

## Florence Township Planning Commission November 9, 2020

Present (at Town Hall) Ed, Mark, Ryan, Kristen ; By phone: Beth, Ben, Amy, Clara  
For Public Hearing (at Town Hall) Dale Barghusen and Joe Haley. By phone: Bill Flies, Cathy Kouchich

Public Hearing opened 6:08 p.m. on proposed change to Florence Township Sensitive Features Overlay District for Floodplain (elevation) requirements (9.5) of 3 ft, to align with county (federal) requirement of 1 ft above the high water mark (Article 32). County enforces flood/insurance regulations for FEMA.

Materials for discussion provided to PC and proposer

[Floodplain: Elevation Requirements | Minnesota DNR](#) [www.dnr.state.mn.us](http://www.dnr.state.mn.us) > waters > floodplain > rfpe

[Building Higher in Flood Zones: Freeboard - Reduce your risk, reduce your premium- FEMA](#)

[https://www.fema.gov/media-library-data/1438356606317-d1d037d75640588f45e2168eb9a190ce/FPM\\_1-pager\\_Freeboard\\_Final\\_06-19-14.pdf](https://www.fema.gov/media-library-data/1438356606317-d1d037d75640588f45e2168eb9a190ce/FPM_1-pager_Freeboard_Final_06-19-14.pdf)

[DNR What Can I Do About Fluctuating Water Levels on My Property](#)

<https://www.chisagocounty.us/DocumentCenter/View/14690/DNR-What-Can-I-Do-About-Fluctuating-Water-Levels-on-My-Property-PDF->

1. Comments on practical difficulties and recommendations from experience:

Dale Barghusen (neighbor of Joe Haley, retired professional in field): If you have to put in a mound system, if you have a standard mound it will wash it out. Recommend (he has) poured walls with rebar. Then you don't have the slope off your bed 10' from property lines. Box mound tightens it up. You can make more attractive with design on outside, or use a concrete block with rock face.

Bill Flies (developer of historic Methodist Campus): We had to abide by the 3 foot requirement. It was costly. But not necessarily a bad deal. Good to align with county and state.

2. Discussion of benefits of higher "Freeboard" (see FEMA handout) and comments:

Dale Barghusen. Education -- It should be known that they will get a further reduction of rate. I have only had it twice and haven't needed it. Education is good.

3. Discussion of water levels, more erratic – higher, comments:

Beth: Observation that levels are rising. Maybe the county and FEMA will adjust those maps but that may not occur in a way that keeps up with the hazards, and unpredictability. So there is some logic to the idea of having higher requirements, and that is something I would like some consideration of.

Cathy (Resident, S. Lake Ave): Our house is raised, we had flood insurance (required by mortgage lender) while we had a mortgage and anytime we had damage in our lower level, FEMA wouldn't pay for it. We are above the high water mark, but the water keeps getting higher every year. Our new septic was challenging to get it above the plane. If they don't build high enough they'll be in trouble. They need to go high or they'll be in trouble.

Ben moves to close, Ryan seconds. Public hearing is closed @6:25 p.m.

Options for recommended change to Florence ordinance:

Option A: Make 2 minor word changes to a) correct the County Ordinance section number and b) change 3' to 1'. This would retain our authority and purposes (under our Sensitive Features Ordinance) Option B: Cede all authority to the county.

<p>Florence Township – Section 9. Protection of Sensitive Natural Features 9.5 Floodplains</p>	<p>Goodhue County – Article 32 Floodplain District Section 2, subd. 3</p>
<p>Any structure constructed within a designated flood fringe shall be elevated to a <b>minimum of three (3) feet</b> above the regional flood elevation and meet all other local, state and federal requirements. Vehicular access sufficient for emergency vehicles shall be provided to such structure within two (2) feet of the regional flood elevation</p>	<p>Subd 3. Regulatory Flood Protection Elevation. The Regulatory Flood Protection Elevation shall be an elevation <b>no lower than one foot</b> above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.</p>

**Motion:** Ed proposes option A, with Mark's amendment to not specify in feet but refer to county ordinance requirement (by section name, not number), which may change. Kristen seconds, all agree.

Discussion: The main reason for the change is the recognition that a 3' requirement has potential to impact surrounding properties, strictly forbidden in DNR guidance. 1' is a minimum requirement, and will likely be insufficient to deal with erratic and rising water levels. The county will follow changing federal requirements and floodplain mapping; has more capacity and expertise.

Proposed language change submitted to Town Board 11-16\*: Goals: Maintain township review authority under Sensitive Features Ordinance; defer to county elevation requirement administration. County integrates floodplain with building permit. We would approve a building permit, as usual. FT retains the ability to recommend mitigation or conditions to enhance safety and resource protection.

### 9.5 Floodplains.

The following performance standards for floodplains are adopted, in addition to those performance standards required by Goodhue County Floodplain Ordinance:

- a. No structures, fill or other alteration of natural conditions shall be allowed within a designated floodway, except as shall be approved by the Township Board for flood control or protection of public health, welfare and safety and in accordance with applicable county, state or federal regulations, or unless expressly excepted by this Ordinance.
- b. The performance standards for Flood Plain District Elevation regulations required by Goodhue County Zoning Ordinance are adopted for administration by Florence Township. Vehicular access sufficient for emergency vehicles shall be provided to such structure within two (2) feet of the regional flood elevation.
- c. If the floodway, flood fringe, or floodplain boundaries are unknown or unclear, Florence Township shall require the property owner to provide such information as determined by a qualified professional surveyor to determine the district.

Note: Florence Ordinance will keep the (within) 2 foot requirement for road access recommended in DNR model ordinance for floodplain and supported, in response to our inquiry, by county zoning staff. Legislation requires, but does not specify a standard directed DNR to provide a model ordinance for guidance (county has no language).

[https://files.dnr.state.mn.us/waters/watemgmt\\_section/floodplain/minnesota-model-floodplain-ordinance.pdf](https://files.dnr.state.mn.us/waters/watemgmt_section/floodplain/minnesota-model-floodplain-ordinance.pdf) For new building sites: 6.25 For subdivisions: 8.12

\*The proposed language was approved by the Town Board 11-16-20 (Findings of Fact submitted by Kristen)

Zoning reviews by permit. Amy. Mr. Haley is filling out the current form, and will submit the data with the 1 foot elevation, as submitted to the county.

**Motion:** Amy moves to approve Mr. Haley's building permit providing the board approves the changes to our floodplain ordinance. Ed seconds. The motion is approved.

New and Old business:

Commission ordinance subcommittee question (Cathy Kouchich, HPC). Who will represent the PC in reviewing the ordinance-bylaws of the commissions to align them? No volunteer, so Kristen will.

Sign ordinance: (Mark) Paul Fried request for sign permit was approved.

Did we have a public hearing on changes/corrections to our ordinance? If this has been done, Mark will bring it to the board at one time with home based business, tiers.

Language changes are needed for to be written up for board approval. Mark will assign to Kristen or Kate.

R1 district changes presented to the Board with the charts (Mark): . Board says they were confused, and concerned about Old Frontenac restriction on anything but single family dwellings; needs to be clarified. Mistakes were identified on the R1 ordinance chart. Mark will review, correct, type them up and present to PC in December.

Bluff setbacks in R1: Beth: there are two situations that we need to consider.

1. A lot with a house on it and they want to do something with the structure or in addition. The main problem is if people want to build little additions that impact bluff buffer.
2. Platted R1 lot with no structure.

Statistics from Beth's map: total number of parcel 1356, of those 704 are zoned R1. Of these, using the data and maps, 147 parcels have the potential to be intersecting steep/bluff slopes. But there is quite a bit of caveat, variability and possible flexibility, with that for the permitting process. There are bluff slopes and bluff edge, ridge lines that without more information, can't tell if the bluff applies. Steep slopes of concern intersecting R1 are Popular Ridge and most of those parcels have been built out. Same with Heritage Acres, but some are unbuilt, may require further conversation. Not certain that too many of the other parcels will trigger much in additional requirements or variances (want to avoid).

Recommendations: We need to outline our changes and have attorney to draw this up. The PC does not want to open this up, change setback requirements, for new R1s. But the bar is high in for a variance. Beth will consult with Beau on recommendations for setback exception for circumstances 1. & 2 above

Mapping issue : There is a huge range in accuracy. Goodhue is currently getting ground true lidar. Within a year or two aerial calculated data will be available for MN. The source of the data is critical to due diligence. In order to be fair, for our decisions to be defensible and not impacted by Goodhue Co. changes – we need to have our own delineation metadata and ability to document. MSA needs to provide us with the metadata for our current maps. I brought this up when the map was presented and thought we were going to get it, but

we did not. Did we put the brakes on this, using the current 'best available data from County?' Kate refused my most recent request for metadata access. **Action item?**

COVID funds: Amy notes– Nov. 15<sup>th</sup> is cut off. Technology is one of the things it would cover. We need a printer. Ben says Tom is working on a printer, laptops for the commissions. And Town Hall, media.com access. Can check in with Tom on this.

Fee question: How are we doing on fees to cover costs of MSA review? Ben – we can charge our fee based on the work involved - charge what it costs. And we are covering our base. Amy – I don't think we need many of those. Most of them cover. If MSA funding is an issue, how do we improve coverage?

Enforcement issues: What is happening? Einar sent the letter for the shed. County has taken on the Hill Avenue enforcement. Board needs to call and follow up. The time period hadn't expired at last meeting. Mark will keep tabs on this.

Septic Study update: Kate sent copy of the letter about the septic study – that was sent to the landowners. 41 properties of 108 that will require/qualify for (free) septic inspections. They will get their tanks pumped and don't need to be home, but do need to respond to the letter and give permission. Frontenac station should qualify for additional funding. Please talk to your neighbors about this.

Review of Sensitive Features Overlay District Ordinance: Kristen requests people review the background on Sensitive Features Overlay District for future discussion. I would like to see us create our own agenda for 2020, in terms of what we would like to accomplish with MSA's help. We need to be approaching our Sensitive Features ordinance with an Overlay District perspective [Links added]

This is a good overview: [https://www.uwsp.edu/cnr-ap/clue/Documents/PlanImplementation/Overlay\\_Zoning.pdf](https://www.uwsp.edu/cnr-ap/clue/Documents/PlanImplementation/Overlay_Zoning.pdf)

**Zoning Ordinance - Florence Township – Minnesota**

[florencetwp.org](http://florencetwp.org) › [wp-content](#) › [uploads](#) › [2020/10](#) › [2...](#) (control click to open either link)

Feb 18, 2020 — The focus of the Florence Township natural features overlay districts includes the critical ecological and environmental attributes found throughout the township in the forms of shorelands, floodplains, wetlands, steep slopes, bluff lands, karst features, archaeological sites, and burial grounds.

Review Beth's Land Use Suitability Analysis and maps, used for development of the ordinance at: <http://www.gis.smm.edu/GradProjects/KnudsenB.pdf>

Our bluff mapping application available on line? See:

<https://www.arcgis.com/apps/webappviewer/index.html?id=22a0886283c44be28e23bcbbba0913cdf>:  
**Florence Township, MN Bluff Mapping Application**

**Motion** to adjourn: Amy, Ryan seconds. Meeting is adjourned @7:15.

Respectfully submitted,

Kristen Eide-Tollefson, FTPC secretary 651-345-5488