

## Chapter 11

### Bluffland Area Protection

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**11.01 Purpose.** Wabasha County recognizes the historic, environmental and economic values of the bluffs that line the rivers, creeks, and valleys of the County. These standards set out to protect and preserve the sensitive physical features of the bluffland areas by regulating development, preventing erosion and maintaining vegetative cover on the slopes and tops of the bluffs.

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.

**11.02 Performance Standards.**

- (1) Except for stairways, lifts or landings, new structures and accessory facilities shall not be placed within a bluff impact zone. Legal pre-existing structures may be continued through repair, replacement, restoration, maintenance, or improvement as per state statute. However, any expansion of a nonconforming structure in a bluff impact zone that meets all other requirements of this Ordinance shall only be allowed by way of a variance being first granted by Wabasha County.
- (2) Setback from the top or toe of a bluff to any structure shall be no less than thirty (30) feet.
- (3) Nonmetallic mines and/or processing facilities shall not be located on a bluff or within 300 feet of the toe or top of a bluff.
- (4) No communication towers, with the exception of emergency towers, shall be located within one-quarter (1/4) mile of the bluff impact zone.
- (5) Stairways and lifts may be allowed to achieve access up and down bluffs and steep slopes to shore areas or plains. All stairways and lifts on bluffs and in shoreland areas shall be visually inconspicuous, and meet the following design requirements:
  - (a) Stairways and lifts shall not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments.
  - (b) Landings for stairways and lifts on residential lots shall not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
  - (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 shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water and lower areas 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 and lower 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.
- (6) Except for approved erosion control measures or for forest management practices, any grading, excavating or filling in a bluff zone shall not commence until the issuance of a permit from Wabasha County for the activity. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guide of the USDA, Natural Resources Conservation Service.
  - (7) Roads, driveways, and parking areas must not be placed within bluff impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas through the issuance of a conditional/interim use permit. An application for a conditional/interim use permit to place a road, driveway, or parking area in a bluff impact zone shall include a design from a MN licensed engineer that minimizes failure and erosion potential. No road, driveway, or parking area shall be located on any slope greater than thirty (30) percent.
  - (8) The top or toe of bluffs shall be certified by a registered land surveyor or Zoning Administrator.
  - (9) Vegetation alterations shall be subject to the same vegetation alteration standards found in this Ordinance under the chapter that regulates shoreland areas.