

Goodhue County Land Use Management

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To: County Board
From: Land Use Management
Meeting Date: January 17, 2023
Report date: January 4, 2023

PUBLIC HEARING: Consider Goodhue County Ordinance Updates

Proposed amendment to Article 31 (Shoreland Regulations) to add language found in Minnesota Administrative Rules 6120.3300 regarding high water elevations.

Attachments:

Proposed Amendments
November 14, 2022 Planning Commission Meeting Minutes
[Goodhue County Zoning Ordinance](#)

Summary:

Goodhue County Zoning staff is responsible for overseeing and enforcing the DNR's Shoreland rules on public waterways. The State Shoreland regulations are found in Minnesota Administrative Rules 6120.3300. These rules are regularly updated and revised by the State of Minnesota. Article 31 of the County Zoning Ordinance (Shoreland Regulations) has remained unchanged since prior to 2000 apart from the removal of bluffland definitions in 2018.

The State has elevation requirements for all structures within the Shoreland districts. These provision were added to state rules after Goodhue County's adoption of the Shoreland regulations in the 1990s and do not appear in the County's Shoreland language. To ensure current and future staff enforce elevation requirements of the Shoreland Ordinance it is recommended this language be added to Article 31 of the Goodhue County Zoning Ordinance.

PAC Recommendation:

The Planning Advisory Commission recommends the County Board

- Adopt the staff report into the record;
- Accept the testimony, exhibits, and other evidence presented into the record; and

APPROVE the amendment to Article 31 (Shoreland Regulations).

General development	75	50	30
Remote river segments	200	200	30
Forested and transition river segments	150	150	30
Agricultural, urban, and tributary river segments	100	50	30

(2) Exceptions to structure setback standards in subitem (1). Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

B. High water elevations. In addition to the setback requirements of item A, local shoreland controls must regulate placement of structures in relation to high water elevation. Where state-approved, local flood plain management controls exist, structures must be placed at an elevation consistent with the controls. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

(1) For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher. In instances where lakes have a history of extreme water level fluctuations or have no outlet capable of keeping the lake level at or below a level three feet above the ordinary high water level, local controls may require structures to be placed higher.

(2) For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish the flood protection elevation. Under all three approaches, technical evaluations must be done consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

(3) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this subpart if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

C. Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

- Subd. 4. The total area of all impervious surface on a lot shall not exceed twenty-five (25) percent of the total lot area.

SECTION 9. DESIGN CRITERIA FOR STRUCTURES

Subd. 1. Placement and Design of Structures.

- A. When more than one setback applies to a site, structures and facilities shall be located to meet all setbacks. Where principal structures exist on adjoining lots on both sides of proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
- B. High Water Elevations. ~~Structures shall be placed in accordance with all floodplain regulations applicable to the site.~~ **In addition to the setback requirements above, local shoreland controls must regulate placement of structures in relation to high water elevation. Where state-approved, local flood plain management controls exist, structures must be placed at an elevation consistent with the controls. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:**
1. **For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.**
 2. **For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish the flood protection elevation. Under all three approaches, technical evaluations must be done consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.**
- C. Local officials must evaluate possible erosion impacts and development visibility from protected waters before issuing permits for construction of sewage treatment systems, roads, structures or other improvements on steep slopes in shoreland areas.

Subd. 2. Uses Without Water-Oriented Needs.

- A. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level

**PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
November 14, 2022 MEETING MINUTES**

The meeting of the Goodhue County Planning Advisory Commission was called to order at 5:46 PM by Vice-Chair Chris Buck at the Goodhue County Government Center in Red Wing.

Roll Call

Commissioners Present: Richard Nystuen, Tom Gale (arrived at 5:53), Richard Miller, Darwin Fox, Howard Stenerson, Chris Buck, Marc Huneke (arrived at 5:51) and Todd Greseth.

Commissioners Absent: Carli Stark

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, and Zoning Administrative Assistant Patty Field.

1. Approval of Agenda

¹Motion by Commissioner Miller; seconded by Commissioner Greseth to approve the meeting agenda.

Motion carried 6:0

2. Approval of Minutes

²Motion by Commissioner Greseth; seconded by Commissioner Fox to approve the previous month's meeting minutes.

Motion carried 6:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings

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Pierret presented the staff report and attachments.

Vice-Chair Buck Opened the Public Hearing

No one spoke for or against the request.

³After Vice-Chair Buck called three times for comments it was moved by Commissioner Stenerson and seconded by Commissioner Greseth to close the Public Hearing.

**PLANNING ADVISORY COMMISSION
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Motion carried 6:0

Commissioner Stenerson stated the only concern is the state's language encourages people to bring in fill to raise the elevation of their site. This is not always a good idea since water tends to move soil and it doesn't move concrete. He discussed using pillars or foundation walls as elevation instead of fill. He questioned whether the term lowest floor should be amended to ensure the lowest floor in not habitable to ensure basements are not constantly flooding.

Pierret commented that the DNR defines lowest floor as the lowest habitable portion of the structure. The habitable dwelling space would not include a garage or storage space. This definition is found in State rules and Floodplain rules.

4It was moved by Commissioner Stenerson and seconded by Commissioner Fox for the Planning Advisory Commission to:

Recommend the Planning Advisory Commission adopt the staff report into the record and recommend the County Board of Commissioners **APPROVE** the amendment to Article 31 (Shoreland Regulations).

Motion carried 7:0

5ADJOURN: Motion by Commissioner Fox and seconded by Commissioner Greseth to adjourn the Planning Commission Meeting at 5:53 p.m.

Motion carried 8:0

Respectfully Submitted,

Patty Field, Zoning Administrative Assistant

MOTIONS

¹APPROVE the PAC meeting agenda

Motion carried 6:0

²APPROVE the previous month's meeting minutes

Motion carried 6:0

³Motion to close the Public Hearing

Motion carried 6:0

⁴APPROVE amendment to Article 31 (Shoreland Regulations)

Motion carried 7:0

⁵ADJOURN

Motion carried 8:0