

ARTICLE 12 BLUFF LAND PROTECTION

SECTION 1. INTENT AND PURPOSE

Goodhue County recognizes the historic and economic values of the bluffs that line the many rivers and valleys of the County. These standards set out to protect and preserve the sensitive physical features of the bluffs by regulating development, preventing erosion and controlling the cutting of timber on the slopes and tops of the bluffs.

SECTION 2. SCOPE

These standards shall regulate the setback of structures, sanitary waste treatment facilities and row crops from bluff impact zones to protect the existing and/or natural scenic values, significant historic sites, vegetation, soils, water and bedrock from disruption by man-made structures or facilities. These standards will also regulate alterations of the natural vegetation and topography.

- Subd. 1. **BLUFF.** A natural topographic feature such as a hill, cliff, or embankment having the following characteristics:
- A. The slope rises at least twenty-five (25) feet above the toe of the bluff; and
 - B. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the toe of the bluff averages thirty (30) percent or greater;
 - C. An area with an average slope of less than twenty (20) percent over a horizontal distance of fifty (50) feet shall not be considered part of the bluff.
- Subd. 2. **BLUFF IMPACT ZONE.** All of the land lying between the top of the bluff and the toe of the bluff.
- Subd. 3. **SIGNIFICANT HISTORIC SITE.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presented listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- Subd. 4. **TOE OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 5. **TOP OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the

slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.

- Subd. 6. **VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.

SECTION 3. BOUNDARIES

- Subd. 1. The bluff land protection area shall include all areas with the following soil types as determined by the Goodhue County Soil Survey:

- A. N634E - Massbach-Schapville complex, 18-35% slopes
- B. N598E - Winneshiek-Waucoma complex, 18-35% slopes
- C. N594E - Chelsea loamy sand, 12-35% slopes
- D. N553E - Frankville-Nasset-Mt. Carroll complex, 18-35% slopes
- E. N635E - Frankville-Nasset-Downs complex, 18-35% slopes
- F. N642E - Frankville-Nasset complex, Oneota formation, 18-35% slopes
- G. N609E - Hawick sandy loam, 18-45% slopes
- H. M516E - Wangs-Wagen Prairie complex, 18-35% slopes
- I. M537E - Meridian-Bassett complex, 18-35% slopes
- J. N526F - Gale-Oak Center complex, 18-45% slopes
- K. M540F - Frontenac-Bellechester complex, 18-45% slopes
- L. N639F - Frontenac-Lacrescent complex, 20-45% slopes
- M. N631E - Schapville silt loam, 18-35% slopes
- N. N580G - Brodale, very flaggy-Bellechester-Rock outcrop complex, 45-90% slopes
- O. N632G - Brodale, flaggy-Schapville complex, 18-80% slopes
- P. N638G - Brodale, flaggy-Bellechester complex, 30-70% slopes
- Q. N640G - Lacrescent, flaggy-Frontenac-Rock outcrop complex, 45-90% slopes
- R. N641F - Brodale channery loam, 20-45% slopes, flaggy
- S. N639G - Frontenac-Lacrescent complex, 30-70% slopes
- T. M539F - Bellechester loamy sand, 18-45% slopes

SECTION 4. GENERAL REGULATIONS

- Subd. 1. Developments and other land disturbing activities including: structures, accessory facilities (~~except stairways and landings~~), driveways, and parking areas shall not be placed within bluff impact zones **except the following.**

- A. **Stairways and landings subject to provisions set forth in Subd. 6, of this Section.**
- B. **Facilities such as ramps, lifts, or mobility paths subject to provisions set forth in Subd. 6, of this Section.**
- C. **Uses identified in Article 30; Section 3; Subd. 6, Subd. 12, and Subd. 13.**

- Subd. 2. Setback from top or toe of the bluff to any structure in any district shall be no less than thirty (30) feet. **Exceptions may include structures allowed under Article 30, Section 3, Subdivisions 6, 12, and 13.**

Article 12 Bluff Land Protection

- Subd. 3. The maximum height of any structure shall be twenty-five (25) feet from the highest natural grade touching foundation. **Exceptions may include structures allowed under the following provisions: Article 30; Section 3; Subd. 6, Subd. 12, and Subd. 13. Height for structures that may be permitted within bluff impact zones under these provisions shall be set forth within Conditional or Interim Use Permits.**
- Subd. 4. No person may begin a mining or quarrying activity or expand a mining or quarrying activity within three hundred (300) feet of the toe or top of a bluff without a conditional use permit.
- Subd. 5. Towers as defined in Article 17 (Wireless Communication Facilities) must be located outside of bluff impact zones and shall be subject to a minimum setback of 1.1 times the height of the tower from the top of a bluff and a minimum of 30 feet from the toe of a bluff.
- Subd. 6. All stairways and lifts on bluffs and in shoreland areas shall be visually inconspicuous. Stairways and lifts shall meet the following design requirements:
- A. Stairways and lifts must not exceed four (4) feet in width on residential lots.
 - B. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space recreational properties.
 - C. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming Summer, leaf on conditions, whenever practical.
 - F. Facilities such as ramps, lifts, or mobility paths ~~for physically handicapped persons~~ are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items A-E are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- Subd. 7. No grading, excavating or filling (including Mineral Extraction) within the bluff impact zones, except for approved erosion control measures. Erosion control projects within the bluff impact zone shall comply with A. and B. below:
- A. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Goodhue Soil and Water Conservation District and the USDA, Natural Resources Conservation Service.
 - B. Plans to place fill or excavated materials in bluff impact zones shall be prepared by qualified professional for continued slope stability, and approved by Land Use Management. All costs to be borne by the applicant.

Article 12 Bluff Land Protection

- Subd. 8. The top or toe of bluffs shall be certified by a **Minnesota Licensed** Land Surveyor or Zoning Administrator.
- Subd. 9. **Vegetation Alterations.** Vegetation alterations shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance.