



MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
CENTRAL OFFICE  
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October 10, 2016

The Honorable Gerry De La Vega  
Mayor, City of Tonka Bay  
4901 Manitou Road  
Tonka Bay, MN 55331

## CONDITIONAL STATE APPROVAL OF FLOODPLAIN ORDINANCE & REQUIRED NEXT STEPS

Dear Honorable Mayor De La Vega,

The Department of Natural Resources (DNR) received via email on October 5, 2016, a draft floodplain management ordinance for the City of Tonka Bay from consulting planner, Addison Lewis from WSB & Associates. This ordinance is being adopted in order to incorporate the *Flood Insurance Study, Hennepin County, Minnesota and Incorporated Areas* and the accompanying Flood Insurance Rate Map panels with an effective date of November 4, 2016.

The draft ordinance will need a couple of corrections and additions to meet state and FEMA standards:

- Please insert definitions for “Flood Insurance Rate Map” and “Start of Construction” consistent with 44 CFR §59.1.
- Please reinsert provisions detailed Sections 7.25 and 7.3 of the ordinance to be consistent with the model floodplain ordinance. The “model with commentary” originally sent to the city incorrectly identifies these sections as optional, when in fact they are required under 44 CFR 60.3(a)(3 & 4).
- Please insert an Abrogation and Greater Restriction section, to identify the relationship between this ordinance and any other ordinance when a conflict exists.
- Please insert a Severability section, so that all portions of the ordinance will remain valid if any one provision is invalidated.
- Please insert a provision that requires all floodproofing measures to be certified by a registered professional engineer or architect.

These suggested changes are noted in the relevant pages of the enclosed draft.

Apart from the above items, the draft floodplain management ordinance is in compliance with the state floodplain management rules (MR 6120.5000 to 6120.6200) and, to the best of my knowledge, with the floodplain management standards of the Federal Emergency Management Agency. Therefore,



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in accordance with Minnesota Statutes, Chapter 103F, I hereby give conditional state approval of the draft floodplain management ordinance, provided the above - mentioned revisions are made.

This approval is valid upon adoption of the draft ordinance by the city and receipt by this office of **one (1) copy each of the adopted ordinance (signed and stamped with the community seal), the affidavit of publication, and the completed "Ordinance Certification Checklist"** that I have enclosed. Please forward these documents to Ceil Strauss, the DNR's State NFIP Coordinator in St. Paul at the address above in the header. Upon receipt and verification, Ms. Strauss will transmit one copy of these materials to Mr. John Devine at FEMA's Chicago Regional Office.

Please remember, FEMA must receive a signed, certified, and in-effect ordinance no later than November 4, 2016. To allow sufficient time for processing and transmittal, we request that you submit the requested materials to the DNR no later than November 1, 2016. ***If FEMA has not received the documentation by the map effective date, FEMA will suspend the City from the National Flood Insurance Program.***

Please be advised that any future amendments of this ordinance or change in the designation of flood prone areas require prior approval of the Commissioner. In addition, you are required to send copies of hearing notices and final decisions pertaining to variance, conditional uses, and ordinance amendments to this agency. Please send those to State NFIP Coordinator Ceil Strauss at the above address. Should you have any questions on this ordinance or related matters, please contact Ms. Strauss at (651) 259-5713 or ceil.strauss@state.mn.us.

While our office in St. Paul will continue to be the main contact for the ordinance update, your DNR Area Hydrologist will continue to be your main contact for day to day assistance with administering your floodplain management ordinance and questions about other DNR water-related programs and permits. Your Area Hydrologist is Kate Drewry, who can be contacted at 651-259-5753 or kate.drewry@state.mn.us.

The DNR greatly appreciates your community's cooperation and initiative in providing for the reduction of flood damages through the adoption and administration of this ordinance.

Sincerely,



Jennifer Shillcox  
Land Use Section Supervisor

Enclosures: Ordinance Certification Checklist

ec: Lindy Crawford, City Administrator – City of Tonka Bay  
Addison Lewis, Planner – WSB & Associates  
Erin Perdu, Senior Planner – WSB & Associates  
Terri Yearwood, DNR Eco-Waters' Regional Manager  
Jeanne Daniels, DNR Eco-Waters' District Manager  
Kate Drewry, Area Hydrologist