retitled “Subdivisions.”

7.21 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

7.22 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the (Governing Body). The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

7.21 – 7.24 is mandatory. These provisions can be integrated into a city or county subdivision ordinance, where one exists. Note that manufactured home and recreational vehicle parks are treated as subdivisions.

7.23 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

7.24 In the General Floodplain District, applicants must provide the information required in Section 6.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

<p>7.25 If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:</p> <ul style="list-style-type: none"> (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area, (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (c) Adequate drainage is provided to reduce exposure of flood hazard. <p>7.3 Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:</p> <ul style="list-style-type: none"> (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; (b) Constructed with materials and utility equipment resistant to flood damage; (c) Constructed by methods and practices that minimize flood damage; and (d) 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. 	<p><i>7.25 is optional, to be used in conjunction with 7.1.</i></p> <p><i>7.3 is optional, to be used in conjunction with 7.1.</i></p>
<p>SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES</p>	
<p>8.1 Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.</p> <p>8.2 Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.</p>	
<p>8.3 On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.</p>	<p><i>8.3. MPCA oversees the Rules regulating septic systems (7080.2270) and wells (4725.4350), which regulate location and design in relation to floodplains.</i></p>
<p>SECTION 9.0 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.</p>	
<p>9.1 Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:</p> <p>9.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.</p>	<p><i>9.1. This subsection is mandatory; the remainder of Section 9.0 is optional but recommended if manufactured home parks are located in any floodplain districts.</i></p>

- 9.12 If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards.
- (a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and 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 limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - (b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 7.22.

9.2 **Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

9.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 9.22:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium-type associations.

9.22 Criteria for Exempt Recreational Vehicles:

- (a) The vehicle must have a current license required for highway use.
- (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
- (e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 9.22.
- (f) An accessory structure must constitute a minimal investment

9.23 Recreational vehicles that are exempt in Section 9.22 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

9.2 has recently been revised to recognize MN Department of Health rules (Section 4630.0200), which prohibit mobile home parks and recreational camping areas in flood-prone areas. Placement or replacement of manufactured home units may be allowed in existing manufactured home parks or on lots of record.

9.21 – 9.23. These exemption criteria are required if recreational vehicles are allowed within any floodplain district. If this section is not used, recreational vehicle placement must be explicitly prohibited in floodplain districts.

9.22(e) is optional. Recreational vehicles in existing campgrounds may be allowed within the Floodway District, if defined as a permitted or conditional use, but we recommend they be treated as a temporary use, without accessory structures and with an emergency plan in place.

9.22 (f) and 9.23 are optional. Communities may apply a monetary limit such as \$500 as a threshold for a “minimal investment,” recognizing that this threshold will vary from place to place.

SECTION 10.0 ADMINISTRATION

10.0. Many of the standards and procedures in this section are likely to exist in other parts of the community's zoning

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the **(Governing Body)** must administer and enforce this ordinance.

10.2 Permit Requirements:

10.21 Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

(a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.

(b) The use or change of use of a building, structure, or land.

(c) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.

(d) The change or extension of a nonconforming use.

(e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(g) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.

(h) Any other type of “development” as defined in this ordinance.

10.22 Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

(a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

(b) Location of fill or storage of materials in relation to the stream channel.

(c) Copies of any required municipal, county, state or federal permits or approvals.

(d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

10.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

10.24 Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

10.25 Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning

ordinance, and may be cross-referenced rather than repeated here. However, the community must be able to demonstrate that these procedures or comparable ones are in place.

The term “Zoning Administrator” is used throughout this section for ease of reference, but in some communities the City Clerk or other official may fill this role.

10.21(c). The exemption for farm fences in (c) is optional.

10.21(g). Any change in the course, current or cross-section of public waters requires a public waters work permit from the DNR under MN Stat. 103G.245.

10.22. This section may cross-reference any other permitting requirements in the zoning ordinance.

Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

10.26 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.27 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

10.3 Variances:

10.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section(s) _____ of the zoning ordinance/code.

10.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

10.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

10.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

- (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others;

10.31 should cross-reference all sections of the zoning ordinance that regulate processing and review of variance applications. 10.3 only contains DNR/FEMA – mandated regulatory & notification provisions.

Communities that administer zoning ordinances (including floodplain ordinances) must establish a board of adjustment to hear appeals and variance requests. In many communities, the city council, county board, or planning commission serves as the board of adjustment. If a community does not have existing variance procedures or a board of adjustment, contact Floodplain Program staff for sample ordinance language.

10.33 (a-c) is language required by FEMA and must be adopted verbatim. Note specifically that the reference to “exceptional hardship” in (b)(ii) must remain in the ordinance, even though it has been replaced by the term “practical difficulties” in state zoning enabling statutes.

10.34 is required by FEMA.

Section 10.35 is optional but recommended as guidance for communities in reviewing variance applications. The same factors are recommended for review of conditional use applications, below.

- (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
- (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- (e) The importance of the services to be provided by the proposed use to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

10.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The **(designated body/community official)** must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

10.4 Conditional Uses:

10.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section(s) _____ of the zoning ordinance/code.

10.42 Factors Used in Decision-Making. In passing upon conditional use applications, the **(Governing Body)** must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

10.43 Conditions Attached to Conditional Use Permits. The **(Governing Body)** may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.

10.41 should cross-reference any conditional use procedures in the zoning ordinance, if these exist. If not, contact Floodplain Program staff for administrative language.

Section 10.42 is optional but recommended as guidance for decisions on conditional uses (and variances, as noted above).

10.43 is also optional; conditions are intended to be specific to the particular site and proposed use.

- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

10.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The (designated body/community official) must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SECTION 11.0 NONCONFORMITIES

11.1 **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.941(b) of this ordinance, are subject to the provisions of Sections 11.11 – 11.16 of this ordinance.

11.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 11.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

11.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.

11.13 If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

11.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

11.15 If any nonconformity is substantially damaged, as defined in Section 2.940 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new

11.11. Buildings and structures within the Floodway District may not be enlarged or expanded. In some cases, a floodway area can be filled without causing any rise in flood stage. In such cases, a Letter of Map Revision may be obtained that changes the floodway boundary, placing the area in the Flood Fringe. Contact Floodplain Program staff for details.

11.13. The language presented is recommended, in order to gradually eliminate nonconformities over time. Federal standards require that substantial improvement, is tracked over a one-year period.

Section 11.14 reflects an optional provision in statute (462.357(Subd 1e)(1) and 394.36) – local government may impose reasonable conditions on the nonconforming use or structure. Many communities have adopted similar provisions in their zoning ordinances.

Section 11.15 is specific to floodplain uses in state and federal statute, as distinct from

structures in Sections 4.0 or 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

11.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.936 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

11.17 Any substantial improvement, as defined in Section 2.941 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

the standard provisions for nonconformities in the Chapters 394 and 462.

Section 11.16 is optional but recommended, in order to gradually eliminate nonconformities that are frequently damaged but not to the "50%" level.

11.17 is a mandatory federal requirement. As defined, "substantial improvement" is monitored over a one-year period.

SECTION 12.0 PENALTIES AND ENFORCEMENT

12.1 **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

12.2 **Other Lawful Action:** Nothing in this ordinance restricts the (community) from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

12.3 **Enforcement:** Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section(s) _____ of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and (Governing Body) may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The (community) must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

12.3. Cross-reference any sections of the zoning ordinance that deal with enforcement procedures. If such provisions don't exist, contact Floodplain Program staff for sample language.

SECTION 13.0 AMENDMENTS

13.1 **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

13.2 **Amendments Require DNR Approval:** All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

13.3 **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.3 of this ordinance.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

Adopted by the _____ Board/City Council
(Community Name)

This _____ of _____, _____
(Day) (Month) (Year)

Attest: _____, County Board
Chairperson/Mayor
(Name of Elected Official)

Attest: _____, County
Administrator/City Clerk
(Name of Community Official)

Stamp With Community Seal:



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P-N

May 4, 2016

The Honorable Jerry Young
Mayor, City of Maple Plain
City Hall
5050 Independence Street
Maple Plain, Minnesota 55359

Community: City of Maple Plain,
Hennepin County, Minnesota
Community No.: 270170
Map Panels Affected: See FIRM Index

Dear Mayor Young:

This is to formally notify you of the final flood hazard determination for your community in compliance with Title 44, Chapter I, Part 67, Code of Federal Regulations. On September 2, 2004, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in the City of Maple Plain, Hennepin County, Minnesota. Recently, FEMA completed a re-evaluation of flood hazards in your community. On December 31, 2005, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community.

FEMA has not received any comments on the Preliminary copies of the FIS report and FIRM. Accordingly, the FIS report and FIRM for your community will become effective on November 4, 2016. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to November 4, 2016, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.). These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and the other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish eligibility in the NFIP. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the Base Flood Elevations established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we reviewed our records to determine if any previous Letters of Map Change (i.e., Letters of Map Amendment, Letters of Map Revision) will be superseded when the revised FIRM panels become effective. According to our records, no Letters of Map Change were issued previously for the affected FIRM panels.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Hennepin County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Chicago, Illinois, at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general, please call FMIX at the telephone number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our

3

website at <http://www.floodmaps.fema.gov/lfid>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Rodriguez', with a large, stylized flourish at the end.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

cc: Community Map Repository
Tessia Melvin, City Administrator, City of Maple Plain

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' National Geodetic Vertical Datum of 1929 (NGVD 29). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 15. The **horizontal datum** was NAD 27, GRS 1980 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the National Geodetic Vertical Datum of 1929. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NNGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by the Minnesota Department of Natural Resources. This information was photogrammetrically compiled at a scale of 1:12,000 from aerial photography dated 2010 or later.

The **profile baselines** depicted on this map represent the hydraulic modeling baselines that match the flood profiles in the FIS report. As a result of improved topographic data, the **profile baseline**, in some cases, may deviate significantly from the channel centerline or appear outside the SFHA.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information on available products associated with this FIRM visit the **Map Service Center (MSC)** website at <http://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

 ADMINISTRATIVE FLOODWAY

*Administrative floodway designated in accordance with local regulations for management of these areas

 MODELED NODE LABEL



LEGEND

-  SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** 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.
- ZONE AR** Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently described. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
-  FLOODWAY AREAS IN ZONE AE
The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
-  OTHER FLOOD AREAS
- ZONE X** 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.
- OTHER AREAS**
- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.
-  COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
-  OTHERWISE PROTECTED AREAS (OPAs)
CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
-  1% Annual Chance Floodplain Boundary
-  0.2% Annual Chance Floodplain Boundary
-  Floodway Boundary
-  Zone D boundary
-  CBRS and OPA boundary
-  Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths, or flood velocities.
-  Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the National Geodetic Vertical Datum of 1929

 Cross section line

 Transect line

45° 02' 08", 93° 02' 12"
3100000 FT
4989000 N
DX5510 X
M1.5
River Mile

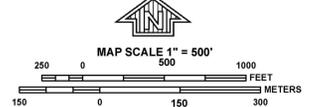
MAP REPOSITORIES
Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
September 2, 2004

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
November 4, 2016 - to add Special Flood Hazard Areas, to change Base Flood Elevations, to change floodway, to change Special Flood Hazard Areas, to decrease Base Flood Elevations, to incorporate previously issued Letters of Map Revisions, to increase Base Flood Elevations, to reflect updated topographic information, to update corporate limits, to update map format

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0143F

FIRM
FLOOD INSURANCE RATE MAP
HENNEPIN COUNTY,
MINNESOTA
(ALL JURISDICTIONS)

PANEL 143 OF 500
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
INDEPENDENCE, CITY OF	270167	0143	F
MAPLE PLAIN, CITY OF	270170	0143	F

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

 **MAP NUMBER**
27053C0143F
MAP REVISED
NOVEMBER 4, 2016
Federal Emergency Management Agency

NOTES TO USERS

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Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 15. The **horizontal datum** was NAD 27, GRS 1980 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

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NOAA, NNGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

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Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information on available products associated with this FIRM visit the **Map Service Center (MSC)** website at <http://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

 ADMINISTRATIVE FLOODWAY

*Administrative floodway designated in accordance with local regulations for management of these areas

 MODELED NODE LABEL

LEGEND

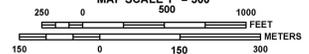
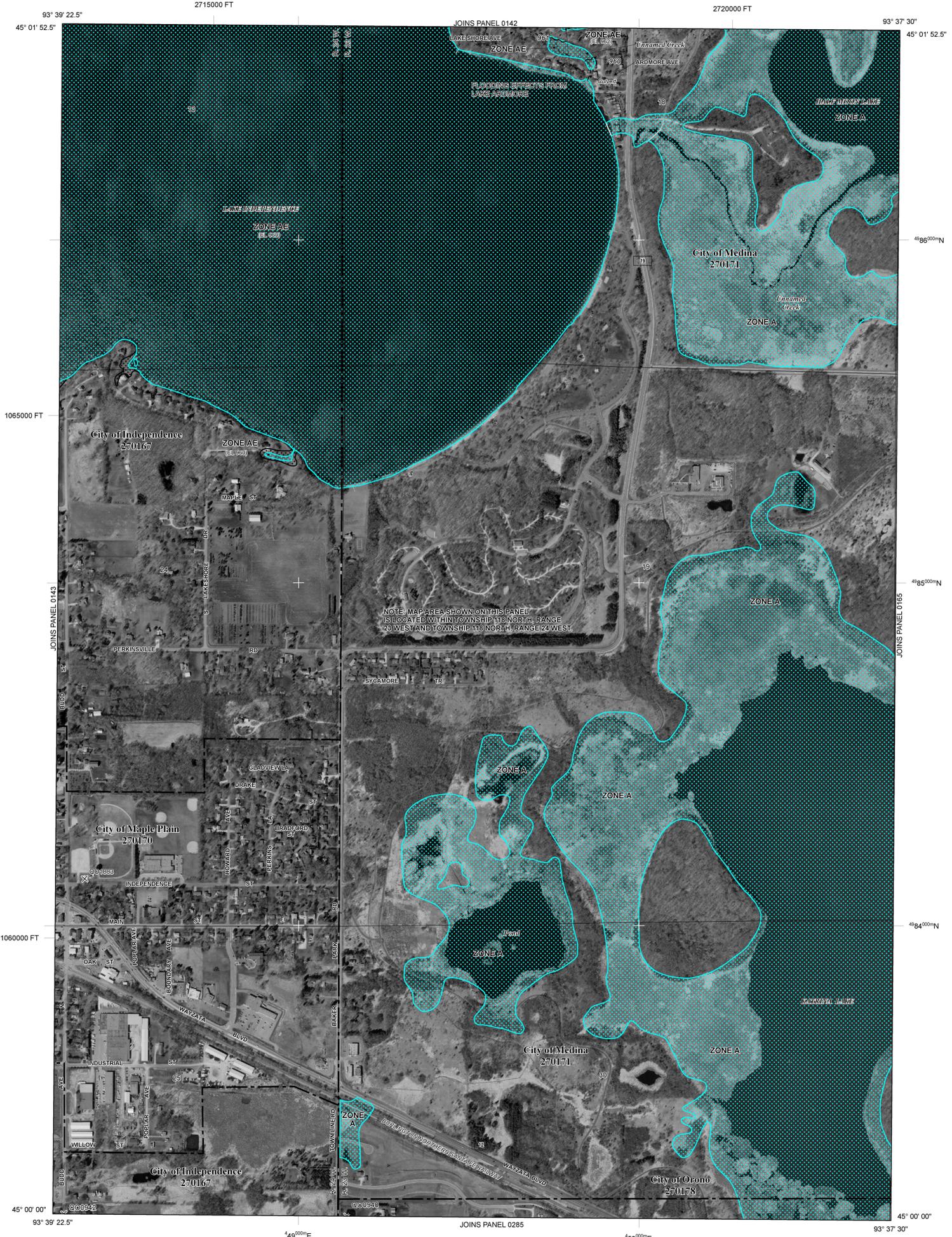
-  SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, AV, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE AE** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** 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.
- ZONE AR** Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently described. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE AR9** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
-  FLOODWAY AREAS IN ZONE AE
The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
- OTHER FLOOD AREAS**
- ZONE X** 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.
- OTHER AREAS**
- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.
-  COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
-  OTHERWISE PROTECTED AREAS (OPAs)
CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
-  1% Annual Chance Floodplain Boundary
-  0.2% Annual Chance Floodplain Boundary
-  Floodway boundary
-  Zone D boundary
-  CBRS and OPA boundary
-  Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths, or flood velocities.
-  Base Flood Elevation line and value; elevation in feet*
-  Base Flood Elevation value where uniform within zone; elevation in feet*
- *Referenced to the National Geodetic Vertical Datum of 1929
-  Cross section line
-  Transect line
- 45° 02' 08", 93° 02' 12" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) Western Hemisphere
- 3100000 FT 5000-foot ticks: Minnesota State Plane coordinate system, South Zone (FIPSZONE 2203), Lambert Conformal Conic projection
- 1000-meter Universal Transverse Mercator grid values, zone 15
- DX5510 X Bench mark (see explanation in Notes to Users section of this FIRM panel)
- M1.5 River Mile
- MAP REPOSITORIES
Refer to Map Repositories list on Map Index
- EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
September 2, 2004
- EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
November 4, 2016 - to add Special Flood Hazard Areas, to change Base Flood Elevations, to change floodway, to change Special Flood Hazard Areas, to decrease Base Flood Elevations, to incorporate previously issued Letters of Map Revisions, to increase Base Flood Elevations, to reflect updated topographic information, to update corporate limits, to update map format

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 500'

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0144F

FIRM

FLOOD INSURANCE RATE MAP

HENNEPIN COUNTY, MINNESOTA (ALL JURISDICTIONS)

PANEL 144 OF 500
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
INDEPENDENCE, CITY OF	270167	0144	F
MAPLE PLAIN, CITY OF	270170	0144	F
MEDINA, CITY OF	270171	0144	F
ORONO, CITY OF	270178	0144	F

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
27053C0144F

MAP REVISED
NOVEMBER 4, 2016

Federal Emergency Management Agency

**CITY OF MAPLE PLAIN
COUNTY OF HENNEPIN**

STATE OF MINNESOTA

ORDINANCE NO. 16-1024-01

**AMENDING CHAPTER 151 OF THE MAPLE PLAIN CITY CODE
RELATING TO THE FLOODPLAIN MANAGEMENT ORDINANCE**

THE CITY OF MAPLE PLAIN DOES ORDAIN:

Section 1. Section 151, Floodplain Management Ordinance, of the Maple Plain City Code is hereby repealed in its entirety and replaced with the following:

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Maple Plain, Minnesota, does ordain as follows.

1.2 Purpose:

1.21 This ordinance regulates development in the flood hazard areas of the City of Maple Plain. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program. 1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

SECTION 2.0 GENERAL PROVISIONS

2.1 How to Use This Ordinance: This ordinance adopts the floodplain maps applicable to the City of Maple Plain and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

2.11 Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 4 or 5 will apply, depending on the location of a property.

2.12 Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 4 apply unless the floodway boundary is determined, according to the process outlined in Section 6. Once the floodway boundary is determined, the Flood Fringe District standards in Section 5 may apply outside the floodway.

2.2 Lands to Which Ordinance Applies: This ordinance applies to all lands within the jurisdiction of the City of Maple Plain shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

2.21 The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

2.3 Incorporation of Maps by Reference: The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the City Administrator at City Hall.

Effective Flood Insurance Rate Map panels:

27053C0143F

27053C0144F

2.4 Regulatory Flood Protection Elevation: The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

2.5 Interpretation: The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

2.51 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

2.52 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City’s designated board of adjustment and to submit technical evidence.

2.6 Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.7 Warning and Disclaimer of Liability: This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Maple Plain or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

2.8 Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

2.9 Definitions: Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

2.911 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2.912 Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

2.913 Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.914 Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (a) Certain conditions as detailed in the zoning ordinance exist.
- (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

2.915 Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

2.916 Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

2.917 Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.918 Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

2.919 Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

2.920 Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

2.921 Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Hennepin County, Minnesota.

2.922 Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).

2.923 Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

2.924 Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

2.925 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

2.926 Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

2.927 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”

2.928 New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

2.929 Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

2.930 One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).

2.931 Principal Use or Structure – all uses or structures that are not accessory uses or structures.

2.932 Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

2.933 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

2.934 Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

2.935 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

2.936 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

2.937 Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”

2.938 Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. 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 excavation for a basement, footings, piers, foundations, 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 part of the main structure. For a 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 dimensions of the building.

2.939 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.22 of this ordinance and other similar items.

2.940 Substantial Damage - means damage of any origin sustained by a structure where 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.

2.941 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

2.10 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the City of Maple Plain at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Maple Plain after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

2.11 Detachments. The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City of Maple Plain after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts:

3.11 Floodway District. The Floodway District includes areas within Zones AE delineated as floodway as shown on the Flood Insurance Rate Map adopted in Section 2.3.

3.12 Flood Fringe District. The Flood Fringe District includes areas within Zones AE as designated on the Flood Insurance Rate Map adopted in Section 2.3, but located outside of the floodway.

3.13 RESERVED FOR GENERAL FLOODPLAIN DISTRICT (GF)

3.2 Applicability: Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 are prohibited. In addition, critical facilities, as defined in Section 2.915, are prohibited in all floodplain districts.

SECTION 4.0 FLOODWAY DISTRICT (FW)

4.1 Permitted Uses: The following uses, subject to the standards set forth in Section 4.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

- 4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.
- 4.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
- 4.14 Residential lawns, gardens, parking areas, and play areas.
- 4.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.
- 4.2 Standards for Floodway Permitted Uses:
- 4.21 The use must have a low flood damage potential.
- 4.22 The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
- 4.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- 4.3 Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 10.4 of this ordinance and further subject to the standards set forth in Section 4.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.
- 4.31 Structures accessory to the uses listed in 4.11 – 4.13 above and the uses listed in 4.32 - 4.33 below.
- 4.32 Extraction and storage of sand, gravel, and other materials.
- 4.33 Marinas, boat rentals, docks, piers, wharves, and water control structures.
- 4.34 Storage yards for equipment, machinery, or materials.
- 4.35 Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section 2.918, are permitted uses.
- 4.36 Travel-ready recreational vehicles meeting the exception standards in Section 9.3.
- 4.37 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- 4.4 Standards for Floodway Conditional Uses:
- 4.41 All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.

4.42 Fill; Storage of Materials and Equipment:

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (b) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
- (c) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

4.43 Accessory Structures. Accessory structures, as identified in Section 4.31, may be permitted, provided that:

- (a) structures are not intended for human habitation;
- (b) structures will have a low flood damage potential;
- (c) structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
- (d) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
- (e) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
- (f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

4.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

4.46 Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

SECTION 5.0 FLOOD FRINGE DISTRICT (FF)

5.1 Permitted Uses: Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 5.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

5.2 Standards for Flood Fringe Permitted Uses:

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

5.22 Accessory Structures. As an alternative to the fill requirements of section 5.21, structures accessory to the uses identified in Section 5.1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

(a) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

(b) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

- (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
- (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the

structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

5.23 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance, or if allowed as a conditional use under Section 5.33 below.

5.24 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

5.25 All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

5.26 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

5.27 All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

5.28 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.

5.29 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

5.30 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

5.31 Manufactured homes and recreational vehicles must meet the standards of Section 9 of this ordinance.

5.3 Conditional Uses: The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 10.4 of this ordinance.

5.31 Any structure that is not elevated on fill or floodproofed in accordance with Sections 5.21 and 5.22 of this ordinance.

5.32 Storage of any material or equipment below the regulatory flood protection elevation.

5.33 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 5.21 of this ordinance.

5.34 The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 5.46.

5.4 Standards for Flood Fringe Conditional Uses:

5.41 The standards listed in Sections 5.24 through 5.30 apply to all conditional uses.

5.42 Basements, as defined by Section 2.913 of this ordinance, are subject to the following:

(a) Residential basement construction is not allowed below the regulatory flood protection elevation.

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 5.43 of this ordinance.

5.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

5.44 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

(a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

(b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.

(c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

5.45 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

5.46 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-

grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

- (1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
- (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

SECTION 6.0 RESERVED FOR GENERAL FLOODPLAIN DISTRICT (GF)

SECTION 7.0 LAND DEVELOPMENT STANDARDS

7.1 In General: Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Maple Plain.

7.2 Subdivisions: No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

7.21 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

7.22 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been

approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

7.23 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

7.24 In the General Floodplain District, applicants must provide the information required in Section 6.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

7.25 If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (c) Adequate drainage is provided to reduce exposure of flood hazard.

7.3 Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

- (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Constructed with materials and utility equipment resistant to flood damage;
- (c) Constructed by methods and practices that minimize flood damage; and
- (d) 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.

SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

8.1 Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

8.2 Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

SECTION 9.0 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.

9.1 Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

9.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.

9.12 If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards.

(a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and 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 limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 7.22.

9.2 Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

9.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 9.22:

(a) Individual lots or parcels of record.

(b) Existing commercial recreational vehicle parks or campgrounds.

(c) Existing condominium-type associations.

9.22 Criteria for Exempt Recreational Vehicles:

- (a) The vehicle must have a current license required for highway use.
- (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
- (e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 9.22.
- (f) An accessory structure must constitute a minimal investment

9.23 Recreational vehicles that are exempt in Section 9.22 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

SECTION 10.0 ADMINISTRATION

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.

10.2 Permit Requirements:

10.21 Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

- (a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
- (b) The use or change of use of a building, structure, or land.
- (c) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
- (d) The change or extension of a nonconforming use.

- (e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- (f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
- (g) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
- (h) Any other type of “development” as defined in this ordinance.

10.22 Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

- (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
- (b) Location of fill or storage of materials in relation to the stream channel.
- (c) Copies of any required municipal, county, state or federal permits or approvals.
- (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

10.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

10.24 Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

10.25 Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

10.26 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.27 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

10.3 Variances:

10.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 153.110 of the zoning ordinance/code.

10.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

10.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

10.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

(a) The potential danger to life and property due to increased flood heights or velocities 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, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
- (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- (e) The importance of the services to be provided by the proposed use to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

10.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator or their designee must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

10.4 Conditional Uses:

10.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 153.140 of the zoning ordinance/code.

10.42 Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

10.43 Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

10.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator or their designee must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SECTION 11.0 NONCONFORMITIES

11.1 Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.941(b) of this ordinance, are subject to the provisions of Sections 11.11 – 11.16 of this ordinance.

11.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 11.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

11.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4

floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.

11.13 If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

11.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

11.15 If any nonconformity is substantially damaged, as defined in Section 2.940 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0 or 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

11.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.936 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

11.17 Any substantial improvement, as defined in Section 2.941 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

SECTION 12.0 PENALTIES AND ENFORCEMENT

12.1 Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

12.2 Other Lawful Action: Nothing in this ordinance restricts the City of Maple Plain from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

12.3 Enforcement: Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 153.009 of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Maple Plain must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 13.0 AMENDMENTS

13.1 Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

13.2 Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

13.3 Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.3 of this ordinance.

Section 2. This ordinance shall take effect upon the day of publication. A printed copy of the entire ordinance is available for inspection by any person during the City’s regular office hours at the City of Maple Plain City Hall.

APPROVED for publication by the City Council of the City of Maple Plain, Minnesota on this 24th day of October, 2016.

CITY OF MAPLE PLAIN

Jerry Young, Mayor

ATTEST:

Robert Schoen, City Administrator

**CITY OF MAPLE PLAIN
COUNTY OF HENNEPIN**

STATE OF MINNESOTA

ORDINANCE NO. 10-1024-02

**AMENDING CHAPTER 151 OF THE MAPLE PLAIN CITY CODE
RELATING TO THE FLOODPLAIN MANAGEMENT ORDINANCE**

NOTICE IS HEREBY GIVEN that on October 24, 2016, Ordinance No. 10-1024-01 was adopted by the City Council of the City of Maple Plain, Minnesota.

NOTICE IS FURTHER GIVEN that, because of the lengthy nature of Ordinance No. 10-1024-01, the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the City Council amends/replaces Chapter 151 of the Maple Plain Ordinance, "Floodplain Management Ordinance" by updating the ordinance requirements to be consistent with the newly adopted FEMA maps and the language prescribed by the Department of Natural Resources. The ordinance more clearly defines certain flood plain criteria and updates references to the newly adopted FEMA maps. The ordinance amendment adds provisions for alternative methods of construction within a flood plain.

APPROVED for publication by the City Council of the City of Maple Plain, Minnesota on this 24th day of October, 2016.

CITY OF MAPLE PLAIN

Jerry Young, Mayor

ATTEST:

Robert Schoen, City Administrator



Agenda Information Memorandum
October 24, 2016 - Maple Plain City Council

9. NEW BUSINESS
B. SET ASSESSMENT HEARING DATE

ACTION TO BE CONSIDERED

Set the assessment hearing date for the Budd Avenue Street and Utility Improvements for Monday, November 28, 2016 at 6:30 pm.

FACTS

- Appraisal information is being worked on at this time and will be available in early November.
- Once appraisal information is completed, the final assessment roll will be prepared and notices will be sent out to property owners with their assessments.
- Staff is recommending the assessment hearing be held at the second meeting in November at this time.

ATTACHMENTS

None.

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