



City of Mora
Kanabec County, Minnesota
Meeting Agenda
Planning Commission

Mora City Hall
101 Lake Street S
Mora, MN 55051

Monday, February 10, 2020

5:30 PM

Mora City Hall

Board Photo

1. Call to Order

2. Roll Call: Chad Gramentz, Mike Johnson, Karen Onan-Wakefield, Todd Sjoberg, and Sara Treiber.

3. Adopt Agenda (*No item of business shall be considered unless it appears on the agenda for the meeting. Board members may add items to the agenda prior to adoption of the agenda.*)

4. Approval of Minutes from the January 13, 2020 Meeting

5. Public Hearings

- a. Public hearing to consider a Conditional Use Permit to allow *Utility Transmission Lines* in the Floodway District. The proposed project involves the replacement of existing utility structures generally located on the west side of Highway 65 between Maple Avenue E. and 9th Street. The utility structures are owned by Southern MN Municipal Power Agency and the applicant is Great River Energy.
- b. Public hearing to consider a Conditional Use Permit to allow a *Non-Residential Day Care Facility* in the R-3 Multiple Dwelling District. The subject site is located at 2031 Rowland Road. The property owner and applicant is RHTC, LLC (Recovering Hope Treatment Center).

6. Open Forum

7. New Business

None

8. Old Business

- a. Comprehensive Plan. The Planning Commission will receive a verbal report on the Comprehensive Plan update.
- b. Floodplain Management Ordinance. The Planning Commission will continue discussions about the update of City Code Chapter 152: Floodplain Management with focus on proposed flood prone language and mapping.
- c. Central Minnesota Housing Partnership (CMHP) Housing Project. Staff will provide a verbal report on CMHP's proposed 9th Street housing project.

9. Reports (*Commissioners and staff will be given the opportunity to share information.*)

10. Adjournment

The next regular meeting is scheduled for Monday, March 9, 2020 at 5:30 PM.

**City of Mora, MN
PLANNING COMMISSION
Meeting Minutes**

January 13, 2020

Present: Chad Gramentz, Mike Johnson, Karen Onan-Wakefield and Todd Sjoberg
Absent: Sara Treiber
Staff Present: Community Development Director Beth Thorp
Others Present: Steven & Jeanette DeWitt

1. Oath of Office. Gramentz and Onan-Wakefield pledged the oath of office for three-year terms expiring on December 31, 2022 and Johnson pledged the oath of office for a one-year term expiring on December 31, 2020.
2. Call to Order. The meeting was called to order at 5:31 pm by Sjoberg.
3. Roll Call. All board members were present, with the exception of Treiber.
4. Adopt Agenda. Motion by Gramentz, second by Johnson to adopt the January 13, 2020 agenda as presented. All voted and the agenda was unanimously adopted.
5. Approval of Minutes. Motion by Johnson, second by Gramentz to approve the December 9, 2019 meeting minutes as presented. All voted and the meeting minutes were unanimously approved.
6. Election of Officers. Motion by Johnson, second by Onan-Wakefield to elect Sjoberg as Chair. All present voted aye. Motion carried. Motion by Sjoberg, second by Gramentz to elect Johnson as Vice Chair. All present voted aye. Motion carried.
7. Public Hearings.
 - a. Public hearing to consider the rezoning of 1888 Liberty Street from B-2 General Business District to R-1 Single Family Residential District. Thorp introduced the proposed rezoning, explaining that the proposed residential zoning classification is consistent with surrounding properties, consistent with the Comprehensive Plan Land Use Map designation of low density residential, and consistent with the proposed use of the property. Thorp provided history on the current zoning classification and existing conditional use permits, and explained that the property owners, Steven & Jeanette DeWitt, have decided to close their business and wish to maintain their residence at the subject site. Thorp stated that no comments or questions were received from the public prior to the public hearing. Sjoberg opened the public hearing at 5:36 pm. Steven & Jeanette DeWitt, 1888 Liberty Street, were present and expressed their desire to use the subject site for residential purposes. With no others present to speak on the proposed rezoning, Sjoberg closed the public hearing at 5:37 pm. Commission members briefly discussed the history of the subject site and Thorp stated that the commission did not support the 2014 rezoning of the subject site from R-1 to B-2. Thorp referenced the established criteria used to evaluate rezonings, commenting that the request was consistent with all four criteria. Various commission members expressed their pleasure with the property owner's request. Motion by Onan-Wakefield, second by Johnson to adopt Resolution No. PC 2020-0101, a resolution recommending approval of the rezoning

of 1888 Liberty Street from B-2 General Business District to R-1 Single Family Residential District as requested by Steven & Jeanette DeWitt. All present voted aye. Motion carried.

8. Open Forum. No members of the public were present for open forum.

9. New Business.

None

10. Old Business.

- a. Comprehensive Plan. The commission received and reviewed results of the Comprehensive Plan Community Survey, discussing common themes. Thorp stated that the Comprehensive Plan Committee met the previous week to review survey results and work on the 2020 work plan with the goal of having the Comprehensive Plan update adopted by the end of 2020. Commissioners Johnson and Onan-Wakefield, also members of the committee, shared insights from the January 9, 2020 committee meeting. Thorp suggested that she would like to have the committee take a lead role in developing the updated document, with the commission weighing in and providing guidance as needed. The commission offered support for allowing the committee to take a lead role as suggested.
- b. Floodplain Management Ordinance. The commission reviewed the most current draft of the Floodplain Management Ordinance and considered written opinions from the City Attorney and City Engineer regarding the issue of adopting flood prone language and mapping. Thorp stated that, based on opinions from the attorney and engineer, she feels strongly that the city should adopt flood prone language and mapping, and also agrees with the attorney that steps should be taken to limit the city's liability, including holding a public meeting prior to the adoption of the Flood Prone Area Map and developing language allowing for map amendments. The consensus of the commission was that a public meeting is important. Gramentz suggested a change to the proposed flood prone language which would reduce design requirements to design recommendations, lessening potential hardship on affected property owners. No other members expressed opposition to this change. The commission did not take any formal action on the Floodplain Management Ordinance, deciding to wait until all commissioners are present.
- c. Text Amendment Pertaining to Fences. Thorp presented the commission with draft language based on direction provided at the December 2019 meeting, primarily pertaining to creating a distinction between permanent / boundary fences and temporary / interior yard fences and applying fence permit requirements to the former. Commissioners discussed the proposed language and expressed satisfaction with the distinction. Johnson suggested that proposed §150.012 (2) (f) (5) should be amended to include a provision that fences may be constructed within improved drainage or utility easements with prior written approval from city staff. Motion by Onan-Wakefield, second by Gramentz to adopt Resolution No. PC2020-0102, a resolution recommending approval of a text amendment to City of Mora Code of Ordinances, Title XV Land Usage, Chapter 150 Zoning Code pertaining to the regulation of fences, as presented and with the added provision that fences may be constructed within improved drainage or utility easements with prior written approval from city staff. All present voted aye. Motion carried.

11. Reports.

- Thorp informed commission members that Building Official Caleb Christenson's first day of employment is scheduled for Tuesday, January 21, 2020.

12. Adjournment. Motion by Onan-Wakefield, second by Johnson to adjourn. All voted and the meeting was unanimously adjourned at 6:12 pm.

Todd Sjoberg
Chair

ATTEST: _____
Beth Thorp
Community Development Director

DRAFT



MEMORANDUM

TO: Planning Commission
 FROM: Beth Thorp, Community Development Director
 SUBJECT: Public hearing to consider a Conditional Use Permit to allow *Utility Transmission Lines*
 DATE: February 10, 2020

SUMMARY

The Planning Commission will conduct a public hearing and consider a request for Conditional Use Permit to allow *Utility Transmission Lines* in the Floodway District.

SITE INFORMATION

Property Owner:	Southern MN Municipal Power Agency (owner of utility structures)
Applicant:	Great River Energy
Location:	West side of Highway 65 between Maple Avenue E. and 9 th Street
Current Zoning:	R-1 Single Family Residential District / Floodway District (Lake Mora)
Adjacent Zoning:	North: B-2 General Business District South: B-2 General Business District East: Highway 65 / I-1 Limited Industrial District West: Lake Mora / R-1 Single Family Residential District
Comp. Plan Designation:	Lakes + Rivers / Low Density Residential

DISCUSSION

Great River Energy (GRE) has applied for a Conditional Use Permit (CUP) in order to replace existing utility structures owned by Southern MN Municipal Power Agency (SMMPA). Five of the structures proposed for replacement are located in the Floodway District, necessitating a CUP per City Code Chapter 152 Flood Plain Management, Section 152.037 Floodway District Conditional Uses, (D). Two other structures are proposed for replacement outside of the Floodway District and those structures are considered a permitted use in the underlying zoning district (no city approval required).

The five structures proposed for replacement in the Floodway District (MT-31, MT-32, MT-34, MT-36, and MT-37 on the attached map) are located in and near Lake Mora and Highway 65, with MT-31 potentially being located on private property owned by Andrew & Teresa Kelling. Minnesota DNR and DOT are fully aware of the proposed project and have been in direct communication with GRE about state permitting / licensing requirements. GRE has been reaching out directly to impacted and potentially impacted property owners on the north and south ends of the project. City staff had a phone conversation with Andrew Kelling on February 4th in which Kelling offered support for the project.

The request for CUP has been reviewed by various city and utility departments, county and state agencies and no concerns have been identified. Being that the utility structures are owned by SMMPA and Mora Municipal Utilities is a member of SMMPA, the local utility strongly supports this project. The

existing *Utility Transmission Line* is the only source of power into Mora other than what local generation produces, which makes the proposed replacement critical to the community's power supply.

At the time of CUP application, the applicant anticipated that the proposed work could begin as early as March 2020 while the lake is still frozen. However, staff learned on February 4th that GRE will not have other permit approvals in place in time to do work this winter. GRE now plans to complete all of the pole replacements sometime between January and March 2021, depending on ice conditions.

In addition to a public hearing notice being published in the Kanabec County Times on January 30, 2020, staff provided notification of the proposed CUP to all property owners within 350' of the utility structures proposed for replacement. As of February 6th, staff had not received any comments from the public, aside from Andrew Kelling, in regard to the request.

FINDINGS

City Code Chapter 152 Flood Plain Management, Section 152.133 Conditional Uses, Subd. D provides "factors upon which the decision of the city shall be based", including:

Factor #1 The danger of life and property due to increased flood heights or velocities caused by encroachments.

Finding #1 The proposed project involves the replacement of existing utility structures and will not impact flood heights or velocities.

Factor #2 The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts, or other hydraulic structures.

Finding #2 The applicant shall be responsible for the containment and disposal of construction materials used during the installation of the proposed utility structures. Upon project completion the city is satisfied that there is minimal potential for materials causing harm or injury.

Factor #3 The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

Finding #3 The proposed utility structures will have no impact on the water supply or sanitation systems or their ability to function properly.

Factor #4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

Finding #4 The proposed project involves the replacement of water-damaged utility structures. The applicant is proposing methods to prevent or limit future water damage, including the use of laminated poles.

Factor #5 The importance of the services provided by the proposed facility to the community.

Finding #5 The existing utility transmission line is the only source of power into Mora other than what local generation produces, which makes the proposed replacement critical to the community's power supply.

Factor #6 The requirements of the facility for a waterfront location.

Finding #6 The proposed utility structures do not require a waterfront location; however, the location is optimal in terms of the design of the power system.

- Factor #7
Finding #7 The availability of alternative locations not subject to flooding for the proposed use. *Because the proposed project involves the replacement of existing utility structures in the same general location, alternate locations were not identified. Instead, the applicant identified methods for preventing or limiting damage resulting from flooding. The applicant did consider the alternative of “no build”; however, that alternative was detrimental because the existing transmission line is currently supporting the electrical system in the area.*
- Factor #8
Finding #8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future. *The proposed utility structures are not only compatible with existing and anticipated development, but necessary in order to provide electric service to existing and proposed development in Mora Municipal Utility’s service territory.*
- Factor #9
Finding #9 The relationship of the proposed use to the comprehensive plan and flood plain management program for the area. *The city’s 2009 Comprehensive Plan describes the city’s electric supply and demand as a contributor to the Community Facilities and Public Services Plan. The proposed project is vital to the city’s ability to provide electric service to the community. The city’s Flood Plain Management regulations identify Utility Transmission Lines as an acceptable use when approved by Conditional Use Permit; therefore, the proposed project is in keeping with the flood plain management program.*
- Factor #10
Finding #10 The safety of access to the property in times of flood for ordinary and emergency vehicles. *Because the proposed project involves utility structures rather than occupied structures, there is generally little need to access the structures. And because the utility structures are located in standing water, the applicant has identified ways of accessing the structures during all conditions.*
- Factor #11
Finding #11 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site. *The expected conditions of flood waters at the project site, as described, will not have an impact on the proposed utility structures.*
- Factor #12
Finding #12 Such other factors which are relevant to the purpose of Chapter 152. *During construction, the applicant will employ several best management practices to protect topsoil and adjacent wetland resources and to minimize soil erosion. Sediment and erosion control plans will be developed that specify the types of best management practices necessary. Depending on site conditions, best management practices may include installation of silt fencing or ditch block and / or covering bare soils with mulch, plastic sheeting, or fiber rolls to protect drainage ways and streams from sediment runoff from exposed soils.*

STAFF RECOMMENDATION

Staff recommends approval of the CUP with conditions included in the attached resolution for consideration.

ACTION REQUESTED

Motion to approve Resolution No. PC2020-0201, a resolution recommending approval of a Conditional Use Permit to allow *Utility Transmission Lines* in the Floodway District, with conditions as presented or revised.

ATTACHMENTS

Written correspondence, with Attachments 1 & 2, from Great River Energy dated December 20, 2019
Draft Resolution No. PC2020-0201



12300 Elm Creek Boulevard
Maple Grove, Minnesota 55369-4718
763-445-5000
greatriverenergy.com

December 20, 2019

MT 69-kV Transmission Line
WO #207727

Ms. Beth Thorp
City of Mora
Community Development Department
101 Lake Street South
Mora, MN 55051

SUBJECT: Conditional Use Permit Application – Rock with Replaced MT 69-kV Line Structures
Kanabec County, Minnesota

Dear Ms. Thorp:

Great River Energy is replacing damaged structures on the existing MT 69-kV transmission line (see attached map) located in Section 11, Township 39N, Range 24W in the City of Mora, Kanabec County. The poles will be placed in culverts with clean rock for stability. The Project is anticipated to be completed in March 2020. If frozen conditions do not last, the remaining structures will be installed the following winter.

The Conditional Use Application, Map and \$250 application fee are enclosed. Please contact me if further information is needed at 763-445-5215 or mparlow@greenergy.com.

Sincerely,

GREAT RIVER ENERGY

A handwritten signature in cursive script that reads 'Marsha Parlow'.

Marsha Parlow
Transmission Permitting Specialist

Enclosures

s:\transmission\environmental-permitting\projects\Small Project ERs\MT Line\Cover letter Mora CUP Application 12.20.19.docx

Attachment 1

Project Location

The MT 69 kV transmission line structure replacement project is in Kanabec County and is described below.

County	Section	Township	Range	City/Township
Kanabec	11	139N	24W	City of Mora

A Site Locator Map is provided as Attachment 2.

General Project Description/Purpose and Need

The Project is replacement of seven structures on the existing MT overhead 69 kV transmission line across Mora Lake in Kanabec County. The transmission line would be constructed in a 70-foot-wide right of way with mainly wood poles, approximately 500 feet apart and 60 to 80 feet above ground.

The Project is anticipated to be completed in March 2020. If frozen conditions do not last, the remaining structures will be installed the following winter.

Aquatic Resource Impact Summary

Seven poles will be placed in wetlands. The poles will be placed in culverts with rock for stability. Great River Energy estimates approximately 140 square feet (0.003 acre) of permanent fill for the entire Project. See the table below for more detail:

Number of Forested Structures (PFO)	Number of Shrub Structures (PSS)	Number of Emergent Structures (PEM)	Total Number of Wetland Structures	Square feet/Pole	Total Square feet
0	0	7	7	20	140

There will be no clearing of forested wetlands on the project. The entire project is scheduled to be constructed in March 2020. It is anticipated that approximately 0.36 acres (15,813 square feet) of temporary impacts would result from the placement of matting to minimize impacts. This amount was based on 16' wide access to individual structures and a 70-foot wide pad around each new structure. During construction Great River Energy would employ several best management practices (BMPs) to protect topsoil and adjacent wetland resources and to minimize soil erosion. Sediment and erosion control plans would be developed that specify the types of BMPs necessary. Depending on site conditions, BMPs may include installation of silt fencing or ditch blocks and/or covering bare soils with mulch, plastic sheeting, or fiber rolls to protect drainage ways and streams from sediment runoff from exposed soils. Erosion control BMPs would be inspected during construction.

Project Alternatives

Great River Energy considered the alternative of “no build”; however, that alternative was detrimental because the existing transmission line is currently supporting the system in the area.

Exemptions / Activities Not Requiring Mitigation

Permanent wetland impacts (140 square feet for poles) and impact avoidance and minimization have been addressed. Areas of temporary disturbance 15,813 square feet (0.36 acres) during construction will be restored to pre-existing conditions within six months of disturbance. A replacement plan is not required because the project’s impact is less than one-half acre of wetland with installation, maintenance, repair, or replacement of utility lines per Minnesota Rule Subp. 6A.(1)(b).

Status of Other Approvals

US Fish and Wildlife Service (USFWS)

The USFWS designated the Northern Long-Eared Bat (NLEB) as threatened as of April 2, 2015. The final 4(d) rule was issued by the USFWS on January 14, 2016. There is no federal funding and tree clearing associated with this Project; therefore, NLEB impacts are not expected.

SHPO - Cultural Resources

The project will be conducted in the existing transmission line right of way; therefore, no adverse impact on known or suspected cultural resources is expected.



- Foreign Transmission Line Structure
- Existing foreign 69-kV transmission line
- ▨ Pole matting

0 50 100 Feet

Great River Energy (GRE) and its employees make no warranties, expressed or implied, nor assumes any legal liability or responsibility for the accuracy, completeness, usefulness of information and/or representations regarding the quality, reliability, currency and suitability of this information for any purposes. This map has been produced from various sources. Every effort has been made to ensure the accuracy of this map. However, Great River Energy assumes no responsibility for actual or consequential damage incurred as a result of any person's reliance on this information. This information is subject to change at any time without notice.

MT Line Matting

GREAT RIVER ENERGY.

RESOLUTION NO. PC2020-0201

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA,
RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW *UTILITY TRANSMISSION
LINES* IN THE FLOODWAY DISTRICT AS REQUESTED BY SOUTHERN MINNESOTA
MUNICIPAL POWER AGENCY AND GREAT RIVER ENERGY**

WHEREAS, Great River Energy, applicant, and Southern Minnesota Municipal Power Agency, owner of the proposed utility structures, submitted an application dated received December 20, 2019 and considered complete on January 21, 2020 for a Conditional Use Permit to allow *Utility Transmission Lines* in the Floodway District; and

WHEREAS, the subject site is generally located in and near Lake Mora and Highway 65 Right-of-Way, between Maple Avenue E. and 9th Street. Properties involved in the request are legally described as:

PID 22.00185.00

*The north half of the southeast quarter, except platted, except 22.00265.00, except highway (Lake Mora)
Section 11, Township 039, Range 024
Kanabec County, Minnesota*

PID 22.00310.00

The southeast quarter of the northeast quarter, except that platted as Lake Park Addition; except east 330' of north 485'; except north 363' of west 396' of east 726' thereof; and, except all that unplatted part of the southeast quarter of the northeast quarter as is bounded on the north and east by Block 9, Lake Park Addition, on southeast by Central Avenue and on south and west by south and west lines of said forty.

*Section 11, Township 039, Range 024
Kanabec County, Minnesota*

PID 22.06250.00

*Lots 1 & 2 Block 1 & Lot 1 Block 2, Lake Park Addition
Section 11, Township 039, Range 024
Kanabec County, Minnesota*

WHEREAS, notice was provided and on February 10, 2020, the Planning Commission conducted a public hearing regarding this request, at which it heard from the Community Development Director and all interested parties wishing to be heard; and

WHEREAS, the Planning Commission has made the following findings as required by City Code Section 152.133 (Conditional Uses), Subd. D (factors upon which the decision of the city shall be based):

Factor #1 The danger of life and property due to increased flood heights or velocities caused by encroachments.

Finding #1 The proposed project involves the replacement of existing utility structures and will not impact flood heights or velocities.

Factor #2 The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts, or other hydraulic structures.

Finding #2 The applicant shall be responsible for the containment and disposal of construction materials used during the installation of the proposed utility structures. Upon project completion the city is satisfied that there is minimal potential for materials causing harm or injury.

- Factor #3 The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
Finding #3 The proposed utility structures will have no impact on the water supply or sanitation systems or their ability to function properly.
- Factor #4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
Finding #4 The proposed project involves the replacement of water-damaged utility structures. The applicant is proposing methods to prevent or limit future water damage, including the use of laminated poles.
- Factor #5 The importance of the services provided by the proposed facility to the community.
Finding #5 The existing utility transmission line is the only source of power into Mora other than what local generation produces, which makes the proposed replacement critical to the community's power supply.
- Factor #6 The requirements of the facility for a waterfront location.
Finding #6 The proposed utility structures do not require a waterfront location; however, the location is optimal in terms of the design of the power system.
- Factor #7 The availability of alternative locations not subject to flooding for the proposed use.
Finding #7 Because the proposed project involves the replacement of existing utility structures in the same general location, alternate locations were not identified. Instead, the applicant identified methods for preventing or limiting damage resulting from flooding. The applicant did consider the alternative of "no build"; however, that alternative was detrimental because the existing transmission line is currently supporting the electrical system in the area.
- Factor #8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
Finding #8 The proposed utility structures are not only compatible with existing and anticipated development, but necessary in order to provide electric service to existing and proposed development in Mora Municipal Utility's service territory.
- Factor #9 The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
Finding #9 The city's 2009 Comprehensive Plan describes the city's electric supply and demand as a contributor to the Community Facilities and Public Services Plan. The proposed project is vital to the city's ability to provide electric service to the community. The city's Flood Plain Management regulations identify Utility Transmission Lines as an acceptable use when approved by Conditional Use Permit; therefore, the proposed project is in keeping with the flood plain management program.
- Factor #10 The safety of access to the property in times of flood for ordinary and emergency vehicles.
Finding #10 Because the proposed project involves utility structures rather than occupied structures, there is generally little need to access the structures. And because the utility structures are located in standing water, the applicant has identified ways of accessing the structures during all conditions.

Factor #11 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
Finding #11 *The expected conditions of flood waters at the project site, as described, will not have an impact on the proposed utility structures.*

Factor #12 Such other factors which are relevant to the purpose of Chapter 152.
Finding #12 *During construction, the applicant will employ several best management practices to protect topsoil and adjacent wetland resources and to minimize soil erosion. Sediment and erosion control plans will be developed that specify the types of best management practices necessary. Depending on site conditions, best management practices may include installation of silt fencing or ditch block and / or covering bare soils with mulch, plastic sheeting, or fiber rolls to protect drainage ways and streams from sediment runoff from exposed soils.*

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA, AS FOLLOWS:

That the Planning Commission recommends approval of the Conditional Use Permit with the following conditions:

1. The project shall be completed in general conformance to the Statement of Work dated November 19, 2019 and location map stamp dated BT December 20, 2019. Any major deviation, as determined by City of Mora / Mora Municipal Utilities staff, shall require further review and approval from the City Council. Any minor deviation, as determined by City of Mora / Mora Municipal Utilities staff, shall be allowed upon administrative approval.
2. The applicant shall be responsible for obtaining required permits and adhering to all conditions of approval from all applicable jurisdictions, including State of Minnesota Department of Natural Resources (DNR) and State of Minnesota Department of Transportation (MnDOT).
3. The applicant shall provide copies of all required permit approvals to the Community Development Director prior to the installation of replacement utility structures.
4. Given that the project involves permitting from multiple jurisdictions and is weather dependent, the city acknowledges that the applicant may require additional time to complete the project. The Conditional Use Permit shall be utilized and all conditions shall be met within two years of recording or the Conditional Use Permit shall become null and void.

Adopted by the Planning Commission of the City of Mora, Minnesota,
this 10th day of February, 2020.

Todd Sjoberg _____
Mike Johnson _____
Karen Onan-Wakefield _____

Chad Gramentz _____
Sara Treiber _____

Todd Sjoberg
Chair

ATTEST: _____
Beth Thorp
Community Development Director



MEMORANDUM

TO: Planning Commission
 FROM: Beth Thorp, Community Development Director
 SUBJECT: Public hearing to consider a Conditional Use Permit to allow a *Non-Residential Day Care Facility*
 DATE: February 10, 2020

SUMMARY

The Planning Commission will conduct a public hearing and consider a request for Conditional Use Permit to allow a *Non-Residential Day Care Facility* in the R-3 Multiple Dwelling District.

SITE INFORMATION

Property Owner:	RHTC, LLC (Recovering Hope Treatment Center)
Applicant:	Recovering Hope Treatment Center
Location:	2031 Rowland Road
Current Zoning:	R-3 Multiple Dwelling District
Adjacent Zoning:	North: R-1 Single Family Residential District / R-3 Multiple Dwelling District South: R-1 Single Family Residential District East: B-2 General Business District West: R-3 Multiple Dwelling District
Comp. Plan Designation:	Medium Density Residential

DISCUSSION

RHTC, LLC was granted a Conditional Use Permit (CUP) in September 2015 allowing a *Residential Facility Serving More than Six Unrelated Persons* to be located in the R-3 Multiple Dwelling District and an amendment to the CUP in August 2018 allowing the expansion of the facility. The facility, known as Recovering Hope Treatment Center (RHTC), is located at 2031 Rowland Road. RHTC offers substance abuse services and housing for chemically dependent women and their children. While clients are involved in sessions, working, schooling, or volunteering, their children attend RHTC's on-site state licensed child care center. Both the 2015 and 2018 CUP approvals have limited use of the child care center to children residing at the facility. RHTC now wishes to open the child care center to the general public and a CUP is required to do so.

RHTC President Ray Ludowese has stated that, if the request is approved, the child care center may initially open up to children of employees, depending on need and availability. It is not yet known if the child care center will open to non-residents / non-employees, but RHTC would like the ability to do so if and when desired. Regardless, a CUP for *Non-Residential Day Care Facility* is required even if the intent is to only serve employee needs (in addition to residents).

The existing child care center is licensed by the state for 35 children and this number is based on available area. RHTC Daycare Director Nicki Miller stated that while the number of children in the center fluctuates daily, the current daily average is 12 children. Because the applicant is not proposing to change or increase the physical size of the center at this time, the maximum number of children in the center will not change. Miller also stated that the child care center is currently staffed to accommodate maximum capacity.

The current underutilization of the child care center creates opportunity for RHTC to open the facility to non-residents. This not only benefits RHTC, but it also benefits the community. There is a well-documented shortage of child care slots in Kanabec County, with gap estimates ranging from 208 to 441 for children under age 5 (estimates provided by First Children's Finance in October 2019). The shortage of child care slots in the county has become an important economic development issue, so much so that a task force – known as Kanabec County Childcare Capacity Builders – has formed with assistance from First Children's Finance. The task force has identified four primary goals, including *exploration of potential locations for new or expanded child care facilities*. RHTC's proposed CUP helps to fill the existing child care gap. Please note that there are established criteria used for determining the compatibility of a proposed use with the applicable zoning district (see below) and the current child care shortage is not in itself reason enough to approve the request for CUP; however, the issue has been incorporated into draft Finding #2.

As is common with building or use expansions, staff has reviewed the off-street parking requirements for the proposed use and subject site. If this were a stand-alone child care center, RHTC would be required to provide a total of 12 off-street parking spaces (five spaces plus one for each five program participants based on the facility's licensed capacity -or- $5 + 7 = 12$). Based on the 2018 CUP Amendment review, it appears that RHTC was required to provide a total of 44 off-street parking spaces in 2018 and the site plan showed a total of 124 off-street parking spaces were being provided. Staff is satisfied that no additional off-street parking is required for the proposed *Non-Residential Daycare Facility*.

The request for CUP has been reviewed by various city and utility departments and no concerns have been identified.

In addition to a public hearing notice being published in the Kanabec County Times on January 30, 2020, staff provided notification of the proposed CUP to all property owners within 350' of the subject area. As of February 6th, staff had not received any comments from the public in regard to the request.

A representative of Recovering Hope Treatment Center will be present at the meeting to provide more information about the project and answer any questions.

FINDINGS

Zoning Code Section 150.036 (Conditional Uses), Subd. E (Standards) states that, "In considering an application for Conditional Use Permit, the Planning Commission shall make its recommendation upon the finding that the application complies with each of the standards set forth below and, where applicable, any conditional standards for specific uses set forth in the provisions of a specific zoning district." The City shall not grant a Conditional Use Permit without making certain findings. The criteria required for the granting of Conditional Use Permits are listed below.

- Criteria #1 The use is consistent with the purposes and intent of the Zoning Code and the purposes and intent of the zoning district in which the applicant intends to locate the proposed use.
- Finding #1 The Zoning Code identifies the proposed use of Non-Residential Daycare Facility as a Conditional Use within the R-3 District and the proposed use complies with all district regulations; therefore, the proposed use is consistent with the intent of the zoning district.*
- Criteria #2 The use is in keeping with the Comprehensive Plan and the policies thereof.
- Finding #2 The Comprehensive Plan Land Use Map identifies the subject site as Medium Density Residential. Daycare facilities are often located in or near residential areas, making the proposed use compatible with the Comprehensive Plan designation. Further, the Comprehensive Plan identifies a goal of "taking positive, proactive steps to actively participate in finding solutions to county and other area-wide problems which have a direct effect upon Mora residents and the effective funding of local government." The proposed use helps address the documented child care shortage in Kanabec County.*
- Criteria #3 The use will not cause undue traffic congestion or hazards.
- Finding #3 The city believes the proposed use will have minimal impact on traffic and will not cause undue traffic congestion in the general area.*
- Criteria #4 The use will be adequately served by public utilities and all other necessary public facilities and services.
- Finding #4 The property is currently served by municipal water and sewer; electric service is provided by East Central Energy; and, the property is adequately served by all other public services.*
- Criteria #5 The structure and the site shall have an appearance that will not have an adverse effect upon adjacent properties.
- Finding #5 There are no proposed changes to the appearance of the structure and the city believes that the current appearance has no adverse effect upon adjacent properties.*
- Criteria #6 The use will be sufficiently compatible by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- Finding #6 The proposed use is sufficiently compatible by distance from adjacent residentially zoned and used lands so as not to cause depreciation in value.*
- Criteria #7 The use will not jeopardize the public's health, safety or general welfare.
- Finding #7 There is no evidence to suggest that the proposed use will jeopardize the public's health, safety or general welfare.*

STAFF RECOMMENDATION

Staff recommends approval of the CUP with conditions included in the attached resolution for consideration.

ACTION REQUESTED

Motion to approve Resolution No. PC2020-0202, a resolution recommending approval of a Conditional Use Permit to allow a *Non-Residential Daycare Facility* in the R-3 Multiple Dwelling District, with conditions as presented or revised.

ATTACHMENTS

Location map with zoning boundaries
Draft Resolution No. PC2020-0202

SUBJECT SITE



R-3

VACANT CHURCH

LINEA RANCHES 1ST ADDITION

FRESSLER

GRAND EVENT CENTER

B-2

AMERZOLIN

OF ROGERS

THE RANCHES ROAD

HWY 65/23

R-1

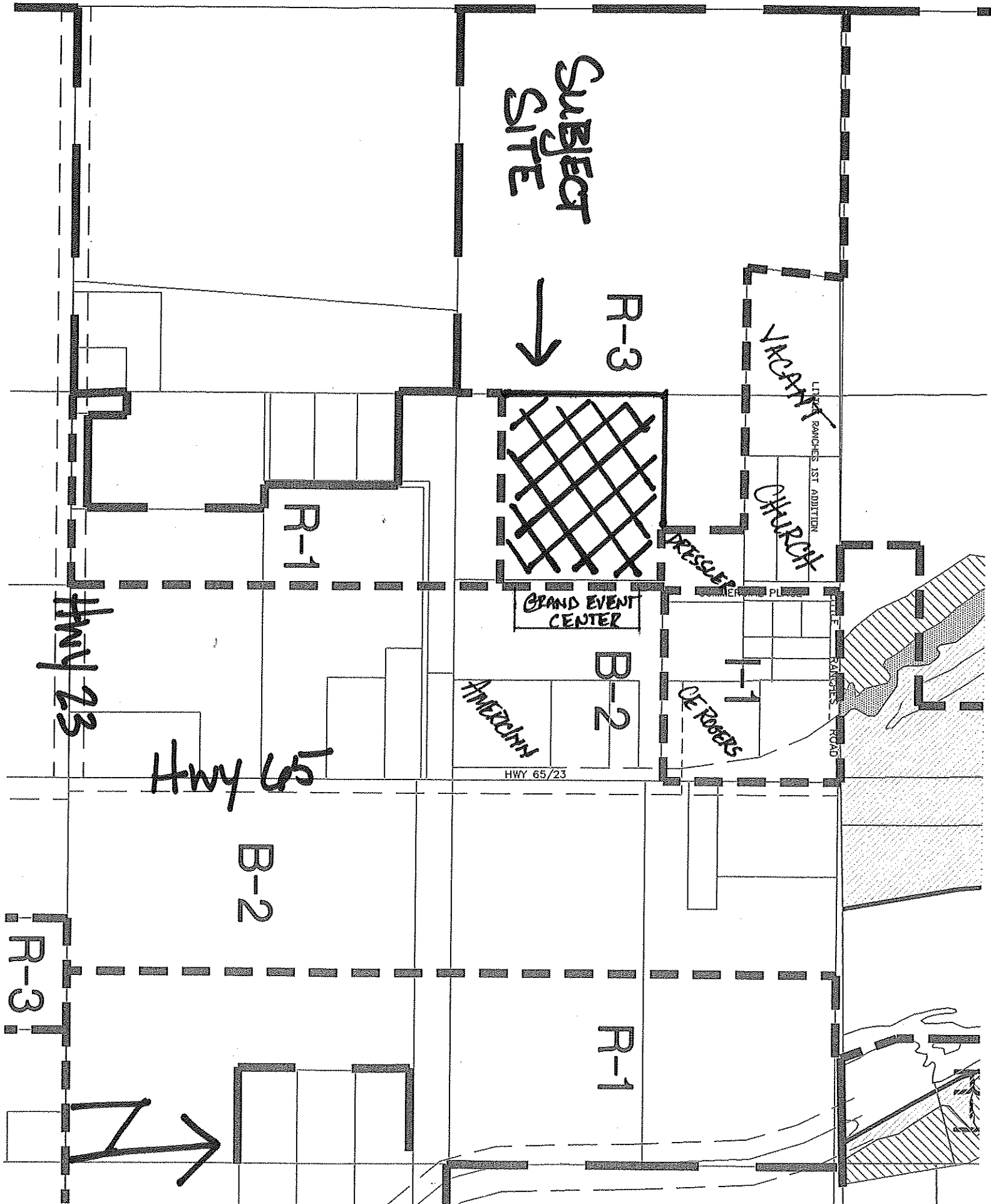
Hwy 65

Hwy 23

B-2

R-1

R-3



RESOLUTION NO. PC2020-0202

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA,
RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A
NON-RESIDENTIAL DAYCARE FACILITY IN THE R-3 MULTIPLE DWELLING DISTRICT
AS REQUESTED BY RHTC, LLC**

WHEREAS, RHTC, LLC, property owner and applicant, submitted an application dated received January 17, 2020 and considered complete on January 21, 2020 for a Conditional Use Permit to allow a *Non-Residential Daycare Facility* in the R-3 Multiple Dwelling District; and

WHEREAS, the subject site is located at 2031 Rowland Road and is legally described as:

22.08060.00
Parcel A

That part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 39, Range 24, Kanabec County, Minnesota, lying west of a line described as follows:

Commencing at the northeast corner of said Northwest Quarter; thence on an assumed bearing of North 89 degrees 56 minutes 32 seconds East along the north line of the Northeast Quarter of said Section 23 a distance of 46.6 feet to the center line of State Highway No. 65; thence South 00 degrees 00 minutes 49 seconds East, along the center line of State Highway No. 65, a distance of 535.0 feet; thence South 89 degrees 59 minutes 11 seconds West 90.0 feet to the west right of way line of said State Highway No. 65 per the recorded Department of Transportation Right of Way Plat No. 33-2; thence continuing South 89 degrees 59 minutes 11 seconds West 300.0 feet; thence South 00 degrees 00 minutes 49 seconds East 72.0 feet; thence South 89 degrees 59 minutes 11 seconds West 343.0 feet to the point of beginning of the line to be described; thence South 00 degrees 00 minutes 49 seconds East 713.22 feet to the south line of said North Half of the Northwest Quarter and there terminating. Except the south 160 feet of said Northeast Quarter of the Northwest Quarter.

And which lies south of a line described as commencing at the southeast corner of Lot 3, Block 2, LITTLE RANCHES 1ST ADDITION; thence southerly, along the southerly extension of the East line of said Block 2, to its intersection with the south line of the north 610 feet of said Northeast Quarter of the Northwest Quarter and the point of beginning of the line to be described; thence westerly along said south line of the north 610 feet a distance of 180 feet; thence deflecting to the right 4 degrees 00 minutes 00 seconds a distance of 445.62 feet, more or less, to the west line of said Northeast Quarter of the Northwest Quarter and there terminating.

Subject to a public road easement over the north 60 feet thereof and subject to a public drainage and utility easement over the north 70 feet thereof.

WHEREAS, notice was provided and on February 10, 2020, the Planning Commission conducted a public hearing regarding this request, at which it heard from the Community Development Director and all interested parties wishing to be heard; and

WHEREAS, the Planning Commission has made the following findings as required by Zoning Code Section 150.036 (Conditional Uses), Subd. E (Standards):

- Criteria #1 The use is consistent with the purposes and intent of the Zoning Code and the purposes and intent of the zoning district in which the applicant intends to locate the proposed use.
- Finding #1 The Zoning Code identifies the proposed use of Non-Residential Daycare Facility as a Conditional Use within the R-3 District and the proposed use complies with all district regulations; therefore, the proposed use is consistent with the intent of the zoning district.*
- Criteria #2 The use is in keeping with the Comprehensive Plan and the policies thereof.
- Finding #2 The Comprehensive Plan Land Use Map identifies the subject site as Medium Density Residential. Daycare facilities are often located in or near residential areas, making the proposed use compatible with the Comprehensive Plan designation. Further, the Comprehensive Plan identifies a goal of "taking positive, proactive steps to actively participate in finding solutions to county and other area-wide problems which have a direct effect upon Mora residents and the effective funding of local government." The proposed use helps address the documented child care shortage in Kanabec County.*
- Criteria #3 The use will not cause undue traffic congestion or hazards.
- Finding #3 The city believes the proposed use will have minimal impact on traffic and will not cause undue traffic congestion in the general area.*
- Criteria #4 The use will be adequately served by public utilities and all other necessary public facilities and services.
- Finding #4 The property is currently served by municipal water and sewer; electric service is provided by East Central Energy; and, the property is adequately served by all other public services.*
- Criteria #5 The structure and the site shall have an appearance that will not have an adverse effect upon adjacent properties.
- Finding #5 There are no proposed changes to the appearance of the structure and the city believes that the current appearance has no adverse effect upon adjacent properties.*
- Criteria #6 The use will be sufficiently compatible by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- Finding #6 The proposed use is sufficiently compatible by distance from adjacent residentially zoned and used lands so as not to cause depreciation in value.*
- Criteria #7 The use will not jeopardize the public's health, safety or general welfare.
- Finding #7 There is no evidence to suggest that the proposed use will jeopardize the public's health, safety or general welfare.*

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA, AS FOLLOWS:

That the Planning Commission recommends approval of the Conditional Use Permit with the following conditions:

1. The existing Conditional Use Permit allowing a *Residential Facility Serving More than Six Unrelated Persons* at the property legally described above remains in effect and continues to be subject to the conditions of City of Mora Resolution No. 2018-821 (recorded as Document #263919), with the exception of Condition No. 4. This resolution supersedes Resolution No. 2018-821, Condition No. 4 in that it allows for the child care center to be open to children residing at the facility and to children of the general public.
2. The child care center shall maintain its State of Minnesota license and abide by all requirements therein. The number of children served at this child care center shall be predicated by the state license.
3. The applicant shall provide the Community Development Director with copies of state licensure documentation for the child care center.
4. This approval does not allow for an expansion of the footprint of the existing child care center within or adjacent to the *Residential Facility Serving More than Six Unrelated Persons*. Any expansion in the size of the footprint of the child care center will require an Amendment to this Conditional Use Permit.
5. The city acknowledges that a sufficient number of off-street parking spaces are already provided by the applicant and no additional parking shall be required as part of this approval.
6. The applicant shall apply for and obtain a sign permit prior to installing any new or replacement signage. Signage shall be in compliance with Zoning Code Sections 150.210 – 150.227.
7. The Conditional Use Permit shall be utilized and all conditions shall be met within one year of recording or the Conditional Use Permit shall become null and void.

Adopted by the Planning Commission of the City of Mora, Minnesota,
this 10th day of February, 2020.

Todd Sjoberg _____
Mike Johnson _____
Karen Onan-Wakefield _____

Chad Gramentz _____
Sara Treiber _____

Todd Sjoberg
Chair

ATTEST: _____
Beth Thorp
Community Development Director



MEMORANDUM

TO: Planning Commission
 FROM: Beth Thorp, Community Development Director
 SUBJECT: Floodplain Management Ordinance
 MEETING DATE: February 10, 2020

SUMMARY

The Planning Commission will continue its review of the draft Floodplain Management Ordinance.

BACKGROUND INFORMATION

The Planning Commission has been working to update the city's 1997 Floodplain Management Ordinance since early 2019. The current draft is largely based on the DNR model and also includes language pertaining to flood prone areas. The commission has had lengthy discussions about the reasons for including or not including flood prone language and the impacts to private property owners if their land is identified on a map as being flood prone. Opinions on this issue were provided by the City Attorney and City Engineer (included below) and reviewed by the commission at its January 2020 meeting.

Joel Jamnik of Campbell Knutson, City Attorney

Everything the City does, and doesn't do, creates potential liability. With regard to flood prone areas, labeling property as "at risk" may be stigmatizing but failing to warn of a known hazard may result in greater damages.

Steps can and should be taken to minimize liability on both sides of the program.

Adopt the map in a fully public and participatory process with multiple opportunities for notice to and feedback from property owners and a process to correct designation and mapping errors and include a means to update the designation and map periodically, and upon request, in order to adjust for changed conditions resulting from development or flood control and drainage projects, and be flexible in administering building elevation, setback or flood proofing or mitigation requirements. The city's approach seems appropriate to address these issues.

Greg Anderson of Short Elliott Hendrickson, City Engineer

I reviewed this with one of our flood plain folks and here are our thoughts:

- *In our opinion it is better to share what you know rather than having it come out later after someone has had an issue in the one of these areas. So providing the flood prone map is a good idea.*
- *We like the attorney's paragraph on adopting the map and allowing time/process to amend/adjust based on feedback from property owners/public. This provides some transparency and a more thorough process.*

- *Including the city engineer in the administration/review process is consistent with what I've seen in other cities, such as Pine City where I've been involved in several projects with respect to the flood plain and improvements.*

Due to the absence of one commissioner at the January meeting, the remaining commissioners chose to hold off on making recommendations pertaining to flood prone language and mapping until a full board is present.

Since the January meeting staff has worked to update the draft ordinance (attached), creating a cleaner copy for ease of review. Two areas remain in draft form with comments – Sections 152.070-152.071 (Flood Prone District – FPA) and 152.120 (Nonconformities) – and require further attention from the commission. Staff has also worked to update the proposed Flood Prone Areas Map based on direction provided by the commission in December 2019. The map will be made available to commissioners at the meeting.

Please refer to the January 13, 2020 staff report for additional information pertaining to the current flood prone discussion.

OPTIONS

1. If the commission is satisfied with the draft Floodplain Management Ordinance, offer a motion recommending adoption of the ordinance. The ordinance will then be presented to the City Council for review before being sent to the DNR for conditional approval.
2. If the commission is not yet satisfied with the draft Floodplain Management Ordinance, provide direction to staff on changes that should be made for the commission's March meeting.

ATTACHMENTS

Draft Floodplain Management Ordinance

CHAPTER 152: FLOODPLAIN MANAGEMENT ORDINANCE

Section

Statutory Authorization, Findings of Fact and Purpose

- 152.001 Statutory Authorization
- 152.002 Findings of Fact and Purpose

General Provisions

- 152.010 Lands to Which Ordinance Applies
- 152.011 Incorporation of Maps by Reference
- 152.012 Abrogation and Greater Restrictions
- 152.013 Warning and Disclaimer of Liability
- 152.014 Severability
- 152.015 Definitions
- 152.016 Annexations

Establishment of Floodplain Districts

- 152.020 Districts
- 152.021 Applicability

Requirements for all Floodplain Districts

- 152.030 Minimum Development Standards
- 152.031 Flood Capacity
- 152.032 Storage and Processing of Materials
- 152.033 Critical Facilities

Floodway District (FW)

- 152.040 Permitted Uses
- 152.041 Standards for Floodway Permitted Uses
- 152.042 Conditional Uses
- 152.043 Standards for Floodway Conditional Uses

Flood Fringe District (FF)

- 152.050 Permitted Uses
- 152.051 Standards for Flood Fringe Permitted Uses
- 152.052 Conditional Uses

- 152.053 Standards for Flood Fringe Conditional Uses
- General Floodplain District (GF)**
- 152.060 Permitted Uses
- 152.061 Procedures for Determining Floodway Boundaries and Regional Flood Elevations
- Flood Prone District (FPA)**
- 152.070 Flood Prone Areas
- 152.071 Procedures for Amendment to Designation and Map
- Land Development Standards**
- 152.080 In General
- 152.081 Subdivisions
- 152.082 Building Sites
- Utilities, Railroads, Roads, and Bridges**
- 152.090 Public Utilities
- 152.091 Public Transportation Facilities
- 152.092 On-Site Water Supply and Sewage Treatment Systems
- Manufactured Homes and Recreational Vehicles**
- 152.100 Manufactured Homes
- 152.101 Recreational Vehicles
- Administration**
- 152.110 Duties
- 152.111 Permit Requirements
- 152.112 Variances
- 152.113 Conditional Uses
- Nonconformities**
- 152.120 Continuance of Nonconformities
- Violations and Penalties**
- 152.130 Violation Constitutes a Misdemeanor
- 152.131 Other Lawful Action
- 152.132 Enforcement

Amendments

- 152.140 Floodplain Designation – Restrictions on Removal
- 152.141 Amendments Require DNR Approval
- 152.142 Map Revisions Require Ordinance Amendments

DRAFT

STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

§ 152.001 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 the City of Mora, Minnesota, does ordain as follows.

§ 152.002 FINDINGS OF FACT AND PURPOSE

- (A) This ordinance regulates development in the flood hazard areas of the City of Mora. 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.
- (B) 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.
- (C) 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.

GENERAL PROVISIONS

§ 152.010 LANDS TO WHICH ORDINANCE APPLIES

This ordinance applies to all lands within the jurisdiction of the City of Mora within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts. The boundaries of these districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with Section 152.021.

- (A) 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.
- (B) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
- (C) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

§ 152.011 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:

(A) Flood Insurance Studies:

- (1) Kanabec County Minnesota and Incorporated Areas, dated May 1978
- (2) City of Mora, Kanabec County, dated September 1977

(B) Flood Insurance Rate Map panels:

- (1) Kanabec County Panel 2702140200A, dated November 1, 1978
- (2) City of Mora Panel 2702160001B, dated September 1, 1977

(C) Flood Boundary Floodway Map panels:

- (1) City of Mora Panel 270216001, dated September 1, 1977

(D) City of Mora Flood Prone Areas Map

These materials are on file in the offices of the City of Mora Community Development Department.

§ 152.012 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.

§ 152.013 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 Mora or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

§ 152.014 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.

§ 152.015 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.

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.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance study.

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.

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:

- (1) Certain conditions as detailed in the Zoning Code exist, and
- (2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

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.

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.

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.

FARM FENCE. An open type of fence of posts and horizontally run wire, further defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d), and 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.

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.

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

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.

FLOOD INSURANCE RATE MAP. An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD PRONE AREA. Any land susceptible to being inundated by water from any source, as identified by the city flood prone map, or as determined by the local zoning administrator or city engineer.

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.

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.

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.

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.

MANUFACTURED HOME. A structure, transportable in one (1) or more sections, which when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a single family dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "manufactured home" does not include the term "recreational vehicle."

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.

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.

ONE HUNDRED YEAR FLOODPLAIN. Lands inundated by the "Regional Flood" (see definition).

PRINCIPAL USE OR STRUCTURE. All uses or structures that are not accessory uses or structures.

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.

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."

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.

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.

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.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”

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.

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, decks manufactured homes, recreational vehicles not considered travel ready as detailed in Section 152.101 (B) of this ordinance and other similar items.

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.

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:

- (1) 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, or
- (2) 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.

§ 152.016 ANNEXATIONS

The Flood Insurance Rate Map panels adopted by reference into Section 152.011 above may include floodplain areas that lie outside of the corporate boundaries of the City of Mora at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Mora 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.

ESTABLISHMENT OF FLOODPLAIN DISTRICTS

§ 152.020 DISTRICTS

- (A) Floodway District. The Floodway District includes those areas within Zones A10, A11 delineated within floodway areas as shown on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps adopted in Section 152.011. For lakes, wetlands and other basins, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (B) Flood Fringe District. The Flood Fringe District includes areas within Zones A10, A11 on the Flood Insurance Rate Map and Flood Boundary and Floodway Maps adopted in Section 152.011, but located outside of the floodway. For lakes, wetlands and other basins, the Flood Fringe District also includes areas mapped in Zones A or A10, which are below the 1% annual chance (100 year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (C) General Floodplain District. The General Floodplain District includes those areas within Zone A that do not have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Section 152.011.
- (D) Flood Prone District. The Flood Prone District includes those areas that are outside of Zones A, A10, and A11 as shown on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, but are identified as Flood Prone on the City of Mora Flood Prone Areas Map adopted in Section 152.011.

§ 152.021 APPLICABILITY

Where Floodway and Flood Fringe Districts are delineated on the floodplain maps, the standards in Sections 152.040 – 152.053 will apply, depending on the location of a property. 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 Sections 152.040 – 152.043 apply unless the floodway boundary is determined, according to the process outlined in Section 152.061. In no cases shall floodplain development adversely affect the efficiency or unduly restrict or reduce the capacity of the channels of floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

§ 152.030 MINIMUM DEVELOPMENT STANDARDS

All new construction and substantial improvements 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, ductwork, 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.

§ 152.031 FLOOD CAPACITY

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

§ 152.032 STORAGE AND PROCESSING OF MATERIALS

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.

§ 152.033 CRITICAL FACILITIES

Critical Facilities, as defined in Section 152.015, are to be located, so that the lowest floor is not less than two feet above the regional flood elevation, or the 500 year flood elevation, whichever is higher.

FLOODWAY DISTRICT (FW)

§ 152.040 PERMITTED USES

The following uses, subject to the standards set forth in Section 152.041, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- (A) General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
- (B) Industrial and commercial loading areas, parking areas, streets, trails, airport landing strips, railroads, bridges, culverts, utility transmission lines and pipelines.
- (C) 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.
- (D) Residential yards, lawns, gardens, parking areas, and play areas, provided these uses do not include associated accessory structures.
- (E) Grading or land alterations associated with stabilization projects.

§ 152.041 STANDARDS FOR FLOODWAY PERMITTED USES

- (A) The use must have a low flood damage potential.
- (B) The use must not involve structures or obstruct flood flows. The use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- (C) 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.

§ 152.042 CONDITIONAL USES

The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 152.113 of this ordinance and further subject to the standards set forth in Section 152.043, if otherwise allowed in the underlying zoning district.

- (A) Structures accessory to primary uses listed in 152.040 (A) – (C) above and primary uses listed in 152.042 (B) – (C) below.
- (B) Extraction, fill and storage of soil, sand, gravel, and other materials.
- (C) Marinas, boat rentals, permanent docks, piers, wharves, water control structures, and navigational facilities.
- (D) Storage yards for equipment, machinery, or materials.
- (E) Fences that have the potential to obstruct flood flows.
- (F) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

§ 152.043 STANDARDS FOR FLOODWAY CONDITIONAL USES

- (A) A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- (B) Fill; Storage of Materials and Equipment:
 - (1) 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.
 - (2) 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.
- (C) Accessory Structures. Accessory structures, as identified in Section 152.042 (A), may be permitted, provided that:
 - (1) Structures are not intended for human habitation;
 - (2) Structures will have a low flood damage potential;
 - (3) Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
 - (4) Structures must be elevated on fill or structurally dry floodproofed and watertight to the regulatory flood protection elevation. Certifications consistent with Section 152.111 (C) shall be required.
 - (5) As an alternative, an accessory structure may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, 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 openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. A floodproofing certification consistent with Section 152.111 (C) shall be required.

- (D) 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.
- (E) 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.

FLOOD FRINGE DISTRICT (FF)

§ 152.050 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 152.051. 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.

§ 152.051 STANDARDS FOR FLOOD FRINGE PERMITTED USES

- (A) 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. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.
- (B) Accessory Structures. As an alternative to the fill requirements of Section 152.051 (A), structures accessory to the uses identified in Section 152.050 may be designed to accommodate the inundation of floodwaters, meeting the following provisions:
 - (1) The accessory structure constitutes a minimal investment and satisfy the development requirements in Section 152.031.
 - (2) Any enclosed accessory structure shall not exceed 576 square feet in size, and only be used for parking and storage. Any such structure shall be designed and certified by a registered professional engineer, or be designed in accordance with the following floodproofing standards:
 - (a) To allow for the equalization of hydrostatic pressure, 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 openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
- (C) 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 152.051 (A) of this ordinance, or if allowed as a conditional use under Section 152.052 (C) below.

- (D) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- (E) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
- (F) 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.
- (G) 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.
- (H) Manufactured homes and recreational vehicles must meet the standards of Sections 152.100 and 152.101 of this ordinance.

§ 152.052 CONDITIONAL USES

The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 152.113 of this ordinance and further subject to the standards set forth in Section 152.053, if otherwise allowed in the underlying zoning district(s).

- (A) The placement of floodproofed nonresidential basements below the regulatory flood protection elevation. Residential basements, are not allowed below the regulatory flood protection elevation.
- (B) 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 152.051 (A) of this ordinance.
- (C) The use of methods other than fill to elevate structures above the regulatory flood protection elevation. This includes the use of: stilts, pilings, filled stem walls, or above-grade, internally flooded enclosed areas such as crawl spaces or tuck under garages, meeting the standards in Section 152.053 (E).

§ 152.053 STANDARDS FOR FLOOD FRINGE CONDITIONAL USES

- (A) The standards for permitted uses in the flood fringe, listed in Sections 152.051 (C) – (H), apply to all conditional uses.
- (B) All areas of non-residential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with 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. A floodproofing certification consistent with Section 152.111 (C) shall be required.

- (C) 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.
- (1) 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.
 - (2) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
 - (3) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- (D) 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 3) it is used solely for parking of vehicles, building access or storage. These alternative elevation methods are subject to the following additional standards:
- (1) Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and include a minimum of two openings on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade, and 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.
 - (2) Floodproofing certifications consistent with Section 152.111 (C) shall be required. The structure shall be subject to a deed-restricted nonconversion agreement with the issuance of any permit.

GENERAL FLOODPLAIN DISTRICT (GF)

§ 152.060 PERMITTED USES

- (A) The uses listed in Section 152.040 of this ordinance, Floodway District Permitted Uses, are permitted uses.
- (B) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 152.061 below. Sections 152.040 – 152.043 apply if the proposed use is determined to be in the Floodway District. Sections 152.050 – 152.053 apply if the proposed use is determined to be in the Flood Fringe District.

§ 152.061 PROCEDURES FOR DETERMINING FLOODWAY BOUNDARIES AND REGIONAL FLOOD ELEVATIONS

- (A) Requirements for Detailed Studies. Developments greater than 50 lots or 5 acres, or as requested by the Community Development Director, shall be subject to a detailed study to determine the regulatory flood protection elevation and the limits of the Floodway District. The determination of the floodway and flood fringe must be consistent with accepted hydrological and hydraulic engineering standards, and must include the following components, as applicable:
- (1) Estimate the peak discharge of the regional (1% chance) flood.

- (2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (3) 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, unless development or geographic features warrant other analysis, as approved by the Department of Natural Resources.
- (B) Alternative Methods. For areas where a detailed study is not available or required, the regional flood elevation must be identified to determine the boundaries of the special flood hazard area. The Community Development Director must use the best available data to determine the regional flood elevation. The entire floodplain must be treated as floodway until there is a floodway determination.
- (1) In those areas of the Special Flood Hazard Area where the floodway has not been determined, allowable uses are restricted to those identified in Sections 152.040 and 152.042. The proposed development must not increase flood stages more than one-half foot, as determined by a professional engineer or by using accepted engineering practices approved by the Community Development Director. A stage increase less than one-half foot must be used if increased flood damages would result.
 - (2) If buildings or other development prohibited in floodways are proposed, a floodway/flood fringe determination is required to verify the development is within the flood fringe. The floodway /flood fringe determination must be done by a professional engineer or by using other accepted engineering practices approved by the Community Development Director. Any such proposal must assume a 0.5 foot stage increase for the purposes of determining the regulatory flood protection elevation to accommodate for future cumulative impacts.
- (C) The Community Development Director 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 Community Development Director may seek technical assistance from an engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Community Development Director may approve or deny the application.
- (D) Once the Floodway and Flood Fringe District boundaries have been determined, the Community Development Director must process the permit application consistent with the applicable provisions of Sections 152.040 – 152.053 of this ordinance.

FLOOD PRONE DISTRICT (FPA)

§ 152.070 FLOOD PRONE AREAS

If a proposed building site is in a flood prone area, it is recommended that all new construction and improvements shall be designed (or modified) to:

(A) Minimize flood damage within the flood prone area.

Commented [BM(1)]: These provisions are simple and straightforward. They'd provide minimal restrictions on development, but would put applicant on notice that there's a risk.

Commented [BT2]: ~~shall~~ stricken and it is recommended that added based on Planning Commission consensus.

Commented [BM(3)]: I've crossed out this word based on what I think is intended. A "substantial improvement" evaluation, would only be carried out for structures in the officially mapped floodplain.

- (B) Locate and construct all utilities and facilities, such as sewer, gas, electrical, and water systems, to minimize or eliminate flood damage.
- (C) Provide adequate drainage to reduce exposure to flood hazard.
- (D) Anchor any structure to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (E) Incorporate materials and utility equipment resistant to flood damage.
- (F) Use methods and practices that minimize flood damage.
- (G) Incorporate 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.

152.071 PROCEDURES FOR AMENDMENT TO DESIGNATION AND MAP

- (A) The flood prone designation on the City of Mora Flood Prone Areas Map must not be removed unless it can be shown that the designation is in error or that conditions have changed resulting from development or flood control and drainage projects and it can be demonstrated that the land is no longer susceptible to being inundated by water from any source. Special exceptions to this rule may be permitted by the City of Mora if it is determined that, through other measures, lands are adequately protected for the intended use.
- (B) The City of Mora may, from time to time or upon request, review the City of Mora Flood Prone Areas Map in order to adjust for changed conditions.
- (C) An application for map amendment shall be obtained from and submitted to the Community Development Director. All amendments to the map shall be reviewed by the Planning Commission and approved by the City Council.

LAND DEVELOPMENT STANDARDS

§ 152.080 IN GENERAL

Recognizing that areas susceptible to flood risk may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the city.

§ 152.081 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.

- (A) 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.
- (B) 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.

- (C) 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.
- (D) In the General Floodplain District, applicants must provide the information required in Section 152.061 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.
- (E) All proposals must be reviewed to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage within any area susceptible to flood risk,
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (3) Adequate drainage is provided to reduce exposure of flood hazard.

§ 152.082 BUILDING SITES

If a proposed building site is in a floodprone area, all new construction, 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 resistance to flood damage.
- (C) Constructed by methods and practices that minimize flood damage.
- (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.
- (E) Approved by the City Engineer.

UTILITIES, RAILROADS, ROADS, AND BRIDGES

§ 152.090 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.

§ 152.091 PUBLIC TRANSPORTATION FACILITIES

Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 152.040 – 152.053 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.

§ 152.092 ON-SITE WATER SUPPLY AND SEWAGE TREATMENT SYSTEMS

Where public utilities are not provided:

- (A) 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.
- (B) 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.

MANUFACTURED HOMES AND RECREATIONAL VEHICLES

§ 152.100 MANUFACTURED HOMES

- (A) New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district.
- (B) Placement or replacement of manufactured home units is prohibited in the Floodway District.

§ 152.101 RECREATIONAL VEHICLES

New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must be travel ready, meeting the following criteria:

- (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) Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 152.031 and 152.051 (B).

ADMINISTRATION

§ 152.110 DUTIES

The Community Development Director or other official designated by the City Council shall administer and enforce this ordinance.

§ 152.111 PERMIT REQUIREMENTS

- (A) Administrative Permit Required. An administrative permit must be obtained from the Community Development Director, or his/her designee, or other official designated by the City Council prior to conducting the following activities:
 - (1) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof located within any floodplain district. 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.

- (2) The use or change of use of a building, structure, or land.
 - (3) The construction of a dam or fence that blocks flood flows, or on-site septic system (in conjunction with any other permits required by the city).
 - (4) The change or extension of a non-conforming use.
 - (5) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - (6) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 - (7) Any other type of development as defined in this Section not otherwise considered a conditional use.
- (B) Application for Administrative Permit. Applications for administrative permits must be submitted to the Community Development Director on forms provided by the Community Development Director. Applications shall include the following materials as applicable:
- (1) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the application.
 - (2) Location of fill or storage of materials in relation to a stream channel.
 - (3) Copies of any required municipal, county, state, or federal permits or approvals.
 - (4) Other relevant information requested by the Community Development Director, or his/her designee, as necessary to properly evaluate the permit application.
- (C) 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 as being in compliance with applicable floodproofing standards in the State Building Code. Accessory structures designed in accordance with Section 152.051 (B) of this ordinance are exempt from certification, provided sufficient assurances are documented.
- (D) 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 Community Development Director, or his/her designee, stating that the use of the building or land conforms to the requirements of this ordinance.
- (E) Recordkeeping of First Floor Elevation, Certifications, and As-Built Documentation. The Community Development Director must maintain records in perpetuity documenting:
- (1) The elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Community Development Director shall

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

- (2) All certifications referenced in Section 152.111 (C) of this ordinance as applicable.
- (3) Elevations complying with Section 152.051 (A) of this ordinance. The Community Development Director must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.
- (F) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Community Development Director, or his/her designee, 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).
- (G) 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 Community Development Director, or his/her designee, must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

§ 152.112 VARIANCES

- (A) Application for Variance. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable State Statutes and Section 150.035 of the Zoning Code.
- (B) 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.
- (C) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - (1) Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (2) Variances may only be issued upon:
 - (a) A showing of good and sufficient cause; and
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) 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.
 - (3) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (D) Flood Insurance Notice. The Community Development Director, or his/her designee, 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.
- (E) General Considerations. The Planning Commission and City Council shall consider the following factors in granting and imposing conditions on variances to floodplain requirements:
- (1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (3) 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;
 - (4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - (5) The importance of the services to be provided by the proposed use to the community;
 - (6) The requirements of the facility for a waterfront location;
 - (7) The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - (9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (F) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Community Development Director, or his/her 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.
- (G) 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.
- (H) Record-Keeping. The Community Development Director, or his/her designee, 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.

§ 152.113 CONDITIONAL USES

- (A) Application for Conditional Use. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 150.036 of the Zoning Code.
- (B) Factors Used in Decision-Making. The Planning Commission and City Council shall consider all relevant factors specified in other sections of this ordinance and the following factors in granting and imposing conditions on Conditional Uses:
- (1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (3) 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;
 - (4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - (5) The importance of the services to be provided by the proposed use to the community;
 - (6) The requirements of the facility for a waterfront location;
 - (7) The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - (9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (C) Conditions Attached to Conditional Use Permits. In addition to the standards identified in Sections 152.043 and 152.053, the Planning Commission and 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:
- (1) Limitations on period of use, occupancy, and operation.
 - (2) Imposition of operational controls, sureties, and deed restrictions.
 - (3) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

- (D) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Community Development Director, or his/her 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.
- (E) 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.

NONCONFORMITIES

§ 152.120 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 152.015 of this ordinance, are subject to the provisions below.

- (A) 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 Section 152.120 (B) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- (B) 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 Section 152.120 (D) below.
- (C) 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.
- (D) If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Sections 152.040 – 152.053 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the proposed development, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Sections 152.040 – 152.053 of this ordinance.
- (E) If any nonconformity is substantially damaged, as defined in 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 152.040 – 152.053 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- (F) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 152.015 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

VIOLATIONS AND PENALTIES

Commented [BM(4): Do you wish to treat structures in the Flood Prone District as nonconformities? This would subject them to substantial damage and substantial improvement evaluations.

If you would like to exempt structures currently in the Flood Prone district from these nonconformity standards (particularly D and E), you should add a provision stating as such.

§ 152.130 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.

§ 152.131 OTHER LAWFUL ACTION

Nothing in this ordinance restricts the City of Mora 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 Community Development Director within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

§ 152.132 ENFORCEMENT

Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 150.999 of the Zoning Code. In responding to a suspected ordinance violation, the Community Development Director 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 Mora 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.

AMENDMENTS

§ 152.140 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 Department of Natural Resources (DNR) if it is determined that, through other measures, lands are adequately protected for the intended use.

§ 152.141 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 shall approve the amendments prior to city approval.

§ 152.142 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 152.011 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.

FEBRUARY 10, 2020 DRAFT

Adopted by the City Council of the City of Mora, Minnesota this ____ day of _____, 2020.

Alan Skramstad
Mayor

ATTEST:

Lindy Crawford
City Administrator

DRAFT