

## SECTION 12: F-1 FLOODPLAIN DISTRICT

### **Subdivision 1. Purpose.**

It is the purpose of the F-1, FLOODPLAIN DISTRICT to establish certain minimum controls on Land Use within flood prone areas thereby minimizing public expenditures resulting from flooding and providing a minimum level of protection for life and property from flooding.

### **Subdivision 2. Boundaries of the District.**

1. This district shall include all areas having been identified as having special flood hazards by the Federal Emergency Management Agency and designated as flood hazard zones A-1 thru A-30 and unnumbered A zones on the Cottonwood County Flood Insurance Rate Map (January 2, 1981). Additional information for determining floodway and flood fringe delineations shall include the Cottonwood County Flood Insurance Study (July, 1980) and the Flood Boundary and Floodway Map for Cottonwood County (January 2, 1981). This Ordinance does not imply that an area beyond the district limits will be free from flooding or that uses within the district will be free from flooding; nor shall this Ordinance or districts established therein, create a liability on the part of, or cause action against the County or any office or employee thereof, for any flood damage that may result from reliance upon this Ordinance or Flood District so established.
2. Determination of the Floodplain boundaries and what properties fall within these boundaries shall be made by the Zoning Administrator. In cases where there is doubt concerning the correct location of the Floodplain boundaries, an engineering survey of the property in question, at the property owners expense, shall be required to prove that said property is at an elevation out of the floodplain. Appeal shall be made directly to the Board of Adjustment.

### **Subdivision 3. Permitted Uses.**

The following uses and uses customarily incidental to these uses shall be permitted uses within the F-1, FLOODPLAIN DISTRICT provided no structures will be constructed within the floodplain, no fill will be replaced within the floodplain and no materials or equipment will be stored within the floodplain. In addition, no uses shall adversely affect the capacity of the channel or floodway or any tributary to the main stream or of any drainage ditch or other drainage.

1. Crop and tree farming, truck gardening, and livestock grazing.
2. Wildlife management areas.
3. Excavation of natural materials.
4. Placement of fill material provided it complies with one of the following categories of fill activities. The County Board may require an application for and issuance of a conditional use permit where the County Board feels said permit is necessary to insure the proposed filling is in compliance with this ordinance:
  - A. The cumulative placement of fill on an individual parcel of record which existed at the time of adoption of the community's initial floodplain management regulations that does not exceed 25 cubic yards in volume.
  - B. The filling of depressional areas or ineffective flow areas that do not act as conveyance areas for the

discharge of the 100-year flood.

- C. The filling of floodwater conveyance areas where the fill does not exceed one foot in height above the ground elevations which existed at the time of adoption of the community's initial floodplain management regulations.
- D. Spoil banks or fill sections that do not exceed two (2) feet in height, a top width of twenty (20) feet and a bottom width of fifty (50) feet above the ground elevations which existed at the time of adoption of the community's initial floodplain management regulations. The spoil bank or fill section shall not act as a dike. A dike shall be considered to exist when the conveyance or storage of the 100-year flood discharge is impeded. Spoil banks shall run parallel to the channel alignment and shall allow for sufficient flow through a spoil bank and shall consist of twenty-five (25) feet break in the spoil bank for each 100 lineal feet of spoil bank.
- E. The filling of flood fringe areas.

#### **Subdivision 4. Conditional Uses.**

- A. An application for a Conditional Use Permit for a use within the F-1, FLOODPLAIN DISTRICT, the applicant shall furnish the following information as is deemed necessary by the County Planning Commission for the determination of the Regulatory Flood Protection Elevation, and whether the proposed use is within the floodway or flood fringe and the effects of encroachment in the floodway, as the development proposal may warrant.
  - 1) Typical valley cross section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
  - 2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream and soil type.
  - 3) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
- B. When an application is submitted for a Conditional Use Permit for a use within the F-1, FLOODPLAIN DISTRICT, one copy of the application shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the Regulatory Flood Protection Elevation. Procedures consistent with MINNESOTA REGULATIONS NR 86-87 shall be followed in this expert evaluation. The designated engineer or expert shall:
  - 1) Estimate the peak discharge of the regional flood.
  - 2) Calculated 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 the regional flood without increasing flood stages more than 0.5 feet. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

- 4) Determine the effects of encroachments in the floodway on flood stages of the regional flood.
  - 5) Determine if the proposed use is within the floodway or flood fringe and the Regulatory Flood Protection Elevation at the site.
- C. When the Conditional Use Permit Application is for a use within the F-1, FLOODPLAIN DISTRICT, the following additional factors shall be considered in the issuance of the permit.
- 1) The 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 and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - 5) The importance of the services provided by the proposed facility to the community.
  - 6) The requirements of the facility for a waterfront location.
  - 7) The availability of alternative locations not subject to flooding for the proposed use.
  - 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 Plan and Floodplain Management Program for the area.
  - 10) The safety of access to the property in times of flooding 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.
  - 12) Such other factors which are relevant to the purposes of this Ordinance.

A Use in the F-1, FLOODPLAIN DISTRICT is subject to the following provisions and to the provisions of SECTION 18, page 90 when it is found by the Planning Commission that:

- A. The lowest floor (including basements) of all buildings and structures shall be elevated on fill so that the fill is at or above the flood protection elevation. Within the unnumbered A Zones, as shown on the Cottonwood County Flood Insurance Rate Map, the County shall determine the boundaries of the floodplain, flood fringe, and floodway, once the necessary information has been submitted by the applicant. SECTION 12, Subdivision 4 details information needed. Buildings and structures may be protected by levees provided they are constructed to a minimum height of three feet above the elevation of the Regional Flood or standard project flood, whichever is the greater of the two and design standards meet the requirements of NR 89 (e).

- B. No structures, fill or storage of equipment or materials shall be allowed in the floodway which increases the stage of the Regional Flood or which, in time of flooding, are flammable, explosive, or potentially injurious to human, animal or plant life. Buildings or structures will be constructed and fill will be placed to offer a minimum obstruction to flood flows.
- C. Buildings or structures will be constructed to resist flotation.
- D. Applicant will provide to the County Zoning Administrator for permanent record, ground level elevations around the perimeter of all new structures and all substantially improved structures.
- E. Bonding will be provided where necessary.
- F. No buildings or structures shall be located in an area designated as floodway.
- G. The applicant shall be 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. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.

The following uses may be allowed in the F-1, FLOODPLAIN DISTRICT subject to the provisions of SECTION 18, page 90 when it is found by the Planning Commission that:

- 1. Public parks and recreation areas.
- 2. Building and structures accessory to agricultural uses for the storage of goods and equipment and the shelter of animals and fowl, but not including dwellings or buildings for human occupancy.
- 3. Pipelines for the transport of natural gas or petroleum-hydrocarbons as regulated in SECTION 23, page 107.
- 4. Commercial outdoor recreation areas.
- 5. Placement of fill material in excess of the amounts allowed as a permitted use and provided:
  - A. The fill will be placed in the flood fringe district; or;
  - B. Fill to be placed in floodway district shall not result in an increase to the stage of the 100-year flood discharge. In making this determination, the County Board shall require sufficient supporting hydrologic/hydraulic data consistent with SECTION 12, Subdivision 4, of this Ordinance unless comparable hydrologic/hydraulic data are available from:
    - 1) An Engineer's report filed pursuant to MINNESOTA STATUTE, Chapter 106A (Drainage). The Engineer's report must include a definitive statement as to whether this fill activity will increase the stage of the 100-year flood (and to what degree) and must summarize the hydrologic/hydraulic method which served as the basis of this statement; or
    - 2) A permit application filed with the Commissioner of the Department of Natural Resources must provide formal notification to the County Zoning Administrator that the hydrologic/hydraulic data submitted accurately determines the impact of the fill on increasing flood stages of the 100-year flood.

- C. Fill shall be properly protected from erosion by vegetative cover, mulching, riprap or other method acceptable to the County Board.
  - D. Any filling within a "Protected Water" of the state, as defined in MINNESOTA RULES, Part 6115.0170, Subpart 31, shall require prior written authorization from the Commissioner of the Department of Natural Resources.
  - E. The County Board reserves the right to require a Conditional Use Permit Application for any filling activity where the County Board determines a filling activity by itself, or in combination with filling activities of a similar nature, may increase the stage of the 100-year flood.
  - F. The applicant shall be 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. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
- 6. Bituminous (Hot Mix) Plants.
  - 7. Microwave relay towers and transmitting stations.

**Subdivision 5. Compliance.**

When a Conditional Use Permit is approved for a use within the F-1 FLOODPLAIN DISTRICT, the applicant shall submit a certification by a registered professional engineer, land surveyor or other qualified person designated by the Board of County Commissioners that the finished fill and building floor elevations or other flood protection measures are in compliance with the provisions of this Ordinance and the Conditional Use Permit.

**Subdivision 6. Yard Regulation.**

- 1. Front Yard Regulations:
  - A. There shall be a minimum front yard setback of sixty-five (65) feet from the right-of-way of any public road or highway; except that;
  - B. There shall be a minimum front yard of one hundred (100) feet provided from the right-of-way line of all expressways and four lane highways.
  - C. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

- 2. Side Yard Regulations:

There shall be a side yard having a width of not less than ten (10) feet on each side of a building.

- \* Variances within the F-1, FLOODPLAIN DISTRICT must not allow a lower degree of flood protection than the flood protection elevation.