

FTA Findings For Moline Multimodal Station

FTA determines, in accordance with 23 CFR 771.117 (d)(8), that the proposed multimodal station in Moline, Illinois meets the criteria for a documented Categorical Exclusion (DCE) in accordance with 23 CFR 771.117. The proposed project includes the construction of a new multimodal station to accommodate the growth in ridership and to meet the City's multimodal goals. The proposed station lies within an area identified as Moline Centre by the City of Moline, which is bounded by 12th and 34th Streets, Mississippi River and 6th Avenue. The scope of work involves the adaptive re-use of a six-story warehouse located at 1201 4th Avenue. The attached DCE document dated June 2011 provides sufficient environmental analyses for the proposed project and no further environmental analysis is required.

In accordance to Section 106 of the National Historic Preservation Act, 36 CFR Part 800, FTA determines a finding of "no adverse effect" as a result of the proposed project. Illinois SHPO concurred with this determination on July 16, 2010.

FTA also determines that no parkland and wildlife refuges are either acquired or affected by the project. The Sears warehouse building will be rehabilitated in conformance with the Secretary of the Interior's Standards and Guidelines for Rehabilitation; SHPO concurred with FTA determination of "no adverse effect;" therefore, FTA determines that the re-adaptive use of the building will have a *de minimis* impact. There is no actual or constructive use of a Section 4(f) resource pursuant to 23 CFR Sections 774.11 or 774.15, respectively.

The following mitigation measures shall be included as project milestones in TEAM. These mitigation measures are not subject to change without prior written FTA approval. If there is any change in the scope of work or project footprint, the grantee must contact FTA to evaluate potential impacts.

- Prior to construction, the displaced business will be relocated in accordance with the Uniform Relocation Assistance and Real property Acquisition Act of 1970.
- Prior to construction, MetroLINK will conduct an energy assessment of the maintenance facility and incorporate all feasible and sustainable features consistent with the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."
- MetroLINK, in coordination with FTA, will provide the Moline Historic Commission and the Illinois SHPO design plans for review to ensure compliance with the Secretary of the Interior's standards for rehabilitation of the historic building.
- Asbestos shall be managed in a manner consistent with Illinois Environmental Protection Agency's regulations.
- Access to adjacent properties shall be maintained throughout construction.
- A Floodplain Development Authorization Form will be submitted and filed with the Land Development Division prior to any development activity to ensure that the flood code standards have been met.
- To minimize or eliminate the effect of construction noise on receptors, the contractor shall comply with the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction Article 107.35. Fugitive dust will be controlled in accordance with Article 107.36.
- Mitigation measures to reduce ground-borne vibration will be considered during design and in coordination with the railroads. Ground-borne vibration will be mitigated through one or more of the following measures: wheel truing programs, vehicle reconditioning programs, or use of wheel-flat detectors.
- The project results in more than one (1) acre of ground disturbance; therefore, a National Pollutant Discharge Elimination permit will be required.

PREPARED BY Dee Phan
Dee Phan- Environmental Protection Specialist

DATE: 6/20/2011

CONCURRED BY Paula Schwach
Paula Schwach- Regional Counsel

DATE: 6/20/2011

APPROVED BY Mokhtee Ahmad
Mokhtee Ahmad- Regional Administrator

DATE: 6/20/2011

Documented Categorical Exclusion

This categorical exclusion has been prepared in accordance with 23 CFR Part 771.117(d) relating to the implementation of the National Environmental Policy Act of 1969.

Federal Transit Administration

Moline Multimodal Station

June 2011

Grantee: MetroLINK

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LIST OF ACRONYMS

ACM	Asbestos Containing Material
CAA	Clean Air Act
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FTA	Federal Transit Agency
GEZ	Green Enterprise Zone
HPC	Historic Preservation Commission
IAIS	Iowa Interstate Railroad
IDOT	Illinois Department of Transportation
IEPA	Illinois Environmental Protection Agency
IHPA	Illinois Historic Preservation Agency
LEED	Leadership in Energy and Environmental Design
MSA	Metropolitan Statistical Area
NESHAP	National Emission Standards for Hazardous Air Pollutants
NPDES	National Pollutant Discharge Elimination System
STIP	State Transportation Improvement Plan
T&E	Threatened & Endangered
TIGER	Transportation Investment Generating Economic Recovery
TOD	Transit Oriented Development
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
SHPO	State Historic Preservation Officer (in Illinois, this is the IHPA)

PROJECT DESCRIPTION

The proposed project is to construct a Multimodal Station in Moline, Illinois. Studies conducted in 2008 investigated the feasibility of implementing a passenger rail line between Chicago, Illinois and Iowa City, Iowa. The Environmental Assessment for the Chicago to Iowa City rail corridor identified Moline as a potential location for a passenger rail station largely due to the growth it has experienced in the last decade, the prediction of high ridership on trains coming to and departing from the City, and the City's multimodal goals.

The proposal includes the adaptive re-use of a six-story warehouse located at 1201 4th Avenue (**Figure 1a-1b**). This location was identified as the preferred location for the Moline Multimodal Station due to its proximity to the Iowa Interstate Railroad (IAIS), the MetroLINK bus depot at Centre Station, and other tourist destinations in the immediate area. Loading docks on the east and west sides of the building will be removed and replaced with new additions that will complement the existing structure yet provide functionality for the proposed station. The ground level of the existing structure will be modified to meet station uses while the upper levels will be converted into office space and extended stay lodging. The proposed station location lies within an area identified as Moline Centre by the City of Moline. "Moline Centre" is the area bounded by 12th and 34th Streets, the Mississippi River and 6th Avenue.

The Moline Multimodal Station is an integral component of the "Quad Cities Transit-Oriented Development + Intermodal Plan", prepared jointly by the Rock Island County Metropolitan Mass Transit District (MetroLINK), the City of Moline, and Renew Moline, the City's economic development organization. The Moline Multimodal Station will work in partnership with the existing Centre Station bus depot and will be the key component of the transit-oriented development (TOD) and Green Enterprise Zone (GEZ). The GEZ is an innovative concept focused on transforming Moline's riverfront into a focal point for green technology, innovation, energy efficiency, and river restoration. The new Amtrak service will connect the Quad Cities to Chicago and Iowa City, Iowa. The new passenger rail service offered by the proposed Moline Multimodal Station will provide a direct connection to the region's existing inter, intra, and regional bus service, pedestrian, bicycle, and river ferry transportation modes. Once the proposed project is completed, travelers will be able to take a seamless trip using public transportation from the Quad Cities to Iowa City, Chicago or other intermediate destinations.

ENVIRONMENTAL CONSEQUENCES EVALUATION

Consistency With Local and State Plans

IDOT has confirmed that the proposed Multimodal Station will be added to the State Transportation Improvement Plan after federal approval of the Long Range Transportation Plan, developed by the Quad Cities' Metropolitan Planning Organization. The proposed project is a key component of the Chicago – Quad Cities Amtrak Service Expansion. The TIGER II Grant Application submitted for the proposed

passenger station (IDOT and City of Moline, 2010) describes the regional benefits of Amtrak passenger service and the proposed facility.

Land Use and Zoning

The proposed Multimodal Station location is zoned as B-2 Central Business District of downtown Moline (**Figure 2**). Single and multiple family residential areas extend to the east, west and south of this business district. Industrial districts also flank the northeast and northwest sides of the Central Business District. Future zoning is expected to remain much the same, but development of the Western Illinois University satellite campus is expected to occur east of Interstate 74.

The proposed station lies within the Green Enterprise Zone being led by Renew Moline, a 501(c)(3) non-profit economic development entity focused on the physical revitalization and economic strength of Moline working in partnership with the City of Moline. The existing zoning is adequate for the proposed station (**Attachment 1**; letter from City of Moline).

Land Acquisition and Relocations

Station construction will require acquisition of two parcels. The former Sears warehouse is currently vacant. An adjacent property, east of the Sears warehouse, is occupied by Moline Automotive Repair. The City of Moline will acquire the properties in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. The value of this land acquisition will be used as a match for the TIGER II grant funds.

Community Disruption

The proposed project will not have permanent impacts to community cohesion or neighborhood continuity. Temporary community disruption could occur during construction of the proposed station. Access to all properties in the project area will be maintained throughout construction.

Environmental Justice (EJ)

The 2000 and 2010 Census data were reviewed for census tracts within ¼ mile radius of the project site. A majority of the search radius lies within Census Tract 223, which is the smallest area available for which data can be compared; therefore the census data presented covers more than a ¼ mile search radius. The ¼ mile search radius also dips into Census Tract 222 and 217; however, these census tracts were excluded from the data evaluation since such a small area fell within the ¼ mile search radius boundary. According to the 2010 Census, minority populations make up 65% of Census Tract 223, a higher percentage than the City of Moline as a whole. This is a 22% decrease in minority residents since the 2000 Census. Floreciente, a Spanish term meaning “flourishing” or “prosperous”, is a local Hispanic neighborhood which makes up approximately one third of Census Tract 223. Hispanic/Latino populations make up 57% of the total population within Census Tract 223. **Figure 3** shows the location of the project in relation to Census Tract 223 and the Floreciente neighborhood.

The 2010 census data describing low-income populations are not available on the U.S. Census Bureau website as of May 20, 2011. Therefore, only 2000 Census data were reviewed. According to the 2000 Census data, 29% of the individuals in Census Tract 223 were living below the poverty level, compared

to 9% within the City of Moline as a whole. Since the 2010 Census data are unavailable for this data set, a comparison to the 2000 Census data cannot be made.

The proposed Multimodal Station will be a positive addition to the City of Moline and the neighborhoods that surround the station. There are no adverse or disproportionate effects on minority or low-income populations.

	2000		2010		Percent Change	
	Census Tract 223	City of Moline	Census Tract 223	City of Moline	Census Tract 223	City of Moline
Population	2,365	43,768	2,166	43,483	-8%	-0.6%
% Minority	83%	22%	65%	30%	-22%	+36%
% Hispanic/Latino	54%	12%	57%	15%	+5%	+25%
% Individuals Living Below Poverty Level	29%	9%	NA	NA	NA	NA

Title VI

In 2000, Census Tract 223 had a higher percentage of individuals living below the poverty level than the City of Moline. Although data for 2010 is not yet available, it would be reasonable to assume that Census Tract 223 still has a higher percentage of individuals living below the poverty level than the City. However, the proposed Multimodal Station will be a positive addition to the populations living near the facility. For those on limited or fixed incomes such as the elderly, students, or low-income populations who may not be able to afford to own and operate a vehicle, the passenger train service will provide a reasonably priced alternative for travel between the Quad Cities and Chicago. Therefore, the project will not cause adverse effects to Title VI populations.

Noise/ Vibration

Noise and vibration assessments were conducted for the existing and future conditions following procedures detailed in the FTA’s *Transit Noise and Vibration Impact Assessment Manual*. The results of the assessment stated that the passenger railcars will not result in any noise, ground-borne noise or ground-borne vibration impacts. No noise or ground-borne noise impacts were predicted for the freight railcars. However, the increased speed of the freight railcars will result in ground-borne vibration impacts at three receptors. Mitigation measures to reduce ground-borne vibration can include wheel truing programs, vehicle reconditioning programs and the use of wheel-flat detectors. IDOT will work with the railroads to develop strategies to reduce noise and vibration impacts within the project area.

Air Quality

The project is not located within or near a designated non-attainment or maintenance area for any of the pollutants for which the USEPA has established standards. Passenger rail traffic through Moline would result in some air toxics emissions along the rail line, but these would be sporadic and diffuse. The Multimodal Station will encourage Amtrak passengers to use mass transit for the remainder of their trips, further reducing air emissions from passenger vehicles.

Station construction will require demolition of one structure, removal of loading docks at the proposed station building, grading and landscaping. Dust and airborne dirt generated by construction activities will be controlled through dust control procedures or a specific dust control plan, when warranted.

Hazardous Materials

Several sources of special waste were identified during site reviews on the property occupied by the Moline Automotive Repair shop located to the east of the former Sears warehouse. The Phase I Environmental Site Assessment (ESA) indicates the presence of two underground hydraulic lifts, a drum and engine disposal area, and former on-site operations and gas tanks associated with previous land uses. Former operations and gas tanks associated with previous land uses were also noted at the eastern and southern adjoining properties. A Phase II ESA was performed to determine the nature and extent of any potentially hazardous waste. The Phase II ESA recommended that restrictions be placed on the use of groundwater at the site as a potable water source to address potential exposures to contaminants. Use of groundwater as a public water supply is prohibited under Section 34-2300 of the Water and Sewers ordinance established by the City of Moline.

Investigation of the warehouse showed that asbestos is present throughout the building in floor tiles, pipe insulation, window glazing, and mud fittings. It is also suspected in electrical wiring, roofing materials, fire doors and boilers. Asbestos is regulated under the National Emission Standards for Hazardous Air Pollutants (NESHAP) under the Clean Air Act (CAA). When asbestos containing materials (ACM) in excess of 160 square feet, 260 linear feet, or 1 cubic meter are present and must be removed or disturbed, a notice of removal must be delivered or postmarked to the IEPA at least ten working days prior to the commencement of demolition or renovation activities. The City of Moline has not developed an ordinance regarding the handling and disposal of ACM, but defers to IEPA regulations (Environmental Protection Act: Title 35, Part 228). Licensed contractors responsible for the removal of ACM must meet the following requirements during removal activities:

- A NESHAP-trained person must be present.
- The area from which the ACM will be removed must be sealed off and any forced-air heating systems should be shut off.
- Workers must wear a respirator fitted with asbestos-filtering cartridges.
- The ACM must not be broken into small pieces because this can increase the amount of airborne asbestos fibers.
- The ACM must be kept wet during the entire removal process to reduce airborne asbestos fibers.
- The ACM waste must be containerized and labeled for disposal at an approved landfill.
- The area from which the asbestos was removed must be cleaned thoroughly with a wet mop, rags or sponges.
- ACM removal workers must decontaminate themselves.
- ACM removal contractor must have current training under the Asbestos School Hazard Reauthorization Abatement Act and Asbestos hazard Emergency Response Act.

- The Commercial and Public Buildings Asbestos Abatement Act, administered by the Illinois Department of Public Health, requires that asbestos project designers, inspectors, workers, supervisors, and contractors be licensed prior to performing their respective duties in public and commercial buildings for each project where the amount of friable ACM involved exceeds 3 square or linear feet.
- Under the Occupational Health and Safety Administration (OSHA), employers are required to identify or presume the presence of asbestos in the workplace, communicate that information to their employees, meet training, medical surveillance and exposure documentation requirements for employees working with and around ACM; and follow certain practices and procedures during disturbance of ACM.

It was assumed that the warehouse building contains lead based paint based on the age of the building. The handling and disposal of hazardous waste, such as lead based paint, must be conducted in accordance with the Resource Conservation and Recovery Act (RCRA) regulations applicable to the activity being conducted. The City of Moline has no specific lead abatement ordinance but defers to the Lead Poisoning Prevention Act (410 ILCS 45) for proper handling, disposal and mitigation of materials containing lead in residential buildings. The proposed plan for this building includes conversion of the upper floors to residential space. Activities involving disturbance or removal of materials containing lead must be conducted by a licensed lead abatement contractor.

Wetlands

No potential wetlands are present in the project area (**Attachment 1**; IDOT clearance letter).

Floodplains/Flooding

Review of the FEMA map (FIRM No. 17161C0120F, effective date April 5, 2010) for the project area indicates that the proposed station is within the limits of the 100 year floodplain of the Mississippi River (**Figure 4**). Development within the floodplain is regulated under the City of Moline floodplain ordinance and Executive Order 11988. Proposed construction will comply with these regulations. The 100 year floodplain along this portion of the Mississippi River is extensively developed. The construction of the Multimodal Station and portions of the rail improvements will take place on previously developed land and do not constitute additional development within the 100 year floodplain. No changes in floodplain capacity or water flow are expected to occur as a result of the proposed project. The natural and beneficial flood plain values no longer exist within the project area or in the surrounding area. However, the risk for flood damage to the facility still exists.

The City of Moline's Flood Code (Section 13-1101(6)) requires that all development, including, but not limited to, the demolition, construction, reconstruction, repair, placement of a building or any structural alteration to a building, be authorized by the City. A Floodplain Development Authorization Form must be submitted and filed with the City's Land Development Division prior to any development activity to ensure that all applicable flood code standards have been met. The contractor will be required to complete and submit the Floodplain Development Authorization Form. This requirement will be included in the project construction specifications.

The City of Moline was contacted regarding past flooding history. City records indicate that in the past 20 years, the proposed station location has not experienced flooding, even during the record floods of 1993 (**Attachment 1**; letter from City of Moline).

Navigable Waterways

The Mississippi River is located approximately 1,050 feet (0.2 miles) from the proposed project. Construction activities will be limited to the defined project area and will not include work within the waterway.

Wild and Scenic Rivers

There are no wild and scenic rivers within or near the project area.

Biological Resources/Threatened and Endangered Species

The U.S. Fish and Wildlife Service (USFWS) was consulted regarding the potential presence of threatened and endangered (T&E) species. It is their opinion that no T&E species or potential habitat for any T&E species occurs within the project area. The Illinois Department of Natural Resource (IDNR) was also consulted regarding the potential presence of T&E species. It was their opinion that adverse effects to T&E species are unlikely; therefore, consultation was terminated (**Attachment 1**; USFWS and IDNR clearance letters).

Traffic and Parking

The proposed project will have minimal impact on traffic volumes and parking in the vicinity of the station. Adjacent streets have adequate capacity to accommodate traffic to and from the train station. No on-street parking will be removed for the project. A pull-through and temporary parking will be provided at the station for passenger loading/unloading. Centre Station also offers a public parking garage with approximately 300 parking spaces to accommodate users arriving via personal vehicles.

Energy

Rail travel is among the cleanest and most energy-efficient modes of transportation. Construction of the proposed station is expected to reduce the need for vehicular travel in the Quad Cities area and in the region between the Quad Cities and Chicago. Individuals commuting to and from work will have the option of using passenger rail service rather than their vehicles for a single-occupancy trip. Reducing the number of single-occupancy vehicles will reduce the amount of emissions generated, the fuel consumption, and our dependence on foreign and domestic oil resources. The City intends to pursue certification of the station as a Leadership in Energy and Environmental Design (LEED) building. During design, the City will comply with FTA's requirement for energy assessment and will include all feasible energy saving elements, consistent with the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." The Illinois Historic Preservation Agency (IHPA) and the Moline Historic Preservation Commission (HPC) will be involved in the design of the facility and will provide input on the consistency of proposed energy saving elements with the Secretary's standards

Cultural Resources

The proposed project will incorporate the adaptive re-use of the former Sears warehouse which is a contributing structure to the Moline Downtown Commercial Historic District. Modifications to the structure will include removal of the modern loading docks, renovation of the ground floor to accommodate rail passenger uses, such as ticket sales, and commercial/retail space, such as car and bicycle rentals and restaurants. Renovation of upper floors will be designed for offices and extended stay lodging. New wings will be added to the north and east sides of the structure for waiting areas, boarding platforms and other station related uses. **Figure 5** shows the current concept plans for the project area. The proposed modifications have been coordinated with the HPC and IHPA.

The IHPA has issued a finding of “no adverse effect” for the proposed re-use of the former Sears warehouse given that the renovation meets the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and that the HPC and IHPA are involved in the design of the facility and development of any required mitigation measures. The “no adverse effect” letter is included as **Attachment 1** (IHPA clearance letter).

Section 4(f) Resources

According to 23 CFR 774, the use of a Section 4(f) property may be approved if the Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant, will have a *de minimis* impact, as defined in Section 774.14, on the property. The former Sears warehouse building is afforded 4(f) protection because this property is contributing to the Moline Downtown Commercial Historic District, which is listed on the National Register of Historic Places.

Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) authorizes USDOT to approve a project that results in a *de minimis* impact to a Section 4(f) resource without going through the full evaluation that otherwise would be required. A *de minimis* impact finding related to historic sites can be made as the result of a “no adverse effect” determination in the context of the section 106 consultation. FTA, with SHPO concurrence, has determined that the rehabilitation of the former Sears warehouse building will result in “no adverse effect”. As a result, FTA has determined that the proposed action will have a *de minimis* impact on this building.

Section 6(f) Resources

A review of the National Park Service’s Land and Water Conservation Fund list by county indicates that there are no Section 6(f) Resources in the project area; therefore, there will be no impact to Section 6(f) resources as a result of the project.

Construction Impacts

Construction impacts may include additional noise and the creation of fugitive dust during construction activities. Construction noise will be mitigated to the extent possible by equipping all engine driven equipment with mufflers in constant operation and properly maintained. Construction within 1,000 feet of an occupied residence, motel, hospital, or similar receptor will be limited to the period beginning at 7

A.M. and ending at 10 P.M. The contractor will be responsible for controlling dust and air-borne dirt generated by his/her construction activities following Article 107.36 of the IDOT Standard Specifications for Road and Bridge Construction Manual. Access to all properties in the project area will be maintained throughout construction. The proposed project will disturb more than one acre of land and will therefore require a National Pollution Discharge Elimination System permit under the Clean Water Act. The City of Moline's Stormwater Ordinance (Section 34-4200) requires that a Class 2 Drainage Permit be obtained prior to construction for any activity resulting in more than one acre of land disturbance. The contractor will be required to obtain these permits. These requirements will be included in the project construction specifications.

Visual Impacts

The proposed project will result in visual changes that are perceived as positive. The proposed station will make use of an unoccupied building but will retain the features which make it part of the Moline Downtown Commercial Historic District. Other portions of the station will be designed to blend in to the surroundings. The City of Moline views this project as a critical component of the downtown revitalization effort.

Safety and Security

Within the project area, the passenger trains will be traveling at a maximum speed of 10 mph as they enter and leave the multimodal station. Railroad warning systems at the 12th Street and 15th Street crossings will be designed to improve motorist and pedestrian safety.

The proposed station is within the downtown area of Moline that is undergoing revitalization. The station location is adjacent to City Centre, an active transportation center. Centre Station also houses the emergency dispatch center for Moline and East Moline. Therefore, site security should not be an issue. The station itself will include security measures such as surveillance cameras to further enhance patron safety.

Secondary Development

The proposed project is expected to promote the ongoing downtown revitalization efforts. The Moline Centre Master Plan outlines the development goals in the area surrounding the proposed Multimodal Station. The Moline Multimodal Station may act as a catalyst for other planned developments within the Moline Centre and Mississippi River Technology Corridor development areas such as mixed-use retail, private and corporate offices and high-density residential living space (**Figure 6**). This is consistent with the City of Moline's development goals as outlined in the Moline Centre Master Plan and is perceived as a positive impact.

Prime or Unique Farmlands

The project area is within an entirely urban area; therefore, there are no impacts to prime or unique farmlands.

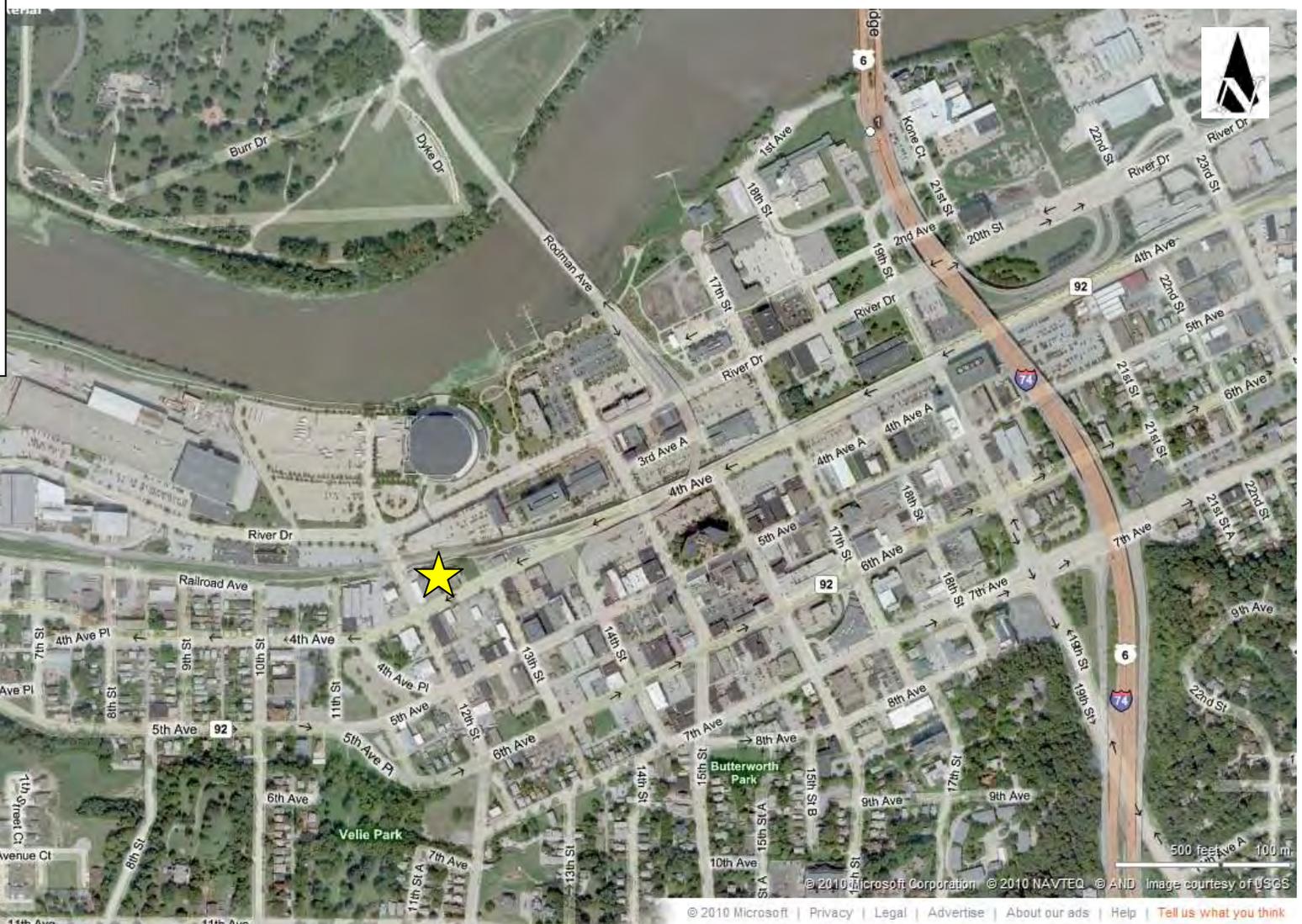
Utilities

Utility upgrades will be needed for the reuse of the former Sears warehouse. JULIE was contacted regarding potential utilities within the project area. Preliminary investigations indicate that there are fiber optic (communication), electric, water and sanity/storm sewer utilities within the project area. Prior to beginning construction, utilities will be located and marked. Required utility relocations will be coordinated with the appropriate company and included in the project plans and specifications.

Mitigation

- 1.) Prior to construction, the City will relocate the displaced business in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970.
- 2.) To minimize or eliminate the effect of construction noise on receptors, mitigation measures have been incorporated into the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction as Article 107.35. During construction activities, fugitive dust will be controlled in accordance with Article 107.36 of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction Manual.
- 3.) Use of groundwater as a public water supply is prohibited under Section 34-2300 of the Water and Sewers ordinance established by the City of Moline.
- 4.) During design, IDOT will work with the railroads to develop strategies to reduce noise and vibration within the project limits. These strategies may include one or more of the following measures: wheel truing programs, vehicle reconditioning programs, or use of wheel-flat detectors.
- 5.) During construction activities, the contractor will manage asbestos in conformance with Illinois Environmental Protection Agency regulations.
- 6.) Prior to construction, the contractor will complete and submit a Floodplain Development Authorization Form to the City's Land Development Division.
- 7.) The project results in more than one (1) acre of ground disturbance; therefore, a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act is required. The City of Moline's Stormwater Ordinance (Section 34-4200) requires that a Class 2 Drainage Permit be obtained prior to construction for any activity resulting in more than one acre of land disturbance. The contractor will be required to obtain these permits. These requirements will be included in the project construction specifications.
- 8.) The design for adaptive reuse of the Sears Building will meet the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings". The Moline Historic Preservation Commission and Illinois Historic Preservation Agency will be involved in the design of the facility and in developing any required mitigation measures and will coordinate such efforts with the Federal Transit Administration.
- 9.) Prior to construction, the City of Moline will conduct an energy assessment of the maintenance facility and incorporate all feasible and sustainable features consistent with the Secretary of the interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings".
- 10.) A requirement to maintain access to adjacent properties throughout construction will be included in the project construction specifications.

11.) If portions of the facility are to be leased, the City and MetroLINK will obtain approval from the Federal Transit Administration.



The proposed project is located at the northeast corner of 4th Avenue and 12th Street on the north side of Moline, Illinois.



Figure 1a

Project Location
Proposed Multimodal Station
Moline, Rock Island County, Illinois
KEG # 10-1038.06

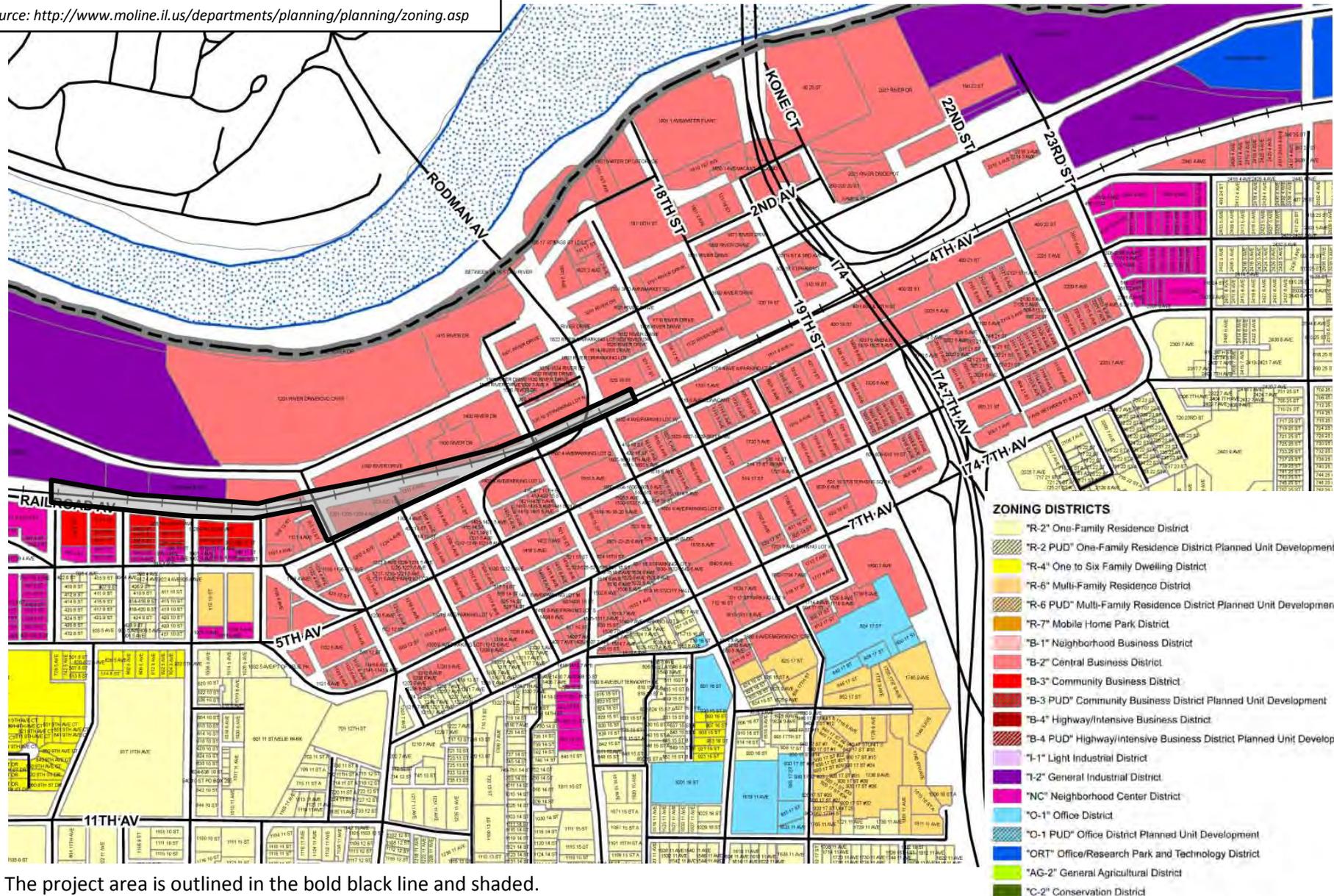


The yellow line marks the boundaries of the proposed Multimodal Station and any potential track realignment to serve the station. Existing land uses include a commercial repair shop, an abandoned warehouse, and existing railroad infrastructure.



Figure 1b

Project Location
Proposed Multimodal Station
Moline, Rock Island County, Illinois
KEG # 10-1038.06

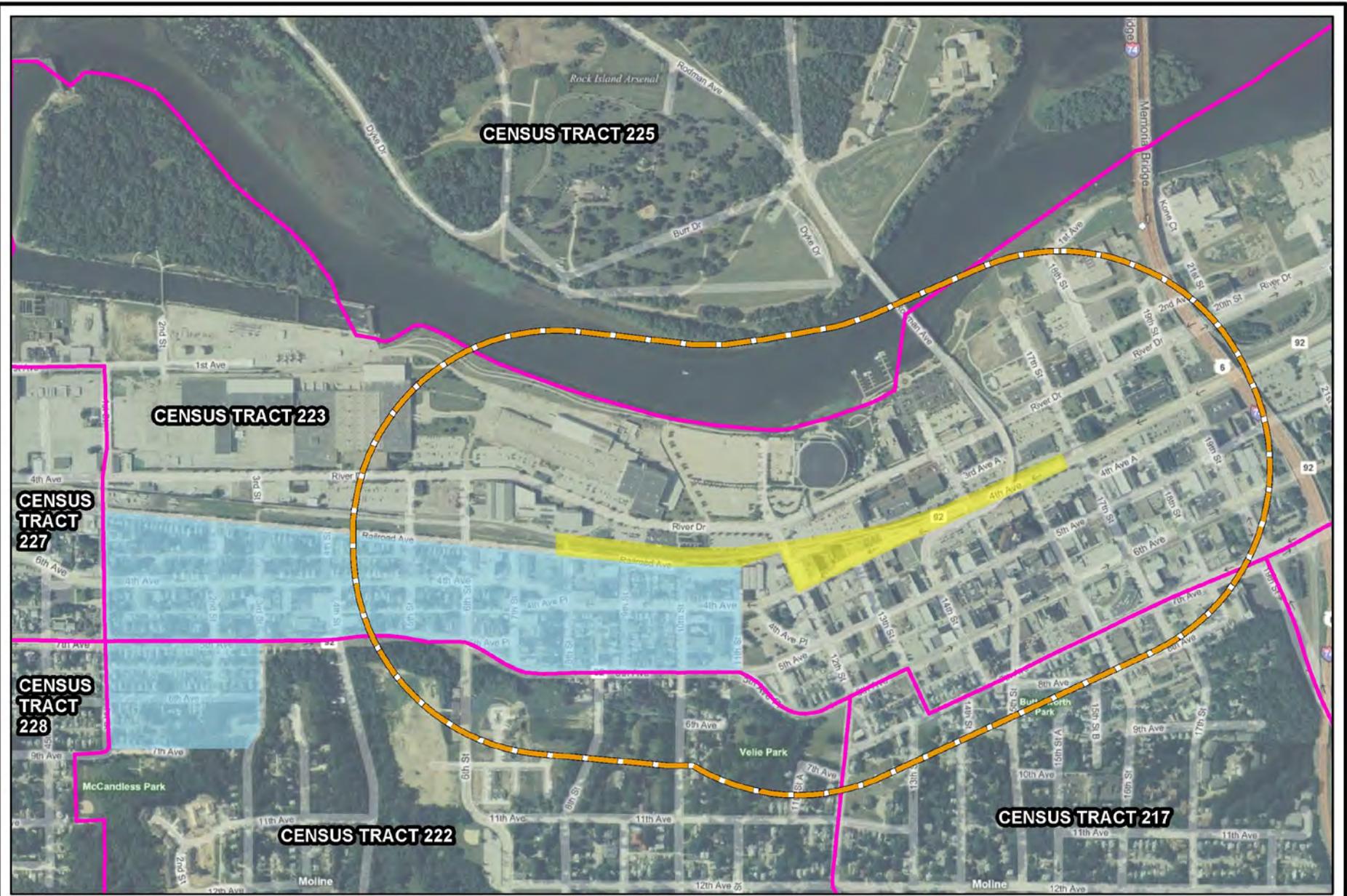


The project area is outlined in the bold black line and shaded.

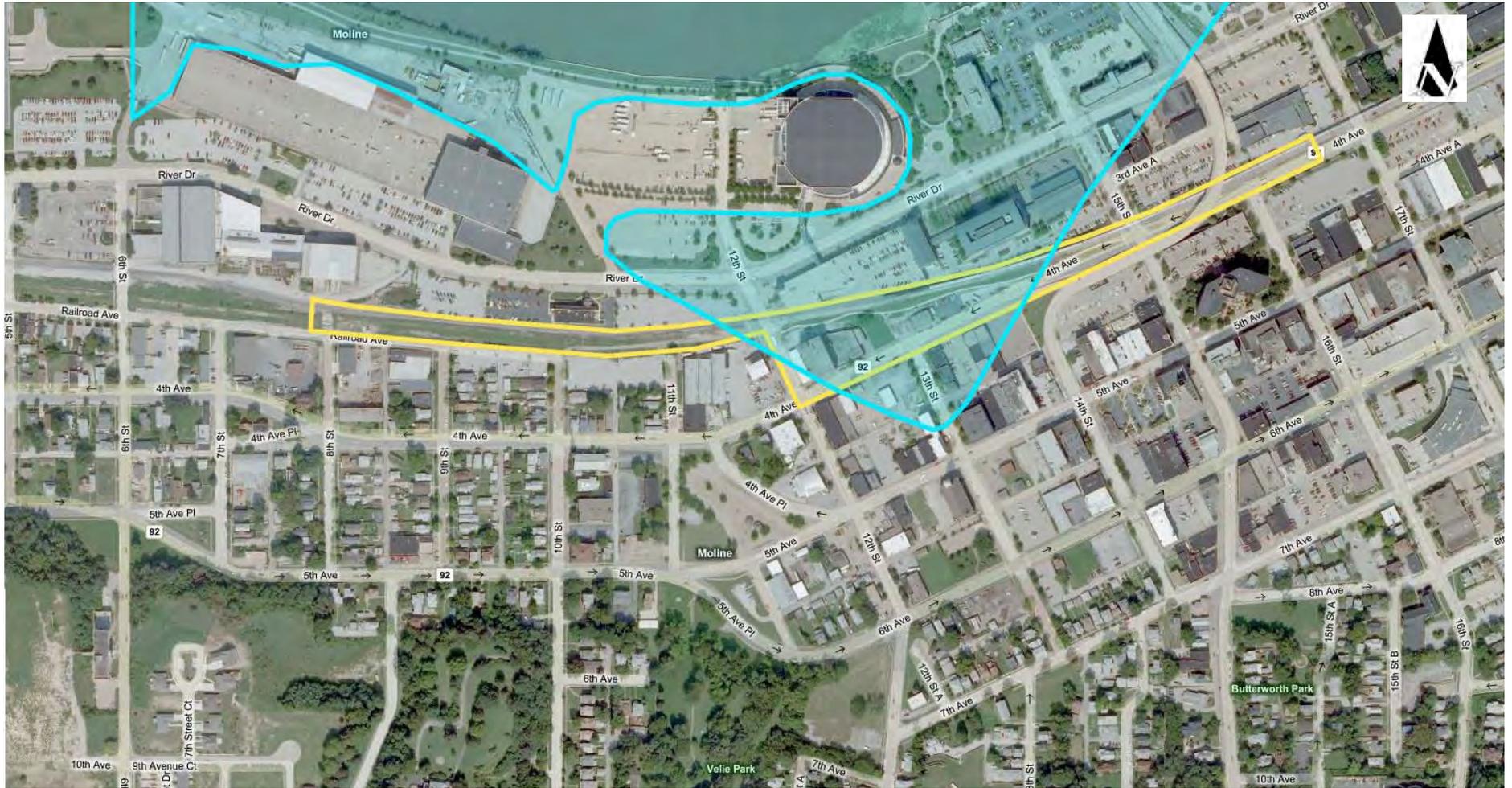


Figure 2

**Zoning Map
Proposed Multimodal Station
Moline, Rock Island County, Illinois
KEG # 10-1038.06**



	<p>Figure 3</p> 	<p>Legend</p> <ul style="list-style-type: none"> Project Boundary 1/4 Mile Project Boundary Buffer USA Census Tract Boundaries Florencia Neighborhood Association <p style="text-align: right;">Environmental Justice Proposed Multimodal Station Moline, Rock Island County, Illinois KEG # 10-1038.06</p>
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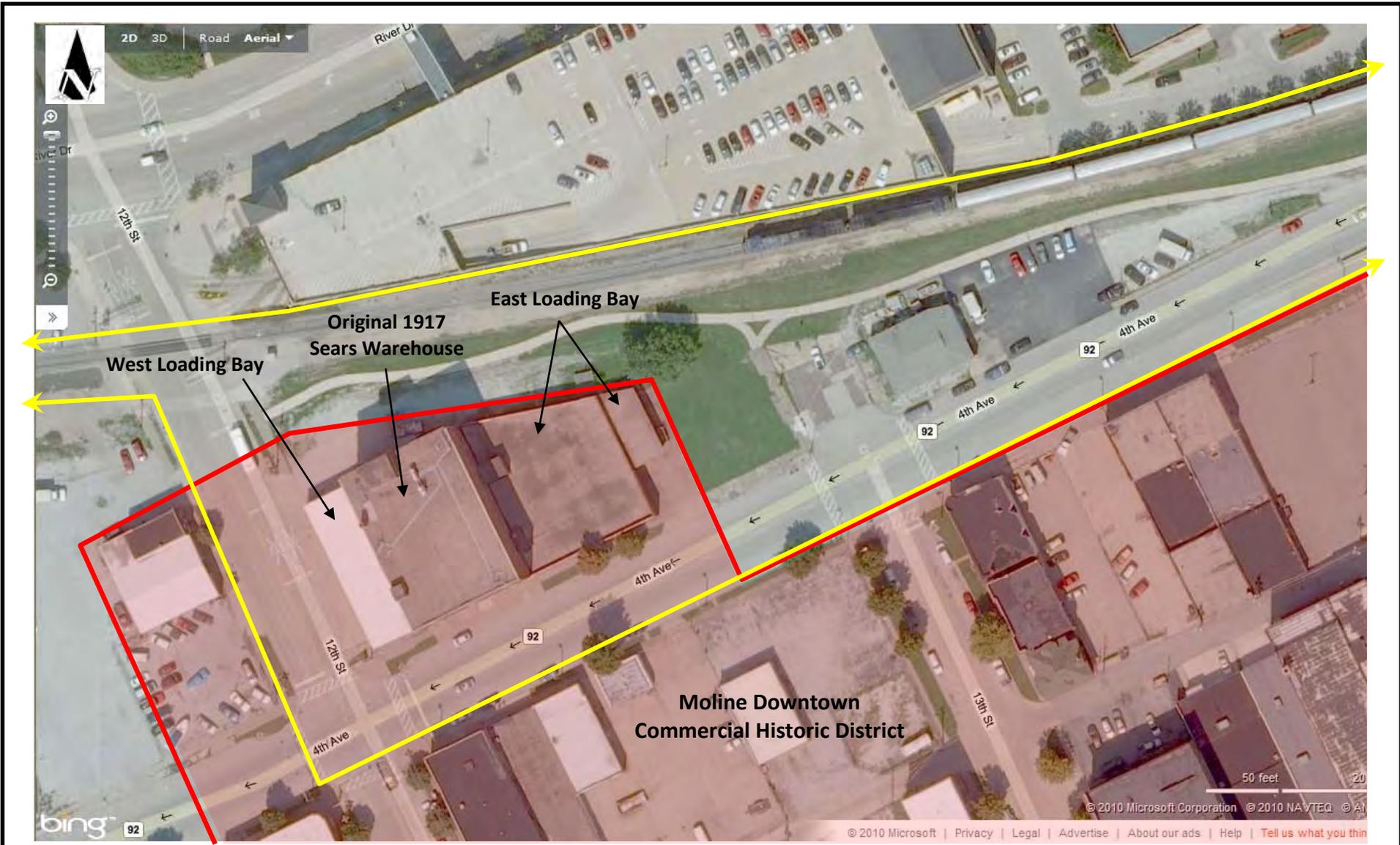


The yellow line marks the boundaries of the project area. Portions of the project area lie within 100-year floodplain.



Figure 4

**100-Year Floodplain
Proposed Multimodal Station
Moline, Rock Island County, Illinois
KEG # 10-1038.06**



The yellow line marks the boundaries of the project area. The former Sears Roebuck warehouse falls within the Moline Downtown Commercial Historic District. The east and west loading bays will be removed while the original warehouse structure will be renovated to meet the needs of the facility.

	Figure 5	Historic District Proposed Multimodal Station Moline, Rock Island County, Illinois KEG # 10-1038.06
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This image shows the Moline Centre and Mississippi River Technology Corridor redevelopment plan. The yellow star marks the location of the proposed Multimodal Station.

ATTACHMENTS

Attachment 1: Agency Coordination

Attachment 2: Permits

Attachment 3: Zoning Ordinances

Attachment 1: Agency Coordination

- **Flood and Zoning Letter from City of Moline**
- **IDOT Wetland Clearance Letter**
- **USFWS T&E Clearance Letter (original boundaries)**
- **USFWS T&E Clearance Letter (revised boundaries)**
- **IDNR T&E Clearance Letter**
- **IHPA Clearance Letter**
- **IDOT Cultural Resources Unit Clearance Letter**
- **Moline HPC Letter of Understanding**



Planning & Development
619 – 16th Street
Moline, Illinois 61265

309-524-2030
309-524-2031 fax

www.moline.il.us

Divisions

Planning &
Administration
524-2030

Community Development
524-2040

Economic Development
524-2034

Land Development
524-2050

April 15, 2011

Natalie Mentzer
Environmental Scientist
Kaskaskia Engineering Group, LLC
913 West Spresser Street
Taylorville, IL 62568

Subject: Quad Cities Amtrak Train Station, Moline, IL

Dear Ms. Mentzer:

Thank you for your efforts to help secure funding to construct an Amtrak train station in the Quad Cities. The proposed station would be located at 1201 4th Avenue in Moline. Pursuant to your request, this letter shall confirm the following:

- The project area is located within a Special Flood Hazard Area which is subject to inundation by the 1% annual chance (100-year) flood. The project, as designed, is consistent with all applicable floodplain regulations and is able to move forward with construction and development to the extent that adopted floodplain regulations continue to be met.
- The property has not been flooded during any flood event for at least the past 20 years, including the Mississippi River flood of record which reached 22.63 feet in the Quad Cities on July 9, 1993.
- The property is zoned B-2 Central Business District which is adequate to allow the project to move forward with construction and development.

Should you have any questions please do not hesitate to contact me at (309) 524-2050 or schrist@moline.il.us.

Respectfully,

A handwritten signature in black ink, appearing to read "Shawn M. Christ".

Shawn M. Christ, AICP, CFM
Land Development Manager
Floodplain Manager / Zoning Administrator

Wetlands

Submittal Date:	01/10/2011	Sequence No:	16320	Project No:	
District:	2	Requesting Agency:	Other BRR		
Contract #:		Job No.:	P-30-008-11		
Counties:	Rock Island				
Route:	Iowa Interstate Railroad	Marked:			
Street:		Section:			
Municipality(ies):	Moline	Project Length:	1.0622 km	0.66 miles	
From To (At):	250 feet east of 16th Street to 8th Street along the Iowa Interstate Railroad				
Quadrangle:	Davenport East	Township-Range-Section:	T18N-R1W-32		
Anticipated Design Approval:		Cleared for Design Approval:	01/19/2011		
Cleared for Letting:	01/19/2011	Mitigation:	No		

Initial Survey and WIE		Addendum No:							
Initiated	Due Date	Results Received	Wetland Present	District Notified	WIE Requested	WIE Received	Wetland Impacts	Resp to District	Coord Complete
			No						Yes
Comments: Project area screened for wetlands using NWI, 2009 air photography and best professional judgement. Location is urban. (TCB)									
Clearances: Cultural: <input type="checkbox"/> Bio: <input type="checkbox"/> SW: <input type="checkbox"/>									

Processing:

Individual Compensation Plan Required:

404 Individual Permit Required:

Mitigation Site:
 Mitigation Basin:
 Bank:
 Accumulation:

Owner:
 Name:
 Location:
 Size:
 Types:
 Quad:
 Basin:

Processing Comments:

Wetland Impacts Evaluation:

BIOLOGICAL & WETLAND RESOURCES

NO SURVEY OR FURTHER COORDINATION REQUIRED

[Signature] 1/19/2011

SIGNED _____ DATE

Wetland Impacts and Mitigation Required:

Mitigation Site Suitability Study:

Wetland Compensation Plan:



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Rock Island Field Office
1511 47th Avenue
Moline, Illinois 61265
Phone: (309) 757-5800 Fax: (309) 757-5807

IN REPLY REFER
TO: FWS/RIFO

July 1, 2010

Ms. Natalie Mentzer
Environmental Scientist
Kaskaskia Engineering Group, LLC
913 West Spresser Street
Taylorville, Illinois 62568

Dear Ms. Mentzer:

We have reviewed your June 22, 2010, letter regarding the proposed Amtrak passenger station in Moline, Rock Island County, Illinois. The proposed station is located in Section 32 of Township 18 North, Range 1 West of the 4th Principal Meridian. The project area is an entirely urban, previously disturbed and developed site at the northeast corner of 4th Avenue and 12th Street, Moline, Illinois. We have received your review and assessment for the presence of threatened and endangered species in the project area in Rock Island County, Illinois. We have the following comments.

We concur that the project area contains no suitable habitat for threatened or endangered species. The expansion project should have no effect on federally listed threatened or endangered species. Should the project be modified or new information indicate endangered species may be affected, consultation should be initiated.

Thank you for the opportunity to provide comments. If you have any additional questions or concerns, please contact Heidi Woeber of my staff, extension 209.

Sincerely,

Richard C. Nelson
Field Supervisor

Natalie M. Mentzer

From: Heidi_Woeber@fws.gov
Sent: Thursday, May 26, 2011 6:33 AM
To: Natalie M. Mentzer
Subject: Re: Moline Amtrak
Attachments: Moline Amtrak_USFWS.pdf; Revised Project Area.pdf

Ms. Mentzer:

It appears that, while the boundaries have changed, the urban setting on previously developed land has not. Therefore, we have no additional comments with regard to the Moline Amtrak project site and no objections to the project as described. This precludes the need for further action on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. Should this project be modified or new information indicate endangered species may be affected, consultation should be initiated.

Have a good day.

Heidi Woeber
Fish and Wildlife Biologist
Ecological Services, Rock Island Field Office
1511 47th Avenue
Moline, Illinois 61265
309/757-5800 Ext. 209
309/757-5806 Fax
heidi_woeber@fws.gov

<°/}}}}}}}<{

"Any river is the summation of the whole valley. To think of it as nothing but water, is to ignore the greater part." - Hal Borland

"Natalie M. Mentzer" <NMentzer@kaskaskiaeng.com>

To "Heidi_Woeber@fws.gov" <Heidi_Woeber@fws.gov>

cc

05/24/2011 02:03 PM

Subject Moline Amtrak

Ms. Woeber,

In June of 2010, I submitted a request for concurrence for the proposed Moline Amtrak station and we received the Service's clearance letter in July of 2010. The attached letter includes the original project boundaries and the Service's concurrence letter. Since that time the project boundaries have been modified to extend approximately 1,500 feet to the west and approximately 1,000 feet to the east along an existing railroad track (see "Revised Project Area"). We still believe that there will be no impacts to T&E species since the project remains within an entirely urban setting on previously developed land. However, I would like to request the Service's concurrence given the revised project boundaries. If acceptable, an e-mail with your response will satisfy our needs. Thank you and please contact me with any questions.

Sincerely,

Natalie Mentzer
Environmental Scientist
217.412.9106 cell



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

May 31, 2011

Natalie Mentzer
Natalie Mentzer
913 W. Spresser
Taylorville, IL 62568

Re: Moline Multimodal Station
Project Number(s): 1112730
County: Rock Island

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Steve Hamer
Division of Ecosystems and Environment
217-785-5500



Illinois Historic
Preservation Agency

FAX (217) 782-8161

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • www.illinois-history.gov

Rock Island County
Moline

Demolition, New Construction and Rehabilitation, Amtrak Passenger Station
1201 4th Ave.
IHPA Log #022062410

July 16, 2010

John Walthall
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield, IL 62764

Dear Mr. Walthall:

We have reviewed the documentation provided for the referenced project. This property is within the Moline Downtown Historic District, which was listed on the National Register of Historic Places on August 30, 2007.

In our opinion the project meets the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (Standards) and we concur in a finding of no adverse effect pursuant to 36 CFR Part 800 provided that the following condition is met:

1. Plans and specifications are developed on consultation with our office and the Moline Historic Preservation Commission to ensure adherence to the Standards.

Notifying our office of agreement with these conditions and their subsequent implementation constitutes compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

If you have any questions, please contact me at 217/785-5027.

Sincerely,

Anne E. Haaker
Deputy State Historic
Preservation Officer

c: Pat Burke, Moline Historic Preservation Commission
Lisa DiChiera, Landmarks Illinois



Illinois Department of Transportation

Memorandum

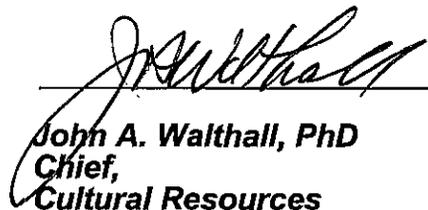
To: George Weber
From: J. A. Walthall
Subject: Cultural Resources Clearance*
Date: January 18, 2011

*Iowa Interstate Railroad
City of Moline
Proposed Passenger Rail Station
Rock Island County
Project: P-30-008-11
Sequence # 16320

Cultural Resources coordination has been completed for the project referenced above through in-house screening for archaeology and by the review and finding of "No Adverse Effect" by the Illinois SHPO (letter to John Walthall dated July 16, 2010)

The wedge-shaped area of potential right-of-way has been previously disturbed by urban/industrial development and no field survey for archaeological resources is required.

In accordance with the established procedure for coordination of proposed Illinois Department of Transportation projects, we have determined that no historic properties, subject to protection under Section 106 of the National Historic Preservation Act of 1966 as amended, will be affected by the proposed construction activities.



John A. Walthall, PhD
Chief,
Cultural Resources



Lewis J. Steinbrecher
City Administrator

619 - 16 Street
Moline, Illinois 61265

Phone: (309) 524-2003
Fax: (309) 524-2031
Email:
lsteinbrecher@moline.il.us

Letter of Understanding
July 15, 2010

Mr. Jim Scott, Chairman
Moline Historic Preservation Commission
Moline, Illinois 61265

Dear Mr. Scott,

The Illinois Department of Transportation will be applying for a federal TIGER II grant in order to construct three Amtrak stations. One of those stations has been proposed for downtown Moline. The former Sears Warehouse building at 1201 Fourth Avenue has been chosen as the Moline site. The City will not be informed whether the application has been successful until September, 2010. Design for the platform and station will not begin until the grant has been awarded.

I want to clarify the Moline Historic Preservation Commission's important role in this project. As the Illinois Historic Preservation Agency has designated Moline a Certified Local Government due to the experience and knowledge of its preservation commission, I request that the Commission review the architectural and engineering design for the proposed Amtrak station. It is the City's intent that any addition or renovation to the Sears Warehouse building will be compatible with the original warehouse structure and complement the Moline Downtown Commercial Historic District.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lew Steinbrecher", is written over a horizontal line.

Lew Steinbrecher
Moline City Administrator

CC: Mayor Donald P. Welvaert
Members of the Moline City Council

Attachment 2: Permits

Attachment 3: Flood Hazard Prevention Ordinance

CHAPTER 13

FLOOD HAZARD PREVENTION

SEC. 13-1100. PURPOSE.

This ordinance is enacted pursuant to the police powers granted to this City by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

- (1) to prevent unwise developments from increasing flood or drainage hazards to others;
- (2) to protect new buildings and major improvements to buildings from flood damage;
- (3) to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, as well as flood rescue and relief operations;
- (4) to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (5) to maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (6) to make federally subsidized flood insurance available; and
- (7) 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.

SEC. 13-1101. DEFINITIONS.

For the purposes of this ordinance, the following definitions are adopted:

- (1) **Base Flood.** The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 1102 of this ordinance.
- (2) **Base Flood Elevation (BFE).** The elevation in relation to mean sea level of the crest of the base flood.
- (3) **Basement.** That portion of a building having its floor sub-grade (below ground level) on all sides.
- (4) **Building.** A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.
- (5) **Critical Facility.** Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include but are not limited to: emergency services facilities (such as fire and police stations),

MOLINE CODE OF ORDINANCES

schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

- (6) **Development**. Any man-made change to real estate including, but not necessarily limited to:
- a. demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
 - b. substantial improvement of an existing building;
 - c. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
 - d. installation of utilities, construction of roads, bridges, culverts or similar projects;
 - e. construction or erection of levees, dams walls or fences;
 - f. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface; and
 - g. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

- (7) **Elevation Certificate**. A form published by the Federal Emergency Management Agency that is used to certify building elevation information necessary to ensure compliance with this Chapter.
- (8) **FEMA**. Federal Emergency Management Agency
- (9) **Flood**. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- (10) **Flood Fringe**. That portion of the floodplain outside of the regulatory floodway.
- (11) **Flood Insurance Rate Map**. A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.
- (12) **Flood Insurance Study**. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
- (13) **Floodplain and Special Flood Hazard Area (SFHA)** are synonymous. Those lands within the jurisdiction of the City of Moline and its extraterritorial jurisdiction, or lands that may be annexed into the City of Moline, that are subject to inundation by the base flood. The floodplains of the City are generally identified as such on the Flood Insurance Rate Map of Rock Island County, Illinois and Incorporated Areas prepared by the Federal Emergency Management Agency and dated April 5, 2010. “Floodplain” also includes those areas of known flooding as identified by the City of Moline.

FLOOD HAZARD PREVENTION

- (14) **Floodplain Manager.** The individual or individuals designated by the Director of Planning & Development to administer the provisions of this ordinance and to perform the duties specified at Section 13-1103.
- (15) **Floodproofing.** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.
- (16) **Floodproofing Certificate.** A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.
- (17) **Flood Protection Elevation (FPE).** The elevation of the base flood plus one foot (1') of freeboard at any given location in the floodplain.
- (18) **Floodway.** That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Mississippi River, Rock River, and their respective tributaries shall be as delineated on the Flood Insurance Rate Map of Rock Island County, Illinois and Incorporated Areas prepared by the Federal Emergency Management Agency and dated April 5, 2010. The floodways for each of the remaining floodplains of the City of Moline shall be according to the best data available from Federal, State, or other sources.
- (19) **Freeboard.** An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.
- (20) **Historic Structure.** Any structure that is:
- a. listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency; or
 - d. individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency, including a historic landmark designated by the City under its authority as a Certified Local Government.
- (21) **IDNR/OWR.** Illinois Department of Natural Resources/Office of Water Resources.
- (22) **Lowest Floor.** The lowest floor of the lowest enclosed area of a structure, including a basement. An unfinished or flood resistant enclosure, usable 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 or altered so as to render the structure in violation of the applicable non-elevation design requirements of Section 13-1106.
- (23) **Manufactured Home.** A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. For purposes of this Chapter, the terms "Manufactured Home" and "Mobile Home" are synonymous.

MOLINE CODE OF ORDINANCES

- (24) **Manufactured Home Park or Subdivision.** A parcel or parcels of land divided into two or more lots for rent or sale where manufactured homes are harbored.
- (25) **Manufactured Home Park or Subdivision, Existing.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (26) **Manufactured Home Park or Subdivision, Expansion to an Existing.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (27) **Manufactured Home Park or Subdivision, New.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.
- (28) **New Construction.** Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.
- (29) **NFIP.** National Flood Insurance Program.
- (30) **Recreational Vehicle or Travel Trailer.** A vehicle which is:
- a. built on a single chassis;
 - b. four hundred (400) square feet or less in size;
 - c. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- (31) **Repetitive Loss.** Flood related damages sustained by a structure on two or more 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 twenty-five percent (25%) of the market value of the structure before the damage occurred.
- (32) **SFHA.** See “Floodplain”.
- (33) **Start of Construction.** Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means 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 placement of a manufactured home on a foundation. For a substantial improvement, 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.
- (34) **Structure.** See “Building”.

FLOOD HAZARD PREVENTION

- (35) **Substantial Damage.** Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten (10) year period equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes “Repetitive Loss” (see definition).
- (36) **Substantial Improvement.** Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the structure in which the cumulative percentage of improvements:
- a. equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started; or
 - b. increases the floor area by more than twenty percent (20%).
- “Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places, the Illinois Register of Historic Places, or a locally-designated historic landmark.
- (37) **Violation.** The failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

SEC. 13-1102. BASE FLOOD ELEVATION.

This ordinance’s protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- (1) The base flood elevation for the floodplains of the Mississippi River, the Rock River, and their respective tributaries shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Rock Island County Illinois and Incorporated Areas prepared by the Federal Emergency Management Agency and dated April 5, 2010.
- (2) The base flood elevation for each floodplain delineated as an “AH Zone” or AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of Rock Island County, Illinois and Unincorporated Areas.
- (3) The base flood elevation for each of the remaining floodplains delineated as a “A Zone” on the Flood Insurance Rate Map of Rock Island County, Illinois shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- (4) The base flood elevation for the floodplains of those parts of unincorporated Rock Island County that are within the extraterritorial jurisdiction of the City, or that may be annexed into the City, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Flood Insurance Rate Map of Rock Island County, Illinois and Unincorporated Areas prepared by the Federal Emergency Management Agency and dated April 5, 2010.

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SEC. 13-1103. DUTIES OF THE PLANNING AND DEVELOPMENT DEPARTMENT.

The Planning and Development Department shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this ordinance. Specifically, the Director of Planning and Development shall designate one or more individuals to serve as floodplain manager, who (whom) shall:

- (1) process floodplain development authorization forms in accordance with Section 13-1104;
- (2) ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 13-1105;
- (3) ensure that the building protection requirements for all buildings subject to Section 13-1106 are met and obtain a floodproofing certificate or an elevation certificate for all finished construction;
- (4) assure that all subdivisions and annexations meet the requirements of Section 13-1107;
- (5) ensure that water supply and waste disposal systems meet the Public Health standards of Section 13-1108;
- (6) if a variance is requested, ensure that the requirements of Section 13-1110 are met and maintain documentation of any variances granted;
- (7) inspect all development projects and take any and all penalty actions outlined in Section 13-1112 as a necessary to ensure compliance with this ordinance;
- (8) assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- (9) notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (10) provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (11) cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- (12) maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- (13) perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain; and
- (14) maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

SEC. 13-1104. FLOODPLAIN DEVELOPMENT AUTHORIZATION.

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining floodplain development authorization from the Planning & Development

FLOOD HAZARD PREVENTION

Department and any applicable building permits from the building official. The building official shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- (1) The application form for a floodplain development authorization shall be accompanied by:
 - a. drawings of the site, drawn to scale showing property line dimensions;
 - b. existing grade elevations and all changes in grade resulting from excavation or filling;
 - c. the location and dimensions of all buildings and additions to buildings;
 - d. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 13-1106 of this ordinance; and
 - e. the cost of the project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- (2) Upon receipt of an application for floodplain development authorization, the floodplain manager shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance. The floodplain manager shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
- (3) The floodplain manager shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The floodplain manager shall not issue a floodplain development authorization unless all other federal, state, and local permits have been obtained.

SEC. 13-1105. PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within any floodway identified on the Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- (1) Except as provided in Section 13-1105(2) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
 - a. Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
 1. the crossing will not result in an increase in water surface profile elevation in excess of 1.0 feet;
 2. the crossing will not result in an increase in water surface profile elevation in excess of one half (0.5) feet at a point one thousand (1,000) feet upstream of the proposed structure;

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3. there are no buildings in the area impacted by the increases in water surface profile;
 4. the proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel;
 5. the design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit; and
 6. the design must be certified by a second licensed professional engineer.
- b. Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:
1. The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
- c. Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4:
1. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
 2. A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
 3. No supporting towers or poles shall be located in a river, lake or stream.
 4. Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
 5. All disturbed areas shall be returned to pre-construction grades and re-vegetated.
 6. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
- d. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
1. The boat dock must not extend more than fifty (50) feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
 2. The width of the boat dock shall not be more than ten (10) feet.
 3. For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50) feet.
 4. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line.
 5. Dock posts must be marked by reflective devices.

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6. The boat dock must be securely anchored to prevent detachment during times of high wind or water.
 7. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
 8. This permit does not authorize any other related construction activity such as shore protection or fill.
 9. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
 10. At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers.
- e. Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:
1. the following activities (not involving fill or positive change in grade) are covered by this permit:
 - a. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.
 - b. The construction of light poles, sign posts, and similar structures.
 - c. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
 - d. The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports.
 - e. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit.
 - f. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.
- f. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
1. Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.
 2. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
 3. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.

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4. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
- g. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
1. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
 2. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
 3. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.
 4. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.
- h. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
1. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).
 2. In addition to the materials listed in Section 13-1105(h)(1), other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.
 3. The following materials shall **not** be used in any case: auto bodies, garbage of debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (415 ILCS 5).
 4. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1000) feet.
 5. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.

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6. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
7. Materials shall not be placed higher than the existing top of the bank.
8. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.
 - a. For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
9. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
10. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
11. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
 - a. it is constructed in alignment with an existing seawall(s) or gabion structure(s); and
 - b. the volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
12. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.
 - i. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
 1. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
 2. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
 3. The accessory structure or addition must not exceed five hundred (500) square feet in size, must not deflect floodwaters onto another property, and must not involve the placement of any fill material.
 4. No construction shall be undertaken within fifty (50) feet of the bank of the stream channel.

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5. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
 6. Only one accessory structure or addition to an existing structure shall be authorized by this permit. Plans for any subsequent addition must be submitted to IDNR/OWR for review.
 7. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
- j. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
1. The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1000) feet.
 2. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel.
 3. The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream of the site.
 4. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
 - a. removed from the floodway;
 - b. used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank;
 - c. used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
 - d. used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed;
 - e. placed in a disposal site previously approved by the Department in accordance with the conditions of the approval; or
 - f. used for beach nourishment, provided the material meets all applicable water quality standards.
 5. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.
- k. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:

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1. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
 - a. no buildings or structures have been impacted by the backwater induced by the existing structure; and
 - b. there is no record of complaints of flood damages associated with the existing structure.
 2. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
 3. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
 4. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
 5. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.
1. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:
 1. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.
 2. The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.
 3. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
 4. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.

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5. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
 6. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.
 7. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
 8. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).
- m. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.
- (2) Other development activities not listed in Section 13-1105(1) may be permitted only if:
- a. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or
 - b. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

SEC. 13-1106. PROTECTING BUILDINGS.

(a) In addition to the damage prevention requirements of Section 13-1105, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
- (2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively during the life of the building. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
- (3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during a ten (10) year period. If substantially damaged the entire structure must meet the flood protection standards of this section.
- (4) Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
- (5) Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
- (6) Repetitive loss to an existing building as defined in Section 13-1101.

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(b) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

- (1) The building may be constructed on permanent land fill in accordance with the following:
 - a. the lowest floor (including basement) shall be at or above the flood protection elevation;
 - b. the fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation;
 - c. the fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - d. the fill shall be composed of rock or soil and not incorporated debris or refuse material; and
 - e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.

- (2) The building may be elevated on solid walls in accordance with the following:
 - a. the building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters;
 - b. the lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
 - c. if walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation; and
 - d. the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 1. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 2. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 3. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
 4. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
 - e. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

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1. the building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade;
3. the interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade;
4. the interior height of the crawlspace measured from the interior grade to the top of the foundation wall must not exceed four (4) feet at any point;
5. an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;
6. portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
7. utility systems within the crawlspace must be elevated above the flood protection elevation.

(c) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

- (1) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
- (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
- (3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- (4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(d) Manufactured homes or travel trailers to be permanently installed on site shall be:

- (1) Elevated to or above the flood protection elevation in accordance with Section 13-1106(2); and
- (2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

(e) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of Section 13-1106(e) unless the following conditions are met:

- (1) The vehicle must be either self-propelled or towable by a light duty truck.

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- (2) The hitch must remain on the vehicle at all times.
- (3) The vehicle must not be attached to external structures such as decks and porches.
- (4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
- (5) The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
- (6) The vehicle's wheels must remain on axles and inflated.
- (7) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.
- (8) Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
- (9) The vehicle must be licensed and titled as a recreational vehicle or park model, and either:
 - a. be supported entirely by jacks; or
 - b. have a hitch jack permanently mounted with tires touching the ground and supported by a block in a manner that will allow the block to be easily removed by use of the hitch jack.
- (f) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted below the flood protection elevation provided the following conditions are met:
 - (1) The garage or shed must be non-habitable.
 - (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
 - (3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
 - (4) The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
 - (5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
 - (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
 - (7) The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
 - (8) The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost, whichever is greater, and less than five hundred (500) square feet in total floor area.
 - (9) The structure shall be anchored to resist floatation and overturning.

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- (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
- (11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

SEC. 13-1107. SUBDIVISION REQUIREMENTS.

The city shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

- (1) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Section 13-1105 and Section 13-1106 of this ordinance. Any proposal for such development shall include the following data:
 - a. the base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 - b. the boundary of the floodway when applicable; and
 - c. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).
- (2) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

SEC. 13-1108. PUBLIC HEALTH AND CRITICAL FACILITIES STANDARDS.

- (a) Public health standards must be met for all floodplain development. In addition to the requirements of Section 13-1105 and Section 13-1106 of this ordinance the following standards apply:
 - (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 13-1106 of this ordinance.
 - (2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 - (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
 - (5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain unless no feasible alternative site is available. In such circumstances, critical facilities

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constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(b) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

SEC. 13-1109 CARRYING CAPACITY AND NOTIFICATION

(a) For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

(b) The City shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

SEC. 13-1110. VARIANCES.

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the City Council for a variance. The floodplain manager shall review the applicant's request for a variance and shall submit a recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- (1) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
 - a. the development activity cannot be located outside the floodplain;
 - b. an exceptional hardship would result if the variance were not granted;
 - c. the relief requested is the minimum necessary;
 - d. there will be no additional threat to public health, safety or creation of a nuisance;
 - e. there will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
 - f. the applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
 - g. all other state and federal permits have been obtained.

- (2) The City Council shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 13-1106 that would lessen the degree of protection to a building will:
 - a. result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
 - b. increase the risk to life and property; and

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- c. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- (3) Variances to the building protection requirements of Section 13-1106 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in Section 13-1101 may be granted using criteria more permissive than the requirements of Section 13-1105 and Section 13-1106 of this ordinance subject to the following conditions:
- a. the repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and
 - b. the repair or rehabilitation will not result in the structure being removed as a certified historic structure.

SEC. 13-1111. DISCLAIMER OF LIABILITY.

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

SEC. 13-1112. PENALTY.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the floodplain manager may determine that a violation of the minimum standards of this ordinance exists. The floodplain manager shall notify the owner in writing of such violation.

- (1) If such owner fails after ten (10) days notice to correct the violation:
 - a. the City shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance;
 - b. any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty dollars (\$750) for each offense;
 - c. a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and
 - d. the City shall record a notice of violation on the title of the property.
- (2) The City shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) The building official or code enforcement officer, in consultation with the floodplain manager, is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall indicate the violation or reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

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- (4) No site development permit shall be permanently suspended or revoked until a hearing is held by the City Council. Written notice of such hearing shall be served on the permittee and shall state:
 - a. the grounds for the complaint, reasons for suspension or revocation; and
 - b. the time and place of the hearing.
- (5) At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the City Council shall determine whether the permit shall be suspended or revoked.
- (6) Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

SEC. 13-1113. ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program including the prior ordinance enacted October 22, 2002 (Ord. No. 2002-10-09). However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SEC. 13-1114. SEVERABILITY.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

(Ord. No. 3014-2010; Chapter 13 repealed in its entirety; new Chapter 13 enacted; 03/23/10)