

FLOODPLAIN ORDINANCE

SUBDIVISION 1 STATUTORY AUTHORIZATION

The Legislature of the State of Minnesota in Minnesota Statutes, Chapter 103F, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

SUBDIVISION 2 STATEMENT OF PURPOSES

The development of the flood hazard areas of the County of Faribault could result in the potential loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the county and since these lands are suitable for open space uses that do not require structures or fill, the Board of Commissioners of the County of Faribault does ordain as follows:

SUBDIVISION 3 DESIGNATION OF THE FLOODPLAIN DISTRICT

The Flood Insurance Study for the County of Faribault prepared by the Federal Insurance Administration and dated May 17, 1982 and the Flood Boundary and Floodway Map and Flood Insurance Rate Map contained therein are hereby adopted by reference and declared to be a part of this ordinance. The Floodplain District for the County of Faribault shall include those areas which lie within the 100 Year Flood Boundary on the Flood Boundary and Floodway map.

SUBDIVISION 4 PERMITTED USES IN THE FLOODPLAIN DISTRICT

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodplain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill (except for agricultural dikes as noted in 4.1 below,) or storage of materials and equipment.

1. Agricultural uses such as general farming, pasture, grazing, forestry, sod farming and wild crop harvesting. Agricultural flood control dikes may be constructed in the Floodplain District if authorized by a (development permit) obtained from the county. In reviewing permit applications for agricultural dikes, the county shall make their permit decision based on the following criteria:
 - a. Whether the dike location is in the floodway, floodway fringe, or general floodplain district. For purposes of this section, the general floodplain district is the same as unnumbered "A Zones" on the Flood Insurance Rate Map contained in the Faribault County Flood Insurance Study.

- b. If the dike location is in the floodway fringe, the county may issue the development permit. If the dike location is in the floodway or the general floodplain district, the county may issue the development permit if the dike does not cause an increase in the stage of the 100 year flood. The determination of stage increase caused by the proposed dike shall be made utilizing accepted engineering methods consistent with the Statewide Standards and Criteria for Management of Floodplain Areas of Minnesota (MN Rules 6120.5100 – 6120.6200).

The county shall notify the Minnesota Department of Natural Resources (DNR) at least ten (10) days in advance of consideration by the County Planning Commission of a permit for an agricultural dike in order that the DNR can provide technical assistance in evaluating the impact of the dike.

2. Industrial-Commercial uses such as parking areas and airport landing strips.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Residential uses such as lawns, gardens, parking areas and play areas.

All other uses and all uses that require structures, fill, mining of materials shall be prohibited.

SUBDIVISION 5 ADMINISTRATION

1. Development Permits Required. No person shall erect, construct, enlarge, alter, repair, improve or move any building or structure until a permit has been obtained from the County. Mining, dredging, filling, grading, excavation and drilling operations are activities that require permits obtained from the county, and are governed in part by Section 15D of the Faribault County Zoning Ordinance in addition to this ordinance.
2. Duties of the Zoning Administrator. The Zoning Administrator shall review all development and permit applications to determine whether the proposed use lies in the Floodplain District. Permit applications for uses to be located in the Floodplain District shall not be granted unless they comply with provisions of Section 4.0.
3. Interpretation of District Boundaries. Where interpretation is needed as to the exact location of the boundaries of the Floodplain District as shown on the Flood Boundary and Floodway maps, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the

Zoning Administrator shall make the necessary interpretation based on elevations on the regional (100 year) flood profile contained in the Flood Insurance Study and other available technical data.

4. Variances. Applications for variances to the provisions of this ordinance shall be evaluated in accordance with the procedures in the Faribault County Zoning Ordinance. The Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances so that the Commissioner will receive at least ten (10) days notice of hearing.

No variance shall have the effect of allowing any uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation, or permit standards lower than those required by state law.

5. Amendments. All amendments to this ordinance must be submitted to and approved by the Commissioner of Natural Resources prior to adoption.

SUBDIVISION 6 DEFINITIONS

Unless specifically defined below, words or phrases used in the Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and to as to give this Ordinance its most reasonable application.

1. Development – Any manmade change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of materials or equipment.
2. Flood Fringe – That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Faribault County.
3. Floodplain – The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
4. Floodway – The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
5. 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 100 year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

6. Regulatory Flood Protection Elevation – The Regulatory Flood Protection Elevation shall be 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 flood plain that result from designation of a floodway.
7. Structure – Buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.
8. Variance – A modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

SUBDIVISION 7 WARNING AND DISCLAIMER OF LIABILITY

This ordinance does not imply that areas outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages. This ordinance shall not create liability on the part of Faribault County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.