



**MONTROSE
PLANNING AND ZONING COMMISSION MEETING
AGENDA**

**Wednesday, April 10, 2024
7:00 PM**

**Montrose Community Center
200 Center Avenue South
Montrose, Minnesota 55363**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes
 - A. February 14, 2024 Planning and Zoning Commission Meeting Minutes
6. Public Hearing
 - A. To Consider an Amendment to the Floodplain Regulations of the Montrose City Code, Chapter 1095-1 and other Sections Necessary to Reflect the Changes to Revised Floodplain Mapping from FEMA
 - i. Planner Report
 - ii. Proposed Ordinance and Resolution for Council Approval
7. Old Business
 - A. No Old Business
8. New Business
 - A. No New Business
9. Next Meeting
 - A. Wednesday, May 8, 2024 to be held at the Montrose Community Center – 7:00 p.m.
10. Adjournment

*** * Please note that a quorum of the City Council may be present at the Planning and Zoning Commission Meeting. * ***

City of Montrose
 Planning and Zoning Commission Meeting
 Montrose Community Center
 200 Center Avenue South
 Wednesday, February 14, 2024
 7:00 P.M.

1. CALL TO ORDER

Pursuant to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, February 14, 2024 at 7:00pm.

Planning and Zoning Commission Chair, Mr. Charles Smallwood, called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Commissioner Charles Smallwood
 Commissioner Catherine Neiberger
 Commissioner Roger Fraumann
 Commissioner Shawn Cuff
 City Council Liaison Sam Solarz

Staff Present: Ms. Jessica Bonniwell, City Administrator
 Mr. Steve Gritman, City Planner

Absent: Commissioner Sylvia Henry

3. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was taken.

4. APPROVAL OF THE AGENDA

Commissioner Fraumann motioned to approve the February 14, 2024 Planning and Zoning Meeting Agenda as presented. Commissioner Cuff seconded the motion. Motion carried 4-0.

5. APPROVAL OF THE MINUTES

A. January 10, 2024 Planning and Zoning Commission Meeting Minutes

Commissioner Fraumann motioned to approve the January 10, 2024 Planning and Zoning Commission Meeting Minutes as presented. Commissioner Cuff seconded the motion. Motion carried 4-0.

6. PUBLIC HEARING

- A. To Consider an Application from SJB Masonry for a Conditional Use Permit and Replat, Related to a Proposal for Accessory Outdoor Storage for a Contractor's Business, and Modifications to the Allowed Surfacing for the Storage Area, all Located in the I-1, Light Industrial District.**

Commissioner Smallwood closed the Planning and Zoning Meeting at 7:04 p.m. and opened the Public Hearing.

Mr. Gritman reviewed his report to the Commission regarding the SJB Masonry Conditional Use Permit and Final Plat Application as follows:

Background and Analysis:

SJB Masonry is seeking approval of a Final Plat and Conditional Use Permits to allow for development and use of currently vacant land in the “Montrose Business Park” for a contractor’s building, yard, and storage. The property consists of two platted outlots (Outlots B and D) which are to be replatted into a single lot and block for development, including dedication of right of way area for the existing cul-de-sac street (Energy Drive).

The Conditional Use Permit application covers two proposed conditions of the project development. First, while contractors’ yards and uses are allowed in the applicable I-1, Light Industrial zoning district, accessory Outdoor Storage is allowed only by CUP. Second, the applicable section of the zoning ordinance requires that such storage areas should be paved but creates an option for the City to consider other surfacing, again by CUP.

The subject property consists of a total of approximately 8.9 acres, and as shown on the accompanying map, is zoned I-1, Light Industrial. B-2, Highway Commercial property is located to the south of the subject property, and the parcel to east adjoining Clementa Avenue SW is occupied by Xcel Energy as a work and storage facility.

Outdoor Storage:

The applicable clause regulating this CUP is as follows:

E. Open and outdoor storage (not outdoor sales lots) as an accessory use provided that:

1. The storage area is landscaped and screened from view of neighboring uses, residential zoning districts, and public rights-of-way per Section 1020-5 of this Ordinance.
2. The storage area is fenced in a manner approved by the city.
3. Storage area is blacktopped or concrete surfaced unless specifically approved by the City Council.
4. All lighting shall be in compliance with Section 1016-8 of this Ordinance or other lighting standards in place at the time of project approval.
5. The storage area does not take up parking space as required for conformity to this Ordinance.
6. The property shall not abut property zoned for residential or business use.
7. The storage area is not located in a front yard.
8. The storage area shall not abut a school or a public park.
9. Storage shall not include material considered hazardous under Federal or State Environmental Law.

The site plan identifies a proposed building on the parcel, with access from the Energy Drive cul-de-sac in the southeast corner of the site. The access drive provides passenger and truck access to the parking lot to the west, and to the proposed storage area to the north of the building. This area is the “rear” yard of the site, consistent with the requirements item 7. Above. The area is fenced, with a gate located along the east side of the building, granting access between the front and rear portions of the site.

The only residential property in the area lies to the west of the site, and the applicant has proposed construction of an earth berm along the west boundary that would both screen view of the use from this direction, and preclude any future access from the industrial area into the residential neighborhood – a concern of the City at the time of the original plat of this area.

Residential development is also located across US Highway 12 to the south, but this area will be well screened from view of that development, particularly when the B-2 zoned parcel develops at some point in the future.

Of note, although technically unrelated to the CUP provision, is that the parking area shown – of 44 spaces – should be more than adequate to serve the 27,840 square foot building – a ratio of approximately one space per 600 feet of floor area. The parking area, circulation area, and other spaces in the front (south and west) of the building are all paved and curbed. The Engineer’s report notes that the design of the parking area should be modified slightly to ensure that the drainage and utility easements are clear for utility line maintenance. There is substantial area on the plan to accommodate these changes without loss of parking supply.

The building itself is consistent with the requirements of the code.

Staff further notes that the outdoor storage area includes a dry silo which the applicant expects to use for cement storage for off-site mixing and use on their job sites. A specially equipped truck hauls the required materials from the proposed site to the job location, where utilities are often not yet available. The applicant has indicated that no mixing is to occur on site – with the exception that the applicant expects to install some or all of the concrete work on its new project during construction.

Storage Area Surfacing. As noted in item 3 of the CUP criteria, the storage area is required to be paved, unless the City waives that requirement. No particular standards are included in the code text to direct the City’s decision-making for such requests. As such, the City is held to identifying conditions that reasonably support the waiving of an otherwise generally applicable standard.

For this request, the applicant has indicated that they both store and operate heavy equipment in the storage yard. Because of the weight and design of this equipment, paved surfaces are easily destroyed. Instead the applicant seeks a Class V or crushed surfacing that withstands the stresses better, and which can be more efficiently repaired when needed.

Staff would note that in this particular case, the proposed storage area is located between the building and a railroad line, adjoining an existing storage yard of another industrial tenant which is of mixed surfacing, and is otherwise screened from the view of the westerly residential neighborhood. The City Engineer has made a series of requirements of the stormwater management to ensure that the storm pond to the north can be protected from unwanted siltation, including a prohibition on washing out equipment in that area.

Final Plat. The property was originally platted some years ago, with the Xcel Energy site and the cul-de-sac street developed as a first phase. The properties subject to this request were final platted into outlots,

pending future development plans. As such, the site is being replatted to change the status from outlot to lot and block final lots. The City Engineer's report covers the requirements for the plat-related items. The lot will easily meet the requirements of the zoning ordinance, and is consistent with both the zoning district boundaries and the original preliminary plat.

Staff Recommendation:

Planning staff recommends approval of the Conditional Use Permit for Outdoor Storage, including a waiver of the requirement for paving the storage area, based on a finding that:

- 1) The proposed use will comply with the requirements of the zoning ordinance;
- 2) The site will include a screening berm adjoining the residential areas to the west;
- 3) The applicant has proposed a use that is permitted within the zoning district, and consistent with other intended uses in the area;
- 4) The storage area is in a relatively remote location, behind the building and adjacent to a railroad line;
- 5) The nature of the use on the site would raise issues with maintenance and site conditions if other surfacing were required.

This recommendation is conditioned on construction of the project in accordance with the submitted plans as reviewed by staff and the Commission, and compliance with the terms of the City Engineers' review letter, and any subsequent comments or requirements. Substantive changes to the site plan, or other aspects of the project may require amendment to the CUP approvals granted.

Engineer Staff Report:

Engineering staff have reviewed the Final Plat dated 1/12/2024 and construction plans dated 1/5/2024 and have the following comments:

- 1) The proposed storm water pond area shall be located within a separate outlot and deeded to the City of Montrose. The final plat shall include a blanket drainage and utility easement across the remainder of existing Outlot B and shall remain in either an outlot or separate lot for possible future expansion of the existing stormwater pond for the remainder of the development consistent with the preliminary plat.
- 2) The plat shall include right of way with a 60' radius for the cul-de-sac.
- 3) A utility easement, for storm pond maintenance access, shall be provided across the east side of the parking lot from the public road to the storm pond. The easement along the property line cannot be used for pond access because of the shallow HDPE storm sewer located in this area.
- 4) If the building will include a fire suppression system, the domestic and fire suppression water services shall be separated 10 feet outside of the building with a shut off curb stop or valve on the domestic service line located approximately 10 feet from the building.
- 5) The plan set shall include a title sheet.
- 6) The applicant shall include the following standard details in the plan: pavement section, gravel

surfacing section, trench detail for water pipe, trench detail for sewer pipe, gate valve detail, tracer wire details (MRWA standard details), and ADA parking staff signage.

- 7) A flammable waste trap and sediment trap shall be installed on the sewer service.
- 8) No concrete washout shall be completed on site. Also, no cement, sand, or aggregate shall be discharged into the sanitary sewer or storm sewer systems.
- 9) The connection to the existing sewer main shall be made with an 8" PVC sleeve on the mainline. No ferncos shall be used.
- 10) The sewer service material shall be SDR 26.
- 11) A tracer wire and tracer wire access box shall be installed on the sewer and water service.
- 12) A bituminous street patch will be required along the perimeter of the cul-de-sac adjacent to the new curb and gutter. The patch shall be a minimum of 3' in width.
- 13) Access shall be maintained to the existing sanitary sewer manhole located southwest of the proposed parking lot. Access shall be made available by moving the proposed parking lot outside of the existing utility easement and installing a gravel access road from the end of the cul-de-sac to the manhole or by providing an easement through the parking lot area and providing a curb cut and no parking area for access to the manhole with a gravel path between the parking lot and manhole.
- 14) Additional information shall be shown on the plans for the 6" drain tile inlet by the aggregate bins in the NW corner of the site.
- 15) The grading plan shall show additional grading information near the ADA parking stalls to confirm all ADA requirements are being met.
- 16) The City shall not be responsible for repair or replacement of any parking lot improvements within the existing utility easement area if needed to be removed or damaged as a result of city maintenance and access to the city utilities within the easement area.
- 17) An NPDES general construction permit is required, due to the project disturbing more than 1 acre. The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) meeting the current MPCA Construction Stormwater General Permit requirements in Section 5.
- 18) The applicant shall include the existing offsite catchment that drains to the pond, along with the existing pond parameters modeled in the existing stormwater analysis calculations.
- 19) The wet pond shall be designed per Section 18.1 of the Construction Stormwater General Permit. The following information shall be provided and pond designed per the following permit requirements:
 - a) The permanent volume (dead storage) should have 1,800 c.f. of storage below the outlet pipe (NWL) for each acre that drains to the pond.
 - b) Provide live storage for a water quality volume (calculated as an instantaneous volume) of 1" of runoff from the new impervious area.
 - c) Provide calculations showing that the water quality volume discharges no more than 5.66 cfs per acre of surface area of the basin (pond).

- d) Provide information that shows the outlet is designed to prevent the discharge of floating debris.
- 20) The pond 100-year HWL elevation shall be shown on the grading plan.
- 21) Erosion control blanket shall be installed on all slopes greater or equal to 3:1.
- 22) Inlet protection shall be installed around the two catch basins.
- 23) The applicant shall enter into a development agreement prior to recording of the final plat.
- 24) All construction shall be in accordance with the City of Montrose Standards.
- 25) The Developer shall be responsible for obtaining all permits including but not limited to the MPCA NPDES Construction Stormwater permit and MPCA permits for the cement silo.
- 26) Revised plans and documents incorporating the above referenced comments shall be submitted for review by the City Engineer prior to recording of the final plat.

Engineering staff recommend approval of the final plat contingent on the above referenced comments.

Brief discussion and questions were posed by the Planning Commission as follows:

Commissioner Neiberger stated that she did not agree that this is in a remote area as future plans show residential housing nearby, as well as having current existing housing nearby. Commissioner Neiberger stated that the proposed storage silo at a height of 55' tall does not comply with the zoning ordinance height requirements. Mr. Gritman stated that the code refers to principal buildings on a site and there is an exception for mechanical and electrical equipment and certain accessory items. Commissioner Neiberger stated that even though this is zoned Light Industrial, with the B-2 District to the south, and residential on other sides, she does not believe it is an appropriate use of the land because of those factors.

Commissioner Neiberger stated that she believes this should be considered a mix-use parcel, which would not allow the height exception for mechanical and electrical equipment. Commissioner Neiberger stated that everyone on Hill Street will have a full view of the silo and believes it would be unappealing to look at and should not be allowed. Commissioner Cuff asked if the residential property around there was developed if Commissioner Neiberger would be able to see it still from her property and she said yes, there is a direct view through the backside of Hill Street, even if additional residential development occurs. Mr. Gritman stated that this lot would be about 1,500 feet from any existing residential property. Commissioner Smallwood stated that to the west of the proposed property is a grain silo at the nearby farm that is probably just as tall as the proposed silo would be and what would be the difference. Commissioner Neiberger stated that the grain silo has existed as part of the farm and is more appealing to look at than she believes the proposed silo would be. Commissioner Neiberger is also concerned what will happen if and when the silo rusts because that would be even more unappealing to have to look at.

Commissioner Neiberger asked if this site will be similar to Cemstone in Delano which has rusted and deteriorated over time and is unappealing to look at. Mr. Bunn, the developer, stated that they are looking at silos to store dry concrete but have not purchased anything yet because they wanted to see what would be approved. Commissioner Neiberger stated that she has concerns because the developer has not submitted any plans or drawings for the silo and only has it listed in his plans and would want to know

what it would look like and know exact dimensions before approving something like that. Commissioner Cuff asked Mr. Bunn to describe the silo so the commission could get a better idea of what is being proposed. Mr. Bunn stated that it will be similar to the farm silo that is being mentioned with mechanical chutes/auger off the side to load dry concrete into their vehicles before driving offsite to mix the concrete. Commissioner Neiberger asked if his plan is to have the silo be 55' tall and Mr. Bunn stated that there are different sized silos and could possibly get two shorter ones instead of the taller 55' one. Commissioner Neiberger asked Mr. Bunn how he currently stores his cement since she did not see a silo when she went to look at his current site in Watertown. Mr. Bunn stated that he does not currently have a silo in Watertown which is one of the motivating factors to build his own building since he is only leasing space currently. Mr. Bunn stated that they currently have to purchase ready-mix concrete to work with since he does not have the dry storage silo.

Commissioner Smallwood asked if anyone had any other comments or questions. Commissioner Neiberger asked what type of siding would be on the building. Mr. Bunn explained materials that will be used for building construction. Commissioner Neiberger asked if it was planned to be a pole building and Mr. Bunn stated that yes, it is planned to be a pole building. Commissioner Neiberger stated that she is concerned about the appearance of the back or north side of the building that will be facing the railroad tracks since that will be residential someday and worry about the aesthetics of that side of the building. Commissioner Smallwood stated that he thought the building plans looked good and that it should be a nice-looking building when it is finished. Commissioner Neiberger stated that she is objecting to allowing the silo, not the project as a whole.

Commissioner Neiberger stated that she is also concerned about the cement on the property and making sure the city's stormwater and sanitary systems are protected. Commissioner Smallwood stated that it sounds like they will not be washing concrete down into the stormwater or sanitary system and will have to have a filtration system to catch any concrete remnants.

Commissioner Smallwood asked for any other public comments or questions or comments from the commission. No other public comment was made.

Commissioner Cuff motioned to close the Public Hearing and open the Planning and Zoning Commission Meeting at 7:40. Commissioner Fraumann seconded the motion. Motion carried 4-0.

Commissioner Smallwood asked if there was any other discussion or comments from the commission. Commissioner Cuff stated that he understands the concerns of Commissioner Neiberger, but that this is a positive opportunity to bring a successful business into town. Commissioner Neiberger stated that the commission need to address the height of the silo and asked if the other commissioners have comments about it. Council Member Solarz asked how tall the Water Tower in town was and Commissioner Neiberger stated that she believed it is around 130' tall. Council Member Solarz asked why Commissioner Neiberger is so concerned about the height of this silo when there are several other tall structures in the area that are similar. Council Member Solarz stated that the silo height will have to be a decision for the City Council since there is no point for the commission to sit and debate about the height and aesthetics of the proposed silo when there is a carved out exception for the I-1 and I-2 Zoning Districts for the height of mechanical and electrical equipment in the zoning code. Commissioner Neiberger stated that the height limit for the I-1 and I-2 districts is 45'. Commissioner Smallwood stated that there is an exception mechanical and other equipment and stated that he agreed with Council Member Solarz that City Council can decide if they are willing to allow a piece of equipment at the proposed height. Commissioner Fraumann stated that land use decisions were made a long time ago and as long as this application and proposed use complies with that land use, then it should be allowed.

Commissioner Cuff motioned to approve the SJB Masonry's Conditional Use Permit with all conditions recommended from the City Planner and City Engineer. Commissioner Fraumann seconded the motion. Motion carried 4-0.

7. OLD BUSINESS

A. No Old Business

8. NEW BUSINESS

A. Tax Increment Financing District 4-2 – The Preserve of Montrose

- a) Resolution 2024-05 – *A Resolution Recommending Approval of the Modification of Municipal Development District No. 4, The Adoptions of a Modified Development Program Therefor, The Establishment of Tax Increment Financing District No. 4-2 Therein and the Adoption of the Tax Increment Financing Plan Relating Thereto*

Mr. Sweeney, from David Drown Associates, stated that he was there to help provide the Planning Commission with information regarding the requested Tax Increment Financing (TIF) District No. 4-2, which has been initiated by the City Council for the Preserve Housing Development. Mr. Sweeney stated that in 2023, the Montrose City Council and EDA began working with JP Brooks on the sale and development of The Preserve of Montrose property. The sale of the property to JP Brooks has been completed, and at its January 9, 2024 City Council Meeting, the Council called for a public hearing to be held on March 11, 2024 to consider the modification of Municipal Development District No. 4, and the creation of TIF District No. 4-2 which consists of The Preserve of Montrose plat. Mr. Sweeney stated that it is anticipated that the City Council will consider creating a TIF District and authorizing the execution of a subsidy agreement for the project at the March 11, 2024 meeting as well.

Mr. Sweeney stated that as part of this process, the Planning Commission is asked to make the following finding: *The proposed development of the project area as described in the modified Municipal Development Program and Tax Increment Financing Plan are generally consistent with the City's development plan and zoning ordinances, will serve to complement the City's plans for creation of development opportunities in the City and will serve to promote the City's development objectives.*

Mr. Sweeney stated that since the property of The Preserve has an existing approved final plat, and the developer has indicated that they intend to construct attached owner-occupied housing that is consistent with the originally approved plat, it is anticipated that the Planning Commission would find that is consistent with the City's Development Plan and Comprehensive Plan and that the proposed modification to the municipal development district and adoption of the tax increment financing plan be considered for approval. Mr. Sweeney stated that Resolution 2024-05 has been included for consideration for approval.

Mr. Sweeney stated that at the recommendation of the EDA, the City Council has been working with the developer to complete the development and execute the plat that was approved many years ago. Mr. Sweeney stated that, at the recommendation of the EDA, the City is working with the developer to create a TIF district to capture the new property taxes associated with the new development that occurs there and potentially reimbursing the developer a portion of those taxes as an incentive to finish the development. Mr. Sweeney stated that, as part of the process, there is an underlying development district called a "project area" within which development

can occur and cities can create districts in which projects would be able to apply for Tax Increment Financing and capture the taxes and then have a project area in which the tax proceeds could be spent or reimbursed to developers. Mr. Sweeney stated that in large cities, they tend to have smaller project areas, but in smaller cities the areas are typically much larger and can encompass the entire city. Mr. Sweeney stated that he is asking the Planning Commission to affirm that the development is consistent with the development plans for the city.

Commissioner Neiberger asked if the homes in The Preserve development would be attached homes as originally platted, or detached homes as shown by the developer at a previous meeting. Mr. Sweeney stated that their plan is consistent with the originally approved plat and will consist mostly of attached townhomes, but will include some detached homes in a few areas, depending on the physical geography of the site, as originally platted and approved. Commissioner Neiberger asked if all of the roads within the development would have curb and gutter and Mr. Gritman stated that yes, the developer will have curb and gutter, as originally approved, and comply with current construction standards for the city. Ms. Bonniwell stated that the commission is being asked to determine if the proposed development is generally consistent with the land use already in place and the general development plan for the city. Mr. Sweeney stated that they are not being asked to approve the TIF District as the City Council will be asked to do that.

Commissioner Fraumann motioned to approve Resolution 2024-05 - *A Resolution Recommending Approval of the Modification of Municipal Development District No. 4, The Adoptions of a Modified Development Program Therefor, The Establishment of Tax Increment Financing District No. 4-2 Therein and the Adoption of the Tax Increment Financing Plan Relating Thereto.* Commissioner Neiberger seconded the motion. Motion carried 4-0.

9. NEXT MEETING

A. Wednesday, March 13, 2024 to be held at the Montrose Community Center – 7:00 p.m.

10. ADJOURNMENT

Commissioner Fraumann motioned to adjourn the meeting at 7:58 p.m. Commissioner Cuff seconded the motion. Motion carried 4-0.

Charles Smallwood
Planning and Zoning Chair
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose

MEMORANDUM

TO: Mayor Moynagh and Montrose City Council
Montrose Planning Commission

FROM: Stephen Grittman

RE: Montrose – Floodplain Map and Ordinance Revision

GC FILE NO: 130.02

DATE: April 3, 2024

MEETING DATE: April 13, 2024 (PC); May 13, 2024 (CC)

PROPERTY ADDRESS: NA

PID: NA

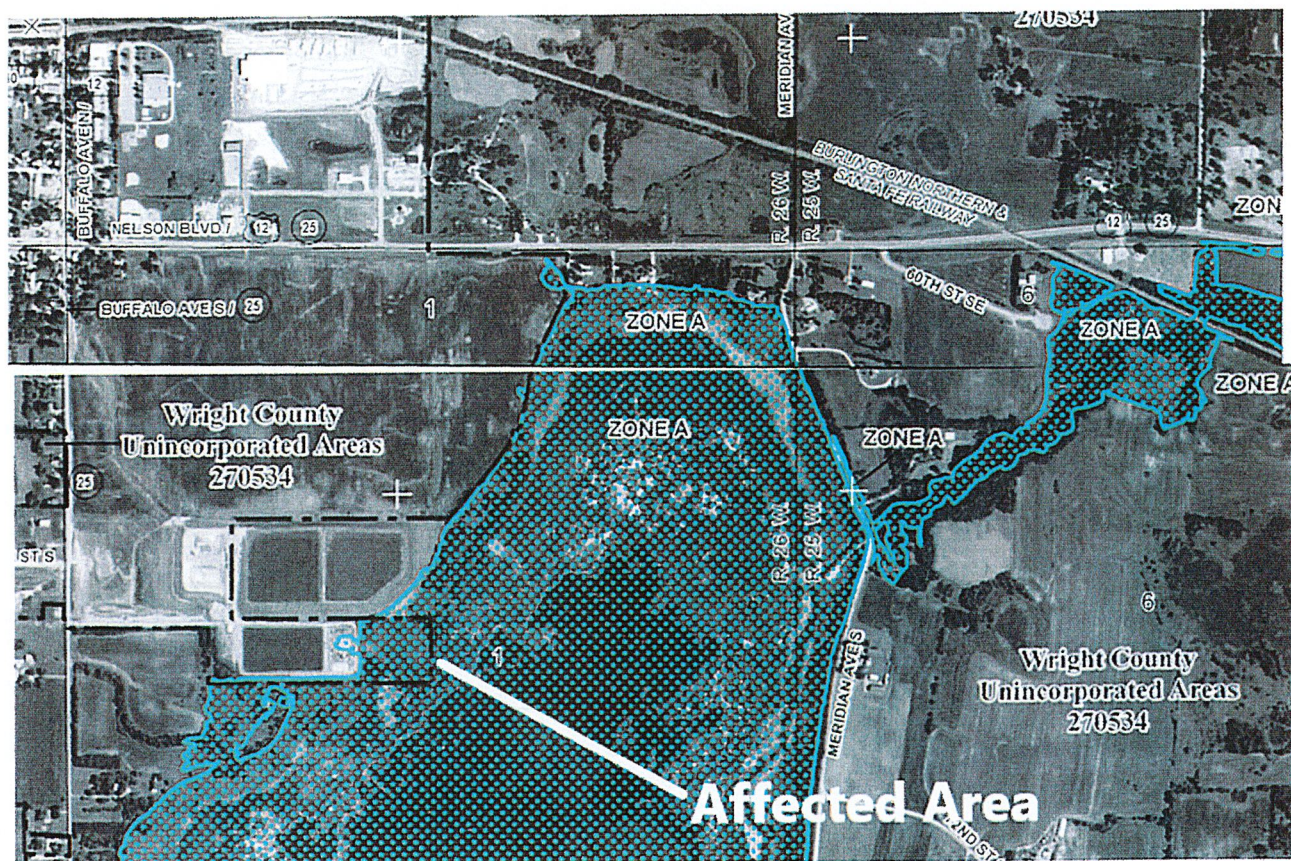
BACKGROUND

The flood hazard determination for Wright County, including Montrose, has been finalized by the Federal Emergency Management Agency (FEMA). The finalized flood hazard determinations include Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study (FIS) for Monticello. The process of updating Wright County's floodplain mapping began in 2011 and has been ongoing since that time. The prior adopted floodplain mapping for most of Wright County was dated 1979 and 1981.

As part of the requirements for continued inclusion in the National Flood Insurance Program (NFIP), the City is also required to update its local ordinances for floodplain management. Because only a small portion of the City is subject to any of the flood risk (approximately 5 acres), and that portion is a City-owned parcel in a wetland corner of the City's wastewater treatment facility, the City's Floodplain regulations require only adjustments to incorporate the new FIRM panel maps into the City's floodplain ordinance. A mosaic of the subject area is shown below for reference.

Due to comments on the flood hazard determinations received in other parts of Wright County, the final adoption for Wright County was delayed. In 2022, the City received notice that FEMA was in its final review period for the determination. After finalizing changes to mapping for these other portions of Wright County (Montrose's mapping remained generally consistent with the preliminary maps provided), the flood hazard determinations were finalized by FEMA in 2023.

In conjunction with the updated flood hazard determination for Wright County, the City is now required to update its Floodplain Overlay District ordinance to reference the final map and study dates. Staff has prepared a draft ordinance, which will be submitted to the DNR as required for their conditional review following the public hearing.



SUMMARY AND RECOMMENDATIONS

Staff requests that the Planning Commission recommend approval of the updated ordinance amendment, incorporating the revised FEMA floodplain maps and study into the City's Floodplain Overlay District Ordinance as written.

ORDINANCE NO. _____
AN ORDINANCE AMENDING THE MONTROSE CITY CODE,
CHAPTER 1095, MONTROSE FLOODPLAIN OVERLAY DISTRICT ORDINANCE,
FOR THE ADOPTION OF REVISED FLOODPLAIN DISTRICT REGULATIONS

THE CITY COUNCIL OF THE CITY OF MONTROSE ORDAINS:

SECTION 1. § 1095-1 is hereby amended as follows:

1095-1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSE: The legislature of the State has, in Minnesota Statutes Chapters 104 and 462, as may be amended, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Per the requirements of the Federal Emergency Management Agency (FEMA) the Flood Insurance Study and related Floodplain mapping has been adopted for the City of Montrose and its environs. The purpose of this ordinance is to maintain eligibility in the National Flood Insurance Program. Therefore, the City does ordain as follows:

SECTION 2. § 1095-4 is hereby amended as follows:

1095-4: GENERAL PROVISIONS:

A. Lands To Which this Chapter Applies: This District shall apply to all lands within the jurisdiction of the City shown on the Official Zoning Map and the Flood Insurance Rate Map attached thereto as being located within the boundaries of the areas designated as Zone AE or Zone A.

B. Establishment Of Official Zoning Map:

1. Adoption: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The applicable material shall include the FEMA Flood Insurance Study, adopted and effective as of June 20, 2024, and Flood Insurance Rate Maps (FIRM) for the City as follows:

FIRM Panel No. 27171C0480D

FIRM Panel No. 27171C0485D

FIRM Panel No. 27171C0490D

FIRM Panel No. 27171C0495D

The Official Zoning Map shall be on file in the office of the City Clerk and the Zoning Administrator.

2. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot (1') above the elevation of the 100-year base regional flood elevation plus any increases in flood elevation caused by encroachments on the Floodplain that result from designation of floodway.

3. C. Regional Flood Elevation For Lakes: The base regional flood level for lakes shall be as defined on the current Flood Insurance Rate Map or on the (insert date), letter from the Federal Emergency Management Agency to the City. ~~These elevations are as follows:~~

SECTION 3. The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Montrose City Code, Chapter 1095, Zoning Ordinance, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

SECTION 4. This Ordinance shall take effect and be in full force from and after its passage and publication. The ordinance in its entirety and map shall be posted on the City website after publication. Copies of the complete Ordinance and map are available online and at Montrose City Hall.

Kirby Moynagh, Mayor

ATTEST:

Jessica Bonniwell, Administrator

AYES:

NAYS:

**CITY OF MONTROSE
WRIGHT COUNTY, MINNESOTA
PLANNING COMMISSION
RESOLUTION NO. 2024-0XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTROSE
APPROVING AN AMENDMENT TO THE ZONING ORDINANCE, CHAPTER 1095,
ADOPTING REVISED FLOOD INSURANCE RATE MAPS AND
RELATED FLOODPLAIN OVERLAY DISTRICT REGULATIONS**

WHEREAS, the Federal Emergency Management Agency (FEMA) maintains a program providing flood insurance for flood-prone and other affected properties; and

WHEREAS, FEMA establishes a system identifying properties at risk of flooding, and further establishes a variable level of risk based on a variety of environmental and geographic factors; and

WHEREAS, the subject properties can be eligible to participate in the federal flood insurance program when the applicable local government has adopted the required floodplain management ordinance; and

WHEREAS, FEMA regularly conducts a study (the Flood Insurance Study – FIS) for the purpose of updating regulations and the mapping identifying the affected properties in a series of maps known as Flood Insurance Rate Maps (FIRM); and

WHEREAS, FEMA has provided notice that the updated FIS and FIRM for Wright County, including the City of Montrose, will be final as of June 20, 2024; and

WHEREAS, notice of adoption of the Final Flood Hazard Determinations that make up the FIS and FIRM were published in the Federal Register by FEMA and the Department of Homeland Security on March 18, 2024, effective on June 20, 2024; and

WHEREAS, the City of Montrose, under the guidance of the Minnesota Department of Natural Resources as the responsible agency for statewide Floodplain Management compliance, has prepared proposed updates to its Floodplain Management Overlay District for the purpose of incorporating the new FIS and FIRM, by reference, into its existing ordinance; and

WHEREAS, the revised FIRM documents include maps with the following panel numbers: 27171C0480D, 27171C0485D, 27171C0490D, and 27171C0495D; and

WHEREAS, the Planning Commission held a public hearing on the application on April 10, 2024, and members of the public were provided the opportunity to present information to the Planning Commission and comment on the proposed ordinance amendment; and

**CITY OF MONTROSE
WRIGHT COUNTY, MINNESOTA
PLANNING COMMISSION
RESOLUTION NO. 2024-0XX**

WHEREAS, the Planning Commission has considered all of the comments and the staff report, which are incorporated by reference into the resolution; and

WHEREAS, the Planning Commission and City Council of the City of Montrose make the following Findings of Fact in relation to the approval:

1. The proposed amendments are consistent with the City's interest in protecting the health, safety, and welfare of its residents, businesses, and property owners.
2. The affected areas at risk of flooding in the City of Montrose, as evidenced by the updated FIRM panels, show no currently developed or developable properties within the City at risk of flooding.
3. The proposed amendment incorporates requirements of the Federal and State agencies as required to maintain local property owner eligibility in the federal flood insurance program.
4. Failure to adopt the relevant amendments may put individual property owners and the public at significant risk if left without eligibility in the federal flood insurance program.
5. The City has complied with the procedural requirements of FEMA and DNR in considering and adopting the proposed amendments.
6. The City of Montrose supports the purposes and intent of the Federal Flood Insurance Program through proper application of floodplain management regulations, and ensuring that property owners are eligible for insurance coverage.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Montrose, Minnesota, that the proposed Amendments to the Zoning Ordinance as specified in Ordinance No. _____ are hereby adopted.

ADOPTED this ____ day of ____, 2024, by the City Council of the City of Montrose, Minnesota.

MONTROSE CITY COUNCIL

By: _____
Kirby Moynagh, Mayor

ATTEST:

Jessica Bonniwell, City Administrator