

## CRS UNIFORM MINIMUM CREDIT MINNESOTA

### SUMMARY

The Community Rating System (CRS) provides Uniform Minimum Credit (UMC) for certain state laws, regulations, and standards that support floodplain management and have proven effective in reducing flood damage.

The following table summarizes UMC credit available to all communities. The Insurance Services Office (ISO)/CRS Specialist and the community need to determine which possible additional credits apply to their area. These UMCs do not necessarily apply to Tribal Nations.

The range of credit available to communities is shown below, followed by an explanation of each activity. The credit is based on the 2013 *CRS Coordinator's Manual*.

Activity	Element	Available Credit
<b>Uniform Minimum Credit</b>		
340	Other Disclosure Requirements (ODR)	10
410	New Study (NS) and Leverage (LEV)	0 - 105
410	State Review (SR)	0 - 25
410	Floodway Standard (FWS)	0 - 50
420	Natural Shoreline Protection (NSP)	0 - 120
430	Freeboard (FRB)	12.2 - 162.5
430	State-mandated Standards (SMS)	16.3 - 20
450	Erosion & Sedimentation Control (ESC)	10
	<b>Total</b>	<b>48.5 - 502.5</b>
<b>Possible Additional Credit</b>		
450	Water Quality (WQ)	20
630	State Dam Safety (SDS)	0 - 45
	<b>Total</b>	<b>20 - 65</b>

Credit for activities in the 400 series can increase based on the Community Growth Adjustment. The CRS requires participating communities to maintain elevation certificates, which provide an additional 38 points. Five hundred points are needed for Class 9.

## UNIFORM MINIMUM CREDIT

### Activity 340. Hazard Disclosure

**Other Disclosure Requirements (ODR)** - 10 points are awarded for State Rule 6120.5900 which requires clear delineation of floodplains on all final plats (2A) and placement of signs in urban areas warning of flood danger (5A).

Minnesota law requires disclosure of material facts by sellers, but does not mandate a form or specific content. An inspection by a third party of the condition of the property may be substituted for a written disclosure by the seller. The Minnesota Association of Realtors has developed a form to satisfy this requirement. (Form not available on-line.) This form inquires as to location in the floodplain, and damage from flood and other hazards.

**Legal basis:** Minnesota State Rule 6120.5900 and *Minnesota Statute 513.52 to 513.60* at <https://www.revisor.leg.state.mn.us/rules/?id=6120.5900> and <https://www.revisor.leg.state.mn.us/statutes/?id=513>.

**Verified by:** ISO/CRS Specialists will verify that the law is still in effect, and the community has implemented these provisions.

### Activity 410. Floodplain Mapping

**New Study (NS)** - Up to 105 points are awarded for State Rule 6120.5700, Subparts 2 and 3, which require that Base Flood Elevations (BFEs) and the floodway delineation be established and reviewed for floodplain developments in unnumbered A Zones, where these calculations have not been provided. The delineations must be done for amendment or creation of zoning districts using standard engineering techniques acceptable to the state.

**Legal basis:** Minnesota State rules 6120.5600, Technical Standards and Requirements for Floodplain Evaluation (Subparts 1 and 2); 6120.5700, Minimum Standards for Local Zoning Ordinances (Subparts 1, 2 and 3); and 6120.5800, Zoning: Land Uses Permitted in Floodway and Flood Fringe Areas at <https://www.revisor.leg.state.mn.us/data/revisor/rule/current/6120/6120.5700.pdf>.

**Verification:** ISO/CRS Specialists will review permits, site plans, elevation certificates, and similar documents for those developments in the Approximate A zone. The community's ordinance provision and impact adjustment maps are needed to verify credit. A technical review is required.

**Annual UMC verification:** The ISO/CRS Specialist will verify that the regulations are still in effect, and review the calculations.

**Leverage (LEV)** - Leverage is determined to be 1.0 because someone other than FEMA or its contractor provides the Base Flood Elevation (BFE), the floodway study, and does the independent quality review for NS credit above.

**State Review (SR)** - Up to 25 points are awarded for floodplain studies that are approved by the state and are subject to an independent quality assurance review by the Minnesota Department of Natural Resources. Minnesota has been approved for state review credits as shown in the table below.

State Review (SR) QA/QC Reviews	Minnesota Communities
Hydrologic analyses	X
Hydraulic analyses	X
Coastal hazard analyses	X
Floodplain mapping	X
Independent review value (riverine studies)	1.00
Independent review value (coastal studies)	1.00
Earliest reviews	1980

Credit for independent reviews should only be given for reviews done by the community/state prior to the submission of data to the Federal Emergency Management Agency (FEMA). If a project is done as part of a Cooperating Technical Partnership Agreement (CTP) with a Mapping Activity Statement (MAS), then the reviews contained in the MAS are part of the standard process and not eligible for credit.

**Floodway Standard (FWS)** - Up to 50 points are awarded for use of Minnesota’s more restrictive floodway standard of less than 0.50 foot allowable surcharge to delineate the floodway. This only applies to floodplains where floodways are determined, so an impact adjustment is needed if the optional minimum credit is not used. Furthermore, if a community has no floodways designated in its floodplain, FWS = 0.

**Legal basis:** Minnesota State Rules 6120.5700, Minimum Floodplain Management Standards for Local Zoning Ordinances, Subpart 4, establishes the floodway standard for the delineation and regulation of flood hazard areas. It is at

<https://www.revisor.leg.state.mn.us/data/revisor/rule/current/6120/6120.5700.pdf>.

**Verification:** The technical reviewer will verify credit by reviewing flood insurance studies, impact adjustment maps, and area calculations provided by the communities.

**Annual UMC Verification:** ISO/CRS Specialists will verify that the regulations are still in effect.

## Activity 420. Open Space Preservation

**Natural Shoreline Protection (NSP)** - Up to 120 points are awarded for State Shoreline Regulations which require various measures, including setback requirements, on new developments to minimize disruption to shorelines, stream channels and their banks, including the following requirements:

- (1) On natural environment lakes, subdivisions of duplexes, triplexes, and quads must be set back at least 200 feet from the ordinary high water level (Minnesota Administrative Rules, 6120.3300, Subpart 2(B)(1);
- (2) General development must have at least a 50' setback from the ordinary high water level (Minnesota Administrative Rules, 6120.3300, Subpart 3(A)(1); and,
- (3) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed, with certain exceptions. Minnesota Administrative Rules, 6120.2500, Subpart 14c., defines shore and bluff impact zones. The prohibition is in 6120.3300, Subpart 2(B)(1).

**Legal basis:** Minnesota State Rules are at <https://www.revisor.mn.gov/rules/?id=6120>.

**Verification:** ISO/CRS Technical Reviewer will verify credit by reviewing a copy of the regulations or policy, a description of the restoration program or projects, and an impact adjustment map.

**Annual UMC Verification:** ISO/CRS Specialists will verify that the regulation is still in effect.

## Activity 430. Higher Regulatory Standards

**Freeboard (FRB)** - From 12.2 - 162.5 are awarded for requiring freeboard for new buildings. The freeboard, for both residential and non-residential buildings, is based on the "flood protection elevation," which is defined as being one foot above the water surface elevation plus uses the additional encroached elevation based on a 0.5ft allowable maximum rise. This results in a freeboard elevation of 1.5ft. There is no reference to utilities and ductwork. FRB is 75 percent of the full credit when utilities and ductwork are not protected. The credit is further reduced if the community has Approximate A Zones in its floodplain and flood elevations are not required to be determined in those areas.

**Legal basis:** Minnesota State Rules 6120.5700, Subpart 5, Flood protection elevations at

<https://www.revisor.leg.state.mn.us/data/revisor/rule/current/6120/6120.5700.pdf>.

**Verification:** ISO/CRS Specialists will verify credit by reviewing elevation certificates, permits, site plans, and similar documents for new developments in the regulatory floodplain. An impact adjustment map showing residential vs. commercial development will have to be reviewed to determine what percentage of the community’s SFHA is subject to the two-foot and one-foot freeboard requirement, respectively.

**Annual UMC Verification:** ISO/CRS Specialists will verify that the regulation is still in effect.

**State-mandated Standards (SMS)** – 16.3 to 20 points are awarded for state-mandated regulatory standards. Credit equals 0.10 times the sum of credit points for floodplain management regulatory standards. Total SMS is limited to 20 points.

State-mandated Standards		
Activity	Element	Credit
410	New Study (NS) and Leverage (LEV)	0 - 105
410	State Review (SR)	0 - 25
410	Floodway Standard (FWS)	0 - 50
420	Natural Shoreline Protection (NSP)	0 - 120
430	Freeboard (FRB)	162.5
	<b>Total</b>	<b>162.5 – 462.5</b>
	<b>x 0.1</b>	<b>16.3 - 20</b>

**Source:** Section 432.n of the *CRS Coordinator’s Manual*.

## Activity 450. Stormwater Management

**Erosion & Sedimentation Control (ESC)** – 10 points are awarded for the National Pollutant Discharge Elimination System (NPDES) Phase II Program, which requires all construction activities greater than one acre to obtain a permit from the EPA, a delegated state, or a community with a MS4 permit.

**Legal basis:** <http://www.pca.mn.gov/index.php/view-document.html?gid=7383>.

**Verification:** ISO/CRS Specialists will verify credit by reviewing permits and erosion control plans.

**Annual UMC Verification:** ISO/CRS Specialists will verify that the regulations are still in effect.

## POSSIBLE ADDITIONAL CREDIT

Some state standards are eligible for CRS credit, but may not be in effect in every community. These standards are addressed below. ISO/CRS Specialists and the communities need to determine whether they are creditable in their area.

### Activity 450. Stormwater Management

**Water Quality Regulations (WQ)** – 20 points may be awarded if new developments' stormwater management facilities are required to improve the quality of stormwater management runoff.

**Legal basis:** This is part of the National Pollutant Discharge Elimination System (NPDES), Phase II Program requirements.

**Verification:** ISO/CRS Specialists will review a copy of the local ordinance language that requires best management practices for water quality and copies of development plans showing implementation of the law.

**Annual UMC verification:** ISO/CRS Specialists will verify that best management practices for water quality are required.

### Activity 630. Dams

**State Dam Safety (SDS)** – Up to 45 points of credit for State Dam Safety Program activities based on the Dam Safety Program Management Tool. 15 points awarded for Condition Assessment, 15 points for Risk Communication and Public Awareness, and 15 points for Emergency Action Planning.

**Verification:** ISO/CRS Specialists will verify that the community is in compliance with the State Dam Safety Program. SDS credit is limited to communities that would be affected by a flood from the failure of a high-hazard-potential dam. This must be documented with a description and a map.

**Annual UMC verification:** The Federal Emergency Management Agency's Dam Safety Office annually verifies SDS credit.

## MODEL ORDINANCE

The State has developed a model ordinance for all communities to consider. This model ordinance provides more protection from flooding in communities that adopt it. No CRS credit is available for any provisions at this time. It may be found at [http://files.dnr.state.mn.us/waters/watermgmt\\_section/floodplain/FP3-1\\_051001.pdf](http://files.dnr.state.mn.us/waters/watermgmt_section/floodplain/FP3-1_051001.pdf).