
REGULAR BOARD MEETING AGENDA

Notice is hereby given that the Board of Commissioners of Roseau County will meet in session on **April 11, 2017, at 9:00 a.m.**, in the Roseau County Courthouse, Room 110, Roseau, MN, at which time the following matters will come before the Board:

9:00 Call to Order

1. Presentation of Colors
2. Approve Agenda
3. Comments and Announcements
4. Approve Bills

9:05 Delegations/Board Appointments/Public Comments*

1. Tracy Halstensgard - Roseau River Watershed District Update
2. Tim Williamson, DNR Parks & Trails – Beltrami Island State Forest Trails Revision Plan Update

9:45 Consent Agenda

1. March 28, 2017 Board Proceedings
2. Minnesota Lawful Gambling Permit
3. Dispatch/Jailer Hire(s)

9:50 Department Reports

1. Highway
 - a. Final Payment – Ditch Brushing Contract
2. Treasurer
 - a. Credit Card Report

9:55 County Board Items

1. Commissioner Committee Reports

10:30 Unfinished Business

10:30 Adjourn

***Limited to five minutes**

April 3rd, 2017

Jeff Pelowski
County Coordinator
Roseau County Courthouse
606 5th Ave SW, Room 131
Roseau, Minnesota 56751
218-463-4248
218-463-3750
jeff.pelowski@co.roseau.mn.us

Re: Beltrami Island State Forest Phase II Trail Revisions Plan

Hello,

Over the past year, the Minnesota Department of Natural Resources has been reviewing trail designations within Beltrami Island State Forest. This process, led by the Division of Parks and Trails, is an effort to review currently designated off-highway vehicle (OHV) trails as well as non-motorized trails within Beltrami Island State Forest. We are requesting an opportunity to talk over the results of this planning effort with the Roseau County Board of Commissioners on Tuesday April 11th.

Public input for this planning effort included: a scoping comment period May-June, 2016; a public information open house in June, 2016; a meeting with representatives from local governments in August, 2016 and a meeting with local OHV clubs in January, 2017.

As required by State Statute, notice of these changes will be published in the State Register for a 60-days public review. There will also be a public meeting where the public may review changes and comment. The DNR will review and respond to public comments following the comment period. Once the comment response is complete, the Commissioner of Natural Resources will sign the designation changes as Commissioner's Orders.

Enclosed you will find a set of maps detailing the changes DNR is proposing as well as a "Frequently Asked Questions" which breaks down the new mileages and provides more detailed information. If you have any questions about our meeting request or about anything specific to this planning effort, please contact me.

Thank You,

Tim Williamson
Acquisition & Development Specialist
Parks & Trails Division
3296 State Park Road NE
Bemidji, MN 56601
(218) 308-2369

Beltrami Island State Forest Trail Revisions: Frequently Asked Questions

Why is the Department of Natural Resources revising the trails?

The DNR is committed to maintaining a safe, sustainable and fun trail experience throughout Minnesota's State Forests. To accomplish these objectives, we must review past trail plans to determine what is working and what is not. The DNR may add connections, designate new trail or close or reroute what is not working. Ideally this will provide a balance between safety, environmental sustainability and user satisfaction.

How has the public been involved?

The DNR recognizes the importance of public participation and began the planning process with a public information session and scoping period. DNR also met with local government officials early in the planning process and met with local clubs for additional input approximately half-way through the planning process. As required by State Statute, notice of these changes will be published in the State Register for 60-days public review. There will also be a public meeting where the public may review changes and comment. The DNR will review and respond to public comments following the comment period. Once the comment response is complete, the Commissioner of Natural Resources will sign the designation changes as Commissioner's Orders.

What changes are to be expected?

The DNR is looking to designate a variety of off-highway vehicle (OHV) trails, hunter-walking trails (HWT) and minimum maintenance roads (MMR) through this plan. Over 25.5 miles of OHV trail and MMR will be added as well as over 10.5 miles of HWT added. Approximately 3 miles of the HWT will be open to motorized use, either through current designation or currently open as access routes. The DNR is also proposing to un-designate approximately 1.3 miles of MMR. These routes will stay open as access routes. Through this process, the DNR is not proposing to close any trails and there will be a 24.1 mile net increase in designated motorized trail/MMR. These new designations will bring the total miles of designated OHV trail in the forest to approximately 262 miles and the total walking trail miles to approximately 51 miles.

Designation Summary	Approximate miles/acres
Miles of existing access route to be designated ORV/ATV/OHM:	6.39
Miles of existing access route to be designated ATV/OHM	15.21
Miles of existing access route to be designated MMR:	1.66
Miles of MMR to be designated ATV/OHM	1
Miles of new OHV trail	1.16
Total designate motorized miles	25.42
Acres of ATV/OHM warm-up area	1.58
Miles of MMR to be undesignated and converted to access routes	1.31
Net change in designated motorized miles	+24.11
Miles of access route/new trail to new walking trail	7.51
Miles of open access route to be designated walking trail and remain open to motorized use	1.8
Miles of MMR to be dual designated MMR and walking trail	1.23
Total miles new walking trail	10.54

What are the benefits of designating a trail?

Designation ensures the trail will receive funding for maintenance, signage and mapping. Unlike an access route, a designated trail may only be closed through a public process, giving the public the opportunity to weigh in on whether a trail should be closed or stay open.

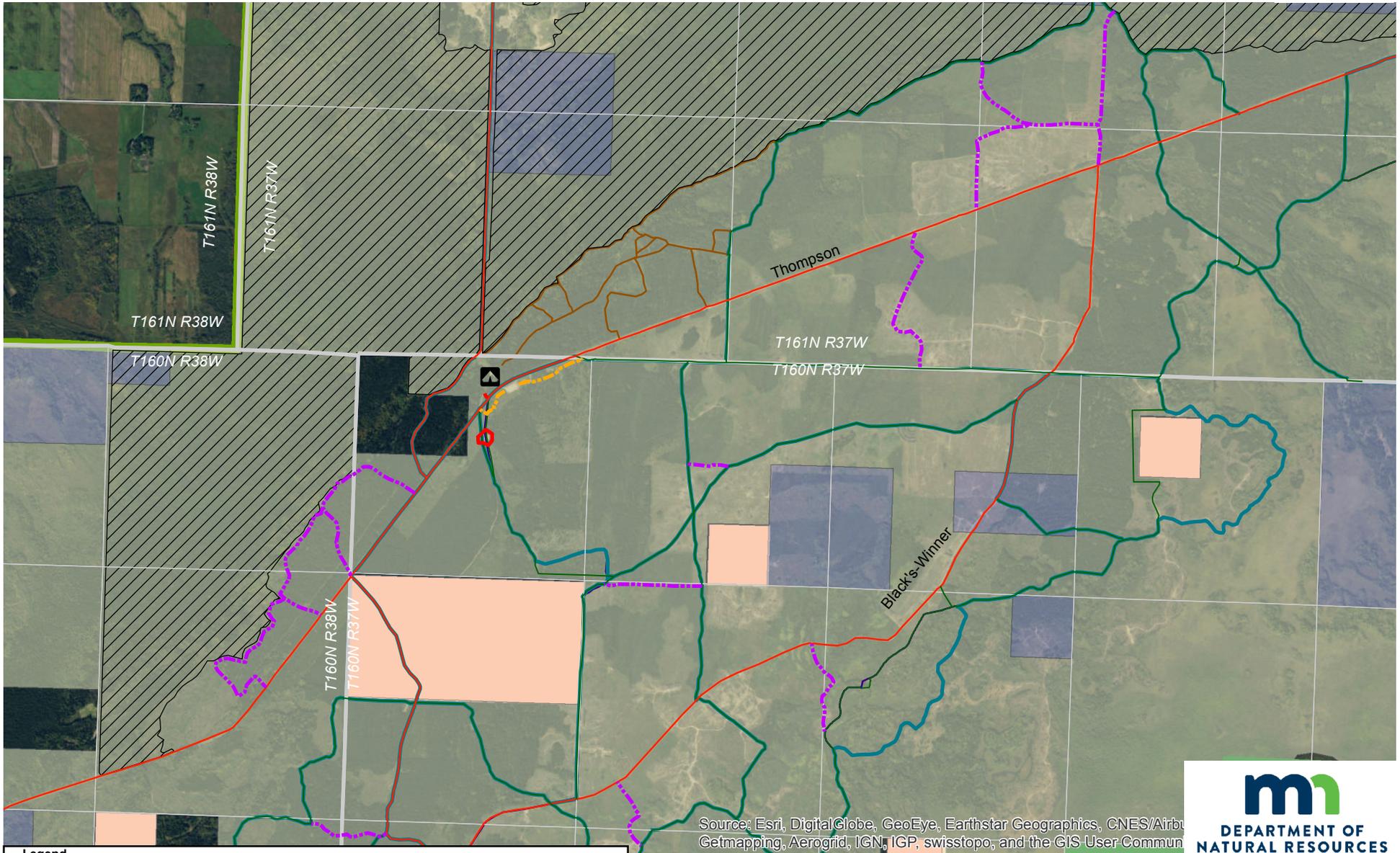
Where will the money for these changes come from?

The designated OHV trails will be funded through the dedicated OHV accounts. Money in these accounts comes from OHV registration fees and a portion of the state gas tax. The DNR will also work with local clubs who may be interested to add the new trails to their Grant in Aid system. Hunter-walking trails and MMRs will be funded through their appropriate accounts.

When can we expect to see these changes?

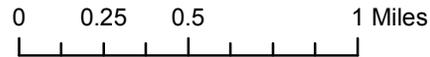
After the DNR responds to comments received during the public review period and the DNR Commissioner signs a Commissioner's Order designating the roads and trails, the DNR may begin construction. Some routes that are currently well-used access routes will only require signage and addition to the maps. These changes can take place immediately. Other routes which are new trail or not frequently used access routes may require additional maintenance, which will occur over the next two to three seasons.

Beltrami Island State Forest Proposed Trail Revisions Bemis Hill Area

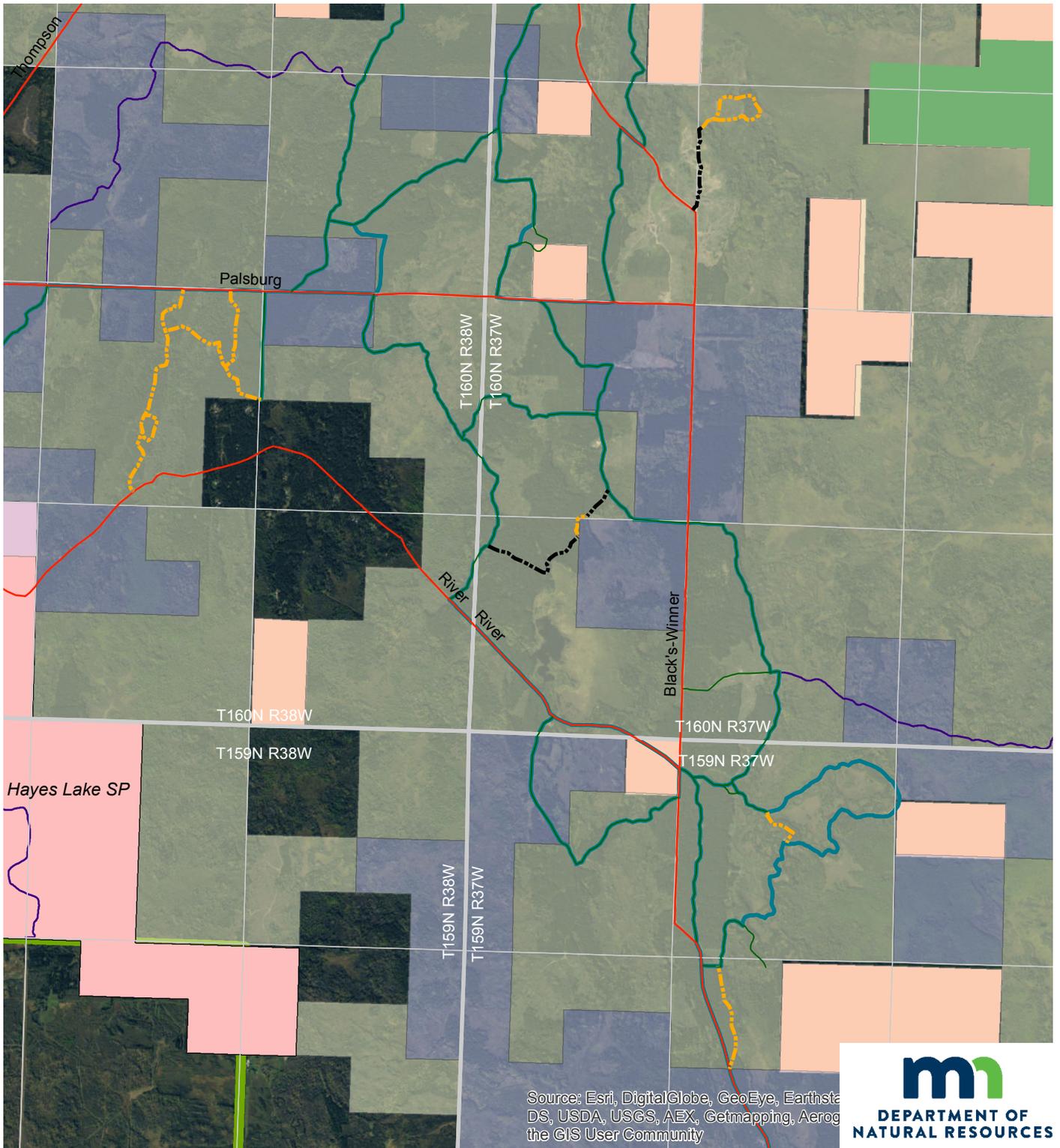


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend	
	Proposed Walking Trail
	Proposed Undesignated Minimum Maintenance Road
	Proposed New ATV-OHVM
	Proposed ATV-OHVM Warm-Up Area
	Proposed ORV-ATV-OHVM
	Proposed New Minimum Maintenance Road
	Current Hunter-Walking Trails
	Current OHV Trails
	Current Minimum Maintenance Forest Roads
	Current System Forest Roads
	Snowmobile Trails
	Areas with Limitations
	Campgrounds/Day Use Areas
	Rivers and Streams
	Lakes
	DNR-Owned Land
	Tribal Land
	LUP Lands
	Scientific and Natural Areas
	Wildlife Management Areas
	Hayes Lake State Park
	State Forest Boundary
	Public Land Survey Township
	Public Land Survey Section



Beltrami Island State Forest Proposed Trail Revisions Palsburg Area



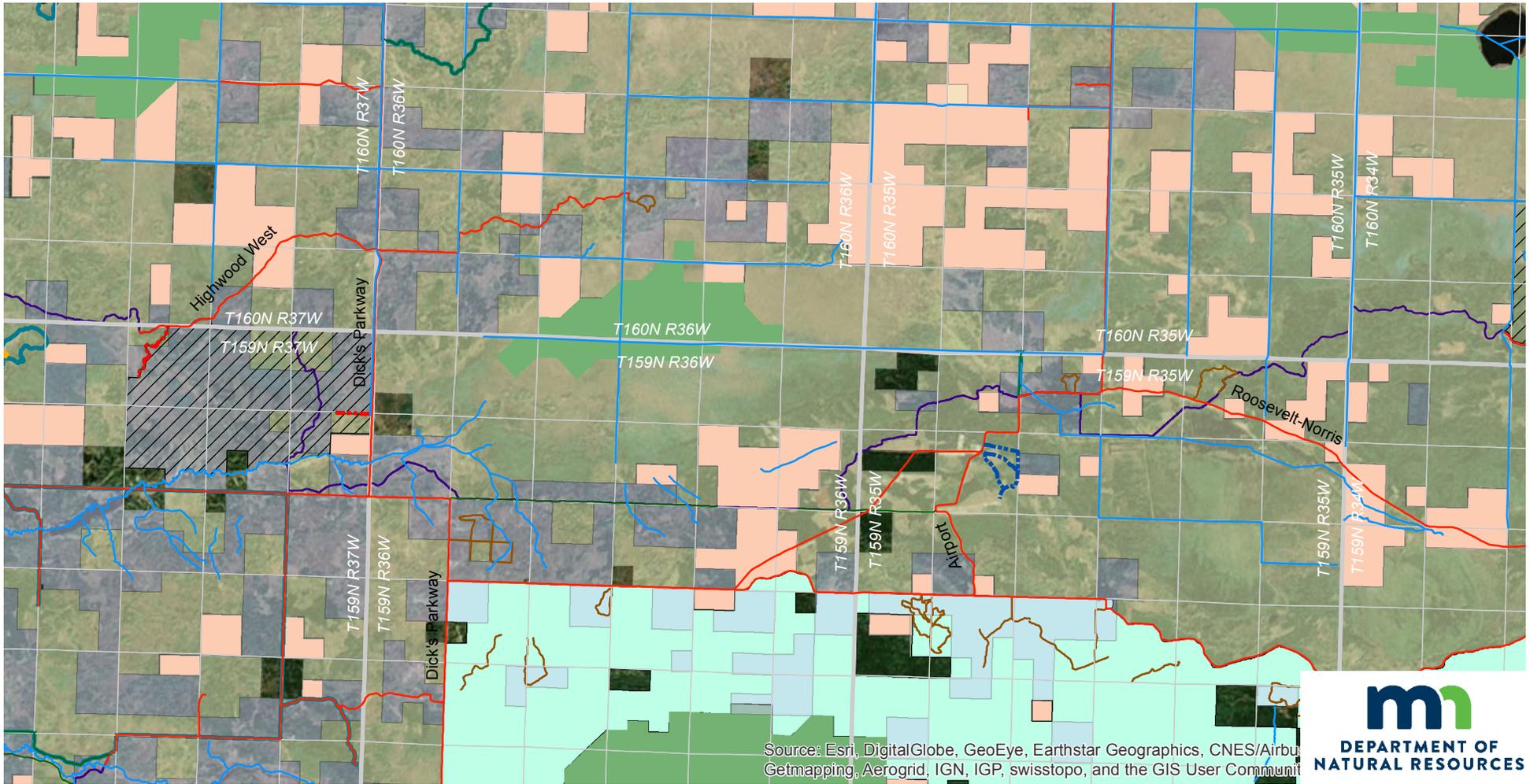
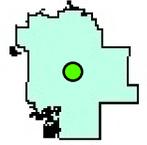
Source: Esri, DigitalGlobe, GeoEye, Earthstar, DS, USDA, USGS, AEX, Getmapping, Aerog, the GIS User Community



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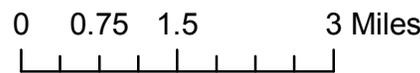
Beltrami Island State Forest Proposed Trail Revisions Faunce-Butterfield Area



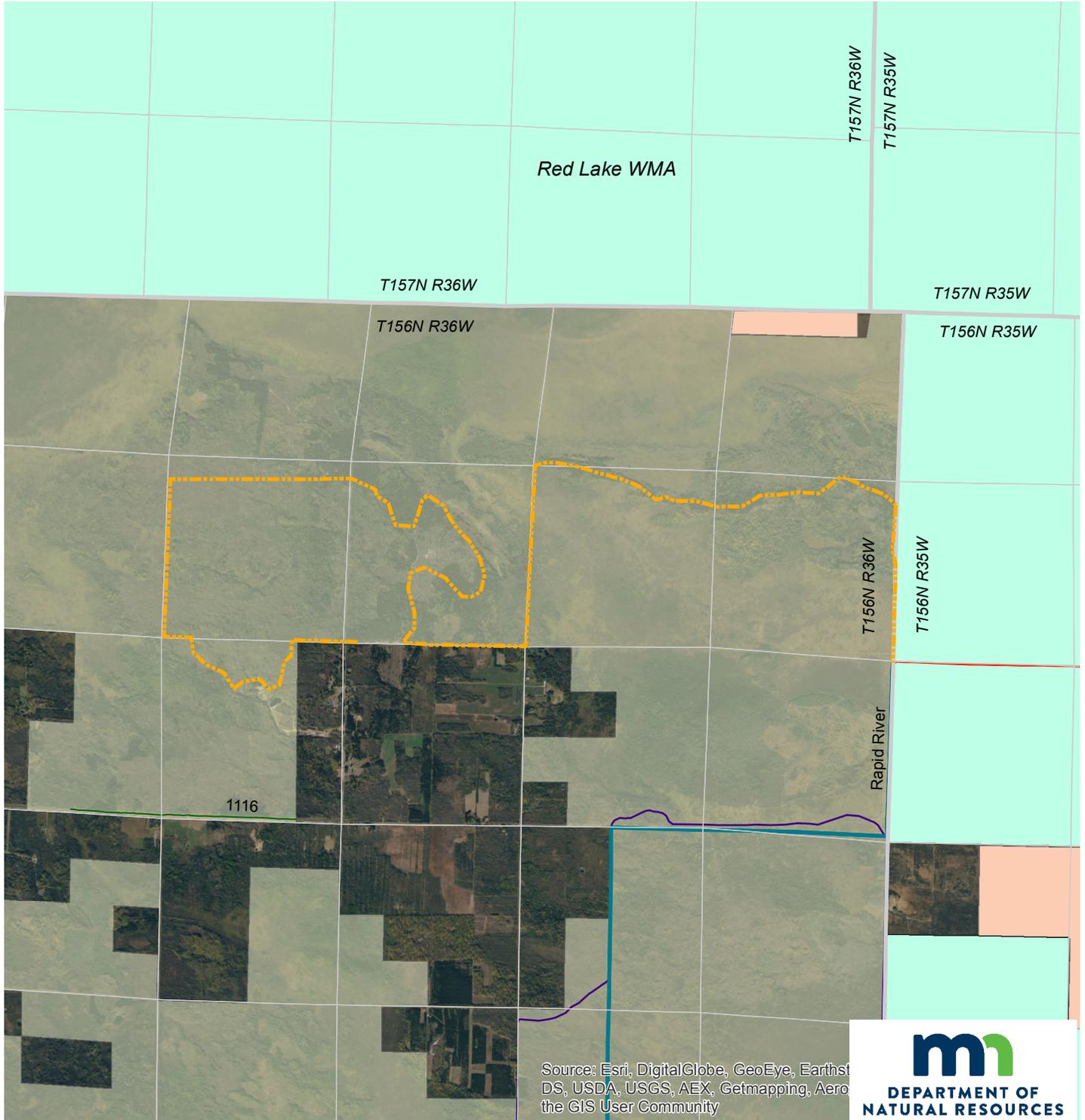
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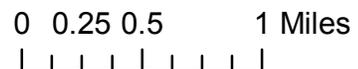
Beltrami Island State Forest Proposed Trail Revisions Linder Area



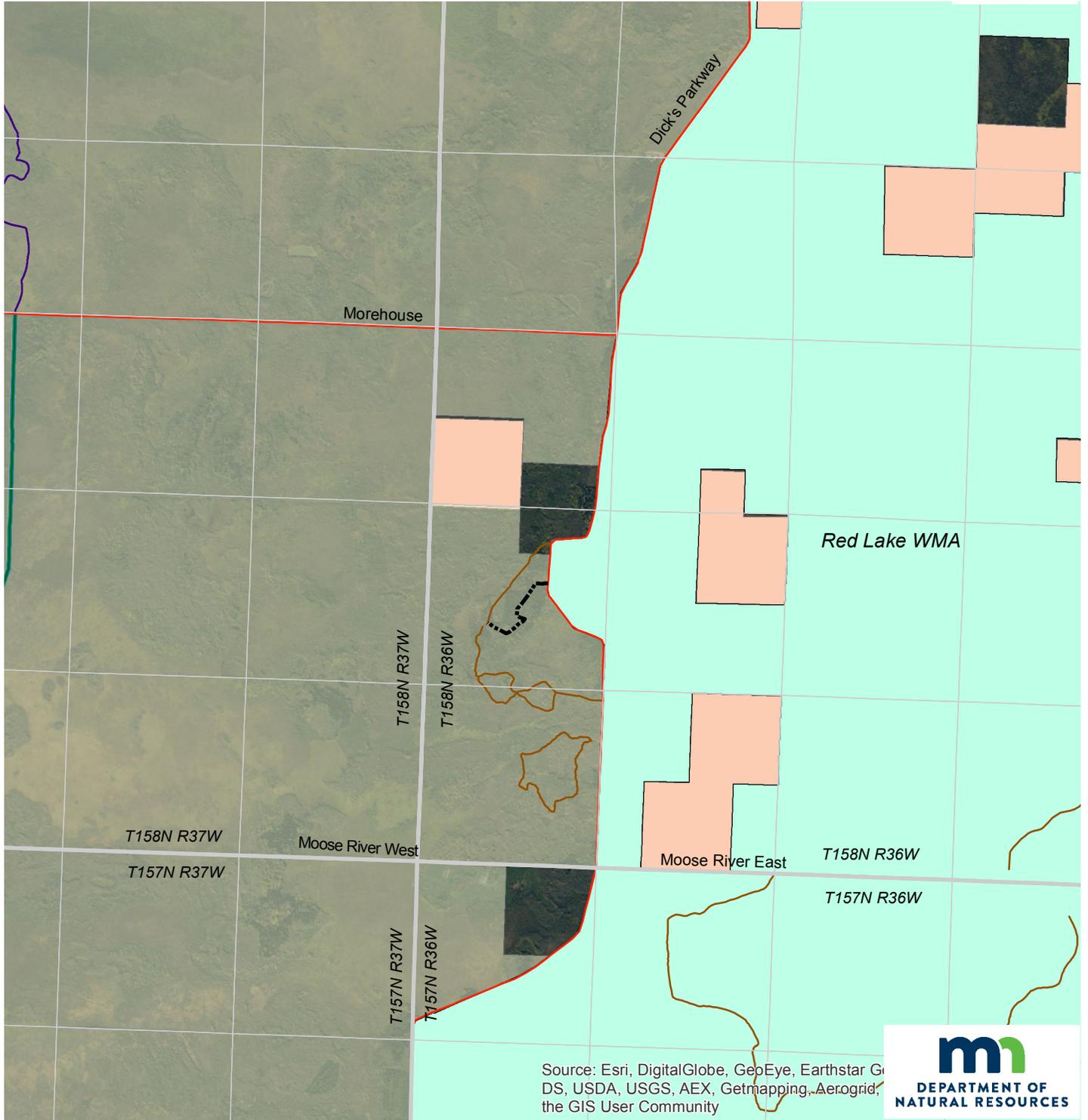
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Legend	
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Proposed Undesignated Minimum Maintenance Road	Current System Forest Roads
Proposed New ATV-OHM	Snowmobile Trails
Proposed ATV-OHM Warm-Up Area	Areas with Limitations
Proposed ORV-ATV-OHM	Campgrounds/Day Use Areas
Proposed New Minimum Maintenance Road	Rivers and Streams
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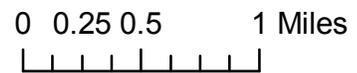
Beltrami Island State Forest Proposed Trail Revisions Moose River Area



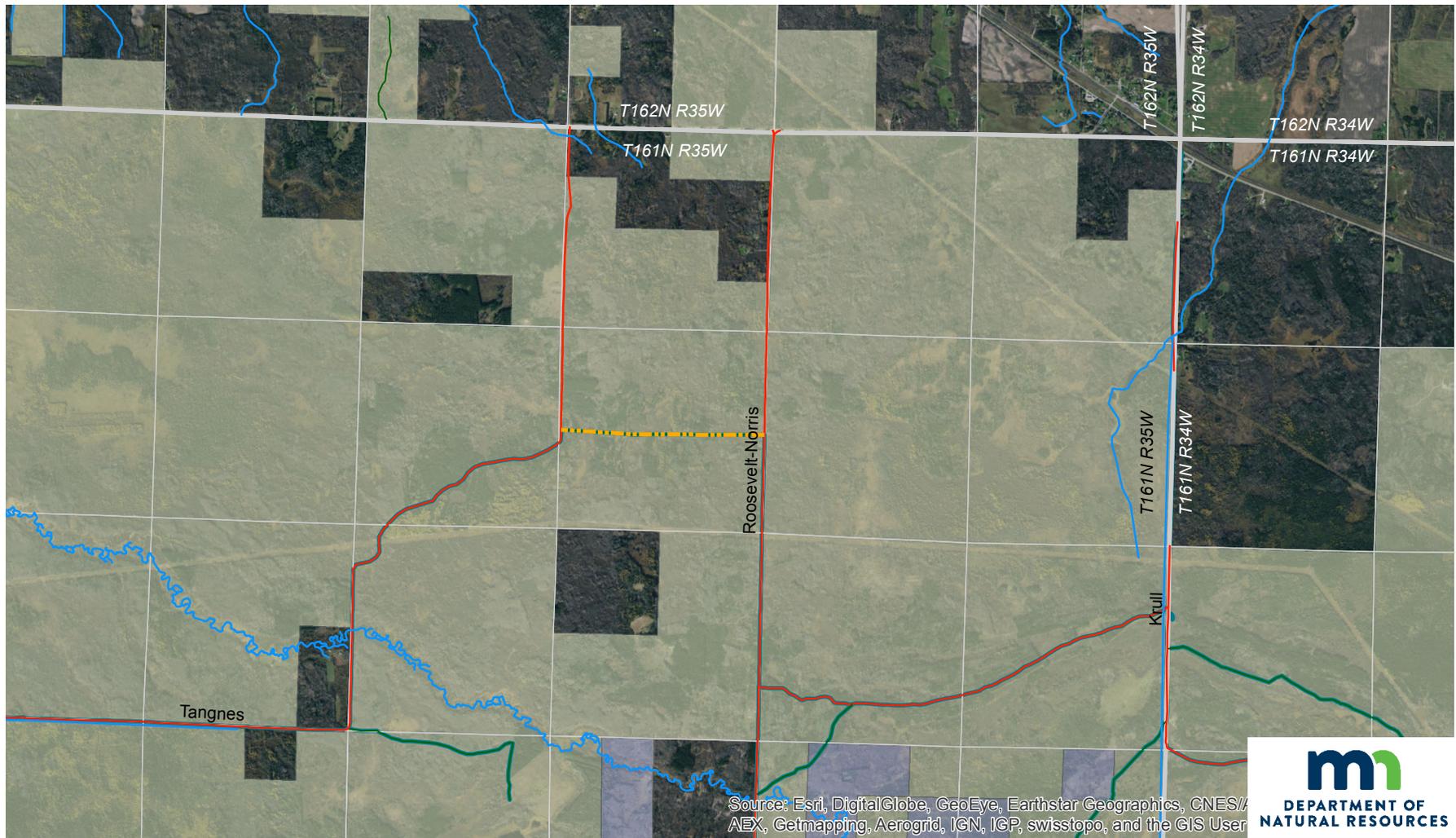
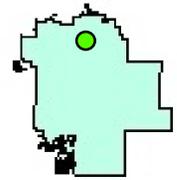
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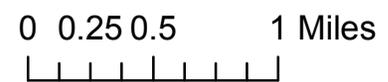
Beltrami Island State Forest Proposed Trail Revisions Grover Trail Area



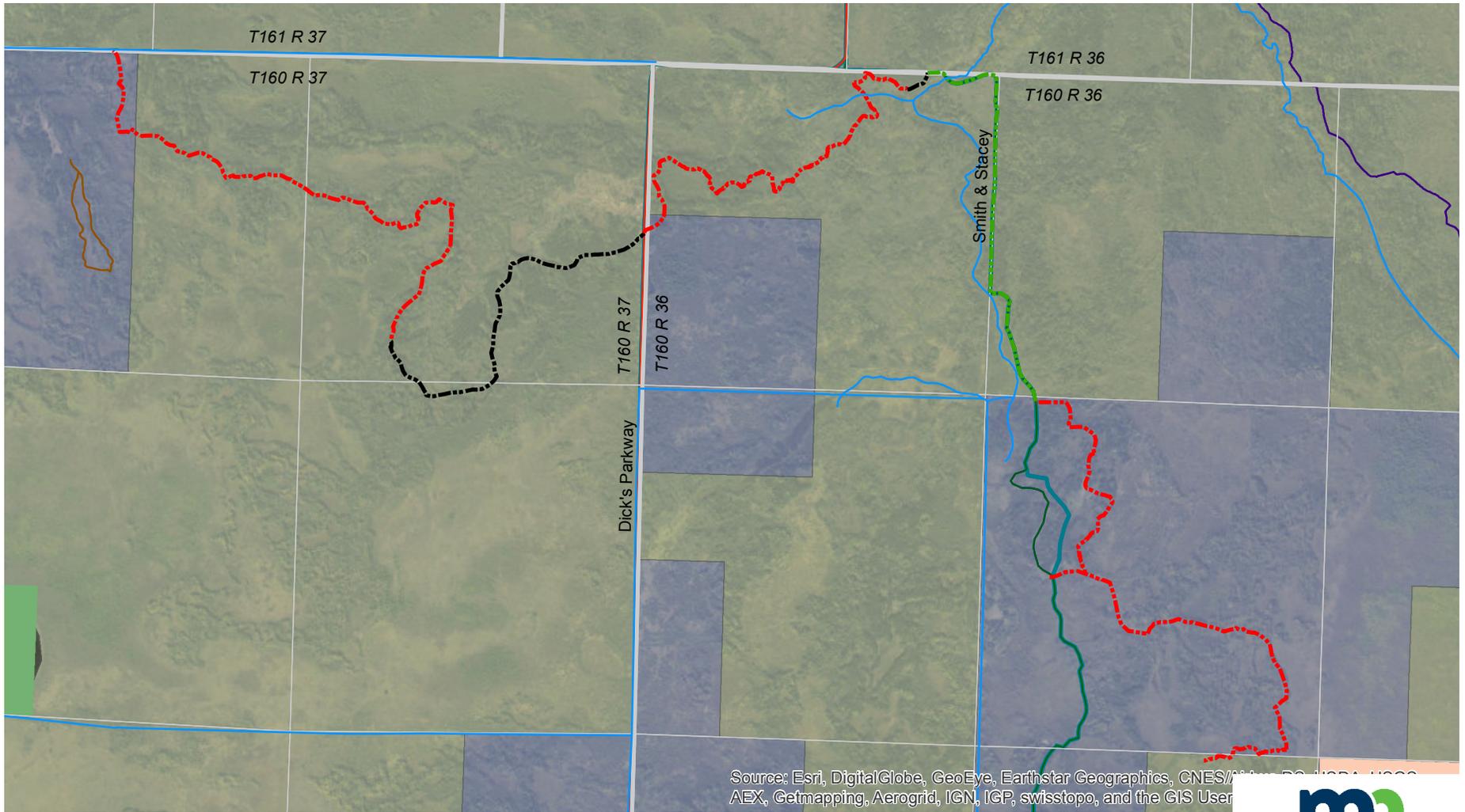
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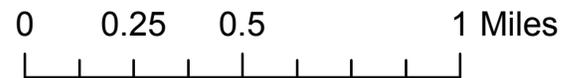
Beltrami Island State Forest Proposed Trail Connections Star of the North HWT



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community



Legend	
	Proposed New Hunter-Walking Trail
	Proposed Open Access Trail/HWT
	Proposed MMR/Duel Designated HWT
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PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

March 28, 2017

The Board of Commissioners of Roseau County, Minnesota met in the Courthouse in the City of Roseau, Minnesota on Tuesday, March 28, 2017 at 9:00 a.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Board Chair Mark Foldesi. The Pledge of Allegiance was recited. Commissioners present were Roger Falk, Mark Foldesi, Glenda Phillipe, Jack Swanson and Russell Walker.

APPROVAL OF AGENDA

Appointment of an Extension Committee member was added to the Auditor's Department Report. A motion to approve the amended Agenda was made by Commissioner Phillipe, seconded by Commissioner Walker and carried unanimously.

COMMENTS AND ANNOUNCEMENTS

Commissioner Swanson announced that the State Commissioner of Agriculture, Dave Frederickson, will be in Roseau on April 4, 2017 and would like to visit with the County Board at their Committee of the Whole meeting that same day, if time permits. Commissioner Phillipe shared a Minnesota Department of Human Services brochure on the Telephone Equipment Distribution Program informational meetings being held in Warroad and Roseau.

APPROVE BILLS

A motion was made by Commissioner Swanson, seconded by Commissioner Falk and carried unanimously to approve the payment of the following bills:

Warrants Approved For Payment 3/16/2017

<u>Vendor Name</u>	<u>Amount</u>
JOHNSON/RODNEY G & JEAN E	3,052.00
ROSEAU ELECTRIC COOP INC	11,081.53
22 Payments less than 2,000.00	2,856.86
Final Total:	16,990.39

Warrants Approved For Payment 3/23/2017

<u>Vendor Name</u>	<u>Amount</u>
MN ENERGY RESOURCES	3,754.22
SATHER LAW OFFICE	7,778.03
3 Payments less than 2,000.00	1,354.54
Final Total:	12,886.79

Warrants Approved On 3/28/2017 For Payment 3/31/2017

<u>Vendor Name</u>	<u>Amount</u>
AVIANDS LLC	8,408.76
GEO-COMM CORPORATION	4,030.00
JOHNSON OIL CO INC	4,545.00
LIFECARE MEDICAL CENTER	4,468.59
MSOP-MN SEX OFFENDER PROGRAM	4,144.00

REGENTS OF U OF MINNESOTA	17,907.75
SJOBORG'S INC	2,435.25
STAUFFER/CHRIS	2,400.00
VOYAGEURS COMTRONICS CORPORATION	2,702.24
43 Payments less than 2,000.00	19,709.27
Final Total:	70,750.86

PUBLIC HEARING

A motion to open the Public Hearing on Revised Ordinance No. 29 was made by Commissioner Swanson, seconded by Commissioner Walker and carried unanimously.

Coordinator Pelowski reviewed the revisions to Ordinance No. 29 noting changes to the ordinance necessary to comply with the National Flood Insurance Program. No written or oral comments were received.

A motion to close the Public Hearing was made by Commissioner Swanson, seconded by Commissioner Phillipe and carried unanimously.

A motion was made by Commissioner Walker, seconded by Commissioner Falk and carried unanimously to adopt Revised Ordinance No. 29 as follows:

ROSEAU COUNTY FLOODPLAIN MANAGEMENT ORDINANCE ORDINANCE NO. 29

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- 1.1 **Statutory Authorization:** The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 394 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Board of Commissioners of Roseau County, Minnesota, does ordain as follows.
- 1.2 **Purpose:**
 - 1.21 This ordinance regulates development in the flood hazard areas of Roseau County. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
 - 1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
 - 1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

SECTION 2.0 GENERAL PROVISIONS

- 2.1 **Lands to Which Ordinance Applies:** This ordinance applies to all lands within the jurisdiction of Roseau County located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts. The boundaries of the floodplain districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with 2.12 below.
- 2.11 Where a conflict exists between the floodplain limits illustrated on the official floodplain map(s) and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
- 2.12 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Roseau County Board of Adjustment.
- 2.2 **Incorporation of Maps by Reference:** The following maps together with all attached material are hereby adopted by reference and declared to be a part of this ordinance. The attached material includes the Flood Insurance Study for Roseau County, Minnesota, and Incorporated Areas, dated April 19, 2017 and the Flood Insurance Rate Map Index for Roseau County, Minnesota, and Incorporated Areas, all dated April 19, 2017 and prepared by the Federal Emergency Management Agency. These materials are on file in the Roseau County Environmental Office (RCEO).
- 2.3 **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 2.4 **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of Roseau County or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- 2.5 **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
- 2.6 **Definitions:** Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.
- 2.611 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- 2.612 Base Flood – the flood having a one percent chance of being equaled or exceeded in any given year.
- 2.613 Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.
- 2.614 Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- 2.615 Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
- (a) Certain conditions as detailed in the zoning ordinance exist.
- (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

- 2.616 Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 2.617 Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- 2.618 Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.
- 2.619 Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- 2.620 Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- 2.621 Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Roseau County, Minnesota.
- 2.622 Flood Insurance Rate Map – An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- 2.623 Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- 2.624 Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- 2.625 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- 2.626 Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
- 2.627 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- 2.628 New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.
- 2.629 One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).
- 2.630 Principal Use or Structure – all uses or structures that are not accessory uses or structures.

- 2.631 Reach – a hydraulic engineering term to describe a longitudinal segment 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 most typically constitute a reach.
- 2.632 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- 2.633 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 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- 2.634 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- 2.635 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- 2.636 Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- 2.637 Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 2.638 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 10.22 of this ordinance and other similar items.
- 2.639 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 2.640 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes

structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

- 2.7 **Detachments.** The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of Roseau County after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 3.0 ESTABLISHMENT OF FLOODPLAIN DISTRICTS

3.1 Districts:

3.11 Floodway District. The Floodway District includes those areas within Zone AE (that have a floodway delineated) as shown on the Flood Insurance Rate Map adopted in Section 2.2. For lakes, wetlands and other basins within Zone AE (that do not have a floodway delineated) the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3.12 Flood Fringe District. The Flood Fringe District includes areas within Zone AE (that have a floodway identified) on the Flood Insurance Rate Map adopted in Section 2.2, but located outside of the floodway. For lakes, wetlands and other basins within Zone AE (that do not have a floodway delineated) the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3.13 General Floodplain District. The General Floodplain District includes areas within Zones A or AE (that do not have a floodway identified) as shown on the Flood Insurance Rate Map adopted in Section 2.2.

- 3.2 **Applicability:** Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 5 or 6 will apply, depending on the location of a property. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 5 apply unless the floodway boundary is determined, according to the process outlined in Section 7.2.

SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

- 4.1 Permit Required. A permit must be obtained from the RCEO to verify a development meets the standards outlined in this ordinance prior to conducting the following activities:

4.11 The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.

4.12 The use or change of use of a building, structure, or land.

- 4.13 The construction of a dam, on-site septic system, or fence, although a permit is not required for a farm fence as defined in this ordinance.
 - 4.14 The change or extension of a nonconforming use.
 - 4.15 The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - 4.16 The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 - 4.17 Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
 - 4.18 Any other type of “development” as defined in this ordinance.
- 4.2 Building Sites. If a proposed building site is in a floodplain district, all new construction and substantial improvements (including the placement of manufactured homes) must be:
- 4.21 Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 4.22 Constructed with materials and utility equipment resistant to flood damage;
 - 4.23 Constructed by methods and practices that minimize flood damage; and
 - 4.24 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.
- 4.3 Flood Capacity. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.
- 4.4 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

SECTION 5.0 FLOODWAY DISTRICT (FW)

- 5.1 **Permitted Uses:** The following uses, subject to the standards set forth in Section 5.2, are permitted uses:
- 5.11 General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
 - 5.12 Industrial-commercial loading areas, parking areas, and airport landing strips.
 - 5.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
 - 5.14 Residential yards, lawns, gardens, parking areas, and play areas.
 - 5.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources’ Area Hydrologist is notified at least ten days prior to issuance of any permit.
- 5.2 **Standards for Floodway Permitted Uses:**
- 5.21 The use must have a low flood damage potential.

5.22 The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.

5.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

5.3 **Conditional Uses:** The following uses may be allowed as conditional uses following the standards and procedures set forth in Sections 11.4 and 5.4 of this ordinance.

5.31 Structures accessory to the uses listed in 5.11 – 5.13 above and the uses listed in 5.32 - 5.33 below.

5.32 Extraction, fill and storage of soil, sand, gravel, and other materials.

5.33 Marinas, boat rentals, permanent docks, piers, wharves, and water control structures.

5.34 Storage yards for equipment, machinery, or materials.

5.35 Construction of fences that obstruct flood flows. Farm fences, as defined in section 2.619, are permitted uses.

5.36 Travel-ready recreational vehicles meeting the exception standards in Section 10.22.

5.37 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

5.4 **Standards for Floodway Conditional Uses:**

5.41 All Uses. A conditional use must not cause any increase in the regional flood elevations or cause an increase in flood damages in the reach or reaches affected.

5.42 Fill; Storage of Materials and Equipment:

(a) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

(b) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the RCEO has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

5.43 Accessory Structures. Accessory structures, as identified in Section 5.31, may be permitted, provided that:

(a) Structures are not intended for human habitation;

(b) Structures will have a low flood damage potential;

(c) Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;

(d) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;

(e) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures

must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.

- (f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
- (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

- 5.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
- 5.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- 5.46 Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

SECTION 6.0 FLOOD FRINGE DISTRICT (FF)

- 6.1 **Permitted Uses:** Permitted uses are those uses of land or structures that comply with the standards in Sections 6.2.
- 6.2 **Standards for Flood Fringe Permitted Uses:**
- 6.211 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
- 6.212 Accessory Structures. As an alternative to the fill requirements of section 6.211, structures accessory to the uses identified in Section 6.1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
- (a) The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
 - (b) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation
 - (c) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

(1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

6.213 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

6.214 All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

6.215 All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

6.216 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the County.

6.217 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

6.218 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

6.219 Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.

6.3 **Conditional Uses:** The following uses and activities may be allowed as conditional uses following the procedures in Section 11.4 of this ordinance.

6.31 Any structure that is not elevated on fill or floodproofed in accordance with Sections 6.211 and 6.212 of this ordinance.

6.32 Storage of any material or equipment below the regulatory flood protection elevation.

6.33 The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 6.46.

6.4 **Standards for Flood Fringe Conditional Uses:**

6.41 The standards listed in Sections 6.214 through 6.219 apply to all conditional uses.

6.42 Residential basements, as defined by Section 2.614 of this ordinance, are not allowed below the regulatory flood protection elevation.

6.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, meeting the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure

watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- 6.44 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
- 6.45 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
- (a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding. Structure shall be subject to a nonconversion agreement with upon the issuance of any permit.
- (b) Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
- (1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
- (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

SECTION 7.0 GENERAL FLOODPLAIN DISTRICT (GF)

7.1 Permitted Uses:

- 7.11 The uses listed in Section 5.1 of this ordinance, Floodway District Permitted Uses, are permitted uses.
- 7.12 All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 7.2 below. Section 5.0 applies if the proposed use is determined to be in the Floodway District. Section 6.0 applies if the proposed use is determined to be in the Flood Fringe District.

7.2 Procedures for Determining Floodway and Flood Fringe Boundaries and Regional Flood Elevations:

- 7.21 Upon receipt of an application for a permit or other approval within the General Floodplain District, the RCEO must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

- 7.22 If regional flood elevation and floodway data are not readily available, or the application involves a project exceeding the lesser of five acres or 50 lots, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 7.23 below.
- 7.23 The determination of floodway and flood fringe must include the following components, as applicable:
- (a) Estimate the peak discharge of the regional (1% chance) flood.
 - (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
- 7.24 The RCEO will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The RCEO may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the RCEO may approve or deny the application.
- 7.25 Once the Floodway and Flood Fringe District boundaries have been determined, the RCEO must process the permit application consistent with the applicable provisions of Section 5.0 and 6.0 of this ordinance.

SECTION 8.0 SUBDIVISION STANDARDS

- 8.1 **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
- 8.11 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- 8.12 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the County. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- 8.13 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- 8.14 In the General Floodplain District, applicants must provide the information required in Section 7.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- 8.15 Subdivision proposals must be reviewed to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage within a floodplain district,
- (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (c) Adequate drainage is provided to reduce exposure of flood hazard.

SECTION 9.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

- 9.1 **Public Utilities:** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- 9.2 **Public Transportation Facilities:** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- 9.3 **On-site Water Supply and Sewage Treatment Systems:** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

SECTION 10.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES.

- 10.1 **Manufactured Homes:** New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:
 - 10.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.
 - 10.12 Placement or replacement of manufactured home units in the Flood Fringe District is subject to the requirements of Section 6 of this ordinance and the following standards.
 - (a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - (b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 8.12 of this ordinance.
- 10.2 **Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the requirements below.
 - 10.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 10.22:
 - (a) Individual lots or parcels of record.

- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium-type associations.

10.22 Criteria for Exempt Recreational Vehicles:

- (a) The vehicle must have a current license required for highway use.
- (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4.2 and 6.212 of this ordinance.

SECTION 11.0 ADMINISTRATION

11.1 **Duties:** The RCEO, as designated by the County Board, must administer and enforce this ordinance.

11.2 **Permit Application Requirements:**

11.21 Application for Permit. Permit applications must be submitted to the RCEO on the forms provided. The permit application must include the following as applicable:

- (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
- (b) Location of fill or storage of materials in relation to the stream channel.
- (c) Copies of any required municipal, county, state or federal permits or approvals.
- (d) Other relevant information requested by the RCEO as necessary to properly evaluate the permit application.

11.22 Certification. The applicant is 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. Floodproofing measures must be certified by a registered professional engineer or registered architect. Accessory structures designed in accordance with Section 6.212 of this ordinance are exempt from certification, provided sufficient documentation is provided.

11.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the RCEO stating that the use of the building or land conforms to the requirements of this ordinance.

11.24 Record of First Floor Elevation. The RCEO must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The RCEO must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

11.25 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the RCEO must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

11.26 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the RCEO must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

11.3 Variances:

11.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable State Statutes and Section 3.03 of the Roseau County Shoreland Management Ordinance.

11.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

11.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

11.34 Flood Insurance Notice. The RCEO must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

11.35 General Considerations. The Board of Adjustment may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

(a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(b) The danger that materials may be swept onto other lands or downstream to the injury of others;

(c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(e) The importance of the services to be provided by the proposed use to the community;

(f) The requirements of the facility for a waterfront location;

(g) The availability of viable alternative locations for the proposed use that are not subject to flooding;

- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

11.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The RCEO must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

11.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

11.38 Record-Keeping. The RCEO must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

11.4 Conditional Uses:

11.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 3.02 of the Roseau County Shoreland Management Ordinance.

11.42 Factors Used in Decision-Making. In passing upon conditional use applications, the Board of Adjustment must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

11.43 Conditions Attached to Conditional Use Permits. The Board of Adjustment may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

11.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The RCEO must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

11.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SECTION 12.0 NONCONFORMITIES

12.1 Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.643(b) of this ordinance, are subject to the provisions of Sections 12.11 – 12.16 of this ordinance.

12.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 12.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

12.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 12.14 below.

12.13 If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Section 5.0 or 6.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the current proposal, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 5.0 or 6.0 of this ordinance.

12.14 If any nonconformity is substantially damaged, as defined in this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 5.0 or 6.0 of this ordinance will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

12.15 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.638 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 13.0 VIOLATIONS AND PENALTIES

13.1 Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

13.2 Other Lawful Action: Nothing in this ordinance restricts Roseau County from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the County within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

13.3 Enforcement: In responding to a suspected ordinance violation, the County may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party.

SECTION 14.0 AMENDMENTS

14.1 Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Maps must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is

contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

14.2 Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

14.3 Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.2 of this ordinance.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

CONSENT AGENDA

A motion to approve the Consent Agenda was made by Commissioner Walker, seconded by Commissioner Swanson and carried unanimously. The Board, by adoption of its Consent Agenda, approved the March 14, 2017 Regular Board Meeting Proceedings, as amended; approved the March 21, 2017 Special Board Meeting Proceedings; approved a Roseau County Trailblazers 3rd Benchmark in the amount of \$28,515.25; approved a Roseau/Lake of the Woods Sportsman's Club Request for Reimbursement, in the amount of \$6,452.46, for rock and fabric on the Lund Trail; approved a Minnesota Lawful Gambling Permit for the Roseau/Lake of the Woods Sportman's Club raffle to be held on September 16, 2017 at Carps Pit Recreational Area; and, approved the purchase of a two-way radio system from Roger's Two Way Radio, in the amount of \$17,949.00.

DEPARTMENT REPORTS

Veterans Service Officer

Veterans Service Officer (VSO) Martin Howes requested the Board authorize an increase in the VSO budget in order to accommodate the hire of a seasonal employee. A motion to authorize an increase, not to exceed \$8,000.00 for budget year 2017, was made by Commissioner Swanson, seconded by Commissioner Phillippe and carried unanimously.

Auditor

Auditor Martha Monsrud met with the Board to discuss the sale of unimproved County fee land. A motion was made by Commissioner Swanson, seconded by Commissioner Phillippe and carried unanimously to adopt the following Resolution:

2017-03-05

WHEREAS, Roseau County desires to offer for sale certain parcels of unimproved nonconforming County fee land pursuant to MS. 373.01, Sub (i) to adjoining landowners in Section 6, Township 162N, Range 44W, (approximately 240.53 acres);

WHEREAS, the Roseau County Auditor is hereby authorized to notify adjoining landowners of said sale;

WHEREAS, a minimum price per parcel has been set at 90% of the estimated market value of each parcel;

WHEREAS, the terms of the sale will be cash only, including any applicable fees;

WHEREAS, all mineral and mineral rights will be reserved by Roseau County;

NOW, THEREFORE BE IT RESOLVED, that the Roseau County Board of Commissioners authorizes the land sale to take place on Monday, May 8, 2017 at 9:00 a.m., in the Roseau County Board Room;

BE IT FURTHER RESOLVED, that the bidders must submit sealed written bids to the County Auditor's Office by 4:30 pm, May 5, 2017, and that the bidders will be allowed to offer oral amendments to their written bid at the sale, if applicable;

BE IT FURTHER RESOLVED, that the Roseau County Board and Roseau County Auditor are authorized to issue a Quit Claim Deed for the property to the highest bidder.

The Board reviewed an application for an appointment to the Roseau County Extension Committee. A motion to appoint Pat Hockstedler to the Roseau County Extension Committee for a three year term beginning January 1, 2017, was made by Commissioner Phillippe, seconded by Commissioner Walker and carried unanimously.

COUNTY BOARD ITEMS

Commissioner Committee Reports

Commissioner Falk reported on the following committee(s): Whitney Lake Project meeting, 3/16/17; Roseau County Extension Committee, 3/20/17; Special Board meeting, 3/21/17; Social Services Board, 3/21/17; Highway Committee, 3/21/17; Joint Powers Natural Resource Board, 3/27/17.

Commissioner Foldesi reported on the following committee(s): Homeland Security Emergency Management interviews, 3/13-3/14/17; Special Board meeting, 3/21/17; Social Services Board, 3/21/17; Highway Committee, 3/21/17.

Commissioner Phillippe reported on the following committee(s): Lake Township Board, 3/15/17; Retired Senior Volunteer Program, 3/16/17; One Watershed, One Plan, 3/16/17; Warroad Parks and Rec, 3/16/17; Warroad EDA/Rural Business Enterprise Grant, 3/17/17; Land of the Dancing Sky Area Agency on Aging, 3/20/17; County Board Special meeting, 3/21/17; Social Services Board, 3/21/17; Highway Committee, 3/21/17; Warroad City Council, 3/27/17.

Commissioner Swanson reported on the following committee(s): Homeland Security Emergency Management interviews, 3/13-3/14/17; Roseau Community Education Advisory Council, 3/15/17; Northwest Minnesota Multi-County Housing and Redevelopment Authority, 3/15/17; Big Four, 3/17/17; Roseau County Extension Committee, 3/20/17; Special County Board meeting, 3/21/17; Social Services Board, 3/21/17; Highway Committee, 3/21/17; Association of Minnesota Counties (AMC) Transportation Task Force, 3/22/17; AMC Task Force, 3/24/17.

Commissioner Walker reported on the following committee(s): Reine Township meeting, 3/14/17; Golden Valley Township meeting, 3/14/17; Minnesota Rural Counties meeting, 3/15/17; Whitney Lake Project meeting, 3/16/17; Special County Board meeting, 3/21/17; Social Services Board, 3/21/17; Highway Committee, 3/21/17; Joint Powers Natural Resource Board, 3/27/17.

Upon motion carried, the Board adjourned the regular meeting at 12:35 p.m. The next regular meeting of the Board is scheduled for April 11, 2017 at 9:00 a.m.

Attest:

Date: _____

Jeff Pelowski, County Coordinator
Roseau County, Minnesota

Mark Foldesi, Chair
Board of County Commissioners
Roseau County, Minnesota

DRAFT

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.
 Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Ruffed Grouse Society - Lake of the Woods ^{CHAMP} Previous Gambling Permit Number: X-34326-16-028
 Minnesota Tax ID Number, if any: 82826159 Federal Employer ID Number (FEIN), if any: 46-4002219
 Mailing Address: 310 Main Ave NE
 City: Warroad State: MN Zip: 56763 County: ROSEAU
 Name of Chief Executive Officer (CEO): Chuck Lindner
 Daytime Phone: 218 386 1246 x 222 Email: clindner@wititel.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
 Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- A current calendar year Certificate of Good Standing**
 Don't have a copy? Obtain this certificate from:
 MN Secretary of State, Business Services Division
 60 Empire Drive, Suite 100
 St. Paul, MN 55103
 Secretary of State website, phone numbers:
www.sos.state.mn.us
 651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
 If your organization falls under a parent organization, attach copies of both of the following:
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Springsteel Resort
 Address (do not use P.O. box): 38004 Beach St. Warroad
 City or Township: Lake Township Zip: 56763 County: ROSEAU
 Date(s) of activity (for raffles, indicate the date of the drawing): May 5th 2017
 Check each type of gambling activity that your organization will conduct:
 Bingo Paddlewheels Pull-Tabs Tipboards
 Raffle (total value of raffle prizes awarded for the calendar year, including this raffle: \$ 12,400⁰⁰)

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LG220 Application for Exempt Permit

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

CITY APPROVAL
for a gambling premises located within city limits

The application is acknowledged with no waiting period.

The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).

The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

COUNTY APPROVAL
for a gambling premises located in a township

The application is acknowledged with no waiting period.

The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.

The application is denied.

Print County Name: Roseau

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)
On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: Lake Park

Signature of Township Officer: [Signature]

Title: Supervisor Date: 04/03/17

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: [Signature] Date: 3/28/17

(Signature must be CEO's signature; designee may not sign)

Print Name: Chuck Lindner

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:
A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- a copy of your proof of nonprofit status, and
- application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?
Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.



Roseau County Request for Board Action

Agenda Item #: County Board Item 1 <small>(for office use only)</small>	
Requested Board Date:	April 11, 2017
Originating Department: Coordinator	
Subject Title (as it will appear on the Agenda): Commissioner Committee Reports	Presenter: Commissioners
	Estimated Amount of Time Needed for Discussion: <input type="checkbox"/> < 5 minutes <input type="checkbox"/> 5 minutes <input type="checkbox"/> 10 minutes <input type="checkbox"/> 15 minutes <input checked="" type="checkbox"/> 30 minutes <input type="checkbox"/> >30 minutes
Board Action Requested: Commissioners will present their Committee Reports.	
Background: Commissioner Phillippe and Commissioner Swanson's Committee reports are attached.	
Supporting Documentation: <input checked="" type="checkbox"/> Attached <input type="checkbox"/> None	
Agenda Classification for County Board Meeting:	
<input type="checkbox"/> Delegations	<input type="checkbox"/> Consent Agenda
<input type="checkbox"/> Department Reports	<input type="checkbox"/> Committee Reports
<input checked="" type="checkbox"/> County Board Items	<input type="checkbox"/> Other

FOR OFFICE USE ONLY:

Board Action: Approved as Requested: _____ Denied: _____ Tabled: _____ Other: _____	Distribution/Filing Instructions:
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**Roseau County Board
April 2017 Meetings**

Glenda A. Phillippe
District One

March 31: 1W1P – Warroad

April 4: Operations – Roseau

April 4: COW – Roseau

April 4: NW Regional Development Commission – Warren

April 10: Warroad City Council – Warroad

April 11: Roseau County Board – Roseau

April 11: Building Committee – Roseau

JACK SWANSON COMMITTEE REPORTS

MARCH 29, 2017 - ROSEAU ECONOMIC DEVELOPMENT AUTHORITY

MARCH 30, 2017 - ROSEAU COUNTY AFFORDABLE HOUSING FUND; met w/ representatives of NW MN HRA - no changes to rules/parameters for loan fund

MARCH 31, 2017 - ASSOCIATION OF MINNESOTA COUNTIES TRANSPORTATION TASK FORCE TELECONFERENCE; AMC will attempt to arrange a media tour across Minnesota in the next several weeks, in support of AMC's compromise proposal

APRIL 3, 2017 - ROSEAU CITY COUNCIL

APRIL 3, 2017 - ROSEAU MUNICIPAL AIRPORT LONG-RANGE DEVELOPMENT OPEN HOUSE

APRIL 4, 2017 - OPERATIONS COMMITTEE

APRIL 4, 2017 - COMMITTEE OF THE WHOLE

APRIL 4, 2017 - CITY OF ROSEAU/ FEDERAL EMERGENCY MANAGEMENT AGENCY TOWN HALL MEETING

APRIL 5, 2017 - COMMUNITY JUSTICE COORDINATING COMMITTEE

APRIL 5, 2017 - ASSOCIATION OF MINNESOTA COUNTIES EXECUTIVE COMMITTEE (NISSWA)

APRIL 6, 2017 - ASSOCIATION OF MINNESOTA COUNTIES LEADERSHIP SUMMIT (NISSWA)

APRIL 7, 2017 - ASSOCIATION OF MINNESOTA COUNTIES LEADERSHIP SUMMIT (NISSWA)

APRIL 10, 2017 - REP. DAN FABIAN TOWN HALL MEETING (ROSEAU CITY HALL)