

Jeremy Barnhart

From: Melanie Curtis
Sent: Friday, May 13, 2016 2:36 PM
To: Jeremy Barnhart
Cc: Christine Mattson
Subject: FW: Follow up to FEMA'a May 4, 2016 "Letter of Final Determination" - Orono
Attachments: 270178-Orono-60.3d.pdf; Orono LFD Follow up.pdf

Melanie Curtis

☎ 952.249.4627 ✉ mcurtis@ci.orono.mn.us

From: Strauss, Ceil C (DNR) [mailto:ceil.strauss@state.mn.us]
Sent: Friday, May 13, 2016 1:37 PM
To: Melanie Curtis <MCurtis@ci.orono.mn.us>
Cc: Bauman, Matthew (DNR) <matthew.bauman@state.mn.us>; Drewry, Kate (DNR) <kate.drewry@state.mn.us>; Yearwood, Terri L (DNR) <terri.yearwood@state.mn.us>; Daniels, Jeanne M (DNR) <jeanne.daniels@state.mn.us>
Subject: Follow up to FEMA'a May 4, 2016 "Letter of Final Determination" - Orono

Hi,

I wanted to follow up on a letter from FEMA your community received last week, and have attached a supplementary letter detailing next steps. This supplementary letter will be mailed to the mayor, but this digital copy is going to the copied city and DNR staff. I am also attaching a copy of the FEMA letter that went to your mayor in case a copy did not get to all the staff who should have seen that letter.

Best city contacts? We tried to copy staff we believe would be involved in updating the city's floodplain management ordinance or who have been a contact for floodplain management matters in the past. Please verify the best contacts for your city. Who is the lead contact for the ordinance update? Are there other planning/zoning, engineering, GIS or other staff who may want to be in the loop about the new FEMA floodplain maps?

Sorry for the length of this email, but I'm going to discuss some of the FAQs we get with map updates:

- (1) Is an ordinance amendment or update required?
- (2) Where can we see the new map information?
- (3) How about the Letters of Map Amendment (LOMAs) that have been issued in the past?
- (4) What if we (our landowners) disagree with the new maps?

(1) Is an ordinance amendment or update required? - The letter basically points out that the new FEMA maps will be effective 11/4/2016, and that the city will need to amend your floodplain management ordinance or adopt a new floodplain management ordinance to incorporate the new maps and several updates to our sample ordinance. That updated ordinance MUST be effective by 11/4/2016. Since some cities require multiple hearings, or follow protocol where ordinances don't become effective right away (i.e., require a 10 or 30 day wait before effective), we will be working with the Hennepin county cities to get us a draft ordinance by August 4th – the midpoint of the 6 month period. As noted in the letter, Matt Bauman from our floodplain staff will be sending you recommended ordinance language in the next few weeks.

Fyi - Some of the sample ordinance updates were required by FEMA, some are clarifications or corrections to ensure we are following state and federal laws, and some of the updates are optional recommended language (that we point out as optional).

(2) Where can we see the new map information? FEMA typically sends the final map information within a month of the Letter of Final Determination, so we expect to see that info by the end of May. When we see it is available, we will put those files on our public ftp site at ftp://ftp.dnr.state.mn.us/pub/waters/floodplain/County_data/Hennepin/ and they will be labeled as the final DFIRM files. In the meantime, we have the latest preliminary files at this site.

Also, as we get closer to the effective date, FEMA will put the data at their Map Service Center at www.msc.fema.gov If you search for your city and then click on the "Show all products for this area" button at the upper right, it will show a page with folders for effective, pending, historic, etc. The new map files will be in the pending products folder until 11/4/2016.

(3) How about the Letters of Map Amendment (LOMAs) that have been issued in the past? The 5/4/2016 "LFD" letter from FEMA has a "Final Summary of Map Actions" attachment if there are any LOMAs or other map change documents in the city. Any cases listed in section 2 are too small to be shown on the new map, but will be automatically "revalidated" on 11/5/2016. A "Revalidation letter" addressed to the mayor will typically be sent to the city within a month of the new effective date. That letter will also be available (in the future) on the FEMA MSC site noted in #2 in the Letter of Map Change (LOMC) folder if you hit the "show all products for this area" button. If you have copies of old LOMAs that are not in FEMA's list, or see any other issues with that list, we still have a window of opportunity to provide those to FEMA and get corrections made before the Revalidation letter is finalized.

Note that the FEMA National Flood Hazard Layer viewer will be a very useful site for seeing the flood layers, cross-sections, etc. once the maps become effective on 11/4/2016. In the meantime, you can still go to that site – at <http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30> – and it will show purple dots at places with LOMAs, LOMR-Fs, etc. You can click on the purple dot and download copies of the LOMA.

(4) What if we and/or our landowners disagree with the new maps? In much of the county, the new map is simply a "digital capture" of the floodplain layer that was on the 2004 map. Some areas (i.e., Minnehaha Creek, Nine Mile Creek, Minnesota River, Crow River) had updated modeling/data incorporated, but much of the county will have the same floodplain that was shown on the 2004 maps. Now that we have LiDAR, and the data can be seen with an aerial photo background, we know we will hear complaints that the boundaries do not make sense and do not follow the LiDAR elevation data.

We expect it will be several years before FEMA updates the Hennepin County maps with more accurate supporting data and boundaries for the whole county. For the portions of the county where the updated data have been incorporated, the new map is good news. And even in the parts of the county with the "digital capture" the FEMA viewer at <http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30> makes it much easier to see what is shown in the floodplain, and any future map corrections (known as Letters of Map Revisions, or LOMRs) will be updated on the interactive FEMA viewer.

We know there will be calls for better information, so want to be pro-active on addressing the areas of greatest concern. We will be following up with the watersheds and cities – and setting up meetings in many cases – to discuss the data available and options for map corrections at the lot level (i.e., LOMAs) and at the FEMA panel level (LOMRs). I plan to send a follow up email (in the next few weeks) with more information about LOMAs, flood insurance implications, etc.

Let me know if you have questions or concerns.

Cecil Strauss, CFM
State Floodplain (NFIP) Manager
DNR Eco/Waters Division
Box 25
500 Lafayette Road
St. Paul, MN 55155-4025

651-259-5713 (direct)



FEMA

SEP 22 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Lili McMillan
Mayor, City of Orono
Orono City Hall
2750 Kelley Parkway
Orono, Minnesota 55356

RECEIVED
SEP 26 2016
CITY OF ORONO

Dear Mayor McMillan:

I am writing this letter as an official reminder that the City of Orono, Minnesota, has until November 4, 2016, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations.

The City of Orono must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by November 4, 2016, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

Under the Flood Disaster Protection Act of 1973, as amended, flood insurance must be purchased by property owners seeking any Federal financial assistance for construction or acquisition of buildings in Special Flood Hazard Areas (SFHAs). This financial assistance includes certain federally guaranteed mortgages and direct loans, federal disaster relief loans and grants, as well as other similarly described assistance from FEMA and other agencies.

In addition, all loans individuals obtain from Federally regulated, supervised, or insured lending institutions that are secured by improved real estate located in SFHAs are also contingent upon the borrower obtaining flood insurance coverage on the building. However, purchasing and maintaining flood insurance coverage on a voluntary basis is frequently recommended for properties located outside SFHAs.

Your NFIP State Coordinator and FEMA would like to assist the City of Orono to ensure it remains in good standing with the NFIP and avoids suspension from the Program. If your community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. As stated in my previous correspondence, I recommend you contact your NFIP State Coordinator or the FEMA Regional Office if the City of Orono is encountering difficulties in enacting its measures.

The Honorable Lili McMillan

SEP 22 2016

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I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Minnesota Department of Natural Resources, Division of Water. Ceil Strauss, CFM, the NFIP State Coordinator, is accessible by telephone at (651) 259-5713, in writing at 500 Lafayette Road, Saint Paul, Minnesota 55155-4032, or by electronic mail at ceil.strauss@state.mn.us.

The FEMA Regional staff in Chicago, Illinois, is also available to assist you with your floodplain management measures. The FEMA Regional Office may be contacted by telephone at (312) 408-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region V, at 536 South Clark Street, Sixth Floor, Chicago, Illinois 60605.

In the event your community does not adopt and/or submit the necessary floodplain management measures that meet or exceed the minimum NFIP requirements, I must take the necessary steps to suspend your community from the NFIP. This letter is FEMA's final notification before your community is suspended from the Program.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

Enclosure

cc: Andrew Velasquez, III, Regional Administrator, FEMA Region V
Ceil Strauss, CFM, NFIP State Coordinator, Minnesota Department of Natural Resources
Diane Teigs, City Clerk, City of Orono

§ 59.24 Suspension of community eligibility.

(a) A community eligible for the sale of flood insurance shall be subject to suspension from the Program for failing to submit copies of adequate flood plain management regulations meeting the minimum requirements of paragraphs (b), (c), (d), (e) or (f) of § 60.3 or paragraph (b) of §§ 60.4 or 60.5, within six months from the date the Federal Insurance Administrator provides the data upon which the flood plain regulations for the applicable paragraph shall be based. Where there has not been any submission by the community, the Federal Insurance Administrator shall notify the community that 90 days remain in the six month period in order to submit adequate flood plain management regulations. Where there has been an inadequate submission, the Federal Insurance Administrator shall notify the community of the specific deficiencies in its submitted flood plain management regulations and inform the community of the amount of time remaining within the six month period. If, subsequently, copies of adequate flood plain management regulations are not received by the Administrator, no later than 30 days before the expiration of the original six month period the Federal Insurance Administrator shall provide written notice to the community and to the state and assure publication in the FEDERAL REGISTER under part 64 of this subchapter of the community's loss of eligibility for the sale of flood insurance, such suspension to become effective upon the expiration of the six month period. Should the community remedy the defect and the Federal Insurance Administrator receive copies of adequate flood plain management regulations within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. If the Federal Insurance Administrator receives notice from the State that it has enacted adequate flood plain management regulations for the community within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. The community's eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Federal Insurance Administrator.

(b) A community eligible for the sale of flood insurance which fails to adequately enforce flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 shall be subject to probation. Probation shall represent formal notification to the community that the Federal Insurance Administrator regards the community's flood plain management program as not compliant with NFIP criteria. Prior to imposing probation, the Federal Insurance Administrator (1) shall inform the community upon 90 days prior written notice of the impending probation and of the specific program deficiencies and violations relative to the failure to enforce, (2) shall, at least 60 days before probation is to begin, issue a press release to local media explaining the reasons for and the effects of probation, and (3) shall, at least 90 days before probation is to begin, advise all policyholders in the community of the impending probation and the additional premium that will be charged, as provided in this paragraph, on policies sold or renewed during the period of probation. During this 90-day period the community shall have the opportunity to avoid probation by demonstrating compliance with Program requirements, or by correcting Program deficiencies and remedying all violations to the maximum extent possible. If, at the end of the 90-day period, the Federal Insurance Administrator determines that the community has failed to do so, the probation shall go into effect. Probation may be continued for up to one year after the community corrects all Program deficiencies and remedies all violations to the maximum extent possible. Flood insurance may be sold or renewed in the community while it is on probation. Where a policy covers property located in a community placed on probation on or after October 1, 1986, but prior to October 1, 1992, an additional premium of \$25.00 shall be charged on each such policy newly issued or renewed during the one-year period beginning on the date the community is placed on probation and during any successive one-year periods that begin prior to October 1, 1992. Where a community's probation begins on or after October 1, 1992, the additional premium described in the preceding sentence shall be \$50.00, which shall also be charged during any successive one-year periods during which the community remains on probation for any part thereof. This \$50.00 additional premium shall further be charged during any successive one-year periods that begin on or after October 1, 1992, where the preceding one-year probation period began prior to October 1, 1992.

(c) A community eligible for the sale of flood insurance which fails to adequately enforce its flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5

§ 60.3 Flood plain management criteria for flood-prone areas.

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be 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.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

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(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's

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(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of § 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under § 59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

Federal Emergency Management Agency, DHS

(2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in § 59.1 in accordance with the eligibility procedures under § 65.14.

(3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:

(i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and

(ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

(i) Determine the AR base flood elevation; and

(ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;

(ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and

(iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and

(ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

[41 FR 46975, Oct. 26, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL OFFICE
500 LAFAYETTE ROAD
SAINT PAUL, MN 55155
851-296-8157
888-648-8367

May 12, 2016

The Honorable Lili McMillan
Mayor, City of Orono
2750 Kelley Parkway
Orono, MN 55356

Dear Honorable Mayor McMillan,

HENNEPIN COUNTY, MINNESOTA FLOOD INSURANCE STUDY

You recently received a letter from the Federal Emergency Management Agency (FEMA) dated May 4, 2016, about your floodplain regulations. This letter, known as the Letter of Final Determination (LFD), explains that the Flood Insurance Rate Maps (FIRMs) for your community, as well as the Hennepin County Flood Insurance Study, are now complete and will become effective on November 4, 2016 (which is 6 months from the date of the LFD).

This letter is intended to explain the statement in the LFD that "your community is required... to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d)....by the effective date of the FIRM." In other words, *your community must amend your floodplain ordinance, or adopt a new ordinance, by November 4, 2016, in order to continue participating in the National Flood Insurance Program (NFIP).* The DNR, as the State Coordinating Agency for the NFIP, will be assisting you in this effort.

The DNR will advise your staff as to what type of floodplain ordinance your community should adopt. Matt Bauman, from our office, will be contacting you within the next few weeks with a draft ordinance tailored to your community. I urge you to respond as soon as possible to initiate this process so as to prevent your community from being suspended from the National Flood Insurance Program should you not meet the 6-month deadline.

We strongly encourage your community to complete a draft of a new or revised floodplain ordinance and forward it to Mr. Bauman's attention by August 4, 2016 (the midpoint of the 6-month adoption period). This allows time for our review and approval, for your community to complete the adoption/publication process, and for an adopted/certified copy of the ordinance to be sent to the Federal Emergency Management Agency's Chicago Regional Office by November 4, 2016.

All communities will eventually receive one set of paper copies of the Hennepin County Flood Insurance Study and the respective flood insurance rate map panels from FEMA. Many communities prefer to have the final study/maps available when they initiate the ordinance adoption/amendment process. We anticipate that electronic versions of the final maps will be available within the next month, and we will make them available on our ftp site: ftp://ftp.dnr.state.mn.us/pub/waters/floodplain/County_data/Hennepin/. These posted documents will include pdfs for viewing and printing, as well as shapefiles for GIS.

mndnr.gov



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Mayor McMillan

May 12, 2016

Page two

FEMA has advised us that, *without exception*, a community will be suspended from the National Flood Insurance Program if the required floodplain ordinance documents are not received in its Chicago Regional Office by the study/map effective date. A suspended community may be reinstated if the community: 1) submits the required floodplain ordinance language; and 2) documents that no improper floodplain development has occurred since the study/map effective date or that any improper floodplain development has been properly mitigated. During the suspension period, no flood insurance policies can be written or renewed in the community. This would have a serious impact on people exposed to flood damage or those who are trying to purchase homes in the designated 100-year floodplain, where flood insurance is a requirement of the loan.

While our office in St. Paul will be the main contact for the ordinance update, we will coordinate with DNR Area Hydrologist Kate Drewry of our St. Paul regional office. Ms. Drewry will continue to be your main contact for day-to-day assistance with administering your floodplain management ordinance and for questions about other DNR water-related programs and permits. Please feel free to contact Ms. Drewry at any time at (651) 259-5753 or kate.drewry@state.mn.us. If you have questions for me, you may contact me at the address in the footer of page one, at (651) 259-5713, or at ceil.strauss@state.mn.us.

Sincerely,



Ceil Strauss, CFM
State Coordinator, National Flood Insurance Program

ec: Melanie Curtis, City Planner
Terri Yearwood, DNR Eco-Waters' Regional Manager
Jeanne Daniels, DNR Eco-Waters' District Manager
Kate Drewry, Area Hydrologist



Federal Emergency Management Agency
Washington, D.C. 20472

RECEIVED

MAY - 9 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P-A

CITY OF ORONO

May 4, 2016

The Honorable Lili McMillan
Mayor, City of Orono
City Hall
2750 Kelley Parkway
Orono, Minnesota 55356

Community: City of Orono,
Hennepin County, Minnesota
Community No.: 270178
Map Panels Affected: See FIRM Index

Dear Mayor McMillan:

This is to formally notify you of the final flood hazard determination for the City of Orono, Hennepin County, Minnesota, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On September 2, 2004, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On December 31, 2005, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed flood hazard determinations (FHDs) for your community were published in the *Star Tribune* on March 29, 2013, and April 5, 2013, and in the *Federal Register*, at Part 67, Volume 78, Page 8180, on February 5, 2013.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. The proposed FHDs for your community were appealed during that time. All technical data submitted in support of the appeal have been evaluated, and the appeal has been resolved. Therefore, the FHDs for your community are considered final. The final notice for FHDs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on November 4, 2016. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

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

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS and FIRM

to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

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

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

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

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

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

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and

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

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Chicago, Illinois, at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structure*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



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

Enclosure:
Final Summary of Map Actions

cc: Community Map Repository
Diane Teigs, City Clerk, City of Orono

103 F. 48
95 exempt.

July 1 Maps available DNR Buffer Discussions
103 F. 48

11/1/2017 Public Water & wetlands w/ shoreline classification
& ditched shoreland
50' avp. 30' min or state shoreland

11/1/2018 public drainage / road
16.5 min. width upstream of state water -
wetlands w/ shoreland manag. not included in mappings

Maps early February

public waters - DNR website
↳ protection water map

- Exceptions Dave Wire BWSK
- 6 exceptions
 1. Conservation reserve program
 - * 2. private water access & rec. shoreland management areas
 3. road/trail
 - * 4. NPDES permit (stormwater ponds) MS4 permits/plans
 5. water inundation farming
 6. temp non wet. maintenance construction project underway

SWCD =
landowner contact

Beaches likely exempt *
local government shoreland
ord. = exempt

MS4
What is vegetation Buffer: defined not invasive, noxious
no minimum height grass is maybe ok
cropping or haying

Need to review the map for corrections - Watershed dist.
Drainage areas
Public water we need to review

Handwritten text at the top left of the page, possibly a date or page number.

Main body of the page containing faint, illegible handwritten text across multiple lines.

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF CARVER) ss

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

The Laker, The Pioneer

with the known office of issue being located in the county of:

CARVER

with additional circulation in the counties of:
HENNEPIN

and has full knowledge of the facts stated below:

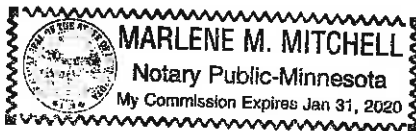
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 2 successive week(s); the first insertion being on 07/02/2016 and the last insertion being on 07/02/2016.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold
Designated Agent

Subscribed and sworn to or affirmed before me on 07/02/2016 by Charlene Vold.

Marlene M Mitchell
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:
\$15.00 per column inch

Ad ID 567849

CITY OF ORONO
2750 KELLEY PARKWAY
P.O. BOX 66
CRYSTAL BAY, MN 55323
PHONE (952) 249-4600
FAX (952) 249-4616
NOTICE

The Orono Planning Commission will hold a public hearing in the Orono Council Chambers at 2780 Kelley Parkway on Monday July, 18, 2016, beginning at 6:30 p.m. on the matter of reviewing the following land use applications:

16-3839 Revision, LLC on behalf of Steven Erickson and Sharon Nesbitt, 865 Ferndale Road W, requests a lake setback variance, a side yard setback variance and a Tier 1 hardcover variance in order to construct a garage addition to the existing home within the 75-foot setback from the OHWL of the lake.

16-3841 City of Orono, Zoning Code Amendment regarding Floodplain regulations in all zoning districts.

16-3845 Tim & Julie Druk, 1240 Arbor Street, request lot area and lot width variances as well as side yard, side street, and front yard setback variances in order to construct a new single family residence on the property.

16-3846 Gregg Katchmark, 140 Leaf Street, requests a creek setback variance and a hardcover variance in order to construct a larger covered porch over an existing elevated deck within 75-feet of the OHWL of the creek.

16-3847 Charles Cudd, LLC on behalf of DDK, LLC, 2525, 2535 and 2545 Shadywood Road, requests Preliminary Plat Approval, Rezoning from B-4 Commercial and LR -1B to RPUD, Comprehensive Plan Amendment from Mixed Use Residential and Low-Medium Density Residential to Medium Density Residential, all to facilitate a single family residential subdivision.

16-3849 Able Energy on behalf of Tom Robb, 570 Big Island, requests a side street setback variance and an average lakeshore setback variance in order to install roof-mounted solar panels on the roof of the existing cabin within the side street yard and lakeward of the average lakeshore setback.

All persons wishing to be heard are encouraged to attend these meetings. This is not a final agenda and is subject to change prior to the hearings. Written comments are accepted and should be submitted to the City of Orono by July 12, 2016 if possible. Interested persons may review the applications and proposed ordinance language at City offices or by visiting the City's Website at www.ci.orono.mn.us. For an appointment, please call (952) 249-4620.

City of Orono
By: Planning Commission
Jeremy Barnhart
Community Development Director
Published in
The Laker, The Pioneer
July 2, 2016
567849



