



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, December 13, 2022
<b>Category:</b>	NEW BUSINESS
<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 explained that the Flood Insurance Rate Maps (FIRMs) and Lyon County Flood Insurance Study was complete and would 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>Subsequent to amendment of our flood maps and insurance study, the City amended our floodplain management regulations to ensure said regulations meet federal standards and in order to continue participating in the National Flood Insurance Program (NFIP). On August 23, 2022, the City Council adopted Ordinance 22-009 amending Chapter 38 relating to Floodplain Management.</p> <p>Upon further review of the amended floodplain ordinance, the Minnesota Department of Natural Resources (MNDNR) has advised that some language in our recently revised ordinance is now viewed as “optional language” by the MNDNR. City enforcement of a “regulatory floodplain” is now viewed as optional and “above and beyond” type of language for a Minnesota community to consider. City staff has had concerns and questions with this language from the onset of discussions with the MNDNR about our ordinance revisions.</p> <p>In practical terms, the language that is now optional requires development outside of determined floodplains to be regulated as if it is located in the floodplain. While the intent and idea behind the practice is understandable, city staff believes that it complicates land use decision making in our community and makes it more difficult for citizens, developers, and staff to understand development limitations in our community.</p> <p>To simplify our ordinance, City staff is recommending revisions to the ordinance as attached. In addition to the above-mentioned revisions, staff is proposing one additional revision editing the Board of Adjustment to mean the City Council instead of the Planning Commission.</p> <p>This ordinance has been presented at the following meetings:          Legislative &amp; Ordinance Committee – 11/22/2022          City Council – 11/22/2022 – introduction of ordinance and hearing scheduled for 12/13/2022</p>

<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	Recommendation No. 1 that the Council close the public hearing.  Recommendation No. 2 that the Council adopt Ordinance No. 22-013, which is the summary ordinance and complete ordinance regarding the amendment to Chapter 38, Article II, Section 38-22, 38-23, 38-24, 38-26, 38-32 and 38-52 of the City Code of Ordinances.