

A  
COUNTY DEVELOPMENT CODE  
FOR  
WASHINGTON COUNTY, MINNESOTA  
CHAPTER 3. FLOOD PLAIN ORDINANCE

---

WASHINGTON COUNTY DEVELOPMENT CODE

Chapter 1.	Zoning Ordinance
Chapter 2.	Shoreland Management Ordinance
Chapter 3.	Flood Plain Ordinance
Chapter 4.	Sanitary Sewer Disposal Ordinance
Chapter 5.	Subdivision Ordinance
Chapter 6.	Mining Ordinance

---

TABLE OF CONTENTS

	page
Chapter 3	Flood Plain Ordinance ..... 1
	Washington County Development Code
Section 1.	Title ..... 1
Section 2.	Intent and Purpose ..... 1
Section 3.	Definitions ..... 1
Section 4.	General Provisions ..... 4
401.	Application of This Ordinance ..... 4
402.	Jurisdiction of this Ordinance ..... 4
Section 5.	Zoning Provisions ..... 4
501.	Flood Plain Regulations ..... 4
502.	Special Use Permits ..... 5
Section 6.	Subdivision ..... 5
601.	Land Suitability ..... 5
602.	Compliance ..... 6
Section 7.	Administration ..... 6
Section 8.	Enforcement ..... 6
801.	Violations and Penalties ..... 6
Section 9.	Effectuation ..... 7
901.	Separability ..... 7
902.	Effective Date ..... 7

WASHINGTON COUNTY, MINNESOTA

CHAPTER 3. FLOOD PLAIN ORDINANCE

AN ORDINANCE FOR THE CONTROLLING OF LANDS WITHIN WASHINGTON COUNTY THAT ARE SUBJECT TO RECURRING FLOODING BY OVERFLOW OF STREAMS AND OTHER WATERCOURSES CAUSING HAZARD TO LIFE AND PROPERTY, DISRUPTION OF COMMERCE AND GOVERNMENTAL SERVICES, UNSANITARY CONDITIONS, AND THE INTERRUPTION OF TRANSPORTATION AND COMMUNICATIONS, ALL OF WHICH ARE DETRIMENTAL TO THE HEALTH, SAFETY, WELFARE, OF THE OCCUPANTS OF FLOOD PLAIN AREAS.

THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

SECTION 1. TITLE

101. Short Title. This Ordinance shall be known, cited and referred to as the Washington County Flood Plain Ordinance; except as referred to herein, where it shall be known as, "This Ordinance."

SECTION 2. INTENT AND PURPOSE

201. Purpose. This Ordinance is adopted for the purpose of:

- (1) Protecting the public health, safety, morals, comfort, convenience and general welfare.
- (2) Conserving and developing natural resources, and maintaining a high standard of environmental quality.
- (3) Preserving the capacity of flood plains to carry and discharge regional floods.
- (4) Preserving and enhancing the quality of surface waters.
- (5) Regulating the placement of sanitary and waste disposal facilities on lots.
- (6) Promoting the health, safety, and general welfare by regulating the placement of structures and facilities in flood prone areas.

SECTION 3. DEFINITIONS

301. Rules.

301.01. In the event of conflicting provisions in the text of this Ordinance, the more restrictive provision shall apply. The County Zoning Administrator shall rule on what is more "restrictive" and appeals from said decisions may be made in a manner provided.

301.02. Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive.

302. Definitions.

302.01. For the purpose of this Ordinance, certain terms and words are hereby defined as follows:

- (1) Channel.  
A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.
- (2) Encroachment Lines.  
The lateral limits or lines drawn along each side and generally parallel to a stream or another body of water, which delineates the floodway and within which the flood carrying capacity of the stream or other body of water is to be preserved. Their location, if along a stream, should be such that the floodway between them will effectively carry and discharge a flood not less than the regional flood.
- (3) Equal Degree of Encroachment.  
A method of determining the location of encroachment lines so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.
- (4) Flood.  
A temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.
- (5) Flood Frequency.  
The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equalled or exceeded. By strict definition, such estimates are designated "exceedence frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specified number of years. See also: "Recurrency Interval".
- (6) Flood Fringe.  
That portion of the flood plain outside of the floodway.
- (7) Flood Peak.  
The highest value of stage or discharge attained during a flood event; thus peak stage or peak discharge.
- (8) Flood Plain.  
The areas adjoining a watercourse which has been or hereafter may be covered by the regional flood.
- (9) Flood Plain Management.  
The full range of public policy and action for insuring wise use of the flood plains. It includes everything from collection and dissemination of flood control information to actual acquisition of flood plain lands, construction of flood control measures, and enactment and administration of codes, ordinances, and statutes regarding flood plain land use.

- (10) Flood Profile.  
A graph or a longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.
- (11) Flood Proofing.  
A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.
- (12) Flood Stage.  
That stage, at a particular river gage, where overflow of the natural banks of the stream results in significant flood damage in any portion of the reach for which the gage is a representative index.
- (13) Floodway.  
The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.
- (14) Reach.  
The hydraulic engineering term used to describe longitudinal segments 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 typically constitute a reach.
- (15) Recurrence Interval.  
The average interval of time, based on a statistical analysis of actual or representative stream flow records, which can be expected to elapse between floods equal to or greater than a specified stage or discharge. The recurrence interval is generally expressed in years. See also: "Flood Frequency".
- (16) 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 100 year recurrence interval.
- (17) Regulatory Flood Protection Elevation.  
A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachment on a flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.
- (18) Standard Project Flood.  
The flood that may be expected from the most severe combination of meteorological and hydrological conditions that is considered reasonably characteristic of the geographical area in which the drainage basin is located, excluding extremely rare combinations. Such floods are intended as practicable expressions of the degree of protection that should be sought in the design of flood control works, the failure of which might be disastrous.

(19) Watercourse.

A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

#### SECTION 4. GENERAL PROVISIONS

401. Application of This Ordinance.

401.01. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

401.02. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any of the other Chapters of the Washington County Development Code or by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

401.03. The provisions of this Ordinance are in addition to, rather than in lieu of, regulations imposed by Chapter 1, Zoning Ordinance, and Chapter 2, Shoreland Management Ordinance, of the County Development Code for Washington County, Minnesota.

402. Jurisdiction of this Ordinance.

402.01. The jurisdiction of this Ordinance shall include all areas inundated by any regional flood.

402.02. Areas within the jurisdiction of this Ordinance shall not be removed therefrom unless such designations are found to be in error, or unless it can be shown that such areas are filled to an elevation at or above the flood protection elevation and are contiguous to other lands laying above the flood protection elevation or unless flood control measures which meet acceptable standards are constructed and are operative.

#### SECTION 5. ZONING PROVISIONS

501. Flood Plain Regulations.

501.01. Open space uses specified below shall be permitted within flood plain areas adjoining a watercourse which has been, or hereafter may be, covered by floodwaters, and provided that they do not require structures, fill, or storage of materials or equipment:

- (1) Agricultural uses such as general farming, grazing, horticulture, forestry, and wildcrop harvesting.
- (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips and public utility transmission facilities.

- (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, picnic grounds, boat launching sites, swimming areas, parks, wildlife and nature preserves, target ranges, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, hiking and horesback riding trails.
- (4) Residential uses such as lawns, gardens, parking areas and play areas.

501.02. All other uses will require a special use permit and all subdivision plats must be approved by the Washington County Board of Commissioners.

502. Special Use Permits.

502.01. All proposed special permit uses shall comply with standards for flood sand uses established by Minnesota Regulations NR 85 - 93.

502.02. Any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

- (1) Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) Use construction materials and utility equipment that are resistant to flood damage.
- (3) Use construction methods and practices that will minimize flood damage.
- (4) Provide flood protection to the flood protection elevation.
- (5) Include new or replacement water supply systems and/or sanitary sewage systems designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters, and the location of on-site waste disposal systems so as to avoid impairment of them or contamination from them during flooding. All systems shall be designed so they meet the provisions set forth in Chapter 4, Sanitary Sewer Ordinance of the Washington County Development Code.
- (6) Include adequate drainage facilities to reduce exposure to flood hazards.

## SECTION 6. SUBDIVISION

601. Land Suitability.

601.01. No land shall be subdivided which is held unsuitable for the purpose by the County Board of Commissioners for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewer disposal capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community. The County Board of Commissioners in applying the provisions of this section shall in writing cite the particular features upon which it bases its

conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. The Washington County Planning Advisory Commission shall hold the public hearing and make recommendations of their findings to the County Board. Thereafter, the County Board of Commissioners may affirm, modify or withdraw its determination of .unsuitability.

602. Compliance.

602.01. All subdivision shall comply with the applicable provisions of the Washington County Subdivision Ordinance, Chapter Five of the County Development Code. Any proposed plat for shoreland areas which is inconsistent with the provisions of this Ordinance, shall first be approved by the Commissioner of Natural Resources.

SECTION 7. ADMINISTRATION

701. Administrative Procedure.

701.01. The administrative procedures as set forth in Section 5 of Chapter One, Zoning Ordinance, of the County Development Code shall apply and all provisions thereof shall be applicable to this Ordinance.

SECTION 8. ENFORCEMENT

801. Violations and Penalties.

801.01. It is declared unlawful for any person to violate any of the terms and provisions of this Ordinance. Violation thereof shall be a misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense.

801.02. In the event of a violation or a threatened violation of this Ordinance, the Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it is the duty of the County Attorney to institute such action.

801.03. Any taxpayer of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION 9. EFFECTUATION

### 901. Separability.

901.01. It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

901.02. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.

901.03. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Ordinance to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building or structure not specifically included in said judgement.

901.04. Nothing contained in this Ordinance repeals or amends any ordinance requiring a permit or license to engage in any business or occupation.

### 902. Effective Date.

902.01. Passed by the Washington County Board of Commissioners this 6<sup>th</sup> day of July 1972.

I. A. Pederson  
Chairman of the Board

ATTEST:  
T. R. Greeder  
County Auditor