



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, August 23, 2022
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Floodplain Management Ordinance Amendment – Chapter 38, Article II of the City Code of Ordinances – 1) Public Hearing; 2) Adoption of Ordinance.
<b>Background Information:</b>	<p>On March 15, 2022, the City received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA). The LFD explains that the Flood Insurance Rate Maps (FIRMs) and Lyon County Flood Insurance Study is complete and will become effective on September 15, 2022. In the City of Marshall, map panels 304, 308, and 312 were amended to reflect that the land that is protected by the 1963 levee is land that contains levees that are not accredited, and therefore are not shown to protect from the 1 percent-annual-chance flood.</p> <p>Now that our flood maps and insurance study have been amended, we are required to ensure that our floodplain management regulations meet Federal standards. Simply stated, our community must amend our floodplain ordinance or adopt a new floodplain ordinance prior to September 15, 2022 in order to continue participating in the National Flood Insurance Program (NFIP). The Minnesota Department of Natural Resources (MNDNR) has reached out to provide the City with a model floodplain ordinance that meets the Federal criteria.</p> <p>Included in the Council packet is the DNR model floodplain ordinance for Committee consideration.</p> <p><u><i>Further background information regarding our map updates:</i></u></p> <p>The 1963 levee is no longer considered to be a “provisionally-accredited levee” by FEMA. The 1963 levee is located southwest of Marshall, north of the Redwood River, north of BNSF RR tracks, and northwest of Victory Park (Wayside Rest). The levee is no longer provisionally-accredited by FEMA because the levee does not offer enough freeboard above design flood elevations to meet current standards. FEMA started conversations prior to our last FEMA map date (2010) regarding this pending loss of accreditation. Raising the levee to provide adequate freeboard to meet FEMA requirements would trigger necessary river modeling studies to determine no adverse effects downstream. By paying to model the river there would be no guarantee that we would be allowed to raise the 1963 levee.</p> <p>The loss of levee accreditation does not significantly affect flood insurance requirements for the property that is protected by this levee. This land was “Zone X” prior to the loss of accreditation, and it will remain “Zone X” following the loss of accreditation. Prior to this revision, the land was notated as receiving protection from a provisionally-accredited levee and that overtopping and failure may occur. The land was labeled Zone X with a threat of flooding with depths less than 1 foot. Now that the “provisional-status” has been removed, the land is simply noted that it is protected by a non-accredited levee and that flooding may occur. The Zone X now indicates that the</p>

	<p>land is an “area of 1% annual chance flood with average depths of less than 1 foot”. Essentially, the land has the exact same designation.</p> <p>This ordinance has been presented at the following meetings:  Legislative &amp; Ordinance Committee – 06/28/2022  City Council – 07/26/2022 – introduction and hearing scheduled for 08/08/2022  City Council – 08/08/2022 – hearing rescheduled to 08/23/2022.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendation:</b>	<p>Recommendation No. 1  that the Council close the public hearing.</p> <p>Recommendation No. 2  that the Council adopt Ordinance No. 22-XXX, which is the summary ordinance and complete ordinance regarding the amendment to Chapter 38, Article II of the City Code of Ordinances.</p>